

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 54, nays 39, as follows:

[Rollcall Vote No. 201 Ex.]

YEAS—54

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

NAYS—39

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

NOT VOTING—7

Bennet	Harris	Warren
Booker	Heinrich	
Gillibrand	Sanders	

The nomination was confirmed.

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

CLOTURE MOTION

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

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

Mitch McConnell, Steve Daines, John Thune, John Cornyn, James M. Inhofe, Pat Roberts, Mike Crapo, Chuck Grassley, Richard Burr, John Barrasso, Jerry Moran, Roy Blunt, Shelley

Moore Capito, John Boozman, Johnny Isakson, Thom Tillis, John Hoeven.

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

The question is, Is it the sense of the Senate that debate on the nomination of Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 53, nays 39, as follows:

[Rollcall Vote No. 202 Ex.]

YEAS—53

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

NAYS—39

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

NOT VOTING—8

Bennet	Gillibrand	Sanders
Booker	Harris	Warren
Durbin	Heinrich	

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 39.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter C. Wright, of Michigan, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Texas.

MISSING PERSONS AND UNIDENTIFIED REMAINS ACT

Mr. CORNYN. Madam President, tomorrow I will join some of my colleagues from the Senate Judiciary Committee, as well as the Vice President, for a trip to McAllen, TX. It is a beautiful city, nestled in the heart of the Rio Grande Valley.

This region is home to a lot of history, a vibrant culture, and people whose generosity has made national headlines over the last period of time as they have worked to manage the humanitarian crisis that has ended up on their doorstep.

For each of the past 4 months, more than 100,000 migrants have crossed our southern border and presented themselves to the Border Patrol. This has placed an unbelievable strain on Federal, State, and local law enforcement, as well as the cities, the counties, and nongovernmental organizations that have tried to step in to help.

After 10 weeks from the point when it was requested by the President, Congress finally passed a bipartisan bill to provide funding for the Federal departments and agencies working to manage this crisis and make \$30 million available as reimbursement to local governments for paying bills that legitimately and fairly should be those of the Federal Government. This is an important step to help manage this humanitarian crisis, but it is far from a permanent solution. You can say we are really dealing with the effects and not the causes. The truth is, we need to pass legislation in Congress that makes lasting changes to our immigration system, particularly our system whereby people apply for and receive asylum, so we can prevent this humanitarian crisis from becoming the norm.

We can run, but we cannot hide from the fact that only Congress can solve this problem. To that end, I have introduced bipartisan legislation called the HUMANE Act, with my friend and colleague in the House, HENRY CUELLAR, that would make significant progress in doing exactly that. This is the only bipartisan, bicameral bill that I believe would help staunch the flow of humanity across the border and deal with the underlying causes. Our bill would close a major loophole that is being exploited by the human smugglers that serves as a pull factor for those who want to come to the United States illegally. It would also ensure that migrants in our custody receive the proper care and streamline the processing of those who cross our border. It is an important step to address this crisis at its source as well as to provide relief for folks along the entire U.S.-Mexico border who have been impacted. We need to pass this bill and pass it quickly and get it to the President's desk for his signature.

While the compassionate response of our local communities has become national news in recent months, Texans

have long known they have been the ones left alone to step up to assist migrants who arrived in poor health, many times with nothing but the clothing on their back. They provide warm meals, a safe place to sleep, and some of the basic necessities of life before these individuals head off to communities across the United States where they await their court dates with immigration judges.

Sadly, those of us who live in border States have also seen the toll this treacherous journey takes on migrants, and we have had to face the dark reality that many don't survive the journey from Central America across Mexico into the United States. Migrants travel with human smugglers known as "coyotes," who are all too willing to leave their customers for dead if they become sick or injured. I have seen photos and, of course, heard heart-breaking stories from the Border Patrol, as well as local officials and ranchers, about finding the remains on ranches or open terrain along the border of those who died in the desert trying to make their way to the United States.

I have been to Sacred Heart Cemetery in Brooks County, TX, near the Falfurrias checkpoint, where I saw graves of these unknown who are labeled with terms like "skull case," "bones," and "unknown female."

Here is a chart of a photograph depicting one of those graves. As you can see, it is marked "unknown male." Literally, the remains are identified not by the name but, in this case, by the sex, obviously listing the fact that they are unknown.

This is not a rare occurrence. While exact figures are hard to find, there is no question that thousands of migrants have died while attempting to enter the United States illegally. It is one of the toughest parts of the job for Border Patrol, and it takes a toll on communities as well that are obligated to do what is right to ensure the dignity of the deceased.

The process of identifying these remains is expensive, and it also often falls on local taxpayers, like the taxpayers of Brooks County, TX. Frankly, they don't have the tax base and can't afford to deal with this without our help. We know they have limited staff and budgets, and it puts serious strain on local resources. It is an issue I have worked on for a number of years.

I will soon be reintroducing a bill I authored last year to provide some relief. It is called the Missing Persons and Unidentified Remains Act. It will provide local jurisdictions with the resources they need to identify the remains of those who died along the border and solve missing persons cases. This bill will expand the eligibility for jurisdictions to receive grants through Jennifer's Law and make desperately needed funds available. With this expansion, State and local governments, forensic labs, medical examiners, non-profits, and others will be eligible to

receive funding to support their work. They will be able to use these grant funds to support transportation, processing, identification, and reporting.

These funds can also be used to hire additional analysts, technicians, and examiners to support identification as well as purchase the necessary state-of-the-art equipment.

This legislation would take steps to improve the recording and reporting of missing persons and unidentified remains, which is a major challenge, particularly when it comes to notifying family members.

I have the great honor of representing more than 28 million Texans. I know that in order to do my job—as all of us attempt to do—we need to listen to our constituents and act on suggestions they make to us. The Missing Persons and Unidentified Remains Act is a prime example of that. Border communities have borne the brunt of the humanitarian and security crisis at the border, and they are often forced to do the job of the Federal Government without any help from the Federal Government.

This bill would go a long way helping to defray some of those costs. It would provide additional resources to local communities working to identify those who have gone missing as well as process unidentified remains and invest in the forensic equipment needed to provide closure to families in the United States and abroad.

I appreciate the feedback of the folks who live and work in our border communities, and I look forward to heading to the Rio Grande Valley tomorrow with the Vice President and a number of my colleagues on the Judiciary Committee to hear more about the challenges they are facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Madam President, as I begin my remarks, I would like to thank the Senator from Texas for the work he has done on arranging our travel to the border tomorrow. I am one of those committee members who will make that trip.

How wonderful it is that he is working with Chairman GRAHAM to make certain that we are going to be able to visit with the Border Patrol to see and hear firsthand what is going on, making certain that we all focus on the security of this great Nation and provide the resources that are needed. I thank him for that good work.

ONLINE PREDATORS

Madam President, I want to talk about another issue that is related to what is happening when it comes to trafficking. This has to do with our children.

In 2017, ICE agents arrested Francisco Javier Soledad on charges of producing child pornography using the popular social media app Snapchat. He assumed a variety of false identities—first a teenage boy, later an adult woman—and coerced at least six under-

age children into sending him sexually explicit pictures and videos. When one victim realized this was wrong and attempted to block Soledad's account, Soledad turned around and threatened this child—threatened him—with posting this video on social media unless—guess what—he sent more videos. He did that on Snapchat.

Imagine this happening to a frightened child. Imagine this happening to a child who is close to you. Unfortunately, it is not an isolated incident.

Matthew Murphy, of Massachusetts, was recently charged with the sexual exploitation of children after he posed as a teenage girl in order to extort nude photos from a middle school-aged boy. Again, it was via Snapchat. Federal investigators found evidence that Murphy used his fake account to victimize other children in the area.

Before I continue, let's talk about exactly what is happening here, which is horrific. Pedophiles are using popular social media apps to trick underage children into creating and distributing homemade pornography. If we are going to talk about these things, we have to be focused and direct on what is happening here and on the distribution methods that are being used.

By its very nature, Snapchat is a child predator's dream. Its auto-delete feature allows individuals to ensure their pictures and videos will erase themselves after only a few seconds. Its public location-sharing feature allows anyone, even underage children, to share their locations in real time. If left in public mode, the Snap Map will reveal their locations and their Snap video feed to complete strangers. Even if underage users haven't fallen prey, they are still exposed to provocative and age-inappropriate material via the app's Discover feature—recommendations generated by Snapchat itself that are free from parental control or monitoring.

If you have guessed that some of these channels specialize in porn and suggestive content, you would be right. It is not small business. The 2018 revenue for Snapchat was \$1.18 billion. How many teen users has it attracted? There have been 16.4 million children exposed to what I have just laid out. That is why, this week, I sent a letter to Snap executives and asked how they plan to fight this predatory behavior and if they will give parents more control over the content to which their children are being exposed. To their credit, Snap executives have already reached out and responded, and it is my hope that they will take these questions seriously and do something about this—do something about their ratings, do something about the Discover section, do something about how it leads children to these pornographic sites.

As we talk about social media, I think it is also important to note that Snapchat is not the only offender.

Last month, I and my friend and colleague Senator BLUMENTHAL sent a letter to YouTube and asked why the

video service's recommendation mechanism continues to push content that involves children being in suggestive or exploitative situations. By "suggestive or exploitative," I mean content that features partially clothed children—children in bathing suits and children dressing and undressing themselves.

YouTube's recommendation system works by promoting similar videos to the one the user is already watching, which means that, by design, one vile video can lead to another and another and another until the user is buried in smut that shouldn't even exist. The comments on these videos have turned into a predator's chat room that allows users to share time stamps that mark the most explicit moments in a video.

YouTube did disable comments in videos that involve children, but its algorithms continue to push this content via the recommendation feature. YouTube needs to stop this. It needs to fix this.

The point of describing these things is not to throw individual companies and their technologies under the bus, but it is crucial that we understand that even at home or at school, our children are very vulnerable and exposed. Even benign technology that doesn't necessarily expose children to pornography can pose a risk.

In 2015, the Electronic Frontier Foundation filed a complaint with the Federal Trade Commission against Google. It alleged that the tech giant's Google for Education program was exploiting minors' personal information and potentially exposing it to third parties. Think about that. It was exposing their information to third parties.

The Chromebooks that were issued to students were loaded with Google Sync, which allowed for the collection and storage of students' browsing history, information, and passwords. Program administrators were given complete access to a cloud system, which allowed them to alter settings. This exposed students' data—educational data and personal data—including physical location data. This was exposed to Google's development team and to third-party websites. One wrong click would expose students' "virtual you"—their presence, all of their information—online.

In Tuesday's Judiciary Committee hearing, I asked the founder and CEO of Protect Young Eyes, Christopher McKenna, what steps he would take, what he would recommend, to protect our children from online predators. His answer was really simple: Give parents the option to control content access, and don't hide the tools that are necessary to do this. Give them to the parents. Make certain that they have them.

Now, I am not suggesting a takeover or a ban of these social media apps, and I am not suggesting we drop a regulatory anvil on these companies. What I am suggesting is that we should not have to ask the makers of popular dig-

ital services to stop catering to child predators. They should choose to recognize that predators lurk in every corner of society, and they should change the age ratings on these apps. They should issue the warnings to parents. They should choose to make parents aware of what a simple click or a tap on a screen might unlock right before their children's eyes. They should choose to stop this horrific cycle of dehumanization and exploitation before it begins. They should choose to work with us to make certain that consumers have all of the information they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AFFORDABLE CARE ACT

Mrs. SHAHEEN. Madam President, on Tuesday, the Fifth Circuit Court of Appeals heard oral arguments in the Texas v. United States case to overturn the Affordable Care Act. Unfortunately, although the Affordable Care Act is currently the law of the land, the Department of Justice—our Nation's highest law enforcement authority—was not there to defend the law of the land, the Affordable Care Act. The DOJ was not there because it had been instructed by this President and this administration to join the effort to overturn the Affordable Care Act.

Sadly, the stakes of the Texas v. United States litigation are profound. This year in New Hampshire alone, approximately 90,000 Granite Staters obtained health insurance coverage through the Affordable Care Act's Medicaid expansion or through the ACA's health insurance marketplaces. Across the country, more than 17 million Medicaid expansion enrollees and 11 million people in the marketplaces' health plans depend on the Affordable Care Act for their coverage. Yet the Department of Justice refuses to defend them. It refuses to defend the law of the land in court.

In this case, if the courts side with the Trump administration and the Republican attorneys general, millions of these people will return to the days when they were one cancer diagnosis, one medical complication, or one car accident away from medical bankruptcy.

The Affordable Care Act's coverage expansion is also our most powerful tool in combating the opioid epidemic. This is critically important in New Hampshire as we have the third highest overdose death rate from opioids of any State in the country. In New Hampshire, more than 11,000 people receive substance use disorder treatment thanks to the Affordable Care Act's Medicaid expansion, and many more Granite Staters are able to get substance use disorder treatment thanks to coverage obtained through the ACA's health insurance marketplaces.

Just think. Without the expansion of Medicaid, which is a bipartisan effort in New Hampshire, and without the ACA's health insurance marketplaces,

we would have thousands of people affected by substance use disorders who would not be able to get treatment. There is no plan B if the Affordable Care Act is overturned.

In 2017, a mother named Nansie, from Concord, wrote to my office. I will not use her last name.

I ask unanimous consent to have printed in the RECORD Nansie's 2017 letter.

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

DEAR SENATOR SHAHEEN: Thank you for giving me the opportunity to share my story about ACA. It saved my son's life.

Benjamin went to Keene State College with the same hopes and dreams many have when building their American dream. While there he tried heroin. Addiction overcame him but did not stop him from graduating. After graduation he suffered a long road of near death existence. After a couple of episodes where he had to be revived (fentanyl) he chose recovery. It was due to Obamacare that we were able to get him insured so that he could get the proper help he needed and a suboxone program that assisted him with staying "clean". In April it will be a year for Ben in his recovery. Without Obamacare this would not have been possible. In early 2016 we had very long waiting lists for rehab and then the ones with the means to pay were the first accepted.

I can't find the words to define my gratitude to President Obama. I believe my son would not be alive today if it were not for this plan that provided the means he needed to get the help he needed at the time he needed it. Ben still has a long road ahead of him but I will see to it that he never walks it alone.

It is one of my greatest wishes that one day I could shake President Obama's hand and thank him for providing the tools that saved my son's life.

Sincerely,

NANSIE J. GARNHAM FEENY.

Mrs. SHAHEEN. Madam President, in Nansie's letter, she writes:

The ACA saved my son's life. It was due to ObamaCare that we were able to get him insured so that he could get the proper help he needed and get into a Suboxone program that assisted him. Now, if the courts side with the Trump administration, this critical source for treatment and recovery could be ripped away.

We don't have enough time for me to go through the whole list of all of the benefits under the Affordable Care Act that will be lost if the ACA gets overturned. One of the benefits, though, that would be thrown out yet is critically important to the people of New Hampshire and across this country is that of the consumer protections against skyrocketing prescription drug costs. They will be gone.

A couple of weeks ago, I was at a hearing in the Committee on Aging, and we had someone from the FDA who was testifying. She talked about the fact that the major driver in prescription drug costs under Medicare and Medicaid was the cost of biologic drugs and that what was bringing down that cost was the pathway for biosimilars to create alternatives of those biologic drugs for those people. What she failed to point out was that this provision

was in the Affordable Care Act and that if the Affordable Care Act gets struck down, this provision will get struck down. Those increased costs that we have been seeing of those biologic drugs are going to continue going up.

What is probably even more important for most people in New Hampshire is that the Affordable Care Act includes a very important program that has closed the Medicare Part D coverage gap—what is called the doughnut hole—for prescription drug coverage. This program has saved New Hampshire's seniors an average of \$1,100 a year in Medicare prescription drug costs. These savings help to ensure that Granite Staters who have fixed incomes can pay their utility bills or put food on the table.

The court's decision could wipe out these critical Medicare savings for seniors, just as it could wipe out coverage for preexisting conditions, coverage to keep young people on their parents' insurance up until they are the age of 26, and coverage for essential health benefits, which means that mental health care and coverage for substance use disorder treatment are required by insurance companies to be covered.

So given what is at stake, at this point I want to offer a unanimous consent request that the Senate proceed to the consideration of S. Res. 134, which is a resolution I introduced to express a sense of the Senate that the Department of Justice should reverse its position in the *Texas v. United States* case and defend the Affordable Care Act.

UNANIMOUS CONSENT REQUEST—S. RES. 134

Mr. President, I ask unanimous consent that as in legislative session, the Judiciary Committee be discharged from further consideration of S. Res. 134 and the Senate proceed to its immediate consideration; further, that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER (Mr. YOUNG). Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object, whether you support the ObamaCare law or oppose it—and let me be clear, I oppose it—it remains the law.

This week, a Federal appellate court heard arguments related to the case of *Texas v. United States*, and I expect it will eventually end up before the U.S. Supreme Court.

Regardless of the outcome, our commitment remains to protect people with preexisting conditions. As a doctor, as a husband of a breast cancer survivor, I know the importance of making sure patients can have access to high-quality healthcare at an affordable cost.

Since the Obama healthcare law passed, this has not happened for many families to whom I speak at home in Wyoming. They keep telling me that

ObamaCare made their insurance unaffordable, and it has made it more difficult for them to get the care they need. Simply put, they know that the Obama healthcare law has failed because they have personally experienced the law's sky-high premiums and fewer choices.

It has taken Washington Democrats a little longer to figure that out. Now they are clamoring for a one-size-fits-all healthcare plan. They want a healthcare system controlled by Washington bureaucrats, and as a doctor, my focus is on making healthcare better for patients, period.

Republicans in the Trump administration are taking on the tough issues facing patients across the country. We eliminated the individual mandate so that patients aren't punished for refusing to buy insurance they cannot afford. We support more insurance choices, such as association health plans, so folks can find the best coverage for themselves and their families. We are taking on the drug companies. Congress has already eliminated gag clauses, and more reforms are on the way. Finally, with the President's support, we are going to end surprise medical bills. Simply put, Republicans want patients to pay less for the coverage they already have.

Democrats want to take away people's health insurance, especially the coverage they get through their work. It is simply wrong. The question is whether Washington Democrats are interested in actually solving the problem or playing politics.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I knew my colleague from Wyoming was going to object. I am disappointed in his objection, and I know he is a doctor. I believe he cares about his former patients. I believe he cares about providing healthcare to his constituents, as I believe all of my colleagues care about that.

That is why I am so puzzled by why there has been a 9-year effort to try and undermine the Affordable Care Act and the healthcare that it provides to people in this country.

As I said earlier, there is no followup plan that will provide coverage for people with preexisting conditions if the Affordable Care Act is overturned. There is no followup plan that will provide coverage for people with substance abuse disorders, for mental health coverage. That is all going to go out the window.

By failing to send a clear message to the Justice Department that they should defend the Affordable Care Act, we are putting access to care at risk for millions of Americans across this country.

What we should be doing—and we should have done it as soon as the effort to overturn the Affordable Care Act was defeated in 2017—is working

together to put in place changes that make the Affordable Care Act work better. We should be looking for ways to provide coverage to people that is affordable, that provides quality healthcare, that is accessible to every American. Instead of that, we have no plan B. There is no bill that would provide coverage if this administration is successful in overturning the Affordable Care Act.

I am very disappointed, though not surprised, by the reaction from my colleague from Wyoming.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF PETER C. WRIGHT

Mr. CARPER. Mr. President, I rise in opposition today to the nomination of Peter Wright to serve as the Assistant Administrator for EPA's Office of Land and Emergency Management.

I take little joy in opposing the nomination but do so for three reasons. Before I say those three reasons—I stood on this floor right up until the end of the last Congress, trying to get Peter Wright confirmed with a unanimous consent approach, and we failed at the very end.

The irony of it is, having stood here and tried to get him confirmed at the end of the last Congress and today being in a position in which I am asking for us to postpone, at least for today, his nomination—there is an irony there, and I don't have the time to go into all of the reasons, but I will mention a few of them.

In the last Congress, I worked with the EPA to negotiate a set of significant policy concessions that I believe would have allowed the Senate minority to agree to a more expeditious confirmation process for Mr. Wright.

I worked diligently until the closing of the last Congress—right until the bitter end, if you will—to achieve that objective, as I have done in good faith for other EPA nominees.

In fact, the very last nominee confirmed in the last Congress was an EPA nominee to head the Agency's Tribal Office, Chad McIntosh. My staff and I and others were very much involved in getting him confirmed.

In this Congress, EPA has refused to reengage with my office, with our committee staff, or with me on this nomination. The Agency no longer agrees to the policy concessions that I previously secured and to which they had previously committed in the last Congress. While this has been a real disappointment for me, unfortunately, it is hardly a surprise, given the increasingly extreme policy and tone of this EPA.

Second, EPA, under Mr. Wright's leadership for the past year, has failed to advance an area of policy that is critical to me and to many other Senators, and that is the regulation of PFAS chemicals known as permanent chemicals. Per- and polyfluorinated alkyl substances, known as PFAS, are a class of manmade chemicals that includes something called PFOA, PFOS,

GenX, and many other chemicals. Developed in the 1940s, PFAS can be found across industries in many products, including food packaging, nonstick pans, clothing, furniture, and firefighting foam used by the military.

Just this week, Donald Trump said: “We have the cleanest water we have ever had.” The President has often made this statement while asserting his commitment to ensure that our drinking water is safe.

In his confirmation hearing, EPA Administrator Andrew Wheeler said:

It is these Americans that President Trump and his Administration are focused on, Americans without access to safe drinking water or Americans living on or near hazardous sites, often unaware of the health risks that they and their families face. Many of these sites have languished for years, even decades. How can these Americans prosper if they cannot live, learn, or work in healthy environments? The answer is simple. They cannot. President Trump understands this and that is why he is focused on putting Americans first.

That is from Andrew Wheeler, now our EPA Administrator.

Yet under Peter Wright’s leadership for the past year, EPA’s Office of Land and Management has failed to heed these words. Peter Wright serves on a temporary basis without confirmation.

I think we have a poster here that is relevant.

A study released today by the Environmental Working Group identified 712 locations in 49 States that are contaminated with PFAS—712 locations in 49 States that are contaminated with PFAS—from coast to coast, from our Canadian border to the Gulf Stream waters.

Just last year, the town of Blades in the southern part of Delaware alerted its 1,250 residents to stop using public water for drinking and cooking because of PFAS contamination at nearly twice the Federal health advisory level.

Just an hour from Blades, up north on Route 13, officials at the Dover Air Force Base found that 36 of the 37 sampled ground water wells showed dangerously high levels of PFOS and PFOA, related to, we believe, the use of chemicals in firefighting foam at the base.

It is not just Delaware. PFAS contamination is widespread, in red States, in blue States, in small water systems and large ones, on military sites and in residential areas, from Maine to Alaska.

While industrial manufacturers and users of these chemicals are responsible for much of the contamination, it turns out that a principal user of PFAS was our military.

I speak as a retired Navy Captain speaking here to a Presiding Officer who is a marine, and for us it is personal and part of our history in the military.

But it turns out that a principal user of PFAS was the military, which used it as a firefighting foam, as I said earlier.

In 1973, I was a young naval flight officer stationed at Moffett Field naval

air station in California, and on a sunny April day, as I was driving into work from my home in Palo Alto, I saw a big, black plume of smoke rising above my base after, as it turned out, a massive NASA Convair jet descended on runway. We had parallel runways, and air traffic control had directed two aircraft to land on the same runway at the same time. As a result, the large NASA Convair jet descended on a runway where a P-3 aircraft—my sister squadron’s aircraft—had already landed and was taxiing, and the larger aircraft literally landed on top of the smaller aircraft.

It took over an hour for firefighters to control the blaze. Sixteen people died, and only one crewman on the P-3 survived. These were my brothers and sisters. These were my sister squadron mates.

I understand that PFAS-containing foam has supported our military readiness and saved lives better than most, but the cruel irony is that when PFAS winds up in a glass on the kitchen table, these same chemicals endanger lives.

The Environmental Working Group—that is the name of a group—has identified 117 military sites, including 77 airfields, with PFAS contamination because of the use of PFAS-containing foam to both train for and fight fires involving highly flammable jet fuels.

Yet in many States, cleanup of these sites has been stalled, and the military has shockingly been part of the problem.

In May of last year, 2018, then-EPA Administrator Scott Pruitt held a PFAS National Leadership Summit and proudly announced four “concrete steps” that EPA would take to address PFAS contamination. The second of these four steps was that EPA would propose designating PFOA and PFOS—two of the most dangerous, troubling elements in this class of chemicals—as hazardous substances under the Superfund law. That was more than a year ago.

Making that designation would compel the Defense Department to stop fighting cleanups in States all across the country. Indeed, in some cases, the Defense Department has justified its refusal to clean up PFAS contamination on grounds that the Superfund designation has not yet been made.

Designating these substances as hazardous would also unleash EPA resources to address cleanups of orphan sites where there is no identified liable polluter.

Despite Scott Pruitt’s commitment to move forward with the designation of PFAS as a hazardous substance under the Superfund law, under Peter Wright’s watch, EPA hasn’t even proposed—has not even proposed—to do that, let alone finalize the action. At this rate, it will be at least another year, maybe longer, before this vital step will be taken. Americans deserve better than this, and they deserve greater urgency on this issue.

Last month, the U.S. Senate, right here, passed its National Defense Authorization Act, which included several important bipartisan provisions to address PFAS contamination. Notably, I could not even secure an agreement to allow a vote on my amendment that would designate PFAS as hazardous substances under the Superfund law. I did not get a vote on my amendment, despite the fact that 35 Democratic and Republican cosponsors on bipartisan legislation clearly signaled their support for this policy. Meanwhile, EPA continues to drag its heels, acting with far more urgency to repeal environmental regulations than to clean up the water our government’s own activities have inadvertently contaminated. Mr. Wright will have the ability to make this hazardous substances designation for PFAS if he is confirmed. Let me say that again. Mr. Wright will have the ability to make this hazardous substance designation for PFAS if he is confirmed. He should hear strongly from this Senate our collective desire that he urgently do so.

It was my hope that, despite the many disagreements my colleagues and I have had with the Trump EPA on their views on climate change and some environmental rollbacks, there could at least be some commonsense agreement on the need to clean up widespread PFAS contamination. That has not been the case, at least thus far.

Third, and finally, a late-breaking matter came to the committee’s attention this week regarding an ethics investigation into Mr. Wright’s financial disclosures. Chairman BARRASSO and I received news from the White House Office of Government Ethics, known as OGE, that Mr. Wright, despite numerous written assurances to the contrary, held stock in DowDuPont at the time he filed his nominee financial disclosure report and continued to do so until this March 12, a couple of months ago. Although EPA believes that Mr. Wright has complied with all applicable ethics laws during that period of time, OGE, the Office of Government Ethics, asserts that it currently lacks the information necessary to make such a determination or to send a completed amendment to his ethics agreement and financial disclosure report to our committee.

OGE, Office of Government Ethics, felt compelled to share this information with the EPW Committee because of its direct relevance to the Senate’s consideration of Mr. Wright’s nomination today.

In light of the ongoing OGE investigation, I would implore my colleagues to delay the Senate’s consideration of Mr. Wright’s nomination for the time being. I don’t suggest delaying consideration of this nominee lightly. Again, I was one of the key people standing in this Chamber back at the end of December trying to get this man confirmed. In fact, any delay in the Senate’s confirmation and the Senate’s consideration of Mr. Wright’s

nomination would not prevent him from continuing to serve in his current capacity, as he has done since he first arrived at EPA in an acting capacity on July 9, 2018.

I strongly believe we must afford OGE—Office of Government Ethics—and EPA the opportunity to complete their investigations into this matter and fully share all relevant information, for both the sake of Mr. Wright and for the Agency. If the facts are as described by EPA, then a completed investigation would be to Mr. Wright's benefit. Let me say that again. If the facts are as described by EPA, then a completed investigation would be to Mr. Wright's benefit.

Let me close by saying, if, however, OGE and EPA reach a different conclusion, such information would be directly relevant to every Senator's deliberation when voting whether to confirm Peter Wright to the position of Assistant Administrator in the Office of Land and Emergency Management at EPA.

From conversations I had with EPA yesterday, it is my understanding that EPA is working to get the relevant information to OGE to provide to the Senate. Proceeding with the consideration of this nomination while resolution of this ethics matter between EPA and OGE is pending I think deprives the Senate of important and relevant information. I have urged delaying this vote today. I would do so again. In the absence of that delay, along with the other reasons I mentioned, I will vote no on the motion to proceed to the nomination of Peter Wright. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Mr. President, let me, at the beginning, thank Senator CARPER for his incredible leadership on the Environment and Public Works Committee. He has a very good bill on cleaning up PFAS. I have signed on to it, and I am going to talk about some of the damage in New Mexico. As Senator CARPER knows, this is a nationwide problem that the Department of Defense has major responsibility for.

This is a photograph of Art Schaap at his dairy farm in New Mexico, where he owns 4,000 head of cattle. Art's farm is located outside of Clovis, in the central part of the State, adjacent to Cannon Air Force Base.

Art is a second-generation dairy farmer. He and his family worked hard to build this dairy, keep his cows healthy, and provide nutritious milk to New Mexico and the Nation's consumers, but today Art will dump 15,000 gallons of milk. That is enough milk to give 240,000 children a carton of milk with their school lunch. He will dump another 15,000 gallons tomorrow and the next day and the next day.

Why is Art dumping all of this milk? Because highly toxic contaminants from Cannon Air Force Base have polluted the groundwater he uses to water

his cows. The groundwater Art uses for his cows and for his family's drinking water is polluted by a group of toxic chemicals collectively known as PFAS.

We know PFAS are dangerous to humans. They are associated with increased risk of liver, testicular, kidney, and pancreatic cancer. They are linked to altered puberty, endocrine disruption, pregnancy disorders, and lowered fertility.

Art's dairy is ruined. He can't sell his milk. He can't sell his cows. He can't sell his property. He is spending thousands of dollars to maintain his cows and dump milk. In fact, the PFAS levels in Art's groundwater are 371 times greater than what the Environmental Protection Agency says is safe.

The Air Force knows it is responsible for this environmental disaster, but it claims it doesn't have the legal authority to provide clean water for Art's cows or to reimburse Art for his lost livelihood.

Art is not alone. There are other New Mexico dairies located near Cannon Air Force Base that are threatened. Those dairies have spent hundreds of thousands of their own dollars to install water filters to prevent them from losing their livelihoods.

The Department of Defense has identified over 400 military sites where PFAS were used. There are over 100 military sites nationwide with known PFAS contamination. This is a national problem of immense proportion. Yet this President's EPA refuses to issue drinking water standards for PFAS. It has issued only an advisory that does not have the force of law. This President's EPA has failed to even list these chemicals as hazardous substances eligible for Superfund cleanup. Our farmers and rural America deserve better—much better.

Although the Air Force claimed it had no authority to provide relief, the then-head of the Air Force, Secretary Heather Wilson, assured me in a hearing, under oath, the Air Force would work with me on legislation to secure that authority for the Air Force. Contrary to that assurance, the Air Force did not work with us on that legislation. They made it clear they don't even want the authority to help farmers like Art. So, in March, I introduced the PFAS Damages Act—along with Senator HEINRICH and Representatives LUJÁN, TORRES SMALL, and HAALAND—to ensure compensation for those hurt and to make sure those contaminated sites were cleaned up.

I also joined Senator CARPER's bipartisan PFAS Action Act of 2019 that requires EPA to establish PFAS as hazardous substances eligible for Superfund cleanup funds.

Clean water is not and should not be a partisan issue. New Mexico is a patriotic State and honors its military bases, but the Department of Defense caused this contamination and needs to make it right.

Senator HEINRICH was able to include our bill as an amendment to the Na-

tional Defense Authorization Act that the Senate passed by an overwhelming margin of 86 to 8 in June. It looked like relief—relief owed to Art and others unfairly hurt—would be on the way, but 2 days ago, on Tuesday, the President threatened to veto the entire Defense bill if it gets to his desk with provisions to help farmers like Art and to clean up PFAS contamination.

That is a \$750 billion bill for national security and defense he is threatening to veto because it requires cleanup of a known pollutant. Without a doubt, this is one of the most outrageous veto threats I have ever witnessed in 30 years in Congress—vetoing the Defense bill over help for farmers facing ruin? It is shameful. Republican leadership in the Senate and the House should join us and make it clear to the President that this is one veto that will be overridden.

On top of all of this, the President is asking the Senate to confirm Peter Wright, a top lawyer from Dow Chemical—one of the largest chemical companies in the world and the one that manufactured PFAS—to run the EPA toxic cleanup office. This nomination is more filling the swamp by this administration, more foxes guarding the henhouse.

EPA has slow-walked designating PFAS as hazardous substances under the Superfund Program Mr. Wright wants to oversee. Mr. Wright has recused himself from matters relating to Dow Chemical and therefore will provide no leadership on this pressing issue.

The American people deserve a nominee who will clean up current PFAS contamination and prevent future contamination. Mr. Wright can give no such assurance, and I will be voting no on his nomination.

I call upon the President to nominate someone who will commit to tackling this issue with the urgency it deserves and to withdraw his shocking veto threat so innocent farmers like Art can save their families' livelihoods.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to oppose the nomination of Peter Wright as Assistant Administrator for the Environmental Protection Agency's Office of Land and Emergency Management.

This position is of enormous consequence to the people of New Jersey, and I refuse to stay silent as the Trump administration stacks Federal agencies charged with protecting our health and our environmental safety with industry insiders and corporate hacks.

Mr. Wright is a former chemical industry lawyer. If confirmed, he will be charged with overseeing the cleanup of the most toxic waste sites in America through what is known as the Superfund Program.

New Jersey is home to more Superfund sites than any other State in the Nation.

For many years, a lack of strong environmental protections and oversight left our communities vulnerable to unsafe, unchecked, unregulated pollution. I am talking about the days before we had an Environmental Protection Agency, before we passed landmark environmental laws, and before we had regulations to protect public health. Back then, big polluters had a blank check to contaminate our air, soil, and water with toxic chemicals. People across America were exposed to pesticides, lead, asbestos, and other toxins through the air they breathed, the rivers they fished, the soil they farmed, and the land they built. It was unhealthy, it was unsustainable, and in many cases, it was downright dangerous.

Indeed, it was 1980—the same year a chemical waste facility in Elizabeth, NJ, burst into flames and forced an entire community to stay indoors—that Congress passed a law creating the Superfund Program. Today, Superfund is our primary tool for cleaning up the hazardous waste across America. It requires polluters to pay to clean up the sites they have contaminated, and it also funds the cleanup of orphan sites for which the polluters responsible no longer exist.

The Superfund Program is a promise to our communities—a promise to hold polluters accountable for the damage they have done; a promise to rid our soil and water of toxic chemicals; a promise to transform toxic brownfields into safe, livable, usable land; and a promise to protect the health of today's families and of future generations.

That promise cannot be kept on its own. We the people must keep that promise. The one way we can do so is by ensuring that leaders who oversee the Superfund Program are willing to stand up to polluters, listen to the best science, and hold big corporations accountable. Nothing in Peter Wright's records suggest he will be that kind of leader. He spent nearly two decades as a lawyer for Dow Chemical—one of the primary polluters for many Superfund sites across the Nation.

For all the President's talk of draining the swamp, it is just that—talk.

Mr. Wright could have been a force for good at Dow. He could have stood up for science and raised standards. He could have pushed for more efficient, thorough cleanups of toxic waste. Instead, he did just the opposite.

Consider Dow's Midland site in Michigan, where more than a century of producing things like Styrofoam, Agent Orange, and mustard gas left rivers contaminated for more than 50 miles. As Dow's self-styled "Dioxin Lawyer," Mr. Wright points to the Midland site as one of his greatest achievements. But a New York Times investigation from last year tells us a different story. It found that under Mr. Wright's watch, Dow was accused of "submitting disputed data, misrepresenting scientific evidence and delaying cleanup."

These accusations were leveled by Federal regulators and whistleblowers alike. One independent lab found Dow used incomplete contamination data, leaving the risk of toxins going undetected. An internal whistleblower revealed Dow intentionally designed its data so that it couldn't be properly vetted by independent third parties.

In 2007, an EPA memo concluded that Dow had "documented history of impeding the efforts of the Michigan Department of Environmental Quality" at the Midland site. It wasn't only regulators that Mr. Wright misled; the EPA also found that Dow "frequently provided information to the public that contradicts agency positions and generally accepted scientific information." That included mailing out a newsletter to local residents downplaying the risks of dioxin to human health, which, according to the EPA, is highly toxic, can cause cancer, reproductive and developmental problems, and damage the immune system. The newsletter even included the false claim that dioxin-contaminated wild game was safe to eat. That is appalling.

Mr. Wright also participated in Dow's funding of a study claiming that people living on dioxin-contaminated soil were not at risk for personal exposure.

Simply put, Peter Wright made his mark at Dow Chemical by misrepresenting science, downplaying threats to public health, and undermining cleanups. These practices run counter to the very mission of the EPA. Yet Wright's past indicates that, if confirmed, he will continue to mislead communities, continue to delay cleanups, and continue to sacrifice the health of our people for the bottom line of corporate polluters.

Finally, as if it weren't enough to mislead the public, we now know that Mr. Wright misled Congress when he lied to the Environment and Public Works Committee about continuing to own stock in Dow after his nomination.

When I hear that Mr. Wright proudly called himself the "Dioxin Lawyer," when I hear that he misled families about threats to their health, and when I hear that he sought to distort scientific evidence and get his company off the hook for their toxic legacy, I worry about the damage he could do across the Nation, including in New Jersey.

New Jersey is home to 114 Superfund sites. That is more than California—a State with 4½ times our population. That is more than double the total sites in Texas—a State with 30 times our land mass. Millions of people live within a few miles of these sites, in North Jersey and South Jersey, in bustling cities and rural towns, in every corner of our State. Among them is one of the largest Superfund cleanups in the country. Like the site in Michigan, New Jersey's Diamond Alkali Superfund site is contaminated with dioxin from the making of Agent Orange. Like the site in Michigan, we have warnings about dioxin-contaminated food, such as seafood from the Passaic River.

Like those in Michigan, the New Jerseyans who reside by the Passaic are depending on the Superfund Program to clean up the river and limit their exposure to toxic chemicals. These families and millions of Americans nationwide are depending on the EPA to protect the water they drink, the air they breathe, and the soil on which they farm and build. They are depending on their government to put their health ahead of corporate polluter profits. Today they are depending on us to reject the nomination of Peter Wright.

The EPA has a simple mission: to protect human health and the environment. The American people deserve an Assistant Administrator who believes in that mission, not someone who has spent decades fighting it. I urge my colleagues to vote no on Mr. Wright's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I ask to be recognized for 7 minutes.

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

Mr. MARKEY. Mr. President, I rise in opposition to the nomination of Peter Wright for the position of Assistant Administrator of the Office of Land and Emergency Management at the Environmental Protection Agency. If confirmed to this position, Mr. Wright would be in charge of the office that cleans up hazardous waste, contaminated lands, oil spills, and environmental disasters. He would be at the helm of the Nation's Superfund Program, which is critical to keeping our communities and families safe from dangerous chemicals and other toxic substances.

As a former counsel for Dow Chemical Company, Peter Wright's résumé looks eerily similar to the listing of parties responsible for contaminated Superfund sites across our country. For 19 years at Dow, he was known as the company's dioxin lawyer. He headed negotiations for a massive cleanup of this cancerous chemical at a time when the company was accused of delaying cleanup efforts and misrepresenting scientific evidence.

For the past year, Peter Wright worked in an unconfirmed capacity as "special counsel to the EPA Administrator." Despite promising to divest all his equity interests in DowDuPont, it was recently revealed that he held on to those stocks until just 4 months ago. Continuing to profit off of a chemical company while working for the primary Federal Agency responsible for regulating that company is unacceptable behavior.

Just as our lands need protection from toxic chemicals, our government needs to be kept safe from ethical dangers and toxic nominees—two things that have continually contaminated the Trump administration.

Early in my career, I worked with a mother in Woburn, MA, named Anne

Anderson. Anne worked tirelessly to expose the link between the industrial chemical TCE and the development of leukemia in Woburn, MA, and the children of Woburn, MA. Her work and the work of other Woburn families helped spur Congress to pass the Superfund law. I was a champion of that bill in the House, and I am proud to continue to defend and strengthen the Superfund Program today in the Senate.

Anne Anderson's son Jimmy died from exposure to TCE and other chemicals. She had to do the job because the Federal Government was not doing the job. She had to be the one to put together all the other mothers who had children who were also going to die.

You may have seen the movie or read the book "A Civil Action." It is a very good movie, but it is about her. It is about what happens when the Federal Government turns a blind eye to the impact that large chemical companies and others have upon the lives of ordinary citizens if there aren't proper protections.

Those sites are cleaned up. Her son Jimmy has passed. The site now has a transportation facility on it. It is named the "Jimmy Anderson Transportation Center," in his name. He died. Superfund is meant to make sure there are no more Jimmy Andersons.

Right now, there are tens of millions of acres of contaminated land in America and in places with long industrial histories, like Massachusetts, and we have nearly a century's worth of toxic materials that have accumulated across our State and across the country. That is why we need an Assistant Administrator who will fight to protect American communities from these toxic exposures and make sure polluters pay for that cleanup.

Recently, Congress has been debating how to handle a class of chemicals known collectively as PFAS, which are everything from Teflon to firefighting foams and are often called forever chemicals because of how long they stay in the environment, cycling through soil, water, and air, until they build up in our food and in our bodies. Certain PFAS chemicals are associated with a host of dreaded diseases: cancer, thyroid hormone disruption, low infant birth rates, and immune system problems. PFAS should really be "poisonous for all species" because it poisons fish and it poisons cows. It poisons the water. Ultimately, it begins to affect human beings as well. PFAS—"poisonous for all species."

Massachusetts has documented PFAS contamination in Ayer, Barnstable, Mashpee, Shirley, Middleton—all across our Commonwealth. Polluters should pay to clean up their messes, but right now, it is the public that pays. This could change if the EPA would follow up on a promise made by Scott Pruitt to designate PFAS as a hazardous substance under the Superfund law. More than a year later, we are still waiting.

We need a champion at the head of the Superfund office. There are many

Anne Andersons around this country trying to keep their little Jimmys protected. Mr. Wright hasn't committed to giving our communities the weapons they need to fight back against chemical contamination. That is why today I will oppose his nomination on this floor.

Mr. President, with that, I yield back.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to complete my remarks on this nominee before the vote.

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

Mr. BARRASSO. Mr. President, today the Senate is considering the nomination of Peter Wright to serve as the Assistant Administrator of the Environmental Protection Agency for the Office of Land and Emergency Management. If confirmed, Mr. Wright will lead this critical EPA office that provides policy, provides guidance, and provides direction for the EPA's emergency response and waste programs. Mr. Wright will play a crucial role in helping the Agency respond to disasters and cleanups.

The Office of Land and Emergency Management oversees the Superfund Program, which is a priority for this administration.

There are currently about 1,300 listed Superfund sites across America. On top of those, there are roughly 450,000 brownfield sites that need to be addressed. The EPA needs an Assistant Administrator in place to prioritize those cleanups. Peter Wright is ready for the task. He currently serves as a special counsel at the EPA. Previously, Mr. Wright worked as managing counsel to Dow Chemical Company for nearly 20 years. His nomination has been endorsed by 18 current and former chairs of the American Bar Association's Section of Environment, Energy, and Resources, including John Cruden, former Assistant Attorney General in President Obama's administration.

John Milner, the current chair of the section, writing on behalf of the former chair, said this of Mr. Wright: "Peter's career, his selfless commitment to the American Bar Association's Section of Environment, Energy, and Resources and the members it serves, and his well-recognized personal integrity exemplify the high standards of the legal profession." He goes on to say: "We enthusiastically and without reservation support the consideration of Peter as Assistant Administrator for OLEM, and believe Peter will serve the office with distinction and honor."

He is ready to take on this responsibility, and he has been ready for well over a year. President Trump originally nominated Peter Wright to serve in this important role on March 6, 2018. That was 493 days ago. What is the reason for so long of a delay? Obstruction by Senate Democrats. We have seen it before. For over a year, this important EPA office has been without confirmed

leadership because of political games being played by Senate Democrats. Now the games have ended, and it is time to get serious.

Senate Democrats are now saying they would delay this vote further because of an error Mr. Wright included on his disclosures. According to career EPA ethics officials, Mr. Wright made an inadvertent error and immediately corrected it. EPA ethics officials found that he did not violate any Federal ethics laws or regulations.

Justina Fugh, who is a career ethics official at the EPA, concluded in her memo reviewing Mr. Wright's action:

In my opinion, Mr. Wright adhered to the federal ethics laws and regulations. When he became aware of the inadvertent error, he notified me immediately and corrected that error.

The delays must end. Superfund sites need to be cleaned up, emergencies must be responded to, and this important office needs its Senate-confirmed leader in place. It is time to confirm Peter Wright to be Assistant Administrator of the EPA for the Office of Land and Emergency Management, and I strongly encourage Senators to support this nomination.

Thank you.

I yield the floor.

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

Mr. ROUNDS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

Mr. SCHUMER. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Mr. DURBIN), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from New Mexico (Mr. HEINRICH), the Senator from West Virginia (Mr. MANCHIN), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 52, nays 38, as follows:

[Rollcall Vote No. 203 Ex.]

YEAS—52

Alexander	Crapo	Isakson
Barrasso	Cruz	Johnson
Blackburn	Daines	Kennedy
Blunt	Enzi	Lankford
Boozman	Ernst	Lee
Braun	Fischer	McConnell
Burr	Gardner	McSally
Capito	Graham	Murkowski
Cassidy	Grassley	Paul
Collins	Hawley	Perdue
Cornyn	Hoeven	Portman
Cotton	Hyde-Smith	Risch
Cramer	Inhofe	Roberts

Romney
Rounds
Rubio
Sasse
Scott (FL)

Scott (SC)
Shelby
Sullivan
Thune
Tillis

Toomey
Wicker
Young

Isakson, Shelley Moore Capito, Pat
Roberts, John Cornyn, John Hoeven,
Steve Daines, John Boozman, Thom
Tillis, Kevin Cramer, Richard Burr.

NAYS—38

Baldwin
Blumenthal
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Duckworth
Feinstein
Hassan
Hirono

Jones
Kaine
King
Klobuchar
Leahy
Markey
Menendez
Merkley
Murphy
Murray
Peters
Reed
Rosen

Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Udall
Van Hollen
Warner
Whitehouse
Wyden

NOT VOTING—10

Bennet
Booker
Durbin
Gillibrand

Harris
Heinrich
Manchin
Moran
Sanders
Warren

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I ask unanimous consent that 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

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 362.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Mitch McConnell, Roger F. Wicker, John Barrasso, David Perdue, James E. Risch, Mike Crapo, Roy Blunt, Johnny

LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

THE PROTOCOL AMENDING THE TAX CONVENTION WITH SPAIN

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 1, treaty document No. 113-4.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The treaty will be stated.

The senior assistant legislative clerk read as follows:

Treaty document No. 113-4, The Protocol Amending the Tax Convention with Spain.

AMENDMENT NO. 910

Mr. MCCONNELL. I have an amendment at the desk, and I ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 910 to treaty document No. 113-4.

Mr. MCCONNELL. I ask unanimous consent that the reading be dispensed with.

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

The amendment (No. 910) is as follows:

At the end add the following.
"This Treaty shall be effective 1 day after ratification"

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 911 TO AMENDMENT NO. 910

Mr. MCCONNELL. I have a second-degree amendment at the desk.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 911 to amendment No. 910.

Mr. MCCONNELL. I ask unanimous consent that the reading be dispensed with.

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

The amendment (No. 911) is as follows:

Strike "1 day" and insert "2 days"

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Treaties Calendar No. 1, Treaty Document No. 113-4, The Protocol Amending the Tax Convention with Spain.

Mitch McConnell, Mike Crapo, John Thune, Pat Roberts, Thom Tillis, Roger F. Wicker, Mike Rounds, Roy Blunt, Shelley Moore Capito, Steve Daines, Johnny Isakson, Kevin Cramer, John Boozman, Richard Burr, John Hoeven, John Cornyn, Lindsey Graham.

LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

PROTOCOL AMENDING TAX CONVENTION WITH SWISS FEDERATION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 2, treaty document No. 112-1.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The treaty will be stated.

The senior assistant legislative clerk read as follows:

Treaty document No. 112-1, Protocol Amending Tax Convention with Swiss Confederation.

Mr. MCCONNELL. I ask unanimous consent that the reading be dispensed with.

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

AMENDMENT NO. 912

Mr. MCCONNELL. I have an amendment at the desk, and I ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 912 to treaty document No. 112-1.

The amendment (No. 912) is as follows:

At the end add the following.

"This Treaty shall be effective 1 day after ratification"

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.