The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 258 Ex.]

YEA S—56

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heitkamp	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	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	

NAY S—42

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

NOT VOTING—2

McCaskill	Menendez

The PRESIDING OFFICER. On this vote, the yeas are 56, 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 Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I rise today to add my voice and my strong support for the confirmation of Colorado Supreme Court Justice Allison Eid as the next U.S. court of appeals judge for the Tenth Circuit Court, which, of course, is housed in Denver, CO.

There is no doubt that Justice Eid is superbly qualified for this position. For the past decade, she has served Colorado as a justice on the supreme court. In 2008, Justice Eid was overwhelmingly retained by the people of Colorado. We have a system where every decade the voters of Colorado vote to retain or dismiss a judge, and every time that has come before the people of Colorado, she has been overwhelmingly retained by the people of Colorado.

Prior to her appointment, Justice Eid represented the State of Colorado before the State federal courts as our State solicitor general. She served as a tenured member of the faculty at the University of Colorado Law School, where she taught courses in constitutional law, legislation, torts, and she has published scholarly articles on topics such as constitutional federalism and tort law, in addition to being a clerk on the Supreme Court. She also practiced commercial and appellate litigation at the Denver office of the national law firm Arnold and Porter.

She began her legal career as a clerk to Judge Jerry E. Smith on the U.S. Court of Appeals for the Fifth Circuit. Her law experience took her to the U.S. Supreme Court under Clarence Thomas. Prior to attending law school, Justice Eid was a special assistant and speechwriter for the U.S. Secretary of Education, Bill Bennett. She received her law degree from the University of Chicago Law School, where she was the articles editor of the Law Review. She graduated with high honors and as a member of the Order of the Coif. She received her degree in American studies from Stanford University, graduating with distinction as a member of Phi Beta Kappa.

What her resume clearly shows is that whatever Justice Eid does, she does it at the highest level, with the best results. She has specialized knowledge of federalism, water law, and Indian law, among other important areas of the law. Indeed, the National Native American Bar Association has even noted that she has ''significantly more experience with Indian law cases than any other recent Circuit Court nominee.''

We have had some pretty doggone good circuit court nominees in the past, including Justice Neil Gorsuch, whose seat she will be filling on the Tenth Circuit Court. These are concepts that are critical to my home State of Colorado, and her expertise will prove to be invaluable to the Tenth Circuit Court, as well as to the Nation and the people of this country.

But as impressive as her credentials are, it is her demeanor and her approach to the law that make her ideally suited for the court. Justice Eid has been called a ''mainstream, commonsense Westerner.'' She is also, as her former law clerks have noted, ''fiercely independent,'' and she will decide cases ''as she believes the law requires.'' At the same time, she seeks out different viewpoints and wants to understand all sides of the issue she addresses.

That is the law professor I know from my days at the University of Colorado School of Law. I can say from that experience that while Justice Eid has her perspectives on the law, she cares very deeply about robust debate and hearing the views of others. And I know from my classmates who had Justice Eid as their professor—those classmates didn't always agree with her perspectives, but Justice Eid was open to their debate and hearing their views. She engaged them, and she was never biased against differing perspectives but always applying the law as the law required, not as opinions suited.

I also know that ''fiercely independent'' jurist whom her former clerks spoke so highly of. Justice Eid will follow the law regardless of the popular wind, regardless of personal opinion. Whether considering the plain meaning of a statute, discerning the proper role of the courts, the legislative branch, or the executive and its agencies, or evaluating the relationships between the Federal Government and the States, Justice Eid will side with what the law says, and she will do it in that commonsense, western way that clearly and articulately tells the American people what the law is.

I am privileged to know Justice Eid. I have known her for a number of years now from my days as a student at the University of Colorado School of Law and through her work in the State of Colorado at the time that I served in the State legislature. She is an incredible human being with a delightful demeanor that will suit the court well.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters in support of Justice Eid's nomination: a letter to Chairman GRASSLEY and Ranking Member FEINSTEIN from former law clerks of Justice Eid's, as well as a letter from various supporters in Colorado and one letter from the Southern Ute Indian Tribe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 13, 2017.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: We are all of Justice Eid's former law clerks (except those currently clerking for a federal judge and not permitted to sign) since she began her tenure on the Colorado Supreme Court in 2006, and we write to give our fullest support to her nomination to be a judge on the United States Court of Appeals for the Tenth Circuit. We come from a diverse set of geographic, economic, cultural, and political backgrounds, yet we are united in our belief that Justice Eid is a jurist and a person of the highest caliber and character. We have each learned so much from her.

Justice Eid was raised by a single mother in Spokane, Washington under challenging circumstances, after her father abandoned her family. Justice Eid began college at the University of Idaho, but with the support and encouragement of her mother and a professor there, Justice Eid transferred to Stanford University where she graduated with distinction and was a member of the Phi Beta Kappa honor society. After Stanford, she served as a speechwriter to President Ronald Reagan's Secretary of Education, William Bennett, and then went on to attend the University of Chicago Law School, where she served as Articles Editor on the Law Review, graduated with High Honors, and was elected Order of the Coif. Justice Eid began her legal career as a law clerk for Judge Jerry Smith on the United States Court of Appeals for the Fifth Circuit. She then served as a law clerk to Justice Clarence Thomas on the United States Supreme Court.

In private practice at Arnold and Porter following her clerkships, Justice Eid practiced both commercial and appellate litigation for a variety of clients. She departed private practice and joined academia where she became a tenured professor at the University of Colorado Law School, teaching Legislation, Constitutional Law, and Torts, and serving as the faculty clerkship advisor. During her time at the University of Colorado, Justice Eid continued her service in

the Colorado legal community as President of the Colorado Association of Corporate Counsel. In 2005 she was appointed by Colorado Attorney General John Suthers to serve as the Solicitor General of Colorado. One year later, Governor Bill Owens appointed Justice Eid to the Colorado Supreme Court where she has served for 11 years and was successfully retained by the voters of Colorado on a statewide ballot.

As law clerks we had the distinct privilege and opportunity to learn by observing Justice Eid throughout her decision making process. We learned that she never fails to provide her full attention and dedication to each individual case, mastering the relevant facts and carefully analyzing the law, whether the text of a statute or the words of a contract. As Justice Eid is so fond of saying, she ''goes where the law takes her.'' In other words, she treats each case individually without any preconceived notion of desired outcome.

As young lawyers, we took particular note of the respect that Justice Eid shows the parties and their attorneys both in her written work product and during oral argument. We also observed her belief in the importance of respect and collegiality with her colleagues, particularly during times of disagreement. Her chambers are always open, and she wants to hear different viewpoints (even ours), but she remains fiercely independent, ultimately deciding cases as she believes the law requires. And her opinions do just that—in clean and succinct prose, time and again, Justice Eid resolves the dispute between the parties and announces a clear rule of law that can be readily discerned by future litigants. Her majority opinions in particular are a testament to the care, dedication, and consensus-building attitude she brings to her role as a Judge.

While serving as a Justice on the Colorado Supreme Court, Justice Eid has continued to teach at the University of Colorado. She also serves as the Chair of the Supreme Court Water Court Committee, which works to identify rule and statutory changes to achieve efficiencies in water court cases, while maintaining quality outcomes for all. Justice Eid was appointed by Chief Justice John Roberts to serve on the Federal Advisory Committee on Appellate Rules—a prestigious appointment where she has served alongside federal judges, law professors, and lawyers to craft revisions to the Federal Rules of Appellate Procedure—and by President George W. Bush to the Permanent Committee for the Oliver Wendell Holmes Devise (an organization that writes the history of the United States Supreme Court and sponsors the Oliver Wendell Holmes Lecture).

Justice Eid is active in her community and church, and as the mother of two children, Justice Eid has also been involved in her children's school over the years. In addition to her service on the Colorado Supreme Court, these other responsibilities connect her to the Colorado community, specifically the challenges and issues facing citizens of this State and will allow her to bring an important perspective and diverse set of experiences to the United States Court of Appeals for the Tenth Circuit.

Her qualifications to serve are unparalleled and speak for themselves. At each stage of her education and career Justice Eid has excelled at the highest levels and has received praise, awards, and the utmost respect of her colleagues and those who have worked for her. This is in no small part due to her incredible work ethic and her leadership by example. And we as law clerks have carefully observed and learned from her simultaneous and unfaltering commitment to both her family and her position on the Colorado Supreme Court.

We close by reflecting on our fond memories of our experiences as law clerks under Justice Eid, whether it was a lunch to celebrate a birthday, officiating numerous of our weddings, or the annual holiday and summer parties that she hosts. We all remember the genuine interest and support Justice Eid provided to us as people and new lawyers. We will never forget her heartfelt appreciation for our hard work and the care and time she has taken to guide us through our clerkships and beyond. She has been an important and steady mentor in each of our lives. We urge the Senate to take swift action on her nomination and are available to speak to any member or their staff about Justice Eid and her qualifications to serve on the United States Court of Appeals for the Tenth Circuit.

Sincerely,

Marie Williams, Clerk for Justice Eid, 2006–07; Holly E. Sterrett, Clerk for Justice Eid, 2006–07; Jared Butcher, Clerk for Justice Eid, 2007–08; Clark Smith, Clerk for Justice Eid, 2008–09; Kate Field, Clerk for Justice Eid, 2009–10; Tim Zimmerman, Clerk for Justice Eid, 2010–11; Lee Fanyo, Clerk for Justice Eid, 2011–12; Jon Gillam, Clerk for Justice Eid, 2011–12; Jake Durling, Clerk for Justice Eid, 2012–13; Doug Marsh, Clerk for Justice Eid, 2013–14; Jamen Tyler, Clerk for Justice Eid, 2014–15; Ben Fischer, Clerk for Justice Eid, 2014–15; Chris Chrisman, Clerk for Justice Eid, 2006–07; Catherine Bazile, Clerk for Justice Eid, 2007–08.

Katie Yarger, Clerk for Justice Eid, 2008–09; Sara Rundell, Clerk for Justice Eid, 2009–10; Maranda Compton, Clerk for Justice Eid, 2010–11; Trina Ruhland, Clerk for Justice Eid, 2010–11; Victoria Cisneros, Clerk for Justice Eid, 2011–12/2012–13; Kate Cahoy, Clerk for Justice Eid, 2012–13; Lidiana Rios, Clerk for Justice Eid, 2013–14; Ayesha Lewis, Clerk for Justice Eid, 2013–14; Matt Mellema, Clerk for Justice Eid, 2014–15; Emma Kaplan, Clerk for Justice Eid, 2015–16; Julie Hamilton, Clerk for Justice Eid, 2016–17; Rob Rankin, Clerk for Justice Eid, 2016–17; Mairead Dolan, Clerk for Justice Eid, 2016–17.

JULY 27, 2017.

Re Support for the Confirmation of Justice Allison Eid to the Tenth Circuit Court of Appeals.

DEAR SENATORS BENNET AND GARDNER: As members of the Colorado legal community, we are proud to support the nomination of Justice Allison Eid to serve as a Judge on the Tenth Circuit Court of Appeals. We hold a diverse set of political views as Democrats, Republicans, and Independents. Our practices range from litigation, including both plaintiffs' and defense work, to transactional work to administrative law to child welfare advocacy and from employment law to water rights and from government affairs to minerals development, immigration, healthcare, law enforcement, environmental justice, federal Indian law and civil rights. This incredibly diverse group of attorneys agrees on one thing: we all agree that Justice Eid is exceptionally well qualified and should be confirmed.

We know Justice Eid to be a person of integrity, professional competence, and judicial temperament. She has received the highest possible 'Well Qualified' rating from the American Bar Association. Her private practice work, scholarship, law teaching, and service as Colorado's Solicitor General have all demonstrated her superb abilities over many years. Her service on the Colorado Supreme Court has earned her a reputation as an excellent jurist. Her strong work ethic is renowned. She is a preeminent member of the legal profession, not only in Colorado, but in the United States more broadly, with outstanding legal ability and exceptional breadth of experience. We also know her to be a compassionate and caring person, deeply involved in the broader community and called to service, not only in her day job, but through her extensive volunteerism toward the betterment of the profession. Throughout her tenure on the bench, she has hired numerous diverse law clerks and continuously sought to ensure that the diverse voices of Coloradoans are heard, evincing a very strong commitment to diversity and inclusion. We are excited to see her bring her spirit and skill set to the Tenth Circuit.

We ask that Colorado's Senators join together and support this very highly qualified nominee from Colorado. We believe it is an exceptional moment to confirm Justice Eid as the first Colorado woman to serve on the Tenth Circuit.

Respectfully,

Sarah J. Auchterlonie, Franklin Azar, Naomi Beer, Michael Bender, Heath Briggs, Geraldine Brimmer, Scott Campbell, Richard Cunningham, Stanton Dodge, Caleb Durling, Jacob Durling, John Echohawk, David Fine, Jeremy Graves, Melissa Hart, Ellen Herzog, Neal Katyal, Martin Katz, Robert Kaufman, Kenzo Kawanabe, Kevin Kuhn.

Liz Krupa, Bradley A. Levin, Cedric D. Logan, Monica Loseman, Victoria E. Lovato, Rebecca Love Kourlis, Cynthia Mares, Michael E. McLachlan, Mary Mullarkey, Marc Musyl, Habib Nasrullah, Chris Neumann, Neil Oberfeld, Angelica Ochoa, Michael O'Donnell, Michele On-ja Choe, Peter Ortego, David Palmer, Joseph A. Peters, Richard Petkun, John Posthumus.

James Prochnow, Lee Reichert, Harriet McConnell Retford, Tom Sansonetti, Cliff Stricklin, Trent D. Tanner, Robert S. Thompson, III, Lorenzo Trujillo, John Voorhees, John Wahl, Rebecca Watson, Dee Wisor, Jennifer Weddle, Kristin White, Heather Whiteman Runs Him, Evan Williams, David B. Wilson, Maureen Witt, David Yun, John Zakhem.

SOUTHERN UTE INDIAN TRIBE,
Ignacio, CO, July 21, 2017.

Re Support for Confirmation of Colorado Supreme Court Justice Allison Eid to the Tenth Circuit Court of Appeals.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: The Southern Ute Indian Tribe is writing in support of the confirmation of Colorado Supreme Court Justice Allison Eid to the United States Court of Appeals for the Tenth Circuit. Justice Eid's considerable qualifications for this prestigious appointment are not in question. As a Colorado Supreme Court Justice, Justice Eid has demonstrated expertise in a broad spectrum of legal matters including the field of federal Indian law. Justice Eid's judicial record evidences her understanding of tribal sovereignty and other matters that are acutely important to the Tribe. Because these matters are often resolved in the Supreme Court following a decision in a federal appellate circuit in the West, it is critical that the judges on those circuit courts possess a working understanding of Indian law issues. Because she is well-versed in the established principles of federal Indian law, as well as many other areas of the law, the Tribe supports the nomination of Justice Eid.

Sincerely,

CLEMENT J. FROST,
Chairman.

Mr. GARDNER. Mr. President, I wish to spend some time talking about a letter dated July 27, 2017. This letter was sent to me and my colleague, Senator BENNET from Colorado. This letter was titled ''Support for the Confirmation of Justice Allison Eid to the Tenth Circuit Court of Appeals,'' which I have

submitted for the RECORD, but I want to highlight some of the people who have signed this letter because when it comes to the courts and nominations, I think it is very important that we listen to the voices of those people who are closest to the court over which the nominee may be presiding. It is also important that those who are closest to a practicing lawyer provide their opinions of a lawyer who has been nominated for the bench who is not already on the bench.

In the case of Justice Eid's supporters, there is an incredible list of people from across the political spectrum—both sides of the aisle—supporting Justice Eid. Let me talk about a few of Justice Eid's supporters, because we will hear a lot of debate about groups who support or oppose Justice Eid, but the people who know her the best, the people who have practiced before her court, the people who have worked with her over the many years of public service that she has provided don't just fall on the Republican side of the aisle or the Democratic side of the aisle, the support she has gathered is from across the political spectrum.

There is Michael Bender, former Colorado Supreme Court justice; Justice Rebecca Love Kourlis, one of the most respected jurists in Colorado, who served on the State supreme court and is one of the most highly regarded justices not only in Colorado but across the country, quite frankly; Justice Mary Mullarkey. Justice Mullarkey is no longer on the Colorado Supreme Court, but she served as the chief justice of the Colorado Supreme Court. She was appointed by a Democratic Governor. She is someone who believes Justice Eid would be an incredible addition to the court. There is Neal Katyal, a former Department of Justice civil servant for the Obama administration—a U.S. Solicitor General, in fact. If we look at the other supporters she has, we see that Melissa Hart, who has run for office as a Democratic candidate, supports the nomination and confirmation of Justice Allison Eid.

As you can see, the Tenth Circuit has an incredible nominee before it whom I hope this body will soon confirm. I urge my colleagues to move quickly during this cloture time so that we can actually approve somebody who I know will do an outstanding job. I urge their support. I hope we will do our duty under our Constitution to select those people who will be guarding the Constitution and do it in a way that we can all be proud of. That is why I support Allison Eid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I come to the floor today for the 184th time to ask us to at least wake up to our duty as a Congress to enact prudent policies to address the effects of climate change. The Presiding Officer is well aware of what Alaska faces from ocean acidification and ocean melting and sea level rise and all of that.

For the generations who will look back at this, I have tried in these speeches to chronicle the political tricks and bullying that have put Congress—the Congress of the United States—in tow to a massively conflicted special interest, such that we are incapacitated on this vital subject. The shamelessness of the fossil fuel industry and the spinelessness of Congress under its sway will provide a long lesson in modern-day corruption and political failure.

The Trump administration has been particularly loathsome, threatening the emissions standards for cars and trucks, pressing for the Keystone XL tar sands pipeline, disbanding science advisory committees, lifting the moratorium on Federal coal leasing, trying to expand offshore drilling, and open national marine monuments and sanctuaries to energy companies. The Environmental Protection Agency is working to eliminate rules on the leaking and flaring of methane and has rescinded requirements for reporting methane emissions. The President has announced his intention to withdraw the U.S. from the Paris climate agreement.

One particular target of this corrupted administration is the Clean Power Plan, the 2015 EPA rule to reduce carbon dioxide emissions from American powerplants—a rule that many utilities and States supported. But it is the industry's bottom-dwellers who have the President's ear, and they want to undo even this flexible framework for meeting emissions-reduction targets.

When EPA balanced the costs and benefits of the Clean Power Plan originally, it offset things, like between $14 billion and $34 billion in health benefits in the form of preventive illnesses and deaths, against the costs of industry compliance.

The net benefits of the Clean Power Plan came out to between $26 billion and $45 billion every year.

So with its official proposal to rescind the Clean Power Plan, EPA administrator and fossil fuel operative Scott Pruitt had to cook the books to wipe out this public benefit. Here is how he did it. There were two tricks. One derives from the fact that harms, injuries, and losses caused by carbon pollution can take place many years after the pollution is emitted. In financial matters, future costs and benefits are balanced against present costs and benefits, using what is called a discount rate. It is more valuable to receive $1 million now than $1 million 20 years from now. That is the theory.

But even the George W. Bush administration recognized for healthcare rulemaking that ''[s]pecial ethical considerations arise when comparing benefits and costs across generations,'' and they urged care about using a discount rate when a rule is expected to harm future generations.

In 2015, the United States settled on a 3-percent discount rate to estimate the out-year costs of carbon pollution to society. Scott Pruitt jacked that up to a 7-percent discount rate so out-year harms, injuries, and losses would count for less. Mind you, our children and grandchildren will still suffer the exact same costs at 3 percent or at 7 percent. It is just that present-day polluters—Scott Pruitt's masters—get a way-big discount.

Pruitt's second trick is only to count the carbon pollution harm within our borders. You might say: That is OK; we are Americans, after all. But it is worth taking a look at what this rule does if all countries were to use it because there is a trick hidden in the middle of it. The fact is that we are harmed by other countries' carbon emissions, and they in turn are harmed by our carbon emissions. On the flip side, we harm other countries with our emissions, and they harm us with theirs.

There is a total amount of global emissions, and there is a total amount of global harm. If you call the total global emissions X and the total global harm Y, what happens when every country follows the Pruitt method of only pricing local emissions and local harms?

For purposes of illustration, let's say there are three countries in the world, and each emits one-third of the total carbon pollution and suffers one-third of the global harm from the collective global emissions. If each country only counts its own emissions and the harms only to its own country, guess what happens. All that cross-border harm never gets counted. It never gets counted. It disappears off the balance sheet. It vanishes into this trick of calculation. If you are the tool of the fossil fuel industry, how rewarding it must be to implement a trick that just vanishes so much of the fossil fuel industry's harm to the world.

In this hypothetical, how much harm simply vanishes? Two-thirds of it does. Two thirds of the harm simply vanishes, never to be accounted for—not in the real world. Nothing has changed in the real world. In this three-country hypothetical, the total emissions is still X and the total harm is still Y. None of that has changed. This Pruitt trick of accounting just wiped two-thirds of the harm off the books. A happy day for polluters, and a happy, happy day for the polluters' tool, for there will no doubt be rewards for implementing this trick.

Those fossil fuel industry bottom-dwellers no doubt think that this is pretty cute and that this is pretty clever stuff, indeed. There are high-fives in the corporate boardrooms that they have a tool in office who will pull such a trick of magical, vanishing carbon pollution harms. But the problem with these crooked little schemes is that the whole world is actually watching. Anybody can do the analysis that I just did and show that this is nothing more

than a trick, and sooner or later, consequences do come home to roost.

Out in the real world, the Pacific Island nation of Kiribati is buying up land in Fiji so it can evacuate its people there when rising seas engulf its islands and eliminate the nation. It is on its way to becoming a modern-day Atlantis, lost forever to the waves. You can replicate that risk along the shores of Bangladesh, Burma, Malaysia and the Maldives.

You can add in the risk of lost fisheries that left a country's EEZ for cooler waters. If you think that is just a hypothetical, ask Connecticut and Rhode Island lobstermen about their catch. Add in the expansion of the world's desert areas in the Sahel and elsewhere that forces farmers' crops and shepherds' flocks away from their historic homes.

Add unprecedented storms powered up over warming seas. As bad as things have been in Houston, Florida, and Puerto Rico, we are rich enough to rebuild, to throw billions of dollars at the problem, and we are. Other places do not have those resources. Without the help, imagine that suffering.

To those who will suffer in the future, what do we say? On that day of reckoning, on that judgment day, what do we tell all those people who suffered? Ha-ha-ha, do we say? We came up with this little trick that wiped most of your suffering off our books. We used a discount rate that discounted your suffering to virtually zero. Is that the kind of America we want to be? Remember the saying: The power of America's example is more important than any example of our power. Some example we would be, some city on a hill, if that was the way we behaved.

The natural world does not care about self-serving or ideological arguments. The natural world is governed by immutable laws of physics, chemistry, biology, and mathematics. Scott Pruitt's polluter-friendly mathematics just doesn't add up. As Michael Greenstone, an economist at the University of Chicago who helped develop the social cost of carbon, put it, Pruitt's plan was not evidence-based policymaking. This was policy-based evidence making.

There is enormous pressure in the Trump administration to get rid of the social cost of carbon. What is bizarre about the Trump administration is that they don't try to get rid of the social cost of carbon by getting rid of its social costs, by lowering carbon emissions, by addressing the harms that it causes. They try to get rid of the social cost of carbon by getting rid of the scoring mechanism that counts all of that. It is like saying: My team is winning because I tore down the scoreboard.

Well, no, the world is getting clobbered out there by carbon pollution and the climate change that causes it, and tearing down the scoreboard doesn't help change the game on the field. You cannot just cook the books and reduce the social cost of carbon.

For one thing, the social cost of carbon analysis is too well established in the honest world. Courts have instructed Federal agencies to factor the social cost of carbon into their regulations. States are using the social cost of carbon in their policymaking. Most major corporations, even ExxonMobil, factor a social cost of carbon into their own planning and accounting.

The social cost of carbon pollution is at the heart of the International Monetary Fund calculation, for which the fossil fuel industry gets an annual subsidy in the United States of $700 billion a year. Even to protect a multihundred-billion-dollar annual subsidy, Scott Pruitt can't just wish the social cost of carbon away and just can't stop counting it. Courts will take notice.

They may take notice that these stunts are arbitrary and capricious under the Administrative Procedure Act. They may take note that Pruitt has massive conflicts of interest with his fossil fuel funders. They will surely note that the Supreme Court has said greenhouse gases are pollutants under the Clean Air Act, and that EPA is legally obligated to regulate them. They will surely note that the EPA itself has determined that greenhouse gas emissions endanger the public health and welfare of current and future generations, a determination that the DC Circuit resoundingly upheld.

But we are not in an ordinary situation. Pruitt has a long history of doing the bidding of the fossil fuel industry. In the recent Frontline documentary, ''War on the EPA,'' Bob Murray of Murray Energy, a strong Pruitt supporter, bragged about giving this administration a three-page action plan on environmental regulations and bragged that the first page was already done. That is the world we live in now, where the regulated industry brags that it controls its regulator, gives it direction, and that its work is already being done.

Courts that look at any rule proposed by Scott Pruitt must recognize that there is a near zero chance that he is operating in good faith. Our Nation's environmental regulator went in captured and has stayed captured by our Nation's biggest polluters. Scott Pruitt is not their regulator; he is their instrument. That is a conflict of interest.

I recently hosted my eighth annual Rhode Island Energy Environment and Oceans Day, bringing together members of our business community from the public sector, from government, and academia, to hear directly from experts about the latest environmental news and initiatives. I was very excited to be joined by excellent keynote speakers, including former Secretary of State John Kerry, who has done such magnificent work on oceans particularly but on climate change generally, leading us into the Paris climate agreement. Also, there was former U.S. Special Envoy for Climate Change Todd Stern, who has labored in these vineyards so many years, and ocean advocate and Oceana board member Sam Waterston. They were all great, but one phrase stood out.

Sam Waterston called on us to tackle today's ocean and environmental problems with what he called a ''battle-ready kind of optimism''—a ''battle-ready kind of optimism.''

So let us go forward with a ''battle-ready kind of optimism'' to clean the polluter swamp at EPA, to clean our Earth's atmosphere and oceans of unbridled carbon emissions, and to clear the reputation of our beloved country of the obloquy it is rapidly earning at the hands of a corrupting industry.

I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Virginia.

HEALTHCARE

Mr. KAINE. Mr. President, I rise to talk about the Children's Health Insurance Program. We all know that healthcare is the most important thing in any person's life and in their family's life, and there is probably no healthcare issue that is more intense than a parents' concern about the health of their children. I think all of the offices in this building have heard from parents about the health of their kids over the course of the number of months we have been debating what to do about the Affordable Care Act.

I rise today to talk about another critical program, which I hope we will act in a bipartisan way to reauthorize: the Children's Health Program, or CHIP. CHIP builds on Medicaid, and it gives families who earn too much to be eligible for Medicaid an insurance option for their kids. In talking to families who avail themselves of this option—in Virginia, years ago we didn't do a very good job of enrolling kids in CHIP, and we have become an awful lot better at it. It is interesting to hear the way parents talk about it. They will often talk about how important CHIP is to them when their child is sick or when their child is injured, but what is interesting to me is how important it is to them when their child is perfectly fine—not sick, not injured. But if you are a parent, you are going to have anxiety when you go to bed every night if your child doesn't have insurance or coverage: What if something happens tomorrow? This is a program that provides not just healthcare but peace of mind for parents and their kids.

Between Virginia's separate CHIP program and the Family Access to Medical Insurance Security and CHIP-funded Medicaid, the State provides coverage to nearly 193,000 children. CHIP alone—the specific CHIP program—covers 66,000 kids in Virginia and also pregnant moms; 1,100 pregnant moms are covered right now. The coverage is important. It includes doctor visits, hospital care, prescription medicines, eyeglasses—which are critical to being successful in school—immunizations, and checkups for kids up to age

19, with minimal cost sharing and without premiums.

In Virginia, since 2009, when I was Governor, we extended CHIP to also allow dental coverage. That has been really important to children and their families. The program is one of the success stories in this body because it has been strongly bipartisan in support since its creation in 1997. But as the President knows, this program expired on September 30. Despite bipartisan work on the Finance Committee, we still have not seen a reauthorization bill come to the Senate floor.

The uncertainty surrounding CHIP has already started to have an influence on my constituents and the constituents of every Member of this body. According to our Virginia Department of Medical Assistance Services, the State will be forced to send letters on December 1, 2017, notifying families that there is an impending loss of coverage. If there is not a reauthorization bill done by that time, imagine the anxiety of all these families in the weeks before Christmas getting a letter in the mailbox saying that this CHIP program, which covers 66,000 kids and 1,100 pregnant women, is about to expire. This will, at a minimum, cause a great deal of anxiety and confusion, even if we then come back and fix it. But if we don't fix it, obviously, the anxiety and confusion becomes much more catastrophic for the families.

After we send out letters on December 1 telling families that they have to prepare for the elimination of this program, enrollment will freeze on January 1. No new children can come into the program. By the end of January—and this differs in different States—Virginia will have insufficient funds to continue the program. There are some States that are already experiencing running out of the funds they have for the program. Virginia has a little cushion, but that will take us only through the end of January if we don't reauthorize.

Here is something that makes matters worse in Virginia, and I think it is the case in most States. Our legislature is a part-time legislature. The legislature is not in session. The legislature does not come back in until January, and that will make it really difficult. We can't find time for solutions before then because the legislature is not in session. When the legislature comes back, that would be a lot to face in 2 weeks, which is when this program is going to expire.

Needless to say, the kids who use CHIP in Virginia are in all parts of the State. Just to give you some examples, the Hampton Roads area, the second largest metropolitan area in the State—Virginia Beach, Norfolk, and the Northern Neck—has over 5,000 kids who rely on CHIP. In far southwest Virginia, where my wife's family is from—Appalachia—nearly 6,000 kids rely on CHIP. It is a high poverty area, and in those parts of the State where poverty is high, CHIP is used in a very important way by families. The Shenandoah Valley, an agricultural area in western Virginia, has about 6,400 kids who rely on CHIP. There is not a county, there is not a city in Virginia where there isn't a child and a pregnant woman who rely on this program.

On September 18—now to the good part of my talk, the positive words from my colleagues—Senators HATCH and WYDEN introduced the bipartisan Keeping Kids' Insurance Dependable and Secure Act, which is a bipartisan compromise in the best traditions of this body, to extend the CHIP program for 5 years to give States sufficient time to plan their budgets and make sure that families don't face the uncertainty related to getting notice letters saying that the program may terminate.

I rise today to urge my colleagues to strongly support bringing this bill to the floor and providing certainty to the families and children who rely on CHIP. The possibility of all these families getting letters on December 1 saying that the program is possibly going to expire is just a needless uncertainty, and we should try to avoid that if we can, not just in Virginia but in every State.

My senior Senator, Mr. WARNER, is also a strong supporter of the program. I will give him some props. When he was Governor of Virginia—he preceded me as Governor—he was the one who focused on doing a better job of enrolling kids in the program. I give him credit for that, and I will take credit for my teamwork and for adding dental coverage to CHIP. But he was a great leader. He and I have together sent a letter to the Senate leader, Mr. MCCONNELL, asking if he would bring a bipartisan bill to the floor quickly on behalf of Virginia's children.

This bill was bipartisan in its introduction, and with the number of cosponsors and the historic, bipartisan nature of support for this program, if we can get a floor vote on this bill, I think we can pass it today and send it to the House and do so in a way that we would avoid the need to start sending out termination letters to families, needlessly increasing their anxiety.

I will conclude by saying that if we can bring this to the floor, I think we can get it passed. It is an urgent issue for children across the country—and even more than children in some ways. The children aren't wandering around every day thinking about their healthcare, but their parents are wondering every day, worrying desperately about their healthcare. This would be a bill that would help both children and parents.

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. BLUNT. 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. BLUNT. Mr. President, this week we are moving to confirm four Federal circuit judges. Because of that, it is a good week to talk about the critical role the judiciary plays and actually about the unique power our Constitution gave the courts to do the job they are supposed to do.

They are to provide a check and balance on the other two coequal branches of government—the executive branch and the legislative branch. Most importantly, the Federal judiciary provides Americans with an avenue with which to seek the rule of law, an avenue to know that one is going to be impacted by what the law says and what the Constitution says. It is a fundamental right of how we conduct ourselves, how we seek justice, how people should be able to make decisions about their families and about their businesses and about their financial futures as well as their personal futures.

That is why judges who believe in the rule of law and what the law says and what the Constitution says are so important and why it is important to have qualified and well-grounded judges—not just people who are really good lawyers but people who have an appreciation for how important it is that others can absolutely rely on the law and the Constitution. Those can be changed. There is a way to change them, but the way to change them is seldom on the Federal bench.

According to the Administrative Office of the U.S. Courts, as of this morning, there are 148 vacancies on the Federal judiciary. That includes two vacancies on the Eighth Circuit Court of Appeals. It includes the circuit judges of whose nominations we have not yet fully complied and approved this week, but there are 148 vacancies—jobs that are to be filled for as long as the people are able to serve. That is why healthy judges, younger judges, and judges who are well grounded can have such an impact for so long. The first major judicial accomplishment this year, in terms of the nominating process, was Judge Gorsuch, who 29 years from now will be younger than three of the judges with whom he is currently serving. These are decisions that will last well beyond a Presidency and well beyond the tenure of the Senators who will vote to confirm, and we have a chance to do that.

Of these judicial circuits, the Eighth Circuit is one my State of Missouri is in. As a matter of fact, the most recent data shows that while there are a handful of States in that circuit, one-third of all the cases that had been filed in the Eighth Circuit from September 2015 to September 2016 had come from our State, and I imagine that number will be about the same again this year. Reshaping the judiciary, generally, as well as what happens in the Eighth Circuit are important.

At the start of President Trump's term, 12 percent of all of the positions

in the Federal judiciary were vacant. The Congressional Research Service found that not since President Clinton took office has a President had the constitutional obligation to fill more judicial vacancies at the start of his term than President Trump. I, certainly, believe he made the right choice when he selected Judge Gorsuch to serve on the Court, and I have been enthusiastic about the other judges whom he has nominated, including the four we have had a chance to talk about and will continue to have a chance to talk about this week.

I think President Trump will continue to nominate judges who will, first of all, pay attention to the Constitution and what it says, who will apply the rule of law, and will not legislate from the bench. Those three hallmarks of how this Senate should define, and how this President has so far defined, what a judge is supposed to do not only can happen but can happen at this moment for—or at least as of January 20—12 percent of the judicial positions, and that number will continue to grow as judges, for whatever reason, leave the bench as judges decide to take early retirement. If at the end of the 4 years of this administration we have filled all of the vacancies that will have occurred, we will have filled more than 12 percent of those lifetime appointments. So it is really important that the Senate act to confirm these nominees and fill as many vacancies as are there to be filled.

Last month, the Federalist reported: ''Democrats are forcing more cloture votes than any early Presidency and demanding the full 30 hours of floor time per nominee that the Senate rules allow.''

Yesterday, at the press stakeout that we had outside of this room, I said that the Senate was designed to protect the rights of the minority, and that is a good thing. Just the fact that it would take 6 years to replace the entire Senate means that the country has to stay focused on one set of ideas if all of the Senators are going to reflect that one set of ideas much longer than the 2-year opportunity to change everybody in the House. Also, the understanding that the Senate provides that protection for minorities to be heard in a big and diverse democracy like we have is a good thing. In the points that we were making yesterday, I also said that the protections for the minority are always held onto, appreciated, and protected until the minority decides to abuse those protections. When that happens, the minority always loses the protection.

What we have had over and over again—47 times this year as compared to 1 time with President Obama for nonjudicial appointments, 5 times in the entire first Obama year up until this time in October, I believe, no times for either President Bush, and 1 time for President Clinton—is that the minority has taken a judicial nomination or another nomination and said we are going to insist on 30 hours of debate because the rules allow for 30 hours of debate. Well, the rules allow for 30 hours of debate for contentious nominees. The rules allow for 30 hours of debate when there is really going to be a debate. Last week, we had 30 hours of debate on a judge, but 20 minutes were spent talking in support of him while zero minutes were spent in opposing him. The 30 hours that could have been used for other purposes was gone.

Frankly, I think that was the reason the 30 hours was demanded—so the other work of the Senate had to be set aside so we could do the equally important work of letting the President put people in vacant positions that needed to be filled. That 30 hours will be changed if the minority continues to abuse it. It has happened in the entire history of the Senate, but that is what happens when you abuse these rules that protect you and give you rights. It will happen again here if this does not change.

We see the same thing happening this week. We have had lots of time this week—30 hours of debate, a final vote, and Democrats and Republicans vote. In fact, regarding the judge I mentioned a minute ago, 28 Democrats voted for that judge. There were 30 hours of debate, and not a single critical word was spoken in debate about the judge. A majority of the Democrats and virtually all of the Republicans voted for that judge. That is not an acceptable way to stop the Senate from getting to the other work the Senate needs to do. This is not basketball without a clock, where they used to effectively play the delay game. The delay game got abused, and the clock became part of the system. The clock will run faster here, too, if our colleagues do not begin to see the importance of what we do here.

NOMINATION OF DAVID STRAS

Mr. President, while these nominees have had cloture votes—again, President Obama, I think, only had one on a judge in his first year—there is one nominee, Minnesota Supreme Court Justice David Stras, in the Eighth District, which is the district again that Missouri is in, who has had his nomination held up. There is a rule sometimes that has been used in the Senate—almost always if a judge is being replaced that only affects your State—whereby a Senator can say: I am really opposed to that. In most of the history of the Senate, that kind of hold has been honored. It has not been honored on judges who represent another State, many States, or will be a judge in the circuit for many States just because they happen to come from your State.

The American Bar Association has said that Justice Stras is ''well qualified.'' It is its very highest rating. He received his bachelor's degree, with the highest distinction, from the University of Kansas, which is another State in this circuit. He received his MBA from the University of Kansas and his law degree from the University of Kansas. He clerked on the U.S. Supreme Court before practicing law and teaching at the University of Minnesota. Not only was he appointed to fill a vacancy on the Supreme Court in Minnesota, but he was elected. In fact, he was elected and received more votes than the person who is holding his nomination received when he was elected to that job.

I urge my colleagues to not only support his nomination but to do what we need to do to get these nominees to the floor and let everybody express their opinion and be given the time needed to do that, not to continue to abuse the rules, not to continue to hold these important vacancies hostage to getting anything else done because we have 30 hours of debate in which nobody decides to come and debate.

By the way, if we want to continue to allow Senators to hold nominations in circuits that their States happen to be a part of, in the Eighth Circuit, most of the work before that court comes from Missouri more than any other State. We would be glad to have an additional judge, and there is nothing that would prevent that.

The right thing to do here is to let the nomination of a well-qualified person come to the Senate floor and be debated, if there is debate to be had, and be voted on and to take one of those significant 140-plus vacancies on the Federal judiciary and fill it with a person who is well qualified, just like this week. In four other circuits, we intend to put three women and one man on those courts who will hopefully be able to serve long and well and will take their important philosophies to the courts with them when they go.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, thank you.

As we heard my colleague from Missouri saying, we have a great opportunity this week to confirm four outstanding individuals to the Federal circuit courts. These nominees are well-qualified individuals who have demonstrated a strong understanding of the proper role that a judge plays in our constitutional system.

I am especially pleased that we are considering three exceptionally talented women for the Federal bench. Federal circuit court nominations are extremely important. Circuit courts sit directly below the Supreme Court in our judicial system. Because the Supreme Court reviews relatively few or a smaller number of cases, many times the circuit courts have the last word in the majority of those cases, so it is essential that we have judges on the circuit court who will treat all litigants fairly.

When I think about what I want in a judge, I think fairness is the first thing that comes to mind. We want someone who treats litigants fairly, who shows respect for our Constitution, our statutes, and the controlling precedents.

We need somebody knowledgeable in the law. That sort of goes without saying but certainly is a top attribute of a judge. Every party before our Federal courts has the right to expect even-handed, fair judges and fair justice from those judges who are handling their case.

Each of the four nominees being confirmed this week have a strong record and impeccable qualifications. They respect the rule of law. All were given a high rating by the nonpartisan American Bar Association.

Yesterday I was very pleased to support Amy Barrett's confirmation to the Court of Appeals for the Seventh Circuit. Despite obstruction by my colleagues on the other side, I am pleased that yesterday we confirmed Ms. Barrett, but I still have deep concerns about some of the debate and some of the questions that were raised about her religious beliefs throughout the confirmation process.

The Constitution clearly states that there can be no religious test for any Federal office. The Senate has a responsibility to consider qualifications and fitness for office of individuals nominated by the President, but that does not include an evaluation of a nominee's religious beliefs. Our Constitution fundamentally protects religious liberty for all Americans. That principle is deeply rooted in our Nation's history and allows individuals of all faiths the freedom to exercise their religious beliefs.

Ms. Barrett's credentials clearly demonstrate her ability to serve on the Federal bench, which she will be doing, and I hope future nominees are questioned by this body on their record, their qualifications, and their jurisprudence, not on their faith.

Today we confirmed the nomination of Michigan Supreme Court Justice Joan Larsen for the Sixth Circuit, a supremely qualified individual. A former clerk for Supreme Court Justice Antonin Scalia, she served as a Deputy Assistant Attorney General and as a law professor at the University of Michigan before joining her State's highest court, the supreme court.

We are now considering the nomination of Colorado Supreme Court Justice Allison Eid for the Tenth Circuit. Justice Eid served as Colorado's solicitor general and is a law professor at the University of Colorado. She clerked for Supreme Court Justice Clarence Thomas and was appointed by Chief Justice John Roberts to serve as a member of the advisory committee on Federal appellate rules.

Finally, we will consider the nomination of Stephanos Bibas to the Third Circuit. Mr. Bibas is a law professor at the University of Pennsylvania and clerked for Justice Anthony Kennedy after earning degrees from Columbia, Oxford, and Yale.

This is a supremely qualified slate of nominees, as their impressive credentials make clear. My colleagues who are familiar with these nominees have given praise to these nominees in earnest and honest discussion, which very much lends itself to my support. Without question, their fitness for the Federal bench is evident.

The fact that Democrats have been holding up these qualified individuals is totally misguided. We heard from Senator BLUNT in his remarks about the numbers. There are currently 21 circuit court vacancies and 120 district court vacancies in the Federal judiciary. While the Senate has an important role in examining nominees to fill these vacancies, Democrats have required virtually every potential judge to go through a time-consuming floor process that is simply not sustainable, even when there are no objections raised against the individuals. In fact, Democrats have used political tactics to delay virtually every one of President Trump's judicial nominees, controversial or not.

Every Senator has the right to vote against a judicial nominee if they believe that person to be unfit or unqualified—we all have that right—but engaging in a de facto filibuster against virtually every judicial nominee is an abuse of the rules, I believe, especially when the nominee has overwhelming bipartisan support.

The American people expect the Senate to confirm well-qualified nominees. They also expect us to advance a legislative agenda that will improve our economy and our security. By filibustering against qualified nominees, Democrats are keeping the Senate from tackling our important legislative work.

Starting with Justice Neil Gorsuch to the nominees being considered this week, President Trump has nominated mainstream judges who will serve our country for years in the judiciary. I commend the President, the chairman, Senator GRASSLEY, and the members of the Judiciary Committee for their work in advancing these talented individuals. We should confirm these judges and act promptly to fill other judicial vacancies.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, tomorrow morning the Senate will vote on the nomination of Colorado Supreme Court Justice Allison Eid. She is going to be voted on to serve on the Tenth Circuit Court of Appeals. She is an eminently qualified and exceptional nominee who has received widespread, bipartisan praise and support.

Justice Eid has spent over a decade on the Colorado Supreme Court. Before her appointment, she served as the Colorado State solicitor general. In that role, she represented the State before both Federal and State courts. She also served as a tenured faculty member at the University of Colorado School of Law, where she taught courses in constitutional law, legislation, and torts. Justice Eid practiced commercial and appellate litigation at Arnold and Porter. At the beginning of her legal career, Justice Eid served as a clerk for Judge Jerry Smith on the Fifth Circuit and as a law clerk for Supreme Court Justice Clarence Thomas.

Justice Eid was raised by a single mother, whom Eid credits for her significant personal and professional achievements. She earned a scholarship to Stanford and graduated with distinction and is a member of Phi Beta Kappa. Justice Eid received her law degree from the University of Chicago, where she graduated with high honors and Order of the Coif. She has had an impressive legal career, and she has an impressive life story.

In her long and celebrated tenure on the Colorado Supreme Court, Justice Eid has heard roughly 900 cases and written approximately 100 opinions. In 2008, 75 percent of Colorado voters retained Justice Eid to the Colorado Supreme Court.

Her nomination has also received wide, bipartisan support. As an example, Justice Eid's former clerks, who noted that they ''come from a diverse set of geographic, economic, cultural and political backgrounds,'' wrote a letter to the Judiciary Committee supporting her nomination. Judges work closely with their law clerks every day. Law clerks understand a judge's deliberative process and approach to the law better than anyone. How did these clerks describe Justice Eid? They said: ''She never fails to provide her full attention and dedication to each individual case, mastering the relevant facts and carefully analyzing the law, whether the text of a statute or the word of a contract.'' Her law clerks also wrote that she goes ''where the law takes her'' and that in their decade of collective experience in over 900 cases, Justice Eid ''treats each case individually without any preconceived notion of desired outcome.''

The National Native American Bar Association also endorsed Justice Eid. In their letter to the committee, they noted that she ''has demonstrated deep understanding of Federal Indian law and policy matters, as well as significant respect for the tribes as governments. Such qualities and experiences are rare among nominees to the federal bench.'' They went on to note that ''while we do not expect that Justice Eid will agree with tribal interests on every issue, we also believe that she is immensely well qualified and we are confident that Justice Eid is a mainstream, commonsense Westerner who will rule fairly on Indian Country matters.'' That is from the National Native American Bar Association. I think ''mainstream, commonsense Westerner'' is the perfect way to describe Justice Eid.

Despite this bipartisan support and her professional achievements, all the Democratic members of the Judiciary Committee voted against her nomination in committee, and I suspect most of the minority will vote against her

confirmation when it comes up. That surprised me. Justice Eid received a majority ''well qualified'' rating from the American Bar Association, an outside group who evaluates judicial nominees. My colleagues on the other side claim that this group's ratings weigh very heavily in their decision to support or oppose a judicial nominee. In fact, my Democratic colleagues claim that these ratings should carry a great deal of weight with Senators, and they argue that the Judiciary Committee shouldn't hold hearings on nominees who have not yet received ABA ratings.

This week, we are voting on four circuit court nominees—including three women—who received ''well qualified'' ratings from the ABA. The American Bar Association rated two of these individuals unanimously ''well qualified.'' Yet the vast majority of my Democratic colleagues voted against the two nominees on whom we have already voted, and I am willing to bet that the other two nominees will see similar opposition from my Democratic colleagues.

Why do my Democratic friends profess such admiration for the American Bar Association's evaluation process and then vote against nominees who received the American Bar Association's ''well qualified'' rating? I would like to see them put their money where their mouth is or maybe, better yet, their vote where their mouth is. If my colleagues believe so strongly in the ABA evaluations, they should start voting for nominees who receive ''well qualified'' ratings, but I suspect they will not.

When the Judiciary Committee voted on Justice Eid's nomination, my Democratic colleagues really stretched to find reasons to oppose that nomination. One of the chief reasons given for opposition to her nomination centered on a quote in a Denver Post article that said Justice Eid has ''earned a reputation of one of [the Colorado Supreme Court's] most conservative members.'' I find that statement to be misleading. Of the seven justices on the Colorado Supreme Court, Justice Eid is one of only two justices appointed by a Republican Governor. To argue that she is somehow extreme just because she was not appointed by a Democratic Governor is very unfair.

Furthermore, the Denver Post published a subsequent article that disagreed with this characterization. By contrast, the more recent article stated that ''appointment by a Republican or Democrat does not always dictate the ideology of the justice. . . . Even categorizing justices as either conservative or liberal is generally an error.'' I would agree with the Denver Post on this point.

Justice Eid should not be evaluated by her ideological reputation but, rather, by how she approaches issues before her judiciary. That is how I have evaluated Justice Eid and other judicial nominees, and that is why I strongly support her confirmation today.

I am very proud to support the nomination of Justice Allison Eid. She is the third in a series of distinguished female circuit court nominees we have had the opportunity to vote on this week. Her impressive experience and numerous accomplishments speak to her qualifications for this role. I commend the President for nominating these outstanding and accomplished women to our circuit courts. Justice Eid is an exceptional nominee, and her record overwhelmingly supports her nomination. As a result, I will support her confirmation tomorrow, and I urge all of my colleagues to do the same.

I yield the floor and 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.

Mr. CORNYN. 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. CORNYN. Mr. President, this week we have been talking about some sterling nominees for our Nation's circuit courts of appeals. These are our intermediate appellate courts in the country, one step above the trial courts where cases are tried and one step below the Supreme Court of the United States.

What most people don't realize is that the Supreme Court only decides roughly 80 cases a year. In other words, there is no guarantee that if your case is tried in the trial court, it will go beyond the circuit court of appeals. So in many instances, our circuit courts are the ''supreme court,'' or the court of last resort. These sterling nominees that the President has nominated include Professor Amy Barrett, who yesterday was confirmed to the Seventh Circuit Court of Appeals by a bipartisan vote of 55 to 43. For some reason, our friends across the aisle have decided it is to their advantage to inexplicably drag out the clock against a really accomplished scholar—and to boot, a mother of seven—but, of course, to no avail.

What is worse is our colleagues across the aisle have seemed to have forgotten some of their own priorities when it comes to judges. For example, the senior Senator from Minnesota has said in the past: ''It is time to get women on the bench.'' Well, we just did that yesterday, and we are going to do it again. ''They should get an up-or-down vote . . . that is what women deserve.'' I would say that is what the President's nominees—whether they be women or men—deserve, but, unfortunately, that hasn't always been the case.

There is still time, however, for our Democratic colleagues to honor their previous statements and to put more women on the circuit courts without needlessly stringing them along with unnecessary delays.

Joan Larsen was the first. She was confirmed earlier today. She fulfills the desire of the senior Senator from Vermont to ''confirm women practicing at the pinnacle of the legal profession.''

That is certainly where Joan Larsen works. She has been a justice on the Michigan Supreme Court and was nominated to the Sixth Circuit, which handles Federal appeals from Michigan, Kentucky, Ohio, and Tennessee. Justice Larsen graduated first in her class from Northwestern University's law school. She then clerked for the prestigious DC Circuit Court of Appeals, right here in Washington, DC. She then went on to serve as a law clerk to Justice Antonin Scalia of the U.S. Supreme Court.

Since then, she has worked in public service at the Office of Legal Counsel at the Department of Justice during the George W. Bush administration and has taught at the University of Michigan Law School.

Both of our Democratic colleagues from Michigan have returned their blue slips, which is the piece of paper which says they are OK with the nomination going forward, signaling their approval. Given her credentials, my question would be, How could they not?

Ms. Larsen will make an excellent judge. She already has been, but she will make an excellent addition to the circuit court of appeals, and I am glad we have now confirmed her.

Another nominee is on the way. Justice Allison Eid of the Colorado Supreme Court has been nominated to the Tenth Circuit post formerly held by Justice Neil Gorsuch, who was recently confirmed to the U.S. Supreme Court. The Tenth Circuit sits in Denver and includes Colorado, New Mexico, Kansas, Oklahoma, Utah, and Wyoming.

As in the case of Professor Barrett and Justice Larsen, Allison Eid is exceptional in every respect. She attended Stanford University and the University of Chicago Law School, where she was elected to the Order of the Coif and graduated with high honors. She clerked for the Fifth Circuit Court of Appeals in New Orleans and then went on to clerk for Justice Clarence Thomas on the U.S. Supreme Court.

As with Justice Larsen, Justice Eid has received the blue slips from both of her home State Senators, which means they are willing to let this confirmation go forward. So I look forward to her quick confirmation.

Finally, the fourth judge who will be confirmed this week is professor Stephanos Bibas, who teaches at the University of Pennsylvania Law School. He has been nominated for the Third Circuit Court of Appeals, which covers Delaware, New Jersey, and Pennsylvania. Stephanos Bibas was educated at Columbia, Oxford, and Yale Law School. He, likewise, clerked for the Fifth Circuit Court of Appeals and then went on to clerk for Justice Anthony Kennedy on the U.S. Supreme Court. He has worked both in private practice and as a prosecutor. Now he

has distinguished himself as an academic, teaching and publishing in the realm of criminal law and procedure.

In their ringing endorsement of his nomination, a diverse group of more than 100 law professors noted Professor Bibas's ''fair-mindedness, conscientiousness, and personal integrity.'' Those are the sort of qualities we should all want in a circuit court judge.

We are going to confirm Stephanos Bibas and the other nominees I mentioned, no matter how long it takes, this week. The majority leader has put our friends across the aisle on notice, and there is nothing they can do to stop those confirmation votes before we call it a week.

Once again, the administration has demonstrated its skill at picking bright nominees for the right reasons. This week's nominees will read the law faithfully. They will honestly interpret its text, and they will apply it to cases with a sense of humility no matter what their preferred outcome might be.

I appreciate President Trump, Leader MCCONNELL, and the chairman of the Senate Judiciary Committee, Senator CHUCK GRASSLEY, for the hard work in bringing these nominees to the floor. Now let's get them on the Federal bench.

TAX REFORM

Mr. President, the other issue I wish to bring up in my remarks today is tax reform, because we all know that the House of Representatives will release the Ways and Means Committee's beginning bill for tax reform—something we have promised for a long time and that the country is anxiously awaiting.

This will be the culmination of months—if not years—of hard work, of meetings, white papers, listening sessions, and the like so that we can deliver on our shared goal of a simpler, fairer tax system that boosts jobs and puts more money in the pockets of every American. Those are our goals.

We know that many hard-working Americans have had a rough time in recent years. Sending their kids to college and securing retirement seems to be harder and increasingly out of reach for some of my constituents back in Texas and people around the country. I hear about their concerns and their anxieties—economic anxieties—every time I go home. It is not acceptable that 50 percent of Americans are finding themselves living from paycheck to paycheck and that a third of voters are one trip to the mechanic shop away from a household financial crisis.

Last week, several of my colleagues and I sat down with the President—we were members of a bipartisan group of the Senate Finance Committee—and discussed our objectives in achieving meaningful and lasting changes to our Tax Code. The President agreed that we should cut taxes for hard-working Americans and that we should nearly double the standard deduction, which reduces the number of people who will have to itemize deductions on their tax return, thus, making compliance with the Tax Code much simpler and cheaper. We agreed that we would significantly increase the child tax credit and reduce taxes on businesses and job creators.

This last objective—reducing taxes on businesses and job creators—deserves a little bit more discussion.

Ireland represents an interesting point of comparison for the United States. We have the highest tax rate in the world—35 percent for businesses that do business all around the globe. Ireland has a corporate rate of 12.5 percent. That is 35 percent to 12.5 percent. Because of that, it has become a haven for large American companies, especially in the high-tech sector.

Ireland has since ended its so-called ''double Irish'' tax scheme, which allowed it to benefit from taxes on income that should have been taxed in the United States. In other words, there is some rivalry and competition when businesses do business worldwide as to where their profits will be taxed. We want to make sure that those profits are taxed in the United States and not in countries abroad, where we would enjoy no benefit from.

This example illustrates what happens when we keep our tax rate so high. Sadly, companies leave. They go elsewhere, because they know that the difference between a 35-percent tax rate and a 12.5-percent tax rate in Ireland may be the difference between making a profit for your shareholders—whether it is the teachers retirement system or the firefighters pension fund—or ending up in the red and not making a profit at all. Savvy companies will leave, and they will go elsewhere. They know to create new entities and search the globe for better rates. It is really a matter of their competitiveness in a global economy.

Of course, when they do this, it is legal. It is rational because they want the best deal they can get for their shareholders. They also want to make sure they can achieve a profit for their shareholders and not a loss, frankly, due to the differential in tax rates.

When companies dodge U.S. taxes, it means we here in the United States miss out on revenue that we would otherwise reap. One thing is for sure. With $20 trillion in debt, we want to make sure that our Tax Code is fair and simple and is competitive and will help us grow our economy in a way that will help us pay down those deficits and that debt.

Now, our Democratic friends have been known to demagogue this issue a little bit, saying: Who wants to cut these corporate tax rates overseas? Corporations shouldn't get a tax cut, even though they know what the facts are.

Well, they should simply listen to people like Barack Obama. In 2011 he was speaking to a joint session of Congress and called on Republicans and Democrats alike to lower the U.S. corporate tax rate because he knew—and he was right—that this was hurting our global competitiveness in a global economy and that companies, out of sheer self-interest, were keeping the profits they had earned overseas rather than bringing them back and suffering from double taxation, meaning that workers here in the United States didn't get the benefit of that infusion of extra cash in their paycheck, and the investment that should occur here in the United States was occurring overseas strictly because of our Tax Code.

My colleague, the senior Senator from Oregon, described corporate inversions. That is what happens when an American company shifts its legal address to a foreign country, such as Ireland, for tax purposes. He called it a ''contagion'' that has affected the Tax Code with ''the chronic diseases of loopholes and inefficiency.'' He went on to call the Tax Code an ''anti-competitive mess.'' He is right.

The senior Senators from Maryland and Ohio have also made similar statements in past years.

We all realize that simplifying our Tax Code will reduce tax compliance costs, which currently run for small business owners at around $19 billion a year. Our Tax Code has simply gotten to be too complex and too convoluted for honest, law-abiding small business owners to do it on their own. So they have to hire somebody else to help them sort it out.

The less money that a small business pays in tax compliance is the more they can spend on their employees or on expanding their business or on investing in new equipment or simply giving their workers a pay raise. Let's give them the relief that they need. Let's reduce the corporate rate, as President Obama and our colleagues on the other side used to argue for. With our proposals, we can also get moving on fixing the rest of the Tax Code to let the hard-working people of Texas and American families keep more of what they earn, improve their standard of living in the process, and to make our Tax Code more competitive in a global economy so that businesses that operate internationally will be incentivized to bring that money back here to the United States to make and manufacture products that are stamped ''Made in America'' and to improve the wages and quality of life and income of American workers. It just strikes me as a no-brainer, and that is exactly what we are going to set out to accomplish to.

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.

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

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

Mr. SCHUMER. Mr. President, thank you.

FREEDOM TO NEGOTIATE

Labor unions and strong labor laws have helped build the middle class in America and protect the rights of workers for generations.

In the 1970s, union participation was around 30 percent, and it was a golden era for the American middle class. Wages went up. Families had benefits and vacations. Parents could pay for college. They could put food on the table and have money left over. The vast, thriving middle class was built on the blood and sweat of labor unions and those who organized the labor unions, often at their physical peril, back in the thirties.

Unfortunately, over the last few decades, union membership has declined and, along with it, middle-class wages and opportunities. In the seventies, union membership was near 30 percent, but it had fallen to just 11 percent of all workers by 2014. That decline is mostly because the union movement and, concurrently, the middle class, with which it is allied, have been under attack from big corporate special interests and the conservative movement for the better part of the last three decades. It is well funded by a small group of very rich and, I might say, greedy people, and it is patient.

Their goal is to, by any means necessary—Congress, the courts, whatever—break up existing unions and prevent new unions from forming. They will pursue any avenue in order to disrupt the ability of workers to organize and collectively bargain for a fair share of the profits they create so that they can make an extra buck.

These forces will do whatever it takes to keep rigging the system in their favor, like asking the Supreme Court to rule on Janus v. AFSCME, a case backed by the Koch brothers—$40 billion each, maybe more; plenty of money—but they hate giving any money to workers. And there is no record evidence of a single lower court ruling in its favor.

If anyone doubts the politicization of the Supreme Court, just look at their being willing to hear this case twice, which comes with a crazy legal theory that a First Amendment basis should be used to destroy collective bargaining. It is merely designed to eliminate the freedom of people to come together in unions. If the Supreme Court endorses the arguments of Janus, it will be a dark day for the American worker.

Chief Justice Roberts, who said he would be fair and call balls and strikes, in my view, has lost all pretence of fairness. He wants to keep the Court nonpolitical, but he keeps pushing cases like this. Since his confirmation, under Chief Justice Roberts, the Court has methodically moved in a pro-corporate direction in its constantly and consistently siding with the big corporate interests over the interests of workers. Already, it has been the most pro-corporate Court since World War II. A decision in favor of Janus will be a shameful capstone on that already disgraceful record.

I would say to all of those wealthy people who have plenty of money and to all of those corporate executives who get paid in the tens of millions, who are desperate to take money away from middle-class people whose incomes are declining, that you are creating an anger and a sourness in America that is hurting our country in so many different ways.

American workers deserve a better deal, and Democrats are going to offer it. We are calling it freedom to negotiate. We are offering the middle class, and those who are struggling to get there, a better deal by taking on companies that undermine unions and underpay their workers, and beginning to unwind a rigged system that threatens every worker's freedom to negotiate with their employer.

Our plan would, among other things, strengthen penalties on predatory corporations that violate workers' rights; ban State right-to-work laws that undermine worker freedoms to join together and negotiate; strengthen a worker's right to strike for essential workplace improvements; and provide millions of public employees—State, local, and Federal—with the freedom to join a union and collectively bargain with their employers.

Over the past century, labor unions have fought to stitch into the fabric of our economy a basic sense of fairness for workers. Each worker left on his or her own has no power against the big corporate interests that employ them, but together unions and workers who unite in unions can have some say.

No one taught me better about the lack of fairness than a 32BJ worker I met several years ago at the JFK International Airport, who was named Shareeka Elliot. When I first met Shareeka, she was a mother of two children who was struggling to make ends meet. She was working the graveyard shift cleaning the terminals at JFK and serving hamburgers at McDonald's during the day. She was forced to rely on public assistance since she had gotten so little in wages from those jobs. She lived in a house with six other family members to be able to pay the rent. She was not a freeloader. She was working two jobs, but she got minimum wage and could hardly support herself. She barely saw her children and spent most of her free time in getting to this job—this poorly paid, minimum wage job. She had to take a bus for 2 hours from East New York to the JFK International Airport.

She was not angry, by the way, as she was a churchgoing lady. She had faith in God to provide, but she suffered so.

By the way, 30 years ago, if you had cleaned bathrooms at an airport, you would have been employed by the airlines or by the terminal. But because these companies have learned to farm out the labor to subsidiaries, to franchises, and to other corporations that have no accountability, now cleaning those toilets is a minimum wage job.

Over the last 4 years, though, I have seen Shareeka and her coworkers start to rebuild their dreams. She said to me: Senator, if I only could get minimum wage, I might be able to take my kids out to a restaurant—I never could—or buy them toys for Christmas. I never could do that.

Shareeka joined the union, and they fought for a $15 minimum wage. In some parts of the country, that may seem like a lot of money. In New York City, I can tell you that it does not go that far. Costs are higher. Shareeka was able to quit her second job and spend time with her daughters, like all parents want to do. Shareeka and her coworkers won a union contract, and now they are able to gain the tools they needed to protect themselves and do their work in a safer environment.

Shareeka is a metaphor for ''American workers,'' so many of whom have lost good-paying jobs that have gone overseas or that have been closed due to automation. When they organize in these new types of jobs, they can get the kinds of wages people used to get in the jobs that have gone away.

It is pretty simple: When workers have the freedom to negotiate with their employers, they have safer working conditions, better wages, and fairer overtime and leave policies. Shareeka's story is a testament to that fact.

Our better deal, the freedom to negotiate, will do for so many Americans what Shareeka's union did for her in New York. It will turn things around for our country. Maybe middle-class wages will start going up, and maybe people will start having faith in the future again. We Democrats—hopefully, maybe, joined by a few courageous Republicans—are going to fight to get it done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mrs. MURRAY. Mr. President, I want to thank my colleague Senator BROWN for leading the effort on the floor to speak out against the latest attacks on union rights that are in front of the Supreme Court right now. I am very proud to join him to highlight the contributions unions have made to our middle class, to the economy, and to our country. I want to express my commitment to stand up against any attempts to undermine workers' rights to join a union and bargain collectively.

Since day one, President Trump has broken his campaign promise, which was to put our workers first, by rolling back worker protections and putting corporations and billionaires ahead of our working families, and now we are seeing corporate special interests doubling down on their attempts to undermine the rights of workers to band together. So it is critical now more than ever that we are committed to protecting our workers and their ability to advocate for safe working conditions, better wages, and a secure retirement.

Unions helped create the middle class in this country and helped a lot of our families in the last century become financially secure. But over the last few decades, as workers' bargaining power and union density have declined, we as a country have seen a decline in the middle class and a rise in income inequality in this country. As we all know, too many families today are struggling to make ends meet. Meanwhile, corporations' profits are at an alltime high.

I will continue to fight back against any attempts by this administration and by special interests to rig the rules against the people who go to work every day. I will keep fighting for policies that will help families save just a little more in their bank account, whether it includes raising the minimum wage or fighting for equal pay for equal work or strengthening our workers' rights to seek out and join a union and bargain collectively. I urge all of our colleagues who want to help working families to get ahead to join me in that effort.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. DUCKWORTH. Mr. President, I am here to speak out in favor of working families and how we can empower American workers to obtain good jobs, to secure a safe retirement after a lifetime of hard work, and to give them the freedom to join together to negotiate for better pay and safer working conditions.

Unions in the United States are important for our families and for our Nation's economy. Organized labor is one of the greatest forces driving the middle class, which is especially important for our veterans and members of the military. Union jobs help provide our servicemembers and veterans with the economic opportunities that they have earned. Union jobs help working moms and dads put food on the table, and union jobs help power the engine of our economy—our middle class. That is why I am working every day to protect the rights of working people and why I stand shoulder to shoulder with organized labor.

We must work together to combat the assault on the protections that workers have fought so hard to secure. It is more important than ever that we here in Washington work to expand economic opportunity for hard-working Americans, many of whom come from a union home. That means passing labor law reform to make it easier, not harder to join a union. That also means expanding the use of project labor agreements for major construction projects and opposing efforts to repeal prevailing wage laws. It also means defending the Davis-Bacon Act. The Federal Government can and should be a model employer that encourages companies to pay fair wages.

It is important to note the great progress that collective bargaining is making for all people. More families today have two working parents than ever before, and women's growing role in our unions have increased to nearly half of the labor workforce. In Illinois alone, 44 percent of union workers are women. The labor movement, which had a pivotal role in creating national minimum wage, the 40-hour workweek, overtime pay, and standards for workplace health and safety, is now also impacting women workers and their families in a significant way.

The collective voice that working Americans have is responsible for improving sick leave and paid family leave policies at the State and local levels. These efforts can also lead to reducing our Nation's long-lasting wage gaps between gender and race. Labor unions tend to raise wages and improve benefits for all represented workers, especially for women, and women of all major racial and ethnic groups experience a wage advantage when they are in a union. There is still a long way to go in the wage gap fight, but unions are leading the way to make those gaps smaller.

Unfortunately, organized labor is under attack. In Illinois, the anti-union surge is on the rise. Nationwide, so-called right-to-work efforts are growing. We need to be clear on one thing: These laws do absolutely nothing to strengthen workers' rights, despite their misleading names and rhetoric.

Make no mistake, opponents of organized labor are well funded and relentless in advancing union-busting campaigns. We must work together and challenge these growing dangers to America's middle class.

The U.S. Supreme Court will soon decide a case that could determine the future of American unions. A slim majority of conservative Justices may hand down an anti-worker decision that would dramatically undo existing precedent and sabotage the ability of unions to effectively represent hard-working, everyday Americans. Workers should not be able to reap all the benefits of union negotiations while refusing to pay dues that made those efforts possible. Make no mistake, a decision sanctioning this practice would strip away freedom from millions of Americans. It would steal their freedom to join together to bargain for better wages, it would steal their freedom to join together to insist on worker protections, and, ultimately, it would betray middle-class America, which relies on organizing to effectively negotiate with powerful corporations.

Another way we can support our union workers is by making a serious investment in our Nation's infrastructure, which leads to more good-paying jobs and greater economic opportunity for working families. Improving our Nation's infrastructure is really just common sense. That is why I introduced a bill, which was passed into law, to cut redtape and reduce delays on construction projects in Illinois and our surrounding States. Upgrading our transportation systems will help Illinoisans and all Americans who depend on our roads and transit systems to get to work every day, as well as businesses that need our airports, highways, and our freight network to ship their products.

I am working each day to support our hard-working, middle-class families. Through organizing, unions have become champions for working families both in and out of the Federal Government.

I thank our union representatives for all the work they do for our families, our communities, and our Nation.

Thank you.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, last year, powerful corporate interest groups actually stole a Supreme Court seat and handed it over to their hand-picked choice, Neil Gorsuch. Now those powerful corporate groups are about to use that seat to deal a devastating blow to hard-working teachers, firefighters, nurses, and police all across this country.

On September 28, the Supreme Court announced that it would hear a case called Janus v. AFSCME Council 31. AFSCME 31 is a union representing public sector workers in Illinois. This case will determine whether the public sector unions that represent teachers, nurses, firefighters, and police officers in States and cities across the country can collect fees from all the employees in the workplaces they represent.

Many expect that Justice Gorsuch will deliver the deciding vote in that case, that he will force unions to represent employees who do not pay dues and, in doing so, cut off sustainable funding for public union organizing.

Judges are supposed to be impartial, but there is no reason to expect that Justice Gorsuch will be impartial in this case. On the afternoon of September 28—the very same day that the Supreme Court announced that it would hear the Janus case—Justice Gorsuch attended a luncheon at the

Trump International Hotel. And he didn't just attend an event at a hotel that makes money for the President. Nope. He gave the keynote speech for a rightwing group funded by one of the Koch brothers and by the Bradley Foundation—billionaires and wealthy donors who are pumping money into the people behind the Janus case.

It is no surprise that these rich guys want to break the backs of unions. After all, unions speak up, unions fight back, and unions call out billionaires who rig the system to favor themselves and to leave everyone else in the dirt.

What is at stake in the Janus case is basic freedom—the freedom to build something strong and valuable, the freedom to have a real voice to speak out, the freedom to build a future that doesn't hang by a thread at the whim of a billionaire. And just as the Supreme Court decides to take up a decision that puts the freedom of millions of working people in jeopardy, Justice Gorsuch shows up as the star attraction for a billionaire-sponsored outing to celebrate an organization that is sponsoring an operation to put workers' freedom on the chopping block.

With this kind of brazen disregard for fairness and impartiality, it is no wonder that Gallup Polls have found that fewer than half of all Americans approve of the way the Supreme Court is now handling its job. In a shameless decision to abandon even the appearance of neutrality, Justice Gorsuch makes it clear that he is on the attack against American unions and American workers.

In the Trump administration, workers have been under repeated attack. Since taking office, President Trump has signed several laws sent to him by the Republican Congress, laws that directly undermine the wages, benefits, health and safety of American workers. In just 10 months, they have rolled back rules designed to make sure that Federal contractors don't cheat their workers out of hard-earned wages. They have delayed safety standards that keep workers from being exposed to lethal, carcinogenic materials. They have given shady financial advisers more time to cheat hard-working Americans out of billions of dollars in retirement savings, and the list goes on.

This is a democracy, and in a democracy, the government in Washington is supposed to work for the people who sent us here. So why is it that the Federal Government seems to be working against the interests of 150 million Americans who work for a living? Well, there is one reason—money.

Money slithers through Washington like a snake. Its influence is everywhere. There are obvious ways that we know about—the campaign contributions from giant corporations and their armies of lawyers and lobbyists—but it is also the think tanks and the bought-and-paid-for experts who are funded by shadowy money, whose point of view seems always to help the rich and powerful get richer and more powerful.

Powerful interests invested vast sums of money in electing President Trump, and with each of his anti-worker actions, their investments are paying off. Powerful interests also spent vast sums of money to push Federal judges who will tilt our courts even further in favor of billionaires and big businesses.

They did it when they spent millions of dollars to hold open a Supreme Court seat for over a year. They did it when they spent millions more to promote Neil Gorsuch to fill that seat. Now that the Court is poised to deliver a massive blow to public sector unions and workers, their investment is paying off big time.

The stakes here couldn't be higher. Millions of teachers, nurses, firefighters, and police officers are looking to the Court for a fair hearing of the case. They are holding out hope that their freedom to come together and to stand up for themselves in the workplace, their freedom to fight for higher wages, their freedom to fight for more generous benefits, and their freedom to fight for a better future for themselves and their children will be preserved.

Unless we make real change, working people are just going to get kicked again and again, and we can make change. We can make the change right here in Washington. We can stand up and fight for our democracy, and we can start by demanding that everyone in our government is accountable, including the President of the United States and the Supreme Court of the United States.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. I also ask unanimous consent to speak as in morning business.

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

Mr. CASEY. Mr. President, 40 years ago, the U.S. Supreme Court ruled that nonunion public workers who benefit from the work conducted by a union to negotiate contracts that they benefit from should have to pay a fee to cover costs associated with this work. If all workers benefit, it is only right that everyone contributes a fair-share fee.

However, in recent years, there has been a well-funded effort by special interest groups backed by corporate billionaires to dismantle unions and silence the voice of workers. There have been a number of attempts to overturn the 1977 decision in Abood v. Detroit Board of Education. Other efforts have targeted State legislatures where they have had success in many States. In other States like Pennsylvania, these efforts were blocked.

Workers already have the right to decide whether to join a union. They have the right to decide. It is common sense that if these workers benefit from the higher wages and better working conditions that result from contract negotiations undertaken by the union, that those workers should have to chip in for the cost of these negotiations. That is just fair. These negotiations get results and they benefit workers. They benefit workers who are in the union and benefit workers who are not in the union.

The right to bargain collectively has been an integral part of raising income and growing the middle class over the course of the last century. Being able to organize and bargain collectively allows workers to demand higher wages and salaries and of course boost their incomes. These workers have more money to provide for their families, to increase consumption, which in turn increases both production and employment. Putting more money in the hands of workers is good for workers and for the country.

Over the last several decades, we have seen the balance of power across our Nation tilt more and more in favor of the wealthy and the largest corporate interests at the expense of working Americans.

The Supreme Court has not been immune from this trend. Under Chief Justice Roberts, the Court has become an ever more reliable ally for big corporations. A major study published in the Minnesota Law Review in 2013 found that the four conservative Justices currently sitting on the Court—Justices Alito, Roberts, Thomas, and Kennedy—are among the six most business-friendly Supreme Court Justices since 1946. So four of the six most business-friendly are serving on the Court at the same time.

A review by the Constitutional Accountability Center—which is an ongoing review and is updated with every case the Supreme Court decides—shows the consequences of the Court's corporate tilt, finding that the chamber of commerce has had a success rate of 70 percent in cases before the Roberts' Court—a significant increase over previous courts.

These are all critical cases. These are cases of critical importance to everyday Americans. These are cases involving, for example, rules for consumer contracts, challenges to regulations ensuring fair pay and labor standards, attempts by consumers to hold companies accountable for product safety, and much more.

Well-funded corporate special interests do not have the best interests of working families at heart. They are pushing these efforts to reduce their bottom line by reducing the incomes of working families.

That is why we are standing today to make sure that the voice of working Pennsylvanians and Americans are heard. To increase incomes and strengthen the middle class, we need to

stop the assault on workers and labor unions, whether it happens in Congress or in State legislatures or, indeed, in the U.S. Supreme Court.

I yield the floor.

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.

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.

Mr. PETERS. Mr. President, I rise today to speak in proud support of America's workers—the men and women who build our cars and our homes, who move American-made products across oceans, lakes, and highways, who teach our children every school day, who take care of our families when they get sick, and who keep us safe in our communities. I have seen firsthand the importance of unions, both in my home State, where I grew up, and across the country.

This is deeply personal for me. My father Herb was a public school teacher and an active member of the Michigan Education Association. My father-in-law Raul was a proud member—and continues to be a proud member—of the United Auto Workers.

My mother Madeleine found economic opportunity as a nurse's aide. As part of providing the best care possible to patients, she fought for a better workplace for her colleagues, and then she went on to help organize her workplace. She later served as a union steward with the SEIU.

My parents raised me in a middle-class, union household. They instilled in me the need, both, to stand up for rights and to never take those rights for granted.

Standing together for fair wages, safer workplaces, and better hours, Michigan's strong labor movement built the American manufacturing sector and a middle class that made the United States a global economic powerhouse.

My parents and their fellow union members embraced the union values that built Michigan: the ability to earn a good life where you grow up, hard work, fairness, and looking out for your neighbor—whether it is your neighbor on the assembly line or in your neighborhood. These are not just union values. These are American values, and I learned to cherish them at a very young age. Now, I am sorry to say, these values are under attack, and I can't help but to take it personally.

This year we have seen new and unprecedented attempts to undermine our Nation's workers and their ability to collectively bargain. Earlier this year, my Republican colleagues passed legislation to repeal Federal rules that simply required businesses to disclose previous workplace safety and fair pay violations before they could contract with the Federal Government. The reason for this rule was fairly straightforward: We should not be sending taxpayer dollars to employers that can't keep their employees safe or that cheat them out of their hard-earned dollars. Yet Republicans repealed the rule.

Now, across the country, we are seeing a wave of so-called right-to-work legislation, which in practice means you can work more hours for less pay. In Michigan we are seeing the impact of this misguided legislation.

Supporters of these policies told us that wages and job growth would increase if Michigan just passed laws to crack down on union membership. Well, Michigan has the law, but workers and their families aren't seeing any of the promised benefits.

In the years since passage of the law, the economic data clearly shows that, yes, corporate profits are up but not wages. In fact, when comparing Michigan to States that haven't attacked union membership, studies suggest that we have fallen behind pro-union States when it comes to worker pay.

I am deeply concerned by the ongoing efforts to implement national anti-union laws, including the Janus v. AFSCME case that the U.S. Supreme Court will rule on in the very near future. A negative ruling in this case would be a huge loss for American workers and would undermine the right to collectively bargain.

We should be doing everything we can to support American workers and their right to fight for better working conditions, fair pay, and the ability to care for their families. Instead of attacking our Nation's labor unions, we should be celebrating them.

For generations, unions have helped America build the world's most robust middle class and a powerful economy, second to no other nation. Unions have not only helped workers to take home more pay and have a safe place to work, but they have also built communities. Unions teach their members valuable skills and help them earn a secure retirement and have quality healthcare.

Big corporations are not trying to undermine unions because they are looking out for newly hired employees. They are fighting against unions because of what unions stand for—the right to collectively bargain for better pay, increased workplace safety, hard-earned retirement benefits, and quality healthcare.

I ask my colleagues to take a moment to consider our history and the hard-working men and women who built this great Nation of ours. Union members are our neighbors, our firefighters, our police officers, our teachers, our nurses, our brothers and sisters, our moms, and our dads. They build our cars, our homes, and our infrastructure.

I urge all of my colleagues to honor these men and women by opposing any and all efforts to expand harmful policies designed to undermine American workers.

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.

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

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

Mr. BROWN. Mr. President, I wish to thank my colleagues for joining me on the floor today to stand with American workers. We organized a group of close to a dozen Senators who have heartfelt and strong views about the dignity of work, who understand so well that workers are working harder and smarter but earn less and less money, in spite of their hard work, in spite of their commitment.

I have been joined on the floor already by Senator SCHUMER from New York, Senator MURRAY from Washington State, Senator DUCKWORTH from Illinois, Senator WARREN of Massachusetts, Senator CASEY from Pennsylvania, and Senator PETERS from Michigan, and speaking after I speak will be Senator WHITEHOUSE of Rhode Island and Senator MERKLEY of Oregon and Senator DURBIN of Illinois. I thank them for standing up for American workers.

People in Ohio and around the country, as I said, work harder, and they work longer than ever, but they have less and less to show for it. Over the last 40 years, GDP has gone up, corporate profits have gone up, executives' salaries have gone up all because of the productivity of American workers. Again, GDP goes up, corporate profits go up, executive salaries explode upward. Workers are more productive, but workers have not shared in the economic growth they have created. Hard work just doesn't pay off like it did a generation ago.

It is no coincidence that over that same timeframe, we have seen attack after attack after attack on the labor movement. Corporate special interests have spent decades stripping workers of their freedom to organize for fair wages and for benefits. The case the Supreme Court just agreed to take up, Janus v. AFSCME, is yet another attempt to chip away at workers' power in the workplace.

These are public service workers. These are public schoolteachers, librarians, police officers, school nurses, firefighters, and postal workers. They are not looking to get rich in these jobs. They are just looking to be paid what they earn, the same as any other worker in this country.

Make no mistake, an attack on public sector unions is an attack on all unions. An attack on unions is an attack on all workers, whether they belong to a union or not, and I mean all workers, whether you punch a time-clock or whether you fill out a time-sheet or swipe a badge, whether you make a salary or earn tips, whether you are on payroll, a contract worker,

a temp, working behind a desk, cutting hair, working on a factory floor, or working behind a restaurant counter. I mean all workers.

The fact is, all workers across this country—as profits go up, as GDP goes up, as executive compensation goes up, as workers get more productive, all workers across this country are feeling squeezed. Work doesn't pay off the way it used to.

We have seen what happens when workers have no power in the workplace. Increasingly, corporations view American workers as a cost to be minimized instead of a valuable asset in which to invest.

Look at the news we got last month. This piece of news, when I mention this to some of my colleagues, when I mention it around the State of Ohio, peoples' mouths drop. The Bank of America, Merrill Lynch downgraded the fast food restaurant Chipotle because the company pays its workers too much.

Remember what happened with American Airlines a few months ago. American Airlines announced it was doing a companywide pay increase, and the stock market punished them by knocking their stock down. Imagine that. So when a company wants to do the right thing, Wall Street says: No, you are not going to do the right thing. Wall Street is saying: We want all the money. Don't give any of this money to workers—workers making $10 or $12 or $15 an hour. Think about that. Wall Street and Merrill Lynch didn't say they paid their workers too little, they paid their workers too much. That is why the labor movement matters.

Pope Francis spoke about how unions perform ''an essential role for the common good.'' He said that the labor movement ''gives voice to those who have none . . . unmasks the powerful who trample on the rights of the most vulnerable workers, defends the cause of the foreigner, the least, the discarded.''

I just had the pleasure, for the last few minutes in my office, to speak with Bishop Murry of Youngstown, OH, and we were talking about the Pope and about steelworkers in Youngstown and about the struggles of workers and wages and layoffs and all the things that have happened to—where the winds of globalization have buffeted the workers in that community. Bishop Murry, as does Pope Francis, understands what too many in this town don't; that workers feel invisible, entire communities feel invisible. They feel like they are getting used and abused and some other words I can't say on the Senate floor.

What, exactly, is the point of creating economic growth if workers don't share in it, if ordinary families still can't get ahead?

Everybody here loves to talk about tax reform and bring the corporate rate down, but nobody is talking about paying workers more or giving workers more job security or what we should be doing—in working with companies and creating good jobs.

My legislation, the Patriot Corporation Act, says if corporations do the right thing—if they pay their workers well, if they pay benefits, if they do the kinds of things American corporations should do—then they get a lower tax rate because they have earned it.

We seem to have forgotten that all work has dignity. We have forgotten, as the Pope said, that ''the person thrives in work. Labour is the most common form of cooperation that humanity has generated in its history.'' Think about that. ''Labour is the most common form of cooperation that humanity has generated in its history.''

What Washington and Wall Street don't seem to understand is that workers drive our economy, not corporations. You focus on the middle class, you grow the economy from the middle out, not cut taxes on the richest people and expect the money to trickle down into more money in workers' pockets and more people are hired. You grow the economy by treating workers well, by investing in workers. That is why we need unions to ensure that we spread economic growth to the people creating it, to the people working too many hours for too little pay.

I think about workers like Stephanie in Columbus. She has worked for 25 years as a childcare attendant for students with special needs. She wrote, saying: ''Every day I wake up before the sun rises to prepare for three daily shifts aiding students with special needs on their way to and from school.''

That is the person whom—because she belongs to a union, that is the person whom corporate America, that the rightwing of the Republican Party wants to attack? That is the kind of person—Stephanie in Columbus—they want to attack?

She worries that cases like this that undermine her union ''could severely limit our voice on the job and hurt our ability to best serve the children we care so much about.'' She said: ''Unions provide a pathway to the middle class for all people.''

Think about a janitor I met in Cincinnati. I was speaking at a dinner. There was a table down front with seven middle-age women—a pretty diverse group. There was one empty seat at the table. It was told to me by some others that this group of women were janitors, custodians in downtown Cincinnati, southwest Ohio, and these women had signed their first union contract with downtown Cincinnati business owners. So there were 1,200 janitors working in these downtown businesses—in these big buildings downtown—and they had signed their first union contract.

I asked if I could sit at their table, and they said yes. I said to the woman next to me: What is it like to have a union?

She said: I am 51 years old, and this is the first time I will have a 1-week paid vacation in my life.

Think about that. We don't think—I am guessing that most of my colleagues think: Well, you know, people have paid vacations and people have paid sick leave. Well, much of the country doesn't, No. 1; and No. 2, those who do often have that because they had a strong union—a union that negotiated sick leave pay for them, a union that negotiated vacation days for them, a union that negotiated family leave for them, and then, when those workers at a company get it, the other nonunionized workers and companies get it, and then those companies compete with other companies.

So the fact is—there is a bumper sticker that says: ''If you enjoy your weekend, thank a labor union.''

Labor unions brought to this country things like weekends and more leisure time and decent pay and all that. That is why unions matter. That is why this decision in the Supreme Court matters.

If the Supreme Court rules against AFSCME, it will starve the union for resources they use to organize and grow and advocate for more workers. At the risk of being disrespectful, it would be nice if those nine members of the Supreme Court would follow the admonishment of Pope Francis, the words of Pope Francis, who admonished his parish priests to go out and smell like the flock. Find out where people live and work. Find out what people do.

Find out the living conditions of people.

Abraham Lincoln in the White House one day was talking to his staff. His staff said: You have to stay here in the White House. You have to win the war. You have to free the slaves. You have to preserve the Union.

Lincoln said: No, I have to go out and get my public opinion baths.

It could be important if the Chief Justice of the Supreme Court—who has an Ivy league education, went to the best colleges and the best law schools, grew up in a wealthy family, has done very well as a professional, and is a very smart man—if he would go out and smell like the flock, if he would go out and get his public opinion bath, maybe he would hear some stories, as I have heard in my time in the Senate.

He would hear stories from people who talk about how important it is that Stephanie has union protection. He probably has never really thought much about the fact that janitors, who have worked 30 years as janitors—35 years for some of those women—but never had a paid day off, never had a paid vacation. He might learn something from them and think a little differently about this.

If the Supreme Court rules against AFSCME, it is the opposite of what we need. We should be making it easier, not harder, for workers to come together and negotiate. That is why, this week, I am introducing legislation to strengthen the National Labor Relations Act, to make it harder for employers to deny workers the freedom to collectively bargain by playing games with their job titles and classifications.

Instead of stacking the deck even further in favor of corporate CEOs, we need to make it easier for workers to organize. That is how we make hard work pay off.

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.

Mr. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, the Janus decision coming up in the U.S. Supreme Court, which Senator BROWN has just spoken about, is one that merits the attention of people who are concerned about the country and the Court.

I wish to make two points in my remarks. The first has to do with the very difficult to explain—or at least very difficult to comfortably explain—pattern of 5-to-4 decisions of the U.S. Supreme Court, in which the five consist entirely of Republican appointees.

The Supreme Court makes a lot of decisions, of course. But there is something that is particularly interesting about the 5-to-4 decisions, where the five Republican appointees line up and roll the other appointees. When we start looking at those decisions, there are some really significant patterns that emerge. The first pattern goes to issues in which the court is treading into the world of politics.

Bear in mind that when Sandra Day O'Connor left the Court, it lost its only member who had ever run for office. What Justice O'Connor left behind was the first Court in the history of the United States that had exactly zero experience with elections and politics. There has never been as ignorant and green a Court in the history of the United States when it comes to politics; yet there has rarely been a Court so flagrantly eager to jump into politics and make very consequential decisions.

When we look at the 5-to-4 decisions—which I think are probably the bulk of those—each one aligns with the political interests of the Republican Party—each one. It is not one or two or even three. It goes on and on and on.

The oldest one in the series is probably Vieth v. Jubelirer, which was the decision in which the five Republicans said: This whole gerrymandering thing is just too difficult for us. We are going to declare open season. There is going to be no judicial remedy. We can't figure out one, so we don't have one.

It is not just me who is saying that. The ABA section on election law said in its volume: Look, basically, it is game over for court review of gerrymandering. What immediately happened after that was the Republican Party went to work with that greenlight signal and did the REDMAP project, which created massive, bulk gerrymandering through the battleground States. This was not an easy plan because, in some cases, they had to spend millions of dollars to win one or two State legislative seats, so they could then control the State legislature, so they could then change the districts consistent with the bulk gerrymandering scheme.

The result is what happened in States like Senator BROWN's, where, when he was reelected, he was on the ballot with President Obama, who was also reelected, and the majority of the votes cast in his State for Members of Congress were cast for Democrats, but against that background, many more Republicans than Democrats actually went to Congress in that election.

A similar thing happened in Pennsylvania. My recollection is that on the same set of facts, Senator CASEY, a Democrat, was reelected; President Obama, a Democrat, was reelected; a majority of Pennsylvania votes were cast for Democratic Members of Congress; the delegation was 13 Republicans and 5 Democrats. Somebody is messing around, and it was a 5-to-4 Republican Supreme Court that opened that can of worms and unleashed REDMAP on the political landscape.

They have a chance to review that now. Senator MCCAIN has written a bipartisan brief asking them to wake up and smell the coffee about what has gone wrong here. We will see if they do or not, but, clearly, that was a decision that benefited the Republican Party's polls, and, clearly, it was 5 to 4.

Then you go to the Voting Rights Act cases. There were two of them. In the first one, Bartlett v. Strickland, the five Republican members teed up a new standard, which they mentioned, but they didn't really act on it. Then, when it came to the home run pitch, Shelby County v. Holder, they created this new theory about which very conservative judges, like Posner, said that, basically, it stands on thin air. It has no basis whatsoever in any real legal theory. They knocked out the part of the Voting Rights Act that requires States with a wretched history of abuse of minorities and Democratic voters at the polls to get preclearance from the Department of Justice or from a court before they can change their State laws to scare people or keep people away from the polls.

With that knocked out, guess what. All these legislatures across the South went straight to work. They passed law after law after law to deny people access to the polls, and over and over again, the courts that reviewed those and the appellate courts that reviewed the district court decisions found that the laws had been intentionally discriminatory, that the legislature had intended to keep people away from the polls, that they had intended to discriminate against Democrat and minority voters, and that they had chosen to do that deliberately.

Of course, you can go back after all that litigation and clean it up and try to get the laws stricken and all of that. But in the meantime, you have had election after election in which the effect at the polls was had.

They couldn't have been more wrong about the notion that if you lifted the preclearance requirement, everybody was going to be fine. Those were just the bad old days; it was a whole new America; racism didn't exist; efforts by one party to keep the other parties away from the polls weren't anything to worry about. Move along, move along; nothing to see here, folks. They were just plain dead wrong. They had absolutely no clue, and they have been proven dead wrong since. But, again, both of those cases were 5 to 4, all Republicans together.

Then, of course, the big whammy came when the big special interests that so often are the core backers of the Republican Party decided that they felt really constrained by having to live under campaign finance limits. They wanted to be able to spend unlimited money in elections. Well, that is fine. It reminds me a little bit of the story of the French philosopher who touted the majesty and equality of the French law, which forbid both rich and poor alike from sleeping under bridges and begging for bread. Well, guess who actually sleeps under bridges and begs for bread. It is not rich and poor. And guess who can take advantage of a rule that you can spend unlimited money in politics. Only those who meet two conditions: One, they have unlimited money to spend, and, two, they have a good reason to spend it. In other words, really big special interests.

The Court's decision, presuming that this spending was going to be either independent or transparent, has been turned into a mockery by events since. They obviously did not know what they were talking about. Facts have borne out that they did not know what they were talking about. They were completely dead wrong.

Interestingly, since then, despite the presumption of their decision having been cut completely out from underneath it, the Court has shown no interest in a correction. They have shown no interest in correcting their error. They seem completely happy, the 5 to 4—the five Republican appointees—completely happy to have the landscape of American politics polluted with this money.

There again, it wasn't just one decision. It was a bunch of them. Citizens United was the big one; Tradition Partnership, Inc. v. Bullock another; McCutcheon v. FEC yet another; Davis v. FEC yet another; Arizona Free Enterprise Club's FreedomClub PAC v. Bennett yet another—all 5 to 4, all the Republicans lining up, all throwing out precedent or laws that had stood for 100 years.

So Janus fits right into this pattern of 5-to-4 decisions. Indeed, it is actually a little bit worse because something weird happened early on when one of those 5 to 4—the Republican five Justices on the Supreme Court—signaled to the corporate supporters of

this ideology that he was interested in taking a whack at unions in a particular way.

There is a pet peeve of the union-busting rightwing and the corporate sector, which was a decision from 1977 called Abood v. Detroit Board of Education. That decision allows unions to collect some dues from nonmembers on the grounds that their work for their members has benefit to other members. So you break out their wages work, which helps everybody, from their political work, which you can disaggregate from, and it allows you to collect certain dues—not complete dues, but certain dues—from nonunion members. What Abood did was to help unions keep revenues from the service that they give to nonmembers who benefit from their work. Without that rule, employees would be encouraged to be free riders and just get the benefit of what the union is doing without making any contribution to support it whatsoever. Of course, if that were to happen, the balance of power between corporations and unions would shift further toward corporations.

The story is told quite well in the New York Times by a reporter named Adam Liptak, who is a Supreme Court reporter. I will read his story.

In making a minor adjustment to how public unions must issue notifications about their political spending, Justice Alito digressed to raise questions about the constitutionality of requiring workers who are not members of public unions to pay fees for the unions' work on their behalf. . . . Justice Sonia Sotomayor saw what was going on. ''To cast serious doubt on longstanding precedence,'' she wrote in a concurrence, ''is a step we historically take only with the greatest caution and reticence. To do so, as the majority does, on our own invitation and without adversarial presentation is both unfair and unwise.''

Michael A. Carvin, a leading conservative lawyer, also saw what was going on. He and the Center for Individual Rights, a libertarian group, promptly filed the challenge Justice Alito had sketched out.

I would say that he had invited.

Indeed, Mr. Carvin asked the lower courts to rule against his clients, a Christian education group and 10 California teachers, so they could high-tail it to the Supreme Court.

Let me interrupt my reading of the story for a second and make the point that this lawyer wanted to lose his case in the lower courts. It is rare for lawyers to go into a court wanting to lose. You have to have kind of a weird motive to take a case into court that you want to lose. The obvious motive here is that Mr. Carvin had heard the signal from Justice Alito that he was willing to rule his way if he would just bring the right case. So it didn't matter whether he won or lost. Losing is actually quicker. It gets you right up to the Supreme Court. He is not interested in litigating the matter truly on the merits; he is only interested in getting as quickly as possible to the Supreme Court. Why? Because he knew that 5 to 4, he would get the right decision.

When you are a lawyer, the most sickening feeling you can have is to go into court with the belief that the judges you are going to argue before are prejudged against you. The confidence that Carvin must have had to want to lose a case deliberately below so that he could hightail it at high speed up to a court that he knew was going to rule his way because they told him they would—that is not American justice in the way it should be delivered.

As it turned out, they took up the case. It was called Friedrichs. It was going to be 5 to 4, just as expected, and then Justice Scalia unexpectedly passed away. If you read about how the press took that, it was very clear that the fix had been in on this case.

''Corporate America had high hopes,'' the Journal said, because ''the Supreme Court appeared poised to deliver long-sought conservative victories.''

Since when should a court be poised to deliver long-sought conservative victories, not fair, dispassionate adjudication? But that is the reporting of the friendly Wall Street Journal. And those long-sought conservative victories were going to take the form of '' 'body blow[s] that business had sought against consumer and worker plaintiffs.' The cases 'had been carefully developed by activists to capitalize on the court's rightward tilt.' ''

Come on. This is not adjudication any longer; it is just the exercise of political power. And these 5-to-4 partisan decisions by the Supreme Court are degrading the reputation of the Supreme Court, they are degrading the integrity of the Supreme Court, and they are degrading the role of the judiciary in our vaunted scheme of constitutional government in the United States of America.

With that, I yield to my distinguished colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, our Nation was founded on a powerful principle encapsulated by the first three words of our Constitution: ''We the People.'' We are meant to be a nation, in the words of Abraham Lincoln, ''of the people, by the people, and for the people,'' not a nation by and for the most powerful, not a nation by and for the most privileged. Yet time and time again, we are seeing a complete and total corruption of the vision of our Constitution.

We saw this earlier this year with one TrumpCare bill after another designed to rip healthcare away from 20 to 30 million Americans to deliver tax giveaways to the richest in America. We have seen it just recently in the consideration of a budget that reversed that and said that in order to give $4.5 trillion of tax giveaways almost entirely to the richest Americans, we will take $1 trillion out of Medicaid and half a trillion out of Medicare. We have seen this powerful conversion of standing our Constitution on its head, and now we have the Supreme Court fully participating in this effort in a case called Janus v. AFSCME. It is the very epitome of the principle of a nation so corrupted that it honors the opposite of what our Constitution stands for.

The sole purpose of this case, Janus v. AFSCME, is to undercut the ability of workers to organize. This is an assault on the freedom of working Americans to associate with their coworkers. It is an assault on the freedom of working Americans to negotiate a fair wage. It is an assault on the freedom of Americans to fight for fairer benefits and a safe workplace. Bottom line: It is an assault on the freedom of workers to participate in the wealth they work so hard to create.

In short, this is the right to exploit that our Supreme Court—majority of five—is so determined to elevate. I have read the Constitution, and I have never seen embedded in it a right to exploit, a right to cheat, a right to take advantage of. Yet here is the majority of the Court prepared to fight for exploitation on behalf of the 1 percent of Americans at the very top.

The key strategy in this case is to attack the finances of workers when they organize. Former President Jimmy Carter once said: ''Every advance in this half-century—Social Security, civil rights, Medicare, aid to education, one after another—came with the support and leadership of American labor.'' It has been workers banding together to say: We can create a better foundation for families to thrive. And that hasn't just created a better foundation for those who belong to unions; it has created a better foundation for all workers. We saw them successfully band together and fight for a 40-hour workweek, fight for minimum wage, fight for sick leave, and fight for healthy and safe working conditions—again, benefits that every worker enjoys because workers were able to organize and fight to receive and win these provisions.

What is really going in the Janus case? Any organization, in order to function, has rights and responsibilities. Rights are the rewards you get for participating, and responsibilities are the requirement that you be part of the team and you contribute to the effort.

When I was small, probably just 2 or 3 years old, my mother had a book she would read to me that involved the animals in the barnyard. Animal after animal was asked to participate in making the bread, and animal after animal turned it down, but when the bread was baked, they wanted a full share even though they had refused to participate in the effort to create it. This is what Janus is all about. It is about the right to the rewards, divided from any responsibility to get the work done.

When workers organize, they say: We are going to have to be able to have the finances to drive this organization, and to do that, we need to have every worker contribute a fair share. Those fair share fees mean that all the workers

are in it together, they are all contributing, and they all benefit from the rewards.

Forever, the courts have said: Yes, with the reward goes the responsibility. That is true of any organization. It is fundamental in how organizations work. If you don't show up here on the floor, you don't get to vote. Every organization has its responsibilities that go with its rewards. But the 1 percent have chosen a strategy that says: We will take one organization in America—and that is workers organizations—and we will drive an absolute wedge between the responsibility and the reward.

These fees that we are talking about, these fair share fees, are not fees that go to political purposes. They don't go to donations to candidates. They don't go to organizing campaigns walking door-to-door for candidates. They don't go to advertising on the television or the web. They are simply the cost of having a team that works to negotiate an agreement with a company.

I find it absolutely evil that a majority of the Supreme Court is excited about embracing this right to exploit other workers by saying in this one case in America, you get the rewards without the responsibilities. If the Court was applying that to a stockholder in a company, the equivalent would be to say that the stockholder doesn't have to contribute to the costs of the management of the corporation, so they can demand back their share of what the management spends on their salaries, on their office spaces, on their private jets, and on their trips to do whatever they do, of the time they spend negotiating acquisitions to build the size of the company or striking deals to sell their products. That would be the equivalent, that a stockholder gets the rewards of all of that negotiation without having to participate in the cost. But this is not a situation in which five Justices want to apply consistent principle because their goal isn't to honor the Constitution, and their goal is not fairness; their single goal is to demolish the ability of workers to organize, to get a fair share of the wealth they work to create.

We can see that already our Nation is in trouble on this principle. For the three decades after World War II, we had workers who had the strong ability to organize and demand a fair share, and we saw a revolution in the prosperity of workers in those three decades from 1945 through 1975. Individuals who had lived in shacks, individuals who had been wiped out by the Great Depression suddenly were able to buy, on a single worker's income—it didn't even take two incomes—a three-bedroom ranch house with a basement and a single-car garage and were still able to save money for an annual camping trip and perhaps to save some to help their children launch themselves into life. That is what we had when workers got a fair share.

Yet, in the midseventies, the multinational companies said: Do you know what? Let's undercut the American worker by making our goods overseas in China and importing them. That way, we will demolish the jobs here in America, and we, the company, will have made things at the lowest price in the world, have sold them at the world market price, and have made a lot more money. This strategy worked for the multinational companies. They made vast sums of money for their stockholders and for their executives.

This application of different rules for foreign workers and domestic workers really gave a huge advantage to our competitor overseas and to a company that spanned both shores and could move its production overseas. So we saw the loss of 50,000 factories; we saw the loss of 5 million factory jobs; we saw the loss of an enormous number of supply chain jobs; and we saw, without those payrolls being spent in the community, an enormous loss of retail jobs in the community, but it made the wealthy wealthier, and that was the goal of the strategy.

So here we are, facing this case that will come before the Court later this year, but the members of the Court have, essentially, already declared their positions. Four members of the Court were on the previous version of this when the Court tied 4 to 4, and Neil Gorsuch, who was added to the Court, has been very clear on which side of this he stands.

Should we put an asterisk by Neil Gorsuch's name? Should a 5-to-4 decision, with Gorsuch being in the majority, even carry weight here in our society? This is the seat that for the first time in U.S. history was stolen from one President and delivered to another. The majority of this body right here stole the seat, undermining the integrity, dishonoring the oath, the responsibility for advice and consent, and damaging the legitimacy of the Supreme Court. It was done because it was a strategy to enable the 1 percent to rip off ordinary working Americans. The prize for that was a position on Citizens United that now allows the wealthiest Americans to continue to fund campaigns across this country to drown out the voices of ordinary people and a position on this case, the Janus case, that says that we will take one organization in America, that of the workers, and divide the rewards from the rights.

We know who is behind this strategy. It is the Koch brothers through their organizations, the National Right to Work Foundation and the Liberty Justice Center. They were behind the strategy for the theft of the Supreme Court seat. They were behind the massive increase in third-party spending that polluted the campaigns across this country. They are behind this strategy to destroy the vision that is embedded in our Constitution.

Eleanor Roosevelt once said: I am opposed to this legislation because it gives employers the right to exploit. Eleanor Roosevelt was a real champion for workers, and she called a spade a spade. The right to exploit is not a right that any Member of this body should pursue, and it certainly should not be pursued by the Supreme Court.

We know that there is a chapter 2 to this strategy. The first is to get the Supreme Court so that you can divide the rights from the responsibilities; therefore, you as a worker do not have to contribute to the cost, but you will benefit from the rewards. Pretty soon, very few people will be contributing; therefore, it will undermine the financial ability of the union to negotiate.

Then they have a second strategy. This fundraising letter was sent out last year by the State Policy Network. By the way, the State Policy Network is an alliance of 66 State-based think tanks that are designed and funded by the Koch brothers and their friends to undercut the ability of workers to get a fair share of the wealth that they create. They said: Here is our plan to defund and defang our opponent, the unions—to deal a blow to the left's ability to control government.

Ah, they are fancy words, but what they really meant was our goal is to take and undo the ability of workers to organize so as to get a fair share of the wealth they create. It is one evil act after another that is funded by the Koch cartel.

In our Nation, we have stood up to this type of abuse time and again. The American historian who created the phrase the ''American dream'' said, in each generation, there is a group of Americans who rises up to take on the forces that appear to be overwhelming us. We need to call on the people of the United States who believe in the vision of our Constitution, to be that group to rise up and take on this effort to turn our Constitution on its head—to strip ''we the people'' out of our Constitution and replace it with ''we the powerful''—and to stand up against this type of right to exploit, whether it is a bill here on the floor of the U.S. Senate or it is a begotten majority of the Supreme Court.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am not the first guy to stand up here and make this observation, but I have serious concerns with how the nominee confirmation process has been going in this Congress.

There is a blatant lack of respect for the Senate nomination process and an unprecedented level of obstructionism. I have been here for a number of years, so I know what to compare it with. I have never seen so many people being delayed in their confirmations, knowing that they are, ultimately, going to be confirmed and that they are well-qualified civil servants.

The Democrats are forcing cloture votes on nominees who have well over 60 votes in support. Last week, we held a cloture vote on Scott Palk. Scott Palk is from Oklahoma. He is a guy who everybody likes. He doesn't have

any enemies out there. In fact, he was actually nominated by President Obama. He was not even nominated by this President. He ended up getting 79 votes. Still, the stall was there, and we had to wait and wait and wait. Meanwhile, things are not getting done that should be getting done. Furthermore, the agency positions that we have hardly ever held rollcall votes on are being forced to occupy floor time. There is no reason for these votes except to delay the work of the courts and our agencies.

I am very supportive of the leader's commitment to our courts and how he has prioritized judicial nominees. These nominations are extremely important and will ensure that the rule of law is upheld for, possibly, decades to come, benefiting all Americans.

ENVIRONMENTAL PROTECTION AGENCY

However, there is an Agency that is doing work that is also important to all Americans and needs appointments, and that Agency is the Environmental Protection Agency. If there has been one Agency over the last 8 years that has run around and expanded its authority beyond congressional intent, it is the EPA. Putting confirmed appointees in place at the EPA will allow the President and Scott Pruitt to be successful in their efforts to rightsize that Agency. He has talked about that quite a bit. It is a bloated Agency that needs to be rightsized, and he needs help to do that.

Last week, I highlighted the great things that Scott Pruitt is doing as Administrator. I was able to visit with him yesterday at the EPA and witness firsthand the implementation of new policies that will bring about positive changes in an Agency that has run roughshod over the American people. With the repeal of WOTUS and the Clean Power Plan, with the implementation of TSCA, in reforming the Agency by ending sue-and-settle processes, and by creating greater transparency on the EPA's Science Advisory Committee, he is really doing a great job.

By the way, yesterday, we had this event over there which had to do with the scientists. There are three Scientific Advisory Boards in the EPA. These are supposed to be made up of scientists who advise the policymakers as to what they are supposed to be doing. During the last administration, we discovered in just one of these that six out of seven of the appointees were actually recipients of grants from the EPA. In fact, I was over there, and I gave a little talk about those six. They actually received $119 million, and they are supposed to be unbiased in making policy. Obviously, this is one of the many things that he is going to make sure will no longer exist.

He is making it impossible for anyone who serves on a scientific advisory board to receive any grants from the EPA. How reasonable is that? Yet that is still a practice they use and one of the many things he is cleaning up there.

There is a lot of work still to do. The Agency needs its Assistant Administrators, who will work to implement many of the initiatives I have worked toward for years. The Environment and Public Works Committee has now voted out five Assistant Administrators and General Counsel nominees, and I hope we can move swiftly to get these well qualified nominees over to the EPA to bring their expertise to an Agency that desperately needs them. Unfortunately, Democrats have targeted two of these nominees and have disparaged them, their work, and their backgrounds.

NOMINATION OF DR. MICHAEL DOURSON

Dr. Michael Dourson will be an excellent Assistant Administrator for the Office of Chemical Safety and Pollution Prevention and will bring much needed expertise and experience to the office in charge of the TSCA reauthorization law. The TSCA bill was a huge success last year. It was done on a bipartisan basis. It is the first major reform bill in 40 years, and we were able to get that through. Yet we need to have a person as the Assistant Administrator to make sure it is done right.

Dr. Dourson has endured a coordinated campaign against him that misrepresents who he is and his record. There are groups working to paint Dr. Dourson as an ''industry scientist.''

What you will not hear from these groups is that much of his career experience comes from the EPA itself, where he worked for 15 years. During his years at the EPA, Dr. Dourson helped establish the Integrated Risk Information System, which helps identify and document the potential dangers of chemicals found in the environment. He also has the honor of having received four bronze medals from the EPA for this commendable work. Dr. Dourson also served on EPA's Scientific Advisory Board for 6 years and has held leadership roles with a number of relevant toxicology organizations, receiving several awards from his peers.

Since his time at EPA, Dr. Dourson has devoted his career to protecting public health by founding his own nonprofit that works to develop, review, and share risk assessments on various chemicals. His nonprofit work is mostly on behalf of government, with a minority of the work done at the request of various industries—many of these industries are very pro-environmental industries—as well as providing pro bono assistance to those in need of help. In other words, he used his expertise to help people who needed help and were not able to get it in any other way.

Naturally, the industry work is the part that environmental activists have focused on to prove their claims that his research is a rubberstamp for dangerous chemicals. They hold the perspective—which is a myth—that working at the request of industry must mean that you are evil.

As always, the reality is much different. On many occasions the nonprofit has developed risk assessments that did not support the industry sponsor and were the same or lower than the safe levels set by government. Furthermore, he has provided expert testimony against industry on several occasions. Unfortunately, the coordinated attack on Dr. Dourson will persist and a good man's reputation will continue to be put at risk.

I ask that the leader find floor time for Dr. Dourson as soon as possible so he can get back to work at an agency that he served commendably for many years and ensure that those who seek to tear him down do not win.

NOMINATION OF BILL WEHRUM

I also ask that the leader prioritize another nominee that has also faced unfair and false attacks. I have known Bill Wehrum for years, and I have no doubt that he is the best choice to head the Office of Air and Radiation. I regret that his first nomination to the EPA back during the George W. Bush administration was blocked by Senate Democrats. It is my hope that we can correct that wrong and confirm him as one of the Assistant Administrators. He has served the public and is widely recognized for his knowledge of the Clean Air Act.

The Clean Air Act has been very successful. In fact, I was one of the original cosponsors of the Clean Air Act Amendments. It has performed very well. He was very much involved in that also. So there is no one more qualified to head that Office of Air and Radiation than Mr. Wehrum, and I am sure of that. He has been consistently recognized as a leader and top lawyer in environmental law by such groups and publications as Chambers USA, the Legal 500 United States, and Washingtonian magazine.

He, too, has worked at the EPA in the past and will once again serve the Agency and the American people with integrity. Mr. Wehrum is also under attack for working on behalf of industry. The environmental industry—and it is an industry, as they, too, are working to secure money for themselves by pursuing an agenda of their sponsors—is lobbying against Mr. Wehrum because he wants to make regulations workable within the scope of the statute for the regulated community.

This is very curious to me because we want environmental regulations to improve our air quality without putting entire industries out of business—a balance that is a part of the Clean Air Act. Those words are used in the Clean Air Act: The rules need to be workable and implementable without undue harm to our economy.

It is time that we returned some common sense and rule of law to the Environmental Protection Agency. We have taken the first and only step with the confirmation of Scott Pruitt, and Bill Wehrum is the next step toward that goal. Right now there has only been one confirmation, and that is for Scott Pruitt.

With the repeal of the Clean Power Plan sitting before the EPA, I ask that

the leader prioritize Mr. Wehrum's confirmation vote so that we can give the Office of Air and Radiation the leadership it needs to make the important policy objectives of the President and a majority of our colleagues and States a reality.

Again, we have five EPA nominees that have been voted out of committee, and we are now into November and only have one EPA appointee confirmed. We need to do better than that, and I think this is going to happen.

Let me just repeat some of the things that are going on in the Environmental Protection Agency. Scott Pruitt in his meeting yesterday called this to the attention of the American people. We knew it all the time, but people on the outside didn't know it and they were shocked. They found out that in the Scientific Advisory Board of the Obama administration, six of the seven on the board were direct recipients of grants from the EPA and they were making policy decisions for the EPA. Now, how bad is that? In fact, we added it up. I would state to the Chair that it came to $119 million going to six people who are on the board making decisions that affected the grants to go out. That is the type of thing that he is cleaning up. He has the guts to do it, and he is doing it.

I am anxious to get these two confirmed, and I am hopeful that will take place.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 11:30 a.m. on Thursday, November 2, there be 30 minutes of postcloture time remaining on the Eid nomination, equally divided between the leaders or their designees; that following the use or yielding back of that time, the Senate vote on the confirmation of the Eid nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. 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.

The Senator from Iowa.

REGULATORY REFORM

Mr. GRASSLEY. Mr. President, last month the Environmental Protection Agency—EPA—Administrator, Scott Pruitt, issued a directive to all Agency employees that prohibits the so-called sue-and-settle process. This is good news for good government.

Most of us here are familiar with the term ''sue and settle.''

These are tactics whereby the EPA has, in the past, resolved certain lawsuits against it through agreements negotiated behind closed doors with politically favored interest groups. As we saw under the Obama administration, some of these agreements committed the EPA to take far-reaching regulatory action, all without an adequate opportunity for those people most impacted to have a seat at the table, as would normally be done through the regulatory process.

Today, I come to the floor to applaud Administrator Pruitt's leadership in working to end these tactics, which make a mockery of laws that Congress has put in place to ensure a transparent and accountable regulatory process. The commonsense reforms outlined in Administrator Pruitt's directive will, no doubt, help restore transparency and accountability, and these reforms should stand as a prime example for all Federal agencies to follow.

Accordingly, I call upon President Trump to use his full authority through Executive order to ensure that similar reforms are adopted across the entire bureaucracy. Regulatory decisions that affect key parts of our economy should be made in an open, transparent, and, consequently, accountable manner. But as we have seen with sue and settle, Washington bureaucrats and their interest group pals would prefer to do things their own way.

It works like this. First, an interest group sues a Federal agency, claiming the agency has failed to take regulatory action required by law. Through the lawsuit, the interest group seeks to compel the agency to take action by a new, often rushed, deadline. These plaintiff interest groups often share a common regulatory agenda with the agency they sue, such as when an environmental group sues the EPA or the Fish and Wildlife Service.

Instead of challenging the lawsuit, the agency and the interest group enter into negotiations behind closed doors to produce either a ''settlement agreement'' or a ''consent decree'' committing the agency to take regulatory action. There is no transparency, no accountability, which you would get through normal regulation writing.

Noticeably absent from these negotiations are the very parties who will be most impacted, such as farmers, manufacturers, and even the 50 States themselves, which will be charged with enforcing some of these regulations. In 2010, for example, an environmental interest group sued the Obama administration EPA to force the agency to revise certain wastewater regulations.

Wouldn't it be nice to have the people who are affected by those regulations involved in the process in an open way—the way the Administrative Procedure Act is designed?

Oddly enough, the same day the lawsuit was filed, the plaintiff interest group submitted a consent decree already signed by the EPA, which committed the agency to take prompt regulatory action. Such a scenario should raise serious questions about how truly adversarial these lawsuits and negotiations are.

To add insult to injury, regulations that have resulted from sue-and-settle tactics impose tremendous costs on the American economy. According to the American Action Forum, from 2005 to 2016, 23 sue-and-settle regulations resulted in a cost burden of $67.9 billion, with $26.5 billion in actual costs. Sixteen of the rules imposed paperwork burdens on American job creators of more than 8 million hours. Think about that. Nearly $70 billion in regulatory costs were imposed on American business owners, manufacturers, farmers, and probably taxpayers, all without due regard for transparency and the normal rulemaking process required by the Administrative Procedure Act.

Decades ago, Congress enacted the Administrative Procedure Act for the sole purpose of ensuring transparency, accountability, and, more importantly, public participation in Federal rulemaking. The EPA has been described as the citizens' ''regulatory bill of rights.'' A pillar of the Administrative Procedure Act is the notice-and-comment process, which requires agencies to notify the public of proposed regulations and respond to comments submitted—in other words, transparency.

Rulemaking driven by sue-and-settle tactics frequently results in reprioritized agency agendas and rushed deadlines for regulatory action. This renders the EPA's notice-and-comment process a mere formality. It deprives regulated entities, it deprives the States, and most importantly, it deprives the American public of sufficient time to have any meaningful input on final rules. The resulting regulatory action is driven not by the public interest but by the special interest priorities.

Sue-and-settle tactics also help agencies avoid accountability for their actions. Instead of having to answer to the public for controversial regulatory decisions, agency officials will simply point to a court order and say that their hands are tied, when really they welcomed that process.

The American people deserve better, but don't just take my word for it. The Environmental Council of the States, a national nonprofit, nonpartisan association of State and territorial environmental agency leaders, adopted a resolution in 2013 entitled ''The Need for Reform and State Participation in EPA's Consent Decrees which Settle Citizen Suits.'' The rationale behind it