

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

The yeas and nays have been previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), and the Senator from Ohio (Mr. PORTMAN).

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

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

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 217 Ex.]

YEAS—70

Alexander	Ernst	Murray
Baldwin	Feinstein	Paul
Barrasso	Fischer	Perdue
Bennet	Flake	Reed
Blunt	Franken	Risch
Boozman	Gardner	Roberts
Burr	Grassley	Rounds
Cantwell	Hatch	Rubio
Capito	Heitkamp	Sasse
Cardin	Heller	Schumer
Carper	Hoeven	Scott
Casey	Inhofe	Shaheen
Cassidy	Johnson	Shelby
Collins	Kaine	Strange
Coons	Kennedy	Sullivan
Corker	King	Thune
Cornyn	Klobuchar	Tillis
Cortez Masto	Lankford	Toomey
Cotton	Lee	Warner
Crapo	Manchin	Whitehouse
Cruz	McCaskill	Wicker
Daines	McConnell	Young
Donnelly	Murkowski	
Enzi	Murphy	

NAYS—23

Blumenthal	Heinrich	Schatz
Booker	Hirono	Stabenow
Brown	Leahy	Tester
Duckworth	Markey	Udall
Durbin	Merkley	Van Hollen
Gillibrand	Nelson	Warren
Harris	Peters	Wyden
Hassan	Sanders	

NOT VOTING—7

Cochran	McCain	Portman
Graham	Menendez	
Isakson	Moran	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that with respect to the Gingrich nomination, the motion to consider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Trachtenberg nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of David Joel Trachtenberg, of Virginia, to be a Principal Deputy Under Secretary of Defense.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent that following my remarks, Senator WHITEHOUSE of Rhode Island be recognized.

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

NOMINATION OF TOM MARINO

Mr. BROWN. Mr. President, the addiction epidemic is a national emergency that takes far too many lives and destroys too many families across the country. Unfortunately, my State, in some ways, leads the way. Four thousand Ohioans died from drug overdoses last year, more than any State in the United States. Four thousand families lost a mother, a father, a daughter, a son, a sister, or brother.

We need to treat this epidemic like the public health emergency it is. We asked the President to proclaim it a public health emergency. He talked about it but still hasn't done it.

That is the same reason I can't support Representative TOM MARINO's nomination to head our country's drug control policy. First of all, fundamentally, I don't want an elected official, a politician, in that position. I want somebody from the treatment community. Congressman MARINO is a nominee who, in his time in Congress, showed he was too cozy with the drug companies that helped create this epidemic.

Earlier today, President Trump responded to reports about Congressman MARINO and said he is looking at those reports very closely. I hope he does. I hope he withdraws that nomination. Make no mistake, Congressman MARINO does not want to take us in the right direction in this fight.

Today I was in Austintown—a township on the edge of Youngstown, in Mahoning County—talking to Officer Toth and Chief Gavalier at the Austintown Police Department about the opioid crisis. It is coming up on Drug Take Back Day, where on Saturday all over the country, the DEA is asking police departments to allow people to bring their unused drugs in to get them out of the medicine cabinets. We were talking about much more than that. We were talking about how State governments and the Federal Government haven't stepped up the way we should to partner on prevention and education in medication-assisted therapy treatment and all the things we should be doing.

Mr. MARINO seems to think we arrest our way out of this problem, but that is not what law enforcement officials across this country are saying. Detective Toth and I didn't talk about arresting people's children and arresting

parents. We talked about how to promote the Department's Drug Take Back Day.

Addiction isn't an individual problem or a character flaw; it is a chronic disease. We need someone running our drug policy who understands that, not someone who simply wants to pull patients out of treatment in the middle of an epidemic. We know what that was about when on this floor, not much more than a month ago, only by one vote were we able to preserve the treatment that so many opioid-addicted people are getting. Right now, in my State, 200,000 Ohioans are getting opioid treatment because they have insurance under the Affordable Care Act.

We need the enforcement piece. That is why I have introduced the bipartisan INTERDICT Act and why I have worked with Senator PORTMAN on this to make sure we have resources for Customs and Border Protection agents to screen packages effectively and safely before they reach our neighborhood.

It has been more than 8 weeks since President Trump promised a national disaster declaration. We have yet to see a strategy from the White House. Other than a nominee who thinks one locks people up to defeat the opioid epidemic, we have seen no strategy from the White House to deal with the epidemic. Ohio families cannot afford to wait.

Let me close with this. A few months ago, I was in Cincinnati, at the Talbert House, and I met with a father who was there with his 30-year-old daughter. He told me that his daughter would not be there right now, that she would not still be alive, if it were not for Medicaid and the treatment for addiction that she received because of it.

We know what we have to do to deal with this epidemic. I ask the President to do the right thing, and I ask the Senate to do the right thing and move forward. It is the biggest public health emergency in our lifetimes. We need the people who are in charge of our drug control policy to treat it that way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me echo the remarks of the senior Senator from Ohio.

Like Ohio, Rhode Island has a very significant opioid problem, and we came together in this Chamber to support the Comprehensive Addiction and Recovery Act. I had the privilege of being the principal Democratic author of that piece of legislation, and Senator PORTMAN of Ohio was the principal Republican author of that legislation. We worked for years to set it up—to hold the hearings necessary, to get the information together, to make it work. When we did, it passed this body with a massive bipartisan expression of support.

It makes no sense to nominate somebody to this position who does not understand what we understand, which is

that the drug epidemic is, at its heart, a public health emergency and an illness. A reversion to law enforcement harshness in dealing with this problem will simply not be effective.

CLIMATE CHANGE

Mr. President, now, if I may, I turn to my 182nd appearance to remind us of the global crisis of climate change, which has recently come so perilously close to our American shores.

This recent graphic from NOAA shows above-average temperatures in our oceans. Anything that is pink is above average; if it is reddish, it is much warmer than average; and if it is really red, like here, that is a record. That is the warmest record.

As one can see, from 2015, 2016, and 2017, the oceans have warmed significantly, and warmer oceans mean stronger storms. It is as simple as that. In this hurricane season, Hurricanes Harvey, Irma, and Maria have all struck the United States. It is the first time ever that the United States has been hit by three category 4 Atlantic storms in 1 year. Hurricane Ophelia, now out in the Atlantic, has become the 10th consecutive hurricane-strength storm. That ties a record that was set way back in the 1800s. We have gone more than a century without having this kind of storm activity. It is a rarity, but it is going to be less and less of a rarity because the oceans are warmer. That powers up those big storms, and those big storms bring damage to property and infrastructure. They destroy businesses and homes.

Away from the coastline, other aspects of climate change bring an array of other harms, like longer and fiercer wildfire seasons, as California is experiencing; depleted fish stocks, as our Rhode Island fishermen are experiencing; decreased agricultural yields, as the Midwest is experiencing; acidifying seas, as the northwest coast is experiencing; and risks to human health from new disease vectors and hotter heat waves felt across our country. All of these harms carry costs. Together, these costs are known as the social cost of carbon pollution. It is the cost to people and to communities of carbon pollution and climate change.

During the Obama administration, by scientists and economists from across the Federal Government who relied on scientific literature and well-vetted models, the social cost of carbon was put at around \$50 per ton of carbon dioxide. There is a new book out by a number of conservative economists and scientists that looks at the climate change problem and recommends a revenue-neutral, border-adjustable carbon fee as a solution. In that book, the exemplar carbon price also runs at about \$50 per ton of emitted carbon. It tracks from the Obama administration to conservative analysts as well.

This social cost of carbon is well established. Over and over, courts have instructed Federal agencies to factor the social cost of carbon into their permits and regulations. States are using

a social cost of carbon in their policy-making. Major American corporations—even ExxonMobil—factor a social cost of carbon into their planning and accounting, and the social cost of carbon is at the heart of the International Monetary Fund's calculation that the fossil fuel industry gets an annual subsidy in the United States of \$700 billion—that is “billion” with a “b.”

The point of this particular speech is that a new calculation has emerged, not just of the harm of carbon pollution, but of how individual fossil fuel companies have contributed to that harm. This was not just some op-ed, nor was it the phony hack science that the fossil fuel industry cranks out to propagate climate denial on the talk show circuit. This is a peer-reviewed study that was published in the scientific journal *Climatic Change*.

The study tells us that major fossil fuel producers are responsible for as much as half of the recorded global surface temperature increase. Then it dives down into the data for individual companies and demonstrates a method for attributing the real, observable effects of climate change to the likes of Chevron, ExxonMobil, ConocoPhillips, Peabody Energy, Arch Coal, and Devon Energy, among about 50 investor-owned, carbon-producing companies.

The history here is telling. More than half of all emissions that were traced to carbon producers from 1880 to 2010—across a span of 130 years—were produced after 1986, which was just in the last 24 years. This was when the climate risks of fossil fuel combustion were well established. Those were the years in which we knew. Many of these companies knew the harm of their fossil fuel products; yet they carried out a decades-long campaign to deceive the public about the risks of fossil fuel energy production and to bring influence to bear on this institution.

These companies knew that their products posed a threat to the global environment. They could have taken steps to reduce emissions. They could have invested in new technologies and emissions reduction technologies and renewable energy. They could have communicated honestly with their shareholders and with the public. They chose not to—an infamous decision that has kept carbon pollution dumping into the atmosphere, where it will affect the chemistry, the physics, and the biology of our planet for centuries to come. This is this generation's sad and sordid legacy.

This study shows that we can trace those harms back to individual companies, to their boards of directors, and to their managers. We can use the emissions data from this study. In using those established social cost of carbon estimates, we can estimate individual corporate accountability. This is new.

In using the study's emissions data and the social cost of carbon, we can calculate, for instance, the carbon pol-

lution cost for which ExxonMobil is accountable. If one does this for 2010—just that 1-year's worth—the cost to the rest of us was over \$22 billion. For Chevron, in 2010, it was \$14.5 billion. For BP, it was \$18.8 billion just for the harm that they caused in 2010. What about some of the major coal companies, like Peabody and Arch? Pollution attributable to Peabody Energy had a cost of \$17.8 billion just for 2010. For Arch Coal, it was \$11.7 billion. For Devon Energy, it was \$3 billion. Devon, one may remember, is the company whose lobbying letter EPA Administrator Scott Pruitt put on his official Oklahoma attorney general letterhead, in the masquerade of official duty on behalf of special interests, which is still his hallmark now that he is at the EPA. If we add up all of this, we are looking at \$88 billion in attributable damages—attributable to ExxonMobil, Chevron, BP, Peabody, Arch, and Devon—just for 2010. That is a 1-year cost that we all bear for allowing these polluters to pollute our air and oceans for free. That is why the IMF said that the subsidy was \$700 billion.

As nature has so powerfully shown us this year, taxpayers, communities, and local businesses, especially those in vulnerable coastal areas, bear the cost of the irresponsible choices these big polluters have made. This is the cost these companies transferred to us by spending millions of dollars in deceiving the public about climate science and in using millions more in political spending in order to block sensible limits on carbon emissions. They spent millions to dodge billions, and we let them get away with it.

Perhaps judges and juries will be less manipulable. After all, one of the reasons that the Founding Fathers set up an independent judiciary and independent juries is that, in their being experienced politicians, they had seen that the political branches of government could be captured by special interests—what the Founders would have called factions—just as we now are captured by the fossil fuel industry here in Congress.

The average number of billion-dollar weather disasters is about five per year. That is the average in any given year, about five over the long term. Here we are, and it is only October, and 2017 has already seen 15 billion-dollar weather disasters—15 of them just this year, so far.

But the real multibillion-dollar disaster is a captured Congress. We actually have a remedy right before us that ought to be a bipartisan remedy: a carbon fee like the one Senator SCHATZ and I introduced in our American Opportunity Carbon Fee Act. Virtually every Republican who has thought the climate change problem through to a solution comes to the same place. They all come to the same place: Put a price on carbon emissions, let the market work, avoid what is called the negative externality of the carbon polluters not having to pay for their harm, make the