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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MIKE ROUNDS, a Senator from the State of South Dakota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, to whom we must give an account for all our powers and privileges, guide our steps, use us to bring healing to our Nation and world.

Give wisdom to our Senators, making them faithful stewards of Your will. As they strive to serve You, help them to remember that to whom much is given, much will be required. Open their minds and hearts to know and do Your will, relying on Your strength to empower them to serve You with honor. May they discover in their daily world the joy of partnership with You.

Lord, use them to keep America a shining city on a hill. As they delight in Your presence, plant within their hearts a greater desire to glorify You.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 16, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE ROUNDS, a Senator from the State of South Dakota, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. ROUNDS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF SCOTT PRUITT

Mr. MCCONNELL. Mr. President, in just a few minutes we will have an opportunity to confirm the nominee for the Office of Management and Budget. I had several things to say about him yesterday. Now I want to talk about the nominee we can advance after that confirmation vote.

Let me start by saying this. We all want clean water. We all want clean air. Promoting these goals is supposed to be the mission of the Environmental Protection Agency, but under the Obama administration, the agency's leadership prioritized partisan politics instead. It pursued policies that often put political benefits ahead of environmental ones. It ignored laws. It acted beyond its authority. It even treated middle-class coal families as enemies and then attacked them without a real sense of compassion.

The nominee before us, Oklahoma attorney general Scott Pruitt, thinks it is time for the EPA to get back to the business of clean air and clean water instead, and to do so with an appreciation for the complexity of our modern world, with awareness of the broader economy, with compassion toward

those impacted, with respect for the rule of law and the rights of State and local governments.

Pruitt has earned the support of countless groups across the country, from State environmental protection officers to agricultural leaders. He has the bipartisan backing of dozens of his fellow attorneys general as well. They say he is someone who is "committed to clean air and clean water," one who is apt to "come to Congress for a solution, rather than inventing power" for himself.

What a welcome change. What a welcome change from the previous administration.

This is from a predecessor of Pruitt's in the attorney general's office, Democrat Mike Turpen:

As a Democrat, I take seriously the threats to our environment. . . . I may not agree with all the President-elect's policies or nominees, but I do know that Oklahoma Attorney General Scott Pruitt is a good choice to head up the Environmental Protection Agency.

Scott Pruitt's background in constitutional law, combined with a nuanced understanding of how environmental regulations affect the economy, mean that he will be a thoughtful leader of the EPA, and one capable of striking the balance between protecting the environment and our economy.

Here is another Democratic attorney general:

I am a Member of the Democratic National Committee and was a strong supporter of Secretary Clinton's campaign for President. I believe in the core mission of the Environmental Protection Agency.

And the nominee before us is known to him as "a staunch defender of sound science and good policy as appropriate tools to protect the environment of his State."

As one Democratic Senator put it, Scott Pruitt simply has "the right experience for the position."

He is exceptionally qualified. He is dedicated to environmental protection, and, as someone with State government experience, he understands the real world consequences of EPA actions

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and knows that balance is the key to making policies that are sustainable over the long term. Pruitt is just the candidate we need at the helm of the EPA.

We should confirm him. Doing so will represent another positive change in Washington that can give hope to families in Kentucky and across the Nation who are still recovering from the last 8 years.

RESOLUTION OF DISAPPROVAL

Mr. MCCONNELL. Mr. President, here is something else that will give cheer to Kentucky families. I am pleased to report that today the President will sign a resolution identical to a proposal I introduced, a resolution that will undo a harmful regulation that could threaten nearly one-third of America's coal mining jobs. I am looking forward to attending that signing ceremony later today.

This resolution is just one of several that we hope to send to the President to begin providing the American people with relief, protecting jobs, and growing our economy. It reflects promises made and promises kept.

REPEALING AND REPLACING OBAMACARE

Mr. MCCONNELL. Mr. President, now on another matter, let me begin with a statement of the obvious. ObamaCare is a disaster, an absolute disaster. Just one in five Americans say their families are better off since it went into effect. More actually say they are worse off. And, really, is it any wonder?

Americans were promised that costs would go down, but in fact they skyrocketed. Americans were promised choice, but it shriveled. We have been warning that choices would continue their downward decline under the ObamaCare status quo, and that is just what we saw this very week. One large national insurer announced it was being forced from the marketplace altogether—meaning thousands, including many in Kentucky, will lose their current health plans, thanks to ObamaCare.

The CEO of another major insurer predicted more insurers would soon follow—meaning thousands could find themselves without a single choice of health coverage, thanks to ObamaCare. This partisan law has entered a “death spiral,” the CEO warned, and “it is not going to get any better; it's getting worse.”

This should be a wake-up call to the do-nothing crowd on the left. ObamaCare isn't working. It isn't sustainable, and it is going to continue attacking the middle class until it is repealed and replaced.

We have already begun the process here in Congress. We are going to continue working hand in hand with the administration to get it done. In the meantime, there is much the administration can do to help bring calm out

of the chaos from ObamaCare's broken promises. That is especially true of Health and Human Services Secretary Tom Price, who was finally confirmed after weeks of unprecedented obstruction from across the aisle.

We saw a great example yesterday of what he can do to help stabilize the insurance market and protect consumers. The commonsense reforms he issued can help put downward pressure on costs and help prevent the fraud and abuse that ultimately hurt everyone. I commend him for taking these important first steps. They will help provide relief for Americans as broader efforts are made to address the underlying concerns with ObamaCare.

The status quo on ObamaCare is simply unsustainable. Congress will continue working to repeal and replace it with commonsense, step-by-step reforms. As we do, I hope the administration will continue using its existing authority to protect Americans from the unnecessary harm of this broken law.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, on one final matter, Neil Gorsuch is one of the most impressive Supreme Court nominees we have ever seen. His resume is a mile long, his reputation is second to none, and his record is literally something to behold.

In nearly a decade on the circuit court, his work was so outstanding, the Supreme Court didn't need to check it very often. In fact, as we recently learned from his Judiciary Committee questionnaire, the High Court felt the need to review on the merits an opinion he offered only once in 10 years. In that one case, a broad cross section of the Justices on the Court voted to affirm his work, with Justices Ginsburg, Breyer, and Sotomayor joining Justices Thomas and Alito in affirming his opinion.

Let me put that in context. Out of 240 opinions Judge Gorsuch wrote for the Tenth Circuit or where he authored a concurrence or dissent—not to mention the 500 additional unpublished dispositions he has written—the Supreme Court reviewed only one—one of his cases on the merits, and it affirmed the one case.

As for the cases where Judge Gorsuch did not write the opinion but joined in the opinion of his colleagues, the Supreme Court reviewed five of those cases, and the Court affirmed four out of five. So even including opinions that Judge Gorsuch did not author but joined, his overall record in the Supreme Court is being affirmed in five out of six cases.

How does that record compare to some of his would-be colleagues on the Supreme Court?

Well, President Obama's first nominee, Sonia Sotomayor also was a circuit court judge before she was appointed to the Supreme Court, and she was a circuit court judge for about the same amount of time as Judge Gorsuch has been, approximately a decade.

The Supreme Court reviewed on the merits five opinions she authored as a circuit court judge. But the Court reversed her most of the time—reversing her three out of five times. And in one of those two cases that it affirmed, the Supreme Court unanimously rejected her reasoning in doing so, finding that it “flies in the face of the statutory language.”

So the Supreme Court actually rejected the approach of then Judge Sotomayor in four out of five opinions she authored.

Our Democratic colleagues are insistent that we have someone mainstream appointed to the Court, with the definition of mainstream, of course, being determined by their particular worldview. Since all of our Democratic colleagues who were here when her nomination to the Supreme Court was pending supported Justice Sotomayor, I know that they found her to be mainstream. Given that Judge Gorsuch's record before the Court he seeks to join is quite a bit better than hers, I assume they would concede, even if grudgingly, that as measured by one's record before the Supreme Court as a lower court judge, Judge Gorsuch is at least as “mainstream” as she is.

With Judge Gorsuch's impressive record before the Supreme Court and other impressive qualities, it is no wonder, then, that both sides of the political spectrum can't help but praise him. I have shared some of that praise already from those who have worked alongside him, from those who have studied underneath him, and now some thoughts from those who appeared before him.

Let me read to my colleagues from an article that appeared just a few days ago in the Albuquerque Journal:

Local attorneys from across the political spectrum who have appeared before U.S. Supreme Court nominee Judge Neil Gorsuch call him a “gentleman,” “extraordinarily affable,” and “an exceptional nomination.” As a Federal Court of Appeals judge posted in Denver for the last 10 years, Gorsuch has ruled on numerous cases from New Mexico, giving many local attorneys an up-close view of the man who could fill the seat of the late U.S. Supreme Court Justice Antonin Scalia.

Here is one local lawyer who praised his fairness:

He is an enormous intellect, a really, really bright guy. . . . He'll be one of the brightest justices on that court—if not the brightest. It was always a pleasure to be in front of him because whether you won or lost, you knew you were going to be treated fairly.

Here is another lawyer, a Democrat who appeared before him a dozen or so times, mostly on civil rights cases:

Gorsuch is not an “ideologue.” Politics aside, Judge Gorsuch would be someone good for the judiciary and the country. People should rest assured that he would always try to make the most learned and just decision and politics would not be a consideration or factor in his decisions. . . . And that's from me, and I'm a longtime Democrat.

Here is one more who noted the legacy he has already left behind:

Gorsuch has placed 11 of his (Appeals Court) clerks with Supreme Court justices,

so he is in the very top. And not only has he placed them, his law clerks go all over the place. They've clerked for Kennedy, Scalia, Thomas, and they've also clerked for Kagan and Sotomayor. . . . This is a really good indicator of what the justices think of this guy before he was even a nominee to the Supreme Court. It's like a Good Housekeeping seal of approval. And it cuts across the political spectrum.

In other words, clerks of Judge Gorsuch have gone on to clerk for Supreme Court Justices across the ideological spectrum.

Speaking of those who have clerked for Sonia Sotomayor, we recently heard a testimonial from an Obama administration lawyer who clerked for both Sotomayor and Gorsuch. "I don't think folks on the Left should be concerned about Judge Gorsuch becoming a Supreme Court Justice," she said. "He is extraordinarily fair-minded . . . [h]e will approach each case the same, regardless of the issue or the parties before him, and he will have a great deal of respect for folks on all sides of the ideological spectrum."

That is very high praise. It is coming from both sides of the aisle. And I am sure we will hear even more of it as the days go by.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

INVESTIGATION INTO TIES BETWEEN THE TRUMP ADMINISTRATION AND THE RUSSIAN GOVERNMENT

Mr. SCHUMER. Mr. President, we are in a moment of profound unease about the stability of the executive branch of our government.

The recent reports about General Flynn detailing constant, high-level contact between members of the Trump administration and the Russian Government raise serious doubts about this administration's competence in the realm of foreign policy and national security and even graver doubts about the sanctity of our democratic process.

We do not know all the facts, and in the coming days and weeks, more information may well surface about these disturbing revelations, but we already know that something is rotten in the state of Denmark.

I have been in Congress a long time, and I have never, ever seen anything like this. The institutions of government are being tested in a way they have not been tested in some time.

At this juncture, we would all do well to remember that democracy—the most benevolent, desirable, effective, and just form of government devised by man—is also one of the most fragile systems of government devised by man. It requires constant vigilance and strong democratic institutions to bolster one another.

At the time of the drafting of the Constitution, Thomas Jefferson expressed doubt that a government founded on such a document could long endure. Varying factions in our founding generation worried alternatively about the threats posed by mob rule and potential autocrats.

One of the things that the Framers of the Constitution most worried about was the threat of foreign intervention in our government, what they called foreign intrigue. Federalist No. 68, likely authored by a famous resident of my State, Alexander Hamilton, labeled the "desire in foreign powers to gain an improper ascendant in our councils" as one of the "most deadly adversaries of republican government." That fear is the origin of the emoluments clause, which safeguards against bribery of government officials by foreign powers.

It cannot be that officers at the highest echelons of our government owe favors to foreign capitals. But it may well be that a high-level member of President Trump's campaign and administration, General Flynn, violated the emoluments clause by accepting money from the Russian Government during a trip to Moscow in 2015. The reported contact between operatives in the Trump campaign and Russian intelligence officials is exactly the kind of intrigue that our Founders sought to prohibit.

I mention all of this because I believe the stakes to be very high. This is not a drill. Nothing less than our system of checks and balances, the rule of law, and our national security is at stake.

Our Nation does not face moments like this often. Frankly, the fact that foreign powers would have high influence in our government has not been on the front page for decades. But the wisdom of the Founding Fathers shines through. It is a real danger, and now the possibility of that danger being real is here today.

History will look upon us and will no doubt judge our efforts to stem this wrong wherever it occurs. Our Nation does not face moments like this often.

From the earliest days of the Republic, what has always sustained us has been the strength of our democratic institutions of government. We have distinct pillars of power that check and balance one another for the very purpose of fortifying our government whenever one branch is deficient. On this matter, the legislative branch has a responsibility to be that check and balance via our oversight duties.

All of us can agree that right now what are required are the facts. We have to evaluate the scope of Russia's interference in our election and assess if agents of their government have penetrated to the highest levels of our government. Throughout the process, we have to avoid jumping to conclusions or engaging in wild speculation. We must seek the truth, the whole truth, and nothing but the truth. Once we have all the facts at our disposal, Democrats and Republicans alike can debate what to do next.

The investigation should proceed along two tracks. The first is Congress. My friend from Virginia, Senator WARNER, the ranking member on the Senate Intelligence Committee, is committed to using every resource and authority in that committee to seek the truth. His committee will take the lead, but it will not be the only committee that looks into ties between the Trump campaign, transition, or administration, and Russia. The Judiciary, Foreign Relations, HSGAC, Banking, and Commerce Committees all have significant roles at getting to the bottom of this. They should also move forward in their areas of jurisdiction. These committee investigations must be bipartisan; they must have access to all intelligence officials, transcripts, documents, and other related materials that they need to answer critical questions; and they must be permitted to make their findings public to the maximum extent possible.

Of course, anything that Congress does requires Republican support because they are in the majority. I am gratified that some of our Republican colleagues have called for that. Bipartisan letters from the Judiciary Committee and the Intelligence Committee have been and are being sent last night and today. These letters will ask for document preservation, briefings, and for information related to the investigations.

As for the Intelligence Committee, Senator BURR, the chairman, originally expressed skepticism about his committee proceeding with an investigation into the ties between the Trump campaign and Russia, but he is now working well with Senator WARNER to do this. We will be watching very carefully. If the Intelligence Committee investigation is not proceeding to unearth the entire truth, we will seek alternative tools and structures to get to the truth because get to the truth we must.

The second part of the investigation is in the executive branch, where law enforcement resides. While Congress has a constitutional oversight ability to bring facts to light, it is only the executive branch that can prosecute potential criminal liability.

The two are not mutually exclusive. They are not either/or. They must move forward simultaneously on parallel tracks.

On the executive branch side, three specific things must now happen:

First, Attorney General Sessions must follow Department of Justice guidance and recuse himself.

When the FBI looks into a matter, they do so right alongside prosecutors from the Justice Department. Those prosecutors should not be reporting to the first Senator who endorsed Donald Trump's campaign, who served on the same campaign committee as General Flynn, and who nominated Donald Trump at the Republican convention. The Justice Department's own guidelines demand that Attorney General

Sessions remove himself from this matter immediately. If he does not, he will be breaking serious guidelines that have been in place for decades, followed by both Republican and Democratic administrations alike. To disregard or ignore these rules would be a major transgression by this administration, so early in its term, and would bode poorly for the future impartiality of the criminal justice system.

We now know that the President and the Attorney General are meeting today. Of course the President needs to meet with the Attorney General; that is important for national security. But until the Attorney General recuses himself, those meetings raise serious questions. There will be a cloud hanging over every meeting and conversation between the President and the Attorney General until the Attorney General recuses himself. We presume that they would not even think of discussing the investigation—that the Attorney General and the President would not—because if they were to discuss any investigation, it would constitute a massive, massive ethical violation.

Second, to reiterate, from the executive branch point of view, we expect the administration will order all records from administration, transition, and campaign officials to be preserved.

There is real concern that some in the administration may try to cover up its ties to Russia by deleting emails, texts, or other records that could shine a light on these connections. These records are likely to be the subject of executive branch as well as congressional investigations and must be preserved.

Third, campaign, transition, and administration officials must be made available to testify in public, under oath, on these issues.

It has been reported that campaign officials have had constant contact with Russian intelligence officials. They must testify.

Our caucus is united in these three requests, and we hope and expect our Republican colleagues to join in these appeals as well.

Senate Democrats are faithfully committed to keeping this issue above partisan politics. The gravity of this issue demands nothing less.

Throughout the history of this country, the Senate has come together to steer the ship of state through stormy seas when the times required it. Republican Senators like Howard Baker, Hugh Scott, and Bob Dole rose above politics during the Watergate, Iran-Contra, and Whitewater scandals to demand the truth. I am very hopeful my Republican colleagues on the other side will follow in that grand tradition. I am very hopeful the other side wants to get at all the facts, just as our side wants to get at all the facts.

I disagree with my friends on the other side of the aisle often on a number of issues—often, we disagree vociferously—but I have never once doubted their patriotism. This is an issue on which patriotism must prevail over politics because before we are Democrats or Republicans, we are Americans, with respect for the rule of law.

I have a hope and a faith that these reports and revelations will not pit the two parties against one another—that they will unite the parties in pursuit of the full truth.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of MICK MULVANEY, of South Carolina, to be Director of the Office of Management and Budget.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 10 minutes of debate equally divided.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, this may be one of the most important votes in this new session of the Senate relative to the Trump administration. It is a Cabinet position most people are not aware of, except if you work here. It is the Director of the Office of Management and Budget.

This individual has the authority to write the President's budget, to establish priorities, and to review Federal spending governmentwide. It is a big job. It is an awesome responsibility. The way it is executed will not only lead to an accounting of our Federal expenditures, but it will have a direct impact on America's economy.

The choice of Congressman MICK MULVANEY of South Carolina for this job is wrong. It is wrong based on his record in the House of Representatives. He was a founding member of the Freedom Caucus in the House of Representatives. That is a group which led to the resignation of Speaker Boehner and continues to tie the House of Representatives into knots. Why? Because they have certain tactics they believe are credible tactics, which Congressman MULVANEY signed up for. Let me give one of them.

They think closing down the government is a good way to get people's attention. Well, they are right. It sure gets attention. But it does it at the expense of innocent people across America—taxpayers, those who are receiving critical programs, and Federal employees who are waiting for their paychecks. Congressman MULVANEY signed up for that.

Once every year or so we have to decide to lift what is called the debt ceiling, which is the indebtedness of the United States, the full faith and credit of our government—really, the credibility of our government when it comes to financing. Congressman MULVANEY, who wants to head the Office of Management and Budget, has said we can default on our national debt, and it really won't cause that great of a problem. That is just the beginning of some of his bizarre views.

He said he wants to end the Medicare program as we know it. He calls Social Security a Ponzi scheme. He has called for a 25-percent reduction in reimbursement for Medicaid; that is health insurance for children, the disabled, and the elderly in America. He also has questioned whether the United States as a government should continue to invest in medical research.

I am not making this up. This man who wants to set the priorities for the Trump administration and deliver the budget for America's future questions whether our Federal Government should invest in medical research.

When it came to paying for natural disasters like Hurricane Sandy—and it happens to every State—he decided that instead of coming to the rescue of people in an emergency, we would have to cut entitlement programs—Social Security, Medicare, and Medicaid—as well as military spending, in order to pay for disasters. That is how shortsighted he has been, and President Trump has chosen him to write the budget for America.

I just have to say that his priorities as a founding member of the Freedom Caucus disqualify him for this job, in my consideration. The fact that he would repeal the Affordable Care Act without a replacement and leave some 30 million insured Americans without the promise of healthcare security for their families is another indication of an extreme point of view which should not be defining our government in Washington.

I have no doubt Republicans are going to march in lockstep, with maybe one exception. Senator MCCAIN has said he is going to vote against him. I think they will end up giving President Trump his man as head of the Office of Management and Budget. But we are in for a battle royal over the values in America. You can judge that values of a nation not by political speeches but by our budget.

Congressman MULVANEY will cut some of the most basic and fundamental programs of our government, would endanger our economy by questioning the full faith and credit of the

United States, and is prepared to shut down the government to get his way. That is not a responsible course when it comes to budgetmaking in a great nation like America.

I will be opposing the nomination of MICK MULVANEY to be head of the Office of Management and Budget.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, when I woke up this morning I was remembering some of the Old West stories about catching the culprit and hanging him. Then we got a little more sophisticated out West, and we said: You know, we need to give that person a fair trial and then hang him.

Sometimes I feel like these Cabinet position hearings are exactly that. They let the person ask questions. They ask very leading questions. I am not sure anybody listens to the answers. Then they have to answer a whole bunch of questions. I am not sure anybody reads the answers to those questions, and if they do, any time you read something, there can be a certain bias that is built into it. I am sorry that is happening to Cabinet after Cabinet after Cabinet position.

Traditionally, a President has gotten the Cabinet that he wanted, often in the first week that he was in. Some of them got it on the first day they were in.

This is a key position for the President. But we have to remember that he doesn't get to make any final decisions. He gets to recommend to the President and make a presentation to the President on what there ought to be, and then the President presents a budget.

Looking back over the last 8 years, we have voted on the President's budget. For 7 years, the President got zero votes. That means his budget did not go into place. In the eighth year, he got one vote. I am hoping that Representative MULVANEY can do a considerably better job than that in outlining what our needs are, presenting it to the President, and getting some agreement so that we can get this country on a plan to where we can quit increasing the \$20 trillion debt burden which faces us because of the 8 years of anemic economic and policy growth we have had.

With unprecedented attempts to delay the new Cabinet, Senate Democrats have ensured the President has been without an OMB Director longer than any other President in the past 40 years. The reason I use 40 years is that is as long as that position has been in place.

According to Senate records, from President Jimmy Carter to President Obama, the longest it ever took to approve a first budget director for new Presidents was 1 week—1 week. We are now in week 4 and with little movement. As Majority Leader McCONNELL said last week, this is the slowest time for a new Cabinet to be up and running since President George Washington—and that was last week that he said that.

It is vital we fill this position. I am hopeful Mr. MULVANEY and the OMB will ensure that the taxes of hard-working Americans sent to Washington are spent in the most effective and efficient way. The Federal Government has not been currently focused on making sure hard-working taxpayers get the best deal for their money. A new OMB Director focused on responsible budgeting can help ensure the duplication of government programs and agencies is discovered and it is addressed. This will help the Federal Government to be more accountable and more effective.

I remember walking over to the inauguration next to the new Senator from Maryland, who talked to me about MULVANEY and said that he was kind of impressed that the two of them had agreed on some budgetary principles. That was a bit of a shock to me.

The Government Accountability Office every year outlines tens of billions of dollars in savings that can be achieved through various efficiency measures. OMB can play an important role in ensuring that spending programs don't duplicate each other. That is what MULVANEY is excited about. Additionally, reforming and consolidating these programs can ensure they focus on real needs and be managed with an eye toward real results.

Several years ago, Congress passed a law requiring the administration to list all Federal programs on a central governmentwide website, along with related budget and performance information, maybe saying how many people work there and how many customers they serve. Unfortunately, when the program lists were put online, GAO reviewed the information and discovered that the inventory, in their own words, was "not a useful tool for decisionmaking." That has to change. MULVANEY can change that. Even if the government can't answer that question, we can find strong evidence that the numbers are on the rise, and Mr. MULVANEY will be able to play a crucial role in taming the unchecked growth of the Federal Government.

To conclude, I have full faith in Representative MULVANEY. That is why I am asking you today to take my word for his capability. I do take my word very seriously. Please support Representative MULVANEY for this important position and get this position onboard so we can do the work that we are supposed to do—one of which is to get a budget from the President by today. That is not going to be possible because he doesn't have anybody to do the budget yet. Then, we can get on with the business of this country. We have been working on some bipartisan budget processes that we can do. We will get that done, too, with his help, with the President's help, and with help from both sides of the aisle. We badly need it.

I ask for support for Representative MULVANEY.

I yield the floor.

Mr. CARDIN. Mr. President, I oppose the nomination of Representative MICK MULVANEY to serve as Director of the Office of Management & Budget, OMB. Representative MULVANEY's radical views regarding the fundamental role of government in our society make him philosophically ill-suited to run OMB. I will list a number of those views.

Social Security—In May 2009, Representative MULVANEY was a member of the South Carolina State Senate and voted to declare that Social Security is unconstitutional. He also wants to raise the retirement age to 70. Raising the retirement age to 70 would cut earned benefits by nearly 20 percent for all beneficiaries. With all the challenges people have saving for retirement, the last thing we should do is raise the Social Security retirement age.

Medicare—Representative MULVANEY is on record advocating enormous cuts to Medicare and is a proponent of Speaker RYAN's preferred "premium support," i.e., voucher, concept for Medicare. "Premium support" is a euphemism for privatizing Medicare. Representative MULVANEY said on Fox News, in April, 2011, "We have to end Medicare as we know it." And he indicated that he wants to raise the eligibility age to 67.

Medicare guarantees comprehensive health insurance coverage for almost 50 million Americans. Only 2 percent of elderly Americans are uninsured; nearly 50 percent were before Medicare was signed into law.

Debt ceiling—Representative MULVANEY appears willing to jeopardize the full faith and credit of the U.S. Government. He claims that breaching the debt ceiling would not automatically trigger a default on Treasury debt; he calls such concern "a fabricated crisis." Representative MULVANEY believes the Treasury would be able to "prioritize" payments and avoid a default.

His "pay China first" policy is contrary to the opinion of several recent Treasury Secretaries, would be impossible to execute from a logistical standpoint, and is based on a 1985 Government Accountability Office report the agency has since walked away from. The Treasury Department lacks legal authority to establish "priorities" with respect to paying the Nation's obligations. Each law obligating funds and authorizing expenditures stands on an equal footing, so the Department has to make payments on obligations as they come due.

Debt limit brinksmanship is expensive. According to the Bipartisan Policy Center, the 10-year cost to taxpayers of the 2011 debt limit standoff was \$18.9 billion because of the increased interest rates on U.S. securities issued in 2011. On August 5, 2011, Standard & Poor's downgraded the long-term credit rating of the U.S. government for the first time in history, from AAA to AA+.

Government shutdowns—Representative MULVANEY believes that shutting

down the Federal Government is an acceptable way to do business. He stated on CNN that shutting down the government over funding the Affordable Care Act was “worth it” in October 2013 and embraces the term “shutdown caucus.” In a September 2015 Atlantic article, he argued that shutting down the government is important because it is what “the base of the (Republican) party wants.”

Standard & Poor's determined that the October 2013 government shutdown cost \$24 billion.

Federal workers—Representative MULVANEY has sponsored numerous bills attacking the Federal workforce, including many that freeze Federal workers' pay. Federal workers have already “contributed” over \$180 billion to deficit reduction through pay freezes and other measures. He has sponsored the Federal Workforce Reduction Through Attrition Act, the most recent version of which caps the Federal workforce at 90 percent of its current level. A previous version would have mandated that “agencies do not appoint” for 3 years “more than one employee for every three employees retiring or otherwise separating from government service.”

Women's reproductive health—in September 2015, Representative MULVANEY spearheaded a letter signed by 38 House Republicans—all men—opposing any legislation to fund the government that also continues to fund Planned Parenthood. In an August 2015 email to the Washington Post, Representative MULVANEY wrote that, if the Congress were to shut down the Federal Government over Planned Parenthood funding, “so be it.”

Science and climate change—in a Facebook post from last September, quoted in Vox, Representative MULVANEY questioned the need for government funded research “at all” in the context of doubting the scientific consensus that the Zika virus causes microcephaly.

Representative MULVANEY disputes the overwhelming scientific consensus on climate change. During the Budget Committee's nomination hearing, when Senator KAINE asked Representative MULVANEY about human-caused climate change, Representative MULVANEY replied, “I challenge the premise of your fact.”

The Union of Concerned Scientists opposes Representative MULVANEY's nomination, writing:

He has backed legislation to change the regulatory process in ways that would give an even stronger influence to industry, increase political interference and undermine science-based decision-making . . . Too often, the voices of people who will be hurt the most by rolling back science-based safeguards are drowned out by industries. The next OMB director needs to enact science-based laws in a timely manner, with a focus on ensuring benefits for all Americans.

Not surprisingly, Koch Industries has been a primary donor to Representative MULVANEY's campaigns and his PAC.

Regulations—Representative MULVANEY's voting record has been hostile to regulatory efforts to improve health, safety, and consumer protections. This is especially alarming because as OMB Director, Representative MULVANEY will oversee the Office of Information and Regulatory Affairs. Representative MULVANEY has voted to curtail regulations regarding debit cards, medical devices, public swimming pools, excessive executive compensation, consumer financial protection, energy exploration, investment advisers, mortgage lenders, and so on.

House Republican budget plans—the last time House Republicans brought a full budget resolution to the House floor, Representative MULVANEY voted against it because it wasn't extreme enough. He supported the Republican Study Committee, RSC, budget instead. Provisions of the most recent version of the RSC budget include: No. 1, a 10-year \$261 billion cut to Social Security by cutting cost-of-living adjustments, COLAs, increasing the retirement age to 70, and “increasing means-testing”; No. 2, \$662 billion in cuts to Medicare by changing the program into a “premium support” model, i.e., “voucher-izing,” increasing the eligibility age, and phasing in means-testing; No. 3, \$1.6 trillion in cuts to Medicaid and the Children's Health Insurance Program, CHIP, which would be combined into one block grant program; No. 4, \$925 billion in savings by repealing the Affordable Care Act exchanges; and No. 5, \$2.2 trillion in cuts to undefined “other mandatory” spending. Notably, the budget would not raise one dime in new revenue from the Nation's wealthiest individuals and largest corporations.

“Nannygate”—Representative MULVANEY failed to pay FICA and Federal and State unemployment taxes on a household employee for the years 2000 to 2004. Representative MULVANEY admitted that the nanny in question worked full time—40 hours a week—for 4 to 5 years.

Representative MULVANEY said that he didn't believe he owed payroll and unemployment insurance taxes on his nanny because “she simply helped [my wife] with the children. We considered her a babysitter.” This is despite the fact that, as the owner of several small businesses, he knew to pay these taxes for his other full-time employees.

As a State Senator in South Carolina, Representative MULVANEY sponsored the following three bills: No. 1, to prohibit candidates from the ballot for the State legislature if they had not paid all Federal and State income taxes over the past 10 years; No. 2, to prohibit candidates from the ballot for State office if they had not paid all Federal and State income taxes over the past 10 years; and No. 3, to prohibit the governor from appointing anyone who had not paid all Federal and State income taxes over the past 10 years.

Representative MULVANEY voted for H.R. 1563, Federal Employee Tax Ac-

countability Act of 2015, which authorizes “the head of an agency to take personnel actions against an agency employee who willfully failed to file a required tax return or willfully understated federal tax liability.” It is worth noting here that Federal workers have a lower percentage of tax noncompliance than the general public—a 3.1 percent delinquency rate versus 8.7 percent. And Representative MULVANEY sponsored the Spending Reduction Act of 2011, which would have made people with “seriously delinquent tax debts” ineligible for Federal employment.

Representative MULVANEY is the wrong choice to run the OMB,

Mr. VAN HOLLEN. Mr. President, I know MICK MULVANEY. We served together for 6 years in the House of Representatives. I have always found him to be a straight shooter. And he was a champion of budget transparency. I also respect him for taking on some budget fights even when they were not popular with his Republican leadership. We worked together to ensure honest budgeting when we joined in efforts to prevent the use of overseas contingency operations funding as a slush fund for unlimited Pentagon spending.

I have deep concerns, however, about many of the positions that Mr. MULVANEY has taken over the years on matters vital to the Nation.

He has proposed radical measures that would undermine our fundamental safety net. He has said, “We have to end Medicare as we know it.” And he criticized Congressman PAUL RYAN's already harsh budget because it did not cut important programs like Social Security, Medicare, and Medicaid fast enough.

Mr. MULVANEY has taken too cavalier an attitude toward the threat of default on U.S. Government obligations. He called the need to raise the debt ceiling a “fabricated crisis.” And he has repeatedly introduced legislation to prioritize payment of obligations to bondholders—who are often foreign—over other government obligations, including those to our veterans—in effect paying China first. At his confirmation hearing, he did not indicate that he has changed his view. The failure of the U.S. Government to pay its debts would wreak havoc on the economy.

Similarly, Mr. MULVANEY has been far too flippant about budgetary confrontations. He was a leader of a group threatening to shut down the government in order to defund Planned Parenthood, saying, “If we can do that while still funding the rest of the government, fine. If we cannot, and there is a lapse in appropriations, so be it.” And when asked if the 2013 government shutdown fight over Obamacare was worth it, he said it was.

Mr. MULVANEY has shown too great a willingness to eliminate government functions that protect consumers or help create jobs. Speaking of the Consumer Financial Protection Bureau, he said, “I don't like the fact that CFPB exists.” And he referred to legislation

reauthorizing the Export-Import Bank as "a piece of crap." Those were his words.

At his hearing, he did not appear to have a grasp of the size of the Federal workforce, and that it is smaller than any time during the Reagan administration. He did not seem to realize that the share of the population employed in the Federal Government is at the lowest point on record, since reliable data first became available shortly before World War II. These are fundamental facts the OMB Director should know.

Because of these concerns, I will be unable to support Mr. MULVANEY's nomination.

The Director of the Office of Management and Budget is a key player in setting the Nation's economic policy. The Director of OMB produces the President's budget, enforces funding laws that Congress enacts, and oversees the regulations that protect Americans' health, safety, and environment through the Office of Information and Regulatory Affairs.

If the Senate confirms Mr. MULVANEY, I will watch with great interest how he reconciles his past positions with his new responsibilities representing the administration and the American people. I hope that he will respect the hard-working Federal employees who serve our Nation. In his new position, I do believe that his personal relationships with Members of Congress will prove useful, and I will look for areas where we can work together.

Mr. UDALL. Mr. President, I yield back the time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

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

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second?

The clerk will call the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 68 Ex.]

YEAS—51

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

NAYS—49

Baldwin	Brown	Casey
Bennet	Cantwell	Coons
Blumenthal	Cardin	Cortez Masto
Booker	Carper	Donnelly

Duckworth
Durbin
Feinstein
Franken
Gillibrand
Harris
Hassan
Heinrich
Heitkamp
Hirono
Kaine
King
Klobuchar

Leahy
Manchin
Markey
McCain
McCaskill
Menendez
Merkley
Murphy
Murray
Nelson
Peters
Reed
Sanders

Schatz
Schumer
Shaheen
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SULLIVAN). The majority leader.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination, I move to table the motion to reconsider.

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

The motion was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate, equally divided, prior to the vote on the motion to invoke cloture on the Pruitt nomination.

Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President and colleagues, if I could have your attention, please. Five minutes please. Two years ago, the Center for Media and Democracy filed a petition under Oklahoma FOIA law called the Oklahoma Open Records Act. For 2 years, the appeal of that petition was blocked. Earlier this year, a lawsuit was brought to require the release of thousands of emails from the AG's office in Oklahoma with the fossil fuel industry, oil companies, coal companies, and the like. Six hours from right now, an expedited hearing will take place in the district court of Oklahoma.

Earlier this week, nine members of the Environment and Public Works Committee wrote and asked the judge who is going to preside over that hearing today to move forward expeditiously, and she is. We also wrote and asked the majority leader to delay the vote on cloture for Scott Pruitt until a week from Monday. He has declined.

Thomas Jefferson used to say: If the people know the truth, they will not make a mistake. Colleagues, we need to know the truth. Speaking of the truth, there is an old saying that says: People may not believe what we say. They will believe what we do.

As a candidate, as nominee, and President-elect, Donald Trump has made clear his job, his goal is to downgrade and to destroy the Environmental Protection Agency. Like a lot of things he says, we asked: Did he mean it? With the nomination of Scott Pruitt to lead the EPA, it is clear he did.

In Mr. Pruitt, Trump has found someone who, as AG of the State of Oklahoma, shut down your environmental protection unit in that office. He went on to raise millions of dollars

for fossil fuel industries and other sources used to sue the Environmental Protection Agency because of their efforts to reduce methane emissions, their efforts to stop cross-border pollution, their efforts to cut methane emissions, their efforts to fight smog, haze, and ozone. Under Attorney General Pruitt's stewardship in Oklahoma, child asthma is well above the national average. Fish advisories in lakes in Oklahoma have more than doubled. All 16 counties in Oklahoma that are evaluated by the American Lung Association for clean air received an F last year—every one of them. Earthquakes have risen over the last dozen years in Oklahoma, from one or two per year to one or two per day. That is only the earthquakes that exceed 3.0 on the Richter scale.

When we asked Scott Pruitt today to name one battle he had led to reduce pollution in his State, he cited the issue involving the Illinois River, which we later learned was actually much more the work of his predecessor than it was his. When I asked him to name one environmental rule and regulation that he supported, he declined to do so. We are coming off of yet another hottest year on record. They are experiencing monsoon-like rains in California this month after years of drought. Temperatures in Alaska are so warm, we are not sure some years that they are going to actually have the Iditarod dog race, sea levels are rising from New England to Miami, there is a huge crack in the ice in Antarctica, and Scott Pruitt raises questions about the validity of the science around climate change. In last year's election, a lot of people said: We want to take our country back. To what? The Cuyahoga River which caught on fire; the L.A. smog that was so bad, when I ran it hurt my lungs.

Some say: Is it possible to have clean air and clean water with a strong environment? That is nonsense. We can have both. Since Richard Nixon signed into law creating the EPA, guess what. GDP in this country has grown by 200 percent or more. Since losing 5 million jobs in the great recession, we added 16 million jobs, the unemployment rate is down by half.

We still have work to do, my friends. There are communities in the United States where water is unsafe to drink. There are millions of kids and grandkids who have asthma. We have fish advisories that abound from sea to shining sea. The sea level is rising up and down the east coast. State Route 1 in my State, our major highway, was shut down again last week, not because of a huge storm but just because of sea level rise.

Let me close by saying that when our grandchildren ask us years from now what we did about it, I want to tell them we did the right thing. We did not back down. We stood our ground. We voted to face this challenge to our people and to the planet, and to overcome those challenges.

Please, join us in voting no on the motion to invoke cloture.

Thank you.

The PRESIDING OFFICER. All time is yielded back.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

Mitch McConnell, John Cornyn, Mike Rounds, Tim Scott, Johnny Isakson, Lindsey Graham, James M. Inhofe, David Perdue, Shelley Moore Capito, Roger F. Wicker, Orrin G. Hatch, Mike Crapo, James E. Risch, James Lankford, John Hoeven, John Thune, Deb Fischer.

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 Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—54

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

NAYS—46

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

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I rise today to speak about the nomination of Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency. Scott Pruitt is the right person to run the Agency, and we need to confirm him.

Over the past 8 years, the political leaders of the EPA have taken actions that have undermined the American people's faith in the Agency. They have pushed broad and sweeping regulations that have hurt our economy and have failed to protect our environment. These regulations include the so-called Clean Power Plan. This is a rule that will kill job growth in States like Indiana, Wisconsin, Ohio, and my home State of Wyoming. These also include regulations defining the term "waters of the United States." This was a classic example of Washington overreach. The Agency brought irrigation ditches, plowed farm fields, and even parking lot puddles under Federal control. With both of these rules, dozens of State governments have had to take Washington to court. Why? Well, to try to stop the crippling effects of these Washington-based regulations.

The Agency's outrageous actions have extended beyond these rules and have had real consequences for many American families. According to the chamber of commerce, since 2008 this regulatory rampage by the EPA has destroyed 19,000 coal-mining jobs nationwide. In Kentucky, nearly 4 out of every 10 coal-mining jobs have disappeared over the past 8 years. Ohio and Pennsylvania have each lost more than 1,000 fossil fuel electric power jobs during the same period. In West Virginia, 5,200 coal-mining jobs have vanished just since 2011.

The total cost of all of this new red tape from the Environmental Protection Agency is more than \$300 billion. The leadership at the EPA has failed. It has failed because a lot of their regulations are bad ideas.

That is not the only way the political leaders at the Agency have failed; they have actually hurt people and damaged the environment directly. In 2015, more than 3 million gallons of toxic wastewater spilled into the river at the Gold King Mine in Colorado. The government Agency charged with protecting our environment actually caused this spill and poisoned a river. This was a direct result of negligence on the part of the Environmental Protection Agency. This plume of toxic liquid flowed downstream to New Mexico and polluted the Navajo Nation's main source of drinking water and irrigation water.

In the final days of the Obama administration, the EPA then denied \$1.2 billion in damage claims from the farmers, the Native American tribes, and small businesses impacted by the EPA's own negligence.

In Flint, MI, old pipes and improperly treated water caused lead poisoning in children. When the leadership at the EPA learned of the issue, they failed to respond in a timely manner. The regional EPA administrator actually resigned following the incident.

For the last 8 years, the political leaders of this Agency have been reckless, irresponsible, and arrogant. Change is badly needed at the Environmental Protection Agency and Scott Pruitt will be that change. Mr. Pruitt has served as attorney general in the State of Oklahoma since 2011—6 years. He has worked to protect the environment in his State, while also working for the benefit of all the people of Oklahoma.

He has taken on polluters. He has worked across party lines to do it. When poultry farmers in Arkansas, a neighboring State to Oklahoma, were increasing phosphorous levels in the Illinois River that runs between the States, he worked with Arkansas' Democratic attorney general on a solution. They found a way to reduce pollution and establish permanent standards.

Former Arkansas Attorney General McDaniel, a Democrat, called Pruitt a "staunch defender of sound science and good policy as appropriate tools to protect the environment in his State."

Scott Pruitt also helped negotiate a water rights settlement between tribes in Oklahoma. The deal will help preserve scenic rivers and lakes so they can be enjoyed for generations to come.

Scott Pruitt also stood up to industry when they caused pollution. That is why the entire Oklahoma congressional delegation has endorsed his nomination. He has been an advocate for the environment in Oklahoma, and he will be an advocate for the environment in Washington.

When the EPA overstepped its mission, Attorney General Pruitt led the charge to rein in Big Government Washington overreach. Time after time, Scott Pruitt worked with other States to challenge the Agency when it exceeded its authority. Under his leadership, this Agency will respect the rule of law.

Attorneys general from 24 States have endorsed Scott Pruitt as someone who can protect the environment while also protecting State decisionmaking. He has also won the support of small businesses and farmers around the country. Groups like the National Federation of Independent Business, the U.S. Chamber of Commerce, the National Association of Home Builders, the American Farm Bureau Federation, and many others have voiced their support for Mr. Pruitt.

As chairman of the Environment and Public Works Committee, I take the nomination process very seriously. Our committee thoroughly vetted Mr. Pruitt. We held a confirmation hearing that lasted more than 6 hours. That is by far the longest confirmation hearing for an EPA Administrator on record.

During this hearing, Attorney General Pruitt was asked more than 200 questions by Members of the committee. We had four rounds of questions—an unprecedented number. Our Democratic colleagues on the committee noted during the hearing how fair the process was. They said how much they appreciated the opportunity to ask so many questions. After the hearing, committee members submitted another 1,078 written questions to Mr. Pruitt to answer for the record. Again, this is the most ever for a nominee to be Administrator of the Environmental Protection Agency. His answers were thoughtful, and they were thorough. That is why I was very disappointed to see the Democrats on the committee decide to boycott the meeting to vote on the Pruitt nomination.

The minority complained that he didn't answer enough questions. Democrats have even complained that he has not been vetted thoroughly enough. That is ridiculous. Scott Pruitt is the most thoroughly vetted nominee we have ever had to lead this Agency. Democrats are using delaying tactics to slow down the confirmation of many of this administration's most important nominees. These boycotts and delay tactics do nothing to protect our environment or the health of Americans. Democrats are engaged in nothing more than political theater. They are wasting time while the Environmental Protection Agency needs a new Administrator.

Attorney General Pruitt has protected the environment in his home State. He is endorsed by his peers, and he has been thoroughly vetted for the job. He will make an excellent EPA Administrator. It is time for the Senate to confirm him.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD the following items in support of Mr. Pruitt's nomination: First are two op-eds I authored, one is from FOX News that is entitled "For Eight Years, the EPA Has Made Life Hard for Too Many Americans. That's About to Change."

The second is from USA TODAY, entitled: "The Strong Leader the EPA Needs."

I also ask unanimous consent to have printed in the RECORD some other items: a letter from Dustin McDaniel, Democrat and Arkansas former attorney general. In the letter, he writes that he "saw firsthand how Attorney General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most credible observers as positive and historic."

Another item for the RECORD is a letter from 24 State attorneys general who wrote in support of Mr. Pruitt's qualifications.

Also for the RECORD is a letter I received from J.D. Strong. He is the director of the Oklahoma Department of Wildlife Conservation. In the letter, Mr. Strong directly refutes a New York

Times article titled "Scott Pruitt, Trump's EPA Pick, Backed Industry Donors over Regulators."

Mr. Strong writes:

As a fifth generation Oklahoman and someone who has devoted my career to natural resource protection, I take great pride in the progress that has been made in improving Oklahoma's land, air, water, and wildlife resources.

He goes on to say—

For the past six years, General Pruitt has been instrumental in many of our successes and never asked me to compromise regulatory efforts to benefit industry.

Also, I would like to include in the RECORD an op-ed by Ed Fite, the former agency administrator of the Oklahoma Scenic Rivers Commission. He writes:

Scott Pruitt is one who is committed to finding a balance that protects and preserves our environment while at the same time affords an opportunity for a robust economy to exist. Achievement of one doesn't have to be exclusive of the other.

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

[FoxNews.com, Jan. 17, 2017]

SEN. BARRASSO: FOR 8 YEARS THE EPA HAS MADE LIFE HARD FOR TOO MANY AMERICANS. THAT'S ABOUT TO CHANGE

(By Sen. John Barrasso, M.D.)

Seventy-five thousand dollars per day. That's how much the Environmental Protection Agency threatened to fine a private land owner in my home state of Wyoming. The crime: digging a pond in his back yard.

This was an appalling overreach by the Obama administration's EPA and its regulation of American's property.

Sadly, this story is not unique.

For the past eight years, the EPA has abused and attacked far too many hard-working American families.

A regulatory rampage by EPA has led to the loss of thousands of coal mining jobs in Wyoming, West Virginia, Ohio, Pennsylvania, and Kentucky.

Wisconsin is poised to lose more than 20,000 jobs in the next decade because of the Obama administration's proposed regulations on carbon emissions.

The misguided obsession of the EPA has created needless economic burdens for Americans. It has, at the same time, put people's health in danger.

Negligence on the part of the EPA resulted in more than 3 million gallons of toxic wastewater being dumped into a river at the Gold King Mine in Colorado.

The plume of toxic liquid flowed downstream to New Mexico and polluted the Navajo Nation's main source of drinking and irrigation water.

In Flint, Michigan, aging pipes and improperly treated water caused lead poisoning in children. When EPA officials learned of the pending disaster, they failed to respond.

The agency's misplaced priorities are harming state governments as well.

North Dakota stands to lose more than \$100 million in tax revenue over the next four years because of the Obama administration's "clean power plan" regulations. The state will have to look to already-strapped families to make up the difference or else cut back on services.

Disregard for the consequences of its actions has become the trademark of the EPA for the last eight years. Policy goals and talking points have consistently taken priority over American families. This cannot be the case any longer.

As chairman of the Senate Committee on Environment and Public Works, I look forward to ushering in wholesale change at the EPA. I will be doing it alongside a committed and capable administrator.

President-elect Trump has named Oklahoma Attorney General Scott Pruitt to lead the EPA and to overhaul the agency. Attorney General Pruitt has seen the effects of over regulation in his own state and has worked to stop them.

Pruitt has distinguished himself by challenging the Obama administration on several of its most burdensome rules. He stood up for Oklahomans against the EPA's extreme regulations on greenhouse gasses, methane emissions, and cross state air pollution. He took action against unworkable water rules and air standards. He sued the federal government to make sure that it was interpreting the Clean Air and Clean Water Acts as Congress actually wrote them, not how it benefited President Obama's political agenda.

Attorney General Pruitt is respected by his peers for the work he has done. His work in Oklahoma protected the environment and strengthened the economy by standing up for states' rights. Attorneys general from 24 states authored a letter in support of his nomination. They know he can and will rein in Washington.

President-elect Trump has vowed that his administration will overturn two federal regulations for every new one it proposes. The administrator of EPA will play a vital role in keeping that promise. He must make sure that the agency meets its mission of protecting our environment—ensuring clean water, air, and land—while allowing our economy to grow.

Our committee is taking up the nomination of Attorney General Pruitt this week. I look forward to hearing more about his vision for the agency and how he will help get Americans back to work.

The EPA has made the last eight years hard for families in Wyoming and across rural America. Today, there is reason to be hopeful.

The status quo at the EPA is changing.

"THE STRONG LEADER THE EPA NEEDS"

(By John Barrasso)

The Environmental Protection Agency needs reform.

Anyone who doubts the deterioration at this once-respected agency should recall the summer of 2015, when the EPA spilled more than 3 million gallons of toxic wastewater into a Colorado river.

Last month, the EPA denied \$1.2 billion in damage claims from farmers, Native American tribes and small businesses. This disaster followed the EPA's mishandling of the water crisis in Flint, Mich.

The government agency responsible for protecting the environment and the health of Americans has been endangering the public's health.

The EPA has become a bloated regulatory behemoth that has lost sight of the needs of the American people and the environment. The agency's bureaucrats have been more preoccupied with pushing punishing new regulations.

This red tape killed thousands of jobs in energy-producing and manufacturing states such as West Virginia, Pennsylvania, Kentucky, Indiana, North Dakota and my state of Wyoming.

Oklahoma Attorney General Scott Pruitt, President Trump's nominee to lead the EPA, is committed to protecting the environment—ensuring clean air, water and land—while allowing the American economy to grow.

Pruitt will be the strong leader the EPA needs. He has seen the consequences of the agency's overreach, and he has worked to restore its original focus. He negotiated a water rights settlement with tribes to preserve scenic lakes and rivers.

He worked with Dustin McDaniel, a Democrat and former Arkansas attorney general, to reduce pollution in the Illinois River, which flows between their two states. He stood up to oil and gas companies that polluted his state's air and water. Pruitt has won bipartisan recognition and support. McDaniel called him a "staunch defender of sound science and good policy as appropriate tools to protect the environment."

Scott Pruitt will be an excellent EPA administrator, committed to reform.

STATE OF ALABAMA,
OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, January 4, 2017.

Hon. JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, District of Columbia.
Hon. TOM CARPER,
Hart Senate Office Building,
Washington, District of Columbia.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: As the attorneys general of our respective states, we write to express our unqualified support for our colleague and the Attorney General of Oklahoma, E. Scott Pruitt, as Administrator of the U.S. Environmental Protection Agency,

As attorneys general, we understand the need to work collaboratively to address threats to our environment that cross state lines, as well as the importance of a federal counterpart in the EPA Administrator who possesses the knowledge, experience, and principles to work with our states to address issues affecting our environment. We believe that no one exemplifies these qualities more than Scott Pruitt.

As the Attorney General of Oklahoma, Mr. Pruitt developed expertise in environmental law and policy. He negotiated a historic water rights settlement with Indian tribes that preserved the ecosystems of scenic lakes and rivers; he worked with his Democrat counterpart in Arkansas to reduce pollution in the Illinois River; and he represented the interests of Oklahomans in rate cases against utility companies and in numerous actions against those who contaminated his state's air and water.

Attorney General Pruitt is committed to clean air and clean water, and to faithfully executing the environmental laws written by Congress. He believes that environmental regulations should be driven by State and local governments—a notion endorsed by Congress in the Clean Air Act and Clean Water Act. When our nation is confronted with issues affecting the environment that are not covered by a particular statute, Scott will come to Congress for a solution, rather than inventing power for his agency. He wholeheartedly believes in a strong Environmental Protection Agency that carries out its proper duties, providing a backstop to state and local regulators as they develop environmental regulations suited to the needs of their own communities.

Scott Pruitt is more than just an exemplary state attorney general, he is also our friend. A man of deep faith who is committed to his family and to his friends, Scott seeks always to do the right thing. His friendship and leadership have been invaluable to us over the years.

The Administrator of the Environmental Protection Agency plays a critical role in our Nation's government. Attorney General

Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.

Sincerely,

Jeff Landry, Attorney General, State of Louisiana; Alan Wilson, Attorney General, State of South Carolina; Luther Strange, Attorney General, State of Alabama; Marty Jackley, Attorney General, State of South Dakota; Patrick Morrisey, Attorney General, State of West Virginia; Adam Laxalt, Attorney General, State of Nevada; Mark Brnovich, Attorney General, State of Arizona; Herbert Slatery, Attorney General, State of Tennessee.

Curtis Hill, Attorney General, State of Indiana; Brad Schimel, Attorney General, State of Wisconsin; Ken Paxton, Attorney General, State of Texas; Bill Schuette, Attorney General, State of Michigan; Doug Peterson, Attorney General, State of Nebraska; Chris Carr, Attorney General, State of Georgia; Sean Reyes, Attorney General, State of Utah; Wayne Stenehjem, Attorney General, State of North Dakota.

Leslie Rutledge, Attorney General, State of Arkansas; Pam Bondi, Attorney General, State of Florida; Lawrence Wasden, Attorney General, State of Idaho; Tim Fox, Attorney General, State of Montana; Derek Schmidt, Attorney General, State of Kansas; Josh Hawley, Attorney General, State of Missouri; Peter Michael, Attorney General, State of Wyoming; Mike DeWine, Attorney General, State of Ohio.

McDANIEL RICHARDSON
& CALHOUN, PLLC,
Little Rock, AR, January 18, 2017.

Re Attorney General Scott Pruitt's Nomination To Serve as Director of the Environmental Protection Agency.

Hon. JOHN BARRASSO,
Chairman, U.S. Senate Committee on Environment & Public Works, Washington, DC.

Hon. TOM CARPER,
Ranking Member, U.S. Senate Committee on Environment & Public Works, Dirksen Senate Office Building.

DEAR CHAIRMAN BARRASSO, RANKING MEMBER CARPER, AND MEMBERS OF THE U.S. SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE: My name is Dustin McDaniel. I am an attorney in Little Rock, Arkansas. I served as the Democratic Attorney General of the State of Arkansas from 2007–2015. During that time, I served for three years as the Co-Chair of the Democratic Attorneys General Association, I am a member of the Democratic National Committee and was a strong supporter of Secretary Clinton's campaign for President. I am grateful for your work on this committee. I believe in the core mission of the Environmental Protection Agency. I believe that climate change is real and overwhelmingly the result of human activity. I believe that the United States has a moral obligation to lead the world in shaping climate policy. These challenges in a hostile political environment will be acutely felt by the next director of the EPA.

As you consider the nomination of my friend Scott Pruitt, I respectfully ask that you enter this letter into the record so that I may attempt to clarify what I believe to be unfair criticisms of the historic agreement negotiated between myself on behalf of the State of Arkansas and Attorney General Pruitt on behalf of the State of Oklahoma regarding water quality in the Illinois River watershed.

Prior to the elections of General Pruitt or myself, Oklahoma grappled with Arkansas

municipal water systems and Arkansas industry, primarily poultry companies, over increased phosphorous levels in the Illinois River watershed. Pollution was substantially impacting the water quality in one of Oklahoma's most scenic waterways. In 2003, an agreement was executed that would require that the phosphorous levels be reduced over the next 10 years to a level .037 parts per million. As a result, all parties on both sides of the state line worked diligently to substantially improve the water quality.

At the same time, then-Oklahoma Attorney General Drew Edmondson filed suit using an out of state plaintiffs' firm against Arkansas's poultry industry. Many criticized the litigation as taking the focus away from the environment and placing it on money damages. The State of Oklahoma's outside counsel presented their case to U.S. District Court Judge Gregory Frizzell. Almost all the claims were dismissed by the court. The evidence was fully submitted to the judge in March of 2010 on the remaining question regarding injunctive relief. To this day, no ruling in that litigation has been handed down.

As 2013, the ten-year deadline for the reduced phosphorous levels, was approaching, two things were evident: 1.) despite huge improvements in water quality, the phosphorous levels in the river would not be at .037 parts per million before the deadline, and 2.) research into the standard itself called into question its origin and basis in hard science.

The States of Arkansas and Oklahoma were facing a point of litigating against one another (again) over this issue to the detriment of all concerned, I approached General Pruitt to ask if we could reach a solution that would protect the environment and demonstrate to our citizens that we were committed to working together on their behalf rather than litigating against one another using taxpayer dollars for lawyers instead of scientists.

The resulting agreement reflects that Oklahoma enhanced, not relaxed, its enforcement of environmental protections. Scientists were appointed to establish the proper water quality metrics, establish a binding standard, and at no time were phosphorous abatement measures relaxed. It was an historic moment that demonstrated that cooperation in pursuit of environmental protection yielded better results than litigation. The resulting report was recently released from the commission and is available for your review, (See, www.ok.gov/conservation/documents/IR%202016.12.19%20Final%20Report.pdf)

Recent press accounts regarding these efforts unfairly mischaracterize the work that was done by General Pruitt and his team. He was a staunch defender of sound science and good policy as appropriate tools to protect the environment of his state. I saw firsthand how General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most credible observers as both positive and historic.

As I am sure that this committee will have questions about this matter, I wanted to take this opportunity to add facts and context to an accomplishment that should stand as a credit to General Pruitt's career and qualifications for this nomination.

I sincerely appreciate the opportunity to submit this letter to you and to your committee and to be a part of the record in these proceedings. I thank you for your service to our nation,

Respectfully submitted,
DUSTIN MCDANIEL.

OKLAHOMA DEPARTMENT OF
WILDLIFE CONSERVATION,
Oklahoma City, OK, January 15, 2017.

Re Debunking New York Times article,
"Scott Pruitt, Trump's E.P.A. Pick,
Backed Industry Donors Over Regu-
lators," January 14, 2017.

Hon. JOHN BARRASSO,
Chairman, U.S. Senate Committee on Environ-
ment & Public Works, Washington, DC.

Hon. TOM CARPER,
Ranking Member, U.S. Senate Committee on En-
vironment & Public Works, Washington,
DC.

DEAR CHAIRMAN BARRASSO AND RANKING
MEMBER CARPER: Rarely do I feel compelled
to respond to a newspaper article, particu-
larly one that runs in a nationally renowned
news outlet like the New York Times. I've
learned over 23-years as a State environ-
mental regulator to value the media's role in
uncovering and exposing the truth, not to
mention the wisdom found in the quote,
"Never pick a fight with anyone who buys
ink by the barrel." However, the mistruths
propagated by the above captioned article
undoubtedly caught the attention of you,
your fellow committee members, and many
of your respective constituents just days be-
fore Attorney General Scott Pruitt's con-
firmation hearing for EPA Administrator,
and thus deserve a response from at least one
of the regulators that allegedly lost out to
industry donors.

First, it's worth noting that I spoke with
the New York Times for nearly fifteen min-
utes laying out the facts from my perspec-
tive as Oklahoma's former Secretary of En-
vironment and a plaintiff in the state's liti-
gation against the poultry industry, then
later as Director of the Oklahoma Water Re-
sources Board—the agency responsible for es-
tablishing the phosphorus standard refer-
enced in the article. One would think such
experience deserves significant play in an ar-
ticle of this focus, yet more column space
was devoted to a retired employee of the
Oklahoma Department of Environmental
Quality who was incorrectly listed as the
leader of the agency's Water Quality Divi-
sion and wrongfully given credit for being
responsible for "overseeing the poultry-related
cleanup." The poultry industry and its re-
lated cleanup are governed by our Oklahoma
Department of Agriculture, Food & Forestry.
Rather than insinuating that Mr.
Derichsweiler retired out of frustration with
General Pruitt, instead of the fact that he
retired after 40 years of service to the State,
the New York Times should have at least di-
vulged that Derichsweiler currently serves
as Vice Chair of the Oklahoma Chapter of Si-
erra Club, an organization that has launched
a campaign to oppose General Pruitt's con-
firmation.

The facts that I shared in my interview
with the New York Times paint a completely
different picture than the article portrays. If
I were writing the headline, it would read,
"Pruitt Helps Deliver Water Quality Im-
provement in Oklahoma's Scenic Rivers." At
the end of the day, that has been Oklahoma's
goal in the Illinois River watershed for de-
cades, and that is what is happening during
General Pruitt's term as Attorney General.
As I stated to the New York Times, no State
Attorney General can force a Federal Judge
to rule, or I'm certain former Attorney Gen-
eral Drew Edmondson would have taken such
action during his last two years in office.
Rather than beating his head against that
wall, Pruitt helped Oklahoma negotiate a
new agreement with the State of Arkansas
that prompted not just a study of the appro-
priate phosphorus level necessary to protect
our shared scenic rivers, which the article
dismissed as trivial, but more importantly

provided for continued phosphorus controls
on wastewater and poultry facilities. For the
first time in my career, Oklahoma measured
decreasing phosphorus levels and water qual-
ity improvement in the Illinois River water-
shed beginning in 2012. While many people on
both sides of the border deserve credit for
this result, General Pruitt definitely was a
key player. This mere "study" ultimately
led to a recent agreement between the states
of Arkansas and Oklahoma wherein Arkan-
sas committed to meet a more stringent
phosphorus standard—another shocking de-
velopment for two states that have quarreled
for decades and quite the opposite result one
would expect from an Attorney General that
is being unfairly maligned as a shill for in-
dustry.

Rather than spend several more pages con-
testing the inaccuracies found in the New
York Times article, I will leave you with
this overarching truth. As a fifth generation
Oklahoman and someone that has devoted
my career to natural resource protection, I
take great pride in the progress that has
been made in improving Oklahoma's land,
air, water and wildlife resources. For the
past six years, General Pruitt has been in-
strumental in many of our successes and has
never asked me to compromise regulatory ef-
forts to benefit industry. On the contrary,
all of our projects and cases that involved
his office were given staff support at the
highest level and, more often than not, re-
sulted in more stringent environmental pro-
tections. Please do not confuse Pruitt as
being anti-environment because of his well
justified (and strongly supported by me) ef-
forts to counter the EPA's various attempts
to second-guess or usurp State authority.
Rather, he has been a strong ally in defend-
ing our ability to continue the great
progress that we've made in protecting Okla-
homa's environment at the state level—
progress that is too often impeded by Fed-
eral overreach and interference.

If I can be of further assistance as you
embark on your important task of reviewing
Mr. Pruitt's qualifications and disposition to
serve as EPA Administrator, please do not
hesitate to contact me. I've always found
Mr. Pruitt to be a man of great honesty and
integrity, so you should have the perfect op-
portunity in your hearing to gather facts be-
fore making your final decision. If truth pre-
vails, you will find what most of us in Okla-
homa know to be true: Scott Pruitt stands
for responsible, common sense, State-led en-
vironmental protection efforts that generate
positive results.

Respectfully,

J.D. STRONG,
Director.

[Jan. 12, 2017]

A FIRSTHAND PERSPECTIVE FROM A MAN IN
THE MIDDLE: PRUITT NOMINATION IS WELCOME
(By Ed Fite)

We have all heard much yammering, left
and right, about President-elect Donald
Trump having selected Oklahoma Attorney
General Scott Pruitt as the next head of the
U.S. Environmental Protection Agency. As a
conservationist and riverologist, I have
worked firsthand with Scott Pruitt and
know a good deal more about him than those
nationally that are attempting to malign
him.

I have made it my life's work and my ca-
reer to look after our states designated Sce-
nic Rivers. As a state employee and a re-
source facilitator (I cannot take care of
these valued-treasured water resources by
myself), I always find myself arguing for the
middle ground, for the workable solution
upon which both sides of an issue can agree.
I have looked and worked for real solutions,

and have implemented them with help from
all sides.

I have found that General Pruitt has al-
ways done right by our Scenic Rivers. He has
done every constructive thing that he told
me he would do. Furthermore, for the first
time ever, he has gotten the State of Arkan-
sas, which happens to have portions of the
streams we've designated as "scenic rivers"
originating in and flowing through their
state, to agree to Oklahoma's Scenic Rivers
Phosphorus Standard—an incredible environ-
mental accomplishment, the impact of which
cannot be understated. Instead of engaging
in years of inter-state litigation, he did this
by negotiating an agreement with Arkansas
Attorney General Dustin McDaniel, a prac-
tical and economical approach that will
yield enormous environmental benefits.

To understand the magnitude of this agree-
ment, one must consider that Oklahoma and
Arkansas have litigated over Illinois River
water quality for more than three decades.
The latest action brought by Oklahoma,
about abating water quality degradation
from the land-application of poultry waste in
the Illinois River watershed, has languished
for more than six years in the federal dis-
trict court. Many thought that when General
Pruitt took office he would abandon this suit
because he is also known for his staunch sup-
port of farming and ranching communities.
However, not only did General Pruitt allow
the case to be fully litigated, he proactively
sought this joint state solution to let science
determine the phosphorus standard for the
Illinois River. In the end, a study conducted
by Baylor University reinforced that the
phosphorus standard Oklahoma sought to
protect would remain.

Last, I have not seen him advocate disman-
tling the EPA. Rather, he has rightfully sup-
ported necessary laws but has challenged the
agency when they have written new rules
without Congress having given them author-
ity to do so. An administrative agency
should not decide what the law is in the ab-
sence of legislation.

And so, my middle-of-the-river view is that
Scott Pruitt is one who is committed to find-
ing a balance that protects and preserves our
environment while at the same time affords
an opportunity for a robust economy to
exist. Achievement of one doesn't have to be
exclusive of the other.

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Sen-
ator from Delaware.

Mr. CARPER. Mr. President, I just
want to follow up on the comments of
my friend, the chairman from Wyo-
ming, and I note that Scott Pruitt has
responded to more questions than any-
one in EPA history since Gina McCarthy,
the past Administrator who re-
sponded to more than 1,400 questions,
and she actually responded to them
completely, not evasively and not indi-
rectly. She needed more time, given
the volume of questions, and more time
was granted so she might more fully
answer the questions that were raised.
I just wanted to add that if I could.

Mr. President, I come to the floor to
share with you and with our colleagues
the reasons I oppose the nomination of
Attorney General Scott Pruitt to be
the EPA Administrator. Over the last
month, we have had a number of Presi-
dent Trump's nominees come before
the committee and be debated on the
Senate floor, as you know.

We have had multiple confirmation
hearings in a single day, with Members

running to and from hearings trying to learn more about nominees and get important questions answered. So I understand if some of my colleagues who have attended back-to-back hearings have not yet delved into Scott Pruitt's record as deeply as we have on the Environment and Public Works Committee, and that is why we are here today.

As ranking member of the Environment and Public Works Committee, I, along with my colleagues on the committee, have scoured Mr. Pruitt's record to the best of our ability with the somewhat limited information the nominee has provided.

We sat through his nomination hearing, where we asked him fundamental questions about his views on the role of the EPA and what he would do to protect our environment and public health. We submitted additional questions we had for the record and read through all of Mr. Pruitt's responses. We have done our due diligence with the information we received, and I want to share with my colleagues and all of those watching exactly why, based on this review, I cannot support Mr. Pruitt's nomination.

First, I think it is important to revisit just why the EPA is still so critical. This Agency was created 46 years ago by a Republican President named Richard Nixon with the support of a bipartisan Congress. Their task was implementing our Nation's most important clean air, clean water, and safe chemical laws. The EPA is required to use sound science to protect both our environment and our public health, and, by and large, the EPA has done it successfully—not perfectly but successfully for decades while our economy has continued to grow. Many people may not remember a time before the EPA, a time when States had to work individually to protect citizens in the communities in which they lived, a time before the Clean Water Act and Clean Air Act were signed into law, a time when businesses operating throughout the United States were faced with a myriad of conflicting State and local laws affecting our health and environment. The choking smog and soot of a half century ago seems unfathomable now. Rivers on fire and deadly toxic plumes sound like something almost for another world, impossible in our United States of America.

Today we have the luxury of largely forgetting these frightening circumstances, thanks to the efforts of the EPA and its employees, in partnership with State and local governments and with countries and companies and businesses across America. The EPA and its many partners throughout the country have been so successful that it is easy for some of us to forget why this Agency is so critical. Some may presume there is not much more for this Agency to do. That could not be further from the truth.

The environmental threats we face today are real. They don't respect

State boundaries. Over time, my State of Delaware has made great strides in cleaning up our own air pollution, but our work only goes so far.

In Delaware, like many States on the east coast, we sit at the end of what is known as America's tailpipe. Ninety percent of the pollution in Delaware comes from outside the First State, from plants hundreds of miles away in places like Kentucky, Ohio, my native West Virginia, Indiana, and throughout the Midwest.

As Governor of Delaware, even if I had eliminated every source of air pollution within our State by stopping every combustion source and ordering every motor vehicle off our roads, Delawareans would still face deadly doses of air pollution. Should Delawareans be forced to live with consequences of decisions made by polluters hundreds or even thousands of miles away from us? I don't think so. I don't think so. That is not the Golden Rule I know.

Fortunately, the EPA has recently implemented something called the good neighbor rule to make sure all States do their fair share to clean up our air. Every citizen in this country has a right to breathe clean air, regardless of where they live, whether they live in a downwind or an upwind State. That is why we have the EPA.

We have known for decades that most of the mercury in our fish comes from air pollution that is emitted from the dirtiest coal plants and then settles in our waterways. We know mercury is a powerful neurotoxin that accumulates in our body over time, threatening the health of this generation and generations to come. The EPA recently issued public health protections to clean up the toxic air pollution from our dirtiest coal plants, allowing families in Danville, where I grew up alongside the Dan River, and thousands of other communities that can once again eat fish from our rivers, lakes, and streams without concern of mercury poisoning. That is why we have the EPA.

Too often, when States and local communities are pinched for cash, they try to save money by shortchanging clean air and water protections. Improvements to infrastructure are often ignored, corners are cut, and solutions are adopted that may save dollars now but inflict costly unnecessary damage later.

As we have seen most recently in the city of Flint, MI, these cuts can have a terrible and even tragic impact on the health of the most vulnerable in our society, especially on the youngest among us. Today, the citizens of Flint still lack clean drinking water, and a new generation in that city which has been exposed to high levels of lead faces an uncertain future. That is why we have the EPA.

Many people don't know it, but Delaware is the lowest lying State in our Nation. The highest point in the State of Delaware is a bridge. Back home, the reality that our climate is changing is

not up for debate. Families and business owners face the stark realities of climate change almost every single day. Tackling that challenge is not just the right thing to do or what is best for Delaware's economy, it is a matter of survival. Our little State alone cannot stem the flow of greenhouse gases into our atmosphere that is largely causing our climate to change, our seas to rise, and our coastlines to retreat. Every State—every State—must do its fair share to safeguard our climate and their neighbors. That is why we have the EPA.

Examples of the air and water pollution produced by one State and fouling the air and water of others can still be found in too many parts of America, like the runoff from Pennsylvania that degrades the waters of the Chesapeake Bay or the haze exported from other States that oftentimes shrouds the Smoky Mountains and degrades visibility at the Grand Canyon. That is why we have the EPA.

Throughout my years in the Senate and as a member of the Environment and Public Works Committee, I have had the opportunity to consider the credentials of five different nominees to serve as EPA Administrator—individuals put forth by both Democratic and Republican Presidents. I have supported candidates in the past because they were able to clearly demonstrate their commitment—candidates like former New Jersey Republican Governor Christine Whitman and former Utah Governor Mike Leavitt. I was proud to support them both, proud of their service, and proud of their role as head of EPA. But I have supported candidates like them because they clearly demonstrated their commitment to advancing the mission of the EPA—the mission to protect human health and to protect our environment. Never have I been forced to consider a candidate to lead the EPA who has been so focused throughout his career on crippling the Agency he now seeks to lead or so hostile to the basic protections to keep Americans and our environment safe.

So, with that, I am going to close, and I will come back many times in the hours to come as we continue the consideration of this candidate's nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am here to address an issue that I think is of great importance to this country and to this administration; that is, the nomination of Scott Pruitt to be the new EPA Administrator.

We are nearly 8 years removed now from what we consider—many of us, I think, particularly as we look back—the great recession. However, many American workers, their families, and their communities have yet to feel the benefits of any kind of a recovery. A key component to a slow recovery—the

slowest recovery since World War I—is the regulatory overreach coming out of this city—Washington, DC.

Since the end of the recession in June 2009, Federal agencies have burdened a weakened economy with thousands of pages of new rules, costing consumers billions of dollars. Tens of thousands of workers have lost their jobs. The EPA has perhaps become the poster child for this overreach, from restricting carbon emissions without the direction of Congress—and according to the clean air direction of Congress of what is important—to federalizing every stream, every pond, every wetland under the waters of the United States rule, to unilaterally banning virtually Appalachian coal mining by obstructing the permitting process and pursuing ozone standards that the vast majority of the country cannot meet. The vast majority of the country is still trying to meet the ozone standards that were established under the last regulation.

I support the mission of the EPA in protecting human health, in protecting our air and our water, but there has to be a balance. There has to be a balance between growing the economy and preserving the environment. Over the last several years, we have seen that balance very disrupted. This disruption is at odds with the law and the well-being of many of our working families.

This has been acutely felt in my State of West Virginia where we have lost more than 35 percent of our coal jobs since the year 2011. That is more than 7,000 jobs eliminated in a relatively small State like West Virginia, and many of these jobs are very high-paying jobs.

As a nation, we have lost more than 60,000 coal miners in the same time-frame. This has hurt our workers, our families, our communities, and our State.

The loss of good-paying jobs means less commercial activity. It means less tax revenue to support our education, our county school systems, our county ambulances, our county sheriff's departments, and our law enforcement. For example, little old Wayne County in West Virginia has lost 88 percent of its coal severance taxes between 2013 and 2016. This year, our Governor and our legislature are struggling right now with a \$500 million budget deficit, largely due to the loss of our coal jobs.

Patching that shortfall could mean significant tax increases, painful cuts in public services, or both, which could further hurt and cripple our local economy. It will be a long road undoing the legal and economic damages suffered over the last several years.

Voters in my State and across the country have made it clear that fixing Washington includes meaningful reforms for the way that the EPA operates and has been operating.

So what do we have before us? We have a great nominee for EPA Administrator, Scott Pruitt, who is presently the attorney general of another en-

ergy-producing State—Oklahoma. Scott is committed to returning the Agency to its core mission of protecting our air, our water, and our land without undercutting the economy. At least, we know that he will listen to the other side and try to be reasonable.

He will ensure that the EPA abides by congressional intent, and he will be an active partner with State and local stakeholders in the rulemaking process.

Going back to the stream buffer rule and the reason that fell apart—and I am so pleased that the President is going to be signing the CRA on that today—the EPA invited States to come in and speak about the rulemaking process. Within months, it became very apparent to the States that are charged with protecting the water that this is just window dressing. They realized: They are not listening to us, and they don't really want us to buy in. Eight of those States left.

So as the attorney general for the State of Oklahoma, he has held industry to account as well protected lakes and streams in his State. I asked him in the committee: If the State or local government doesn't intervene in what looks to be an environmental issue—not just a crisis, but if they are not doing their job in protecting the air and the water—what would you do as the EPA Administrator? He said: That is where we should be stepping in. That is where we should be helping those States meet those standards, helping those States get the right information.

So I think he is going to be unafraid to take on the EPA when it is set to ignore a State's sovereignty.

Mr. Pruitt is the most thoroughly vetted candidate for this position in history. He fielded 6 hours' worth of questioning before the Committee on Environment and Public Works, where I serve. During that hearing, he assured me that he will engage directly with the State of West Virginia and visit our State. We could never get the EPA Administrator to visit our State and listen to our side. He will visit our State, listen to our side, and reform the rulemaking process to prevent another open assault on our economy by unelected bureaucrats.

He also committed to me that he would pursue full implementation of the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act, a bill on which we joined together—Republicans and Democrats, both sides of the aisle, with President Obama—to modernize our toxic chemical regulations in terms of water.

This is important to me. I was talking to my colleague from Michigan about this issue. We had a water crisis in West Virginia where we had a large chemical spill. This bill, under Scott Pruitt's leadership and my pressing for the implementation, as others will be, will help us in situations like this.

Beyond the over 200 questions he answered in the hearing, he answered more than 1,000 followup questions. He

is the most thoroughly vetted nominee for Administrator in the history of the EPA. I am confident—very confident—as he assured me in committee and in personal meetings, and I have watched him in action in terms of questioning the overreach in the court systems. He has worked with our attorney general, Patrick Morrisey, to be the leader in this.

I have confidence that he embodies the leadership that we need to restore the balance and accountability to the EPA in a way that will benefit the public health and benefit environmental preservation, as well as restore much-needed economic growth that needs to be a part of the balance that we want to see restored back to the EPA.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, let me say first that I join with the distinguished Senator from West Virginia in expressing concern about our water infrastructure and water issues. As many of us know, we have had terrific challenges in Flint, MI, with an entire water system being unable to be used because of lead poisoning and the terrible decisions made, primarily at the State level.

I was very concerned—when I speak about Mr. Pruitt and his nomination—that when asked by Senator CARDIN if he believes there is any safe level of lead that can be taken into the human body, particularly a young person, he said that this is something he hasn't reviewed and doesn't know anything about. That is deeply concerning to me—that the person who would be heading the EPA would not know anything about lead poisoning and what that means, first of all, in a child's body, where it is poisoned and affects their development throughout their life. It is critically important for us in Michigan—and there are many, many places where there are serious water quality issues that need to be addressed—that we have someone who understands the science and the need for clean water rules and protecting our waters so that any family, any community can have the confidence of turning on the faucet and knowing that there is going to be clean water coming out into their sink in their home. It is very concerning to me that we have a nominee who indicated that he really didn't know anything about this issue.

So for that and a number of reasons—many, many reasons—I am joining with so many colleagues in opposing Scott Pruitt to be the next Administrator of the Environmental Protection Agency.

The EPA Administrator is a very important position. As I indicated, to those of us in Michigan, surrounded by the beauty of the Great Lakes, having the responsibility for protecting the Great Lakes, this is a very, very important position.

After examining Mr. Pruitt's record on a broad range of issues, as well as

his views about the Agency he has been nominated to lead, I have significant concerns about the direction and the priorities the EPA would take if he becomes Administrator.

Now, this is not based on partisan politics. When George W. Bush was President, I joined 98 of my colleagues to vote to confirm Christie Todd Whitman to be EPA Administrator. Two years later, I was among 87 other Members of the Senate to vote to confirm Michael Leavitt to succeed her at the EPA.

But the facts are—the evidence is—that Scott Pruitt does not have the requisite experience and track record to successfully lead an Agency that plays such a critical role in protecting the health and the well-being of the American people, and, certainly, the people that I represent in the great State of Michigan.

As I mentioned before, we are very, very familiar with the importance of clean water and the consequences of environmental mismanagement. We need an EPA that will act quickly when there is a crisis like the one that happened in Flint, which is, unfortunately, still going on. This was a man-made crisis inflicted by the State of Michigan's actions on a number of different levels that created a situation where the State would rather save \$100 a day than treat the water for lead corrosion. So \$100 a day they wanted to save rather than treat the water to prevent children and families from being exposed to lead-tainted water. This was a State decision.

Mr. Pruitt has made it clear that it is his intention to defer as much as possible to States—to States like Michigan, which didn't treat the water, then didn't tell the truth, then covered it up, and still has not done—despite Congress and the President together acting to support that community, the State still has not stepped up to meet their responsibilities. After more than 2 years, people still cannot turn on the faucet and have confidence that they are going to have clean water. Yet Mr. Pruitt says the State ought to be the one making these decisions.

While I firmly believe an effective EPA is one that works closely and often in concert with State and local communities, we must also be sure we have leadership at the EPA that is willing and capable of providing the oversight necessary to ensure environmental and public health standards.

We also need an EPA Administrator whom we can trust to protect and preserve our amazing Great Lakes. Critical to this objective is a grant program administered by the EPA called Great Lakes Restoration Initiative. I was very pleased to champion and help launch this in 2010 with strong support from the Obama administration. This accelerates efforts to protect and restore the Great Lakes by providing grants to clean up contaminated areas; prevent and control invasive species, things like Asian carp, which we are

constantly having to focus on to push back these fish from destroying our fisheries and boating operations and environments in the Great Lakes; to address harmful algae blooms and restore habitat; and to protect native species.

Scott Pruitt's long record of opposing nearly all Federal environmental programs raises serious questions to me about his commitment to the Great Lakes Restoration Initiative and all of the efforts we have worked on in a bipartisan, bicameral way to make sure we are protecting 20 percent of the world's freshwater, 30 million people's drinking water, and a huge economic engine called the Great Lakes.

I always like to say the Great Lakes are in our DNA, and that is very true for all of us who live in Michigan and certainly around the Great Lakes because we understand that this great natural resource supports more than 1.5 million jobs and nearly \$62 billion in wages tied to jobs and industries, and, frankly, it reflects our wonderful quality of life in Michigan.

I also have great concerns about Mr. Pruitt's long-running opposition to the landmark renewable fuel standard, which puts him at odds with the Agency that administers the program. The President promised us a farmer-friendly EPA. Yet this nominee to lead the Agency wants to dismantle one of the most successful economic drivers in rural America. Mr. Pruitt has repeatedly spoken out against the renewable fuel standard, calling the program flawed and unworkable.

Mr. Pruitt heading up EPA, coupled with former ExxonMobil executive Rex Tillerson at the State Department and oil refinery owner Carl Icahn advising the White House, may well be the end of the RFS as we know it. That is, frankly, bad news for biofuels producers in Michigan, bad news for Americans who care about creating economic growth and jobs in rural communities, and bad news for small towns and communities throughout Michigan. Mr. Pruitt's record of siding with polluters over sound science puts him outside the mainstream of what we should expect from our EPA Administrator.

It is for these reasons that I intend to vote against his nomination, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I also rise to oppose the nomination of Scott Pruitt as EPA Administrator.

To summarize—and then I will go into some detail—Virginians are pro-science people. The political figure we most venerate is still Thomas Jefferson, who was the preeminent scientist of his day. We are pro-science people. Second, the evidence from Mr. Pruitt's career demonstrates he is anti-science in the climate area and possibly others. Third, there is no position in the Federal Government that more relies upon accurate science and scientific judgment than EPA Administrator.

I think the President is afforded significant discretion in appointing members of the Cabinet, and I have voted to confirm a number of President Trump's nominees even if I wouldn't have nominated them myself because I think they meet the basic test of competence and integrity. But I have voted against individuals if they can't satisfy me that they meet our ethical standards or that they are qualified for the position or that they are able to do the job fairly and objectively.

The ability of the EPA Administrator to do this job fairly and objectively requires an acknowledgement of the scientific reality of climate change and other science. This isn't an abstract matter for Virginia, and it is not an abstract matter for the EPA Administrator.

Next only to coastal Louisiana, Virginia is the most susceptible State to sea level rise. Hampton Roads, VA, with 1.6 million people—our second largest metropolitan area—not only is it a busy and thriving metropolitan area, but it is the center of American naval power and the largest base of naval operations in the world. It is the homeport for the U.S. Atlantic fleet. What we are seeing throughout Hampton Roads, VA, is that neighborhoods where you could sell and buy a house 15 years ago, you now can't because normal tidal action renders the homes impossible to sell. It affects businesses.

By 2040, the main road into the largest naval base in the world, Norfolk, will be covered 2 to 3 hours a day just by normal tidal action, not by storm surges, which make it more significant. So now the cities of Norfolk, Virginia Beach, Portsmouth, Suffolk, Chesapeake, Newport News, and Hampton are all trying to figure out ways to make resiliency investments to protect against sea level rise, and the Department of Defense is having to contemplate the same kinds of investments to protect our naval operations in Hampton Roads.

The EPA's mission and its entire existence revolve around science. To enforce the Clean Water Act and the Clean Air Act, to set limits on pollutants that are stringent enough to have measurable benefits but reasonable enough to avoid negative economic impacts to the degree we can, and to pore over reams and reams of data and analysis and figure out whether a chemical in a consumer product is harmful takes science. To analyze whether fracking or some other method of extracting energy is dangerous to drinking water or not dangerous or somewhere in the middle or what the right limits should be takes science.

In an earlier iteration, I was the mayor of Richmond. My city has a river in the middle of it that was so polluted—the James River—you couldn't swim in it and you couldn't fish in it. There was no bird life in it because it had been polluted over such a long time. Today, go to Richmond, VA, and you will see people canoeing

and kayaking. You will see people fishing and taking the fish home to eat. You will see people swimming. It has gone from the sewer of our city to the front yard of our city, to the thing that has helped bring population back into downtown Richmond and grow our population, and it happened because of the Clean Water Act.

There is always a question in regulation—too hot, too cold, or just right. But my city would not be what it is today had there not been a Clean Water Act that required us—in some ways that were painful at times—to save the river, and now it has herons, bald eagles, fish, kayakers, and canoeists, and everybody's quality of life and the economy are better too.

Mr. Pruitt has been asked repeatedly about his views on climate science. Just 4 months ago, he stated:

We've done a lot [in reducing carbon emissions], and that's not even addressing, guys, the fact that there's a tremendous dispute, as you know, that's going on in the marketplace about how much this global warming trend that the [Obama] administration talks about, if it's true or not.

Is it truly man-made and is this simply just another period of time where the Earth is cooling, increasing in heat? I mean is it just typical natural type of occurrences as opposed to what the Administration says?

That was just 4 months ago. This kind of skepticism—we don't know whether humans cause it; we don't know whether it is natural—is exactly the kind of thing we have seen in Congress before. There was a famous hearing in Congress that was sort of emblazoned on people's memories of a whole bunch of witnesses standing up and swearing to tell the truth and saying: We don't know that there is a connection between cigarette smoking and cancer. This kind of denial of the scientific consensus from an Administrator of the chief agency that needs science in this country is deeply troubling.

I don't think it should be going out on a limb to declare that climate change is happening, driven largely by the burning of fossil fuels, and is a problem we have to deal with in some way. How to deal with it, how quickly to deal with it—those are tough questions, but acknowledging the science should not be tough.

That acknowledgement of the science was the policy of a predecessor of mine, Virginia Senator John Warner, a Republican, who introduced one of the first climate bills in Congress with Democratic Senator Joe Lieberman in 2006. This policy that we recognize science was the policy of the George H.W. Bush administration, which negotiated the U.N. Framework Convention on Climate Change more than 25 years ago. It was the policy that underlay the Presidential campaign of one of our colleagues, Senator JOHN MCCAIN, in 2008.

Acknowledging the science of climate change isn't a matter of political views; it is a matter of science and reality. We can discuss and debate what

to do about it, and I think those are challenging discussions to have. That is fair game. Differences of opinion about what to do about—that is fair game. But denying an overwhelming scientific consensus that climate change exists and that it is driven by human activity in the burning of fossil fuels—something ExxonMobil scientists were agreeing to in papers written in the 1980s, not 4 months ago—denying that is a denial of science.

I worry. If Mr. Pruitt denies science on this matter, what other science will he deny? His record as attorney general in Oklahoma bears me out on my worry to some degree. In virtually every decision, the attorney general's office defended the interests of oil and gas, of Big Agribusiness, and basically the interests of polluters against the interests of clean air and water, which are the interests of our families and our kids.

A New York Times article from 2 years ago—before Mr. Pruitt was nominated for this position—identified that when the EPA was looking at the potential impacts—potential, not guaranteed; we are trying to determine if there are impacts—of fracking on water quality and seismic instability, Attorney General Pruitt submitted comments on behalf of the State of Oklahoma that expressed skepticism that fracking was causing any problems. Well, why not do the investigation? Why not get to the bottom of it? Was the opinion that he expressed backed by science? Was it backed by a deep analysis that had been done by scientists or smart attorneys in Mr. Pruitt's office? No. In this instance, good investigative journalism determined that the comment expressing skepticism about fracking having any effect on water quality was actually written by an energy company, copied, and pasted onto official Oklahoma letterhead and submitted to the EPA as representing the views of Oklahoma public officials.

Would it be appropriate for the attorney general of Oklahoma—a State that has significant oil and gas—to take into account the views of oil and gas producers on something as important as fracking? Absolutely. In fact, you would not be doing your job if you didn't take the views of those companies into account. But considering industry views is very different from taking their views and portraying them as coming from you, a holder of a public trust who is supposed to be working for everybody and not just one company or one industry.

Here is one more example I will give before I conclude, because I take it personally. Virginia is one of the six States in the Chesapeake Bay watershed. I worked on this matter as Governor of Virginia, along with colleagues in the other States and the District of Columbia, and we worked together with the EPA on how to clean up the bay. This is a treasured resource for Virginians. It is about as bipartisan

a thing as there is in Virginia. Probably next to support for veterans, support for the Chesapeake Bay would be a close second in bipartisanship. As public officials, we worked out with the EPA a strategy we thought would be conducive to cleaning up the Chesapeake Bay—which is not just about enjoyment, not just about water quality, but also about traditional Virginia industries, like watermen's industry tourism, which is a big industry in our State.

We worked it out to our satisfaction, but when we did, there was a lawsuit filed against this particular regulation by the Farm Bureau. The attorney general of Oklahoma—not one of the six States in the Chesapeake Bay watershed—the attorney general of Oklahoma intervened and filed a friend-of-the-court brief to try to strike down the regulation that the EPA and Virginia officials had worked on in tandem for the good of the Chesapeake Bay, for the good of our Commonwealth, for the good of our citizens.

I contend: Why would an attorney general in Oklahoma care so much about a Chesapeake Bay rule that we had worked out together? I contend that he and some other attorneys general who joined in this were worried that if the EPA succeeded, then the EPA might try something in other large watersheds, including those in their States.

The matter did go to the Federal appellate court. The Federal appellate court upheld the Chesapeake Bay plan. The attorneys general and others tried to take it to the Supreme Court. The Supreme Court wouldn't take the appeal, and so the Chesapeake Bay plan is in operation. We were all struck about why an Oklahoma attorney general would be going after something affecting the Commonwealth of Virginia, and there is a point there.

The point was this. EPA scientists working in tandem with State officials had analyzed the water quality in the bay, and they had followed the State's progress, or lack thereof, over time, and they finally said, again, working in tandem with many of us: The pollution levels are so bad that we are never going to return the bay to what it can be unless we need to take action.

It was that scientific consensus that Mr. Pruitt as attorney general of Oklahoma was challenging. Science is the pursuit of truth. Science is supposed to follow where the facts lead, no matter what the scientist's initial views might be.

Mr. Pruitt's record does not tell me he will follow the data wherever it leads. It tells me that whenever there is a menu of options, he is going to take the option that is most beneficial to polluters rather than beneficial to public health.

I will conclude with the point at which I started. There is no Federal agency that needs to have somebody who accepts science and scientific consensus more than the EPA. It matters

deeply to Virginia, but I don't think Virginians are unique to this. I think it matters to the citizens of 50 States.

EPA regulations are not all wise, and some need to be dialed back. I have seen the positive effects of wise EPA regulations in my city and in my State. I am going to vote no on Mr. Pruitt because I don't believe his first duty will be to follow science and enforce just laws and regulations, appropriately governing the water we drink and the air we breathe.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I rise again to speak about the epidemic of gun violence in the city of Chicago and across America.

The American Medical Association has declared gun violence as a public health crisis in America. Every day, almost 300 men, women, and children are shot in this Nation. Gun violence touches every American community, but no community has suffered more than the city of Chicago.

I am honored to represent that city. I love it, and I think it is a great city. I spend a lot of time there to get to know the people who were born there and live their lives there and call it home. It is a great honor to call it part of my State that I am honored to represent.

The stories that are coming out of the city of Chicago are heartbreaking stories—and none worse than this week. This week there was a slaughter of the innocents. In a 4-day period earlier this week, three beautiful children under the age of 12 were fatally shot.

On Saturday night, 11-year-old Takiya Holmes, sitting in her mom's car, was shot in the head and killed. A 19-year-old suspect in custody has been charged. He reported that he was shooting from across the street at rival gang members, and a stray bullet hit Takiya. She died on Tuesday morning.

On Saturday, 12-year-old Kanari Gentry-Bowers was shot while playing basketball in the West Englewood neighborhood. She passed away just yesterday.

On Tuesday at 1:30 in the afternoon, 2-year-old Lavontay White was shot and killed while sitting in the car with his pregnant aunt and uncle. Lavontay's uncle was also killed. His aunt was wounded.

These shootings are senseless, devastating, and heartbreaking. Already this year there have been over 400 shootings in Chicago—so far this year. That is after there were more than 4,300 shootings last year.

My thoughts and prayers, of course, go to the victims and their families. I have attended so many marches and parades, funerals, and memorial services. But thoughts and prayers are not enough. We need to do something to reduce this epidemic of gun violence. There have been too many funerals, too many families who have lost that baby

they loved, too many children who suffered the physical and mental trauma of gunshot wounds and witnessing violence. Many of these shootings could have been prevented, but it is going to take changes in our laws and changes in our attitude for that to happen.

We have absurd loopholes in our gun laws that make it easy for dangerous people to get their hands on guns. We have obvious gaps in our gun background check system. We have inadequate Federal laws to stop gun trafficking and straw purchases of guns. These factors allow a flood of illicit guns to come into Chicago from other towns and States, from gun shows in neighboring States where there is no background check. These drug gangs drive over to these locations and fill up the trunks of their cars with guns to take them and sell them in the neighborhoods to kids who shoot and kill one another day in and day out.

We have gun dealers—federally licensed gun dealers—who look the other way when someone comes in to make a straw purchase. That is the purchase of a gun that the purchaser is not going to use but is going to give it to somebody who is prohibited from buying a gun.

In light of the epidemic of gun violence in our country, Congress should be working around the clock to fix these gaps in our Federal law. But the Republican-controlled Senate is doing nothing to address gun violence in Chicago or anywhere else. Instead, look at what we just did yesterday. Just yesterday, this Senate, on this floor, voted to weaken the gun background check system instead of strengthening it. It is hard to understand how the Republican Party can have its priorities so wrong when it comes to gun violence.

We can respect Second Amendment rights of individuals. We can respect the rights of people to own a gun for self-defense, for sporting and hunting purposes. I have gone hunting. I have used a firearm. I complied with every law in the books, all of them. The hunters who were with me did too.

Why is it so hard to ask before we sell a gun to someone whether they have a criminal record, whether they are buying it for another person who might have a criminal record, or whether they have a history of mental instability, which would disqualify them from owning a gun?

We are facing a crisis in Chicago and across the Nation because of this violence. We in Congress have a responsibility to do everything we can at the Federal level to protect our constituents, our neighbors, from getting shot. We can't ignore this responsibility, and we certainly shouldn't be weakening gun laws as the Senate did yesterday.

We also need the Federal Government to be an engaged partner with cities like Chicago to help reduce violence and expand economic options in depressed neighborhoods. You can pick out three neighborhoods in the city of Chicago that account for almost 50 per-

cent of gun violence—three neighborhoods. I visited some of them. They warned me: Don't get out of the car. They are right. Random gunfire is a reality of life in those neighborhoods. We know where they are. We know where the shooters live. We know where the victims are. We can do more.

President Trump sends out a lot of tweets. He likes to tweet about Chicago, and I am not quite sure why. Tweeting doesn't save lives. Saying that you are going to send in the Feds may be one of those short tweets that is catchy, but it doesn't mean a damned thing to the people who are being shot and are dying in the city of Chicago.

Last week I joined my colleague Senator TAMMY DUCKWORTH, and we sent a letter to the President asking him to do more than tweet when it comes to Chicago.

I ask unanimous consent to have printed in the RECORD this letter.

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

UNITED STATES SENATE,
Washington, DC, February 10, 2017.

President DONALD J. TRUMP,
The White House,
Washington, DC.

DEAR PRESIDENT TRUMP: During the 2016 presidential campaign and in numerous tweets and comments since the election, you have lamented the recent surge of gun violence in Chicago and said the federal government could help stop the violence. While the level of shootings and homicides is clearly unacceptable, tweeting alone will not fix it. Tweeting does not break cycles of violence; tweeting does not help lift people out of poverty; tweeting does not save lives. We urge you instead to provide a surge in federal support and resources for Chicago to reduce violence and expand economic opportunities for neglected communities.

Public safety is primarily a local responsibility, but the federal government must be an engaged partner in public safety efforts alongside local officials, law enforcement, and community stakeholders. There is much the federal government can do to help.

Instead of tweeting, you could begin by directing your Administration to enhance U.S. Department of Justice (DOJ) programs that improve community policing, such as the COPS Hiring Program to help local police departments put more cops on the beat, and the Byrne-JAG grant program to enable local law enforcement to purchase or upgrade equipment. We note that in his first year in office, President Obama pushed for a surge in COPS and Byrne-JAG funding through the Recovery Act and the appropriations process that provided Chicago with \$13.256 million in COPS Hiring funding and \$35.637 million in Byrne-JAG funding. This is more than four times the amount of COPS funding and 15 times the amount of Byrne-JAG funding that the City received last year. You could push for a similar funding surge.

We also urge you to direct DOJ to promote mentoring and job training programs for youth and the formerly incarcerated. We are ready to work with you to strengthen the Office of Juvenile Justice and Delinquency Prevention to improve mentoring and violence prevention initiatives and to boost funding for recidivism reduction programs under the federal Second Chance Act. We urge you to direct DOJ to abide by its commitment to help implement policing reforms

recommended by the Department's Civil Rights Division. We also request your support for legislation to close gaps in the FBI gun background check system and in federal firearm laws that enable straw purchasers and gun traffickers to flood Chicago's streets with illicit guns.

Federal efforts must also transcend law enforcement and criminal justice programs to focus on causal factors, including the lack of economic opportunity. We urge the U.S. Department of Education and the U.S. Department of Labor to prioritize important career and youth training programs that, if properly funded and expanded, would address the role that poverty plays in the violence epidemic facing Chicago and other communities around the country.

Before you send your next tweet, you could request a surge in additional federal resources for these public safety and economic development efforts in Chicago. But so far, your Administration has refused to commit to spend any additional resources to combat Chicago's violence and has actually threatened to cut federal funds for the City. Now is not the time for the federal government to abandon its support for Chicago and its people.

This week, you reportedly attributed Chicago's crime situation to the presence of undocumented immigrants. This coincides with your January 25 executive order that makes up to eight million immigrants priorities for deportation and seeks to create a mass deportation force by tripling the number of immigration agents. The vast majority of immigrants in our country are peaceful and have strong family values, and studies have shown that immigrants are less likely to commit serious crimes than native-born individuals. We are aware of no evidence that undocumented immigrants are responsible for any significant proportion of the murders in Chicago, and claims otherwise do nothing but distract from efforts to meaningfully reduce the City's recent increase in violence.

We note that you have urged Congress to fund the construction of a wall on the Southern border that would reportedly cost at least \$21.6 billion, even though the wall would not fix our broken immigration system and even though Republican Congressman Will Hurd, whose district covers 800 miles of the border, has said "building a wall is the most expensive and least effective way to secure the border." If your Administration were to take even one percent of this funding and devote the resources instead to help Chicago's public safety efforts, it would make a dramatic difference in reducing Chicago's violence. We urge you to reprioritize federal resources that you would request for wall construction and commit those resources instead to reducing gun violence in Chicago and other violence-prevention efforts around the nation. Doing so could save many more lives than tweeting.

Thank you for your consideration on this important issue.

Sincerely,

RICHARD J. DURBIN,
U.S. Senator.
TAMMY DUCKWORTH,
U.S. Senator.

Mr. DURBIN. We asked the President to put his twitter account down for a few minutes and instead direct his Department of Justice to enhance programs that improve community policing, such as COPS and the Byrne-JAG grants. We asked him to provide a surge in these programs, just like President Obama did in his first year through the Recovery Act and the appropriations process.

We also asked the President to direct the Justice Department to promote mentoring and job training programs. I want peace on the streets of Chicago and every American city, and I know that one of the keys to this is the belief that there is a chance in this economy for you and your family.

We need to have mentoring and job training programs for young people through the Office of Juvenile Justice and Delinquency Prevention and for former incarcerated persons through the Federal Second Chance Act.

We asked the President to support policing reforms recommended by the Justice Department in Washington. We asked him to support our efforts to close the gaps in Federal gun laws.

There is no denying that poverty plays a role in fueling violence and in violating justice. We asked the President, also, to prioritize funding for jobs programs under the Departments of Labor and Education. These are concrete steps that would help reduce violence in Chicago.

So far, President Trump's administration has not committed any additional resources to combatting Chicago's violence. Mayor Emanuel was here a few days ago to meet with the Department of Justice and to make the same plea. The administration instead is threatening to cut funding, on top of the devastating funding cuts we have already seen in Illinois under our current Governor.

Now is not the time for the Federal Government to abandon support for the families living in this great city. I urge the President and his administration to reprioritize Federal resources to reduce gun violence in Chicago and around the Nation. It is going to save a lot more lives than tweeting.

If you will not do it for two Democratic Senators, do it for these families. Do it for the moms and the relatives who are now planning the funeral services of these babies who were gunned down in the city of Chicago this week.

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. ROUNDS. 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. ROUNDS. Mr. President, I rise to discuss Mr. Trump's nominee to be Administrator of the U.S. Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt.

His background with the EPA regulatory process makes him well suited to lead this Agency. He has an in-depth understanding of the impact regulations have on landowners, American businesses and State and local governments. As attorney general, Mr. Pruitt has been a leader in standing up for the rights of State governments in the face

of an aggressive EPA that has imposed increasingly costly and burdensome regulations on the States.

During his time as the attorney general, Mr. Pruitt established Oklahoma's first Federalism Unit in the Office of Solicitor General to more effectively combat unwarranted regulation and overreach by Federal agencies. General Pruitt is a strong believer in federalism and States' rights, which have been often overlooked by the previous administration, often to the detriment of the U.S. economy and our environment.

I am hopeful Attorney General Pruitt will take steps to improve the Federal regulatory process to make certain Federal regulations are promulgated with adequate public participation, underpinned by the best scientific evidence available and in a transparent and open manner. Attorney General Pruitt understands the importance of taking stakeholder, State, and local government comments and expertise into account when promulgating regulations. He understands that listening to and considering the differing viewpoints of stakeholders will improve the regulatory process and lead to better regulations. This will lead to fewer burdensome and costly regulations for South Dakota farmers, ranchers, and landowners, while at the same time making certain we have clean air and clean water.

The Obama EPA's process for considering scientific information was flawed and unbalanced. There was a lack of balanced opinion, geographic diversity in State, local, and tribal representation on EPA's Science Advisory Board, which is tasked with providing scientific advice to the EPA. Attorney General Pruitt understands the importance of relying on the most up-to-date science to underpin environmental regulations.

During his confirmation hearing, he affirmed to me that he would uphold his obligations to use the most current, accurate data and sound science when making decisions, especially when it comes to the renewable fuel standard. The RFS has been successful in South Dakota in encouraging investments and creating jobs in corn ethanol production. Mr. Pruitt understands the importance of corn ethanol to the Midwest.

Throughout his tenure as attorney general, Attorney General Pruitt witnessed firsthand the negative impact that EPA regulations, such as the waters of the United States rule, have on U.S. landowners and on our business owners. He saw how incomplete economic analysis did not account for the full impact of regulations on U.S. citizens, and the regulatory burden was often far greater than what the EPA claimed it would be.

The attorney general can modernize the EPA's approach to regulation and make certain that regulations are promulgated in a deliberate, fair, and

transparent process. A better regulatory process will lead to better regulations. Better regulations will make certain our air, water, and land is protected, our economy continues to grow, and American jobs can continue to be created.

Attorney General Pruitt has had a rigorous vetting process since first being nominated by President Trump. He has answered more than 1,200 questions from Senators, more than 1,000 more questions than nominees for the EPA Administrator from the incoming Obama administration to the Bush administration or the Clinton administration. Additionally, his confirmation hearing was the longest for any EPA Administrator.

I, personally, would like to thank Chairman BARRASSO for spearheading this fair and very transparent confirmation process. I would also like to thank Attorney General Pruitt for taking the time to answer all of the questions that were asked of him and meeting with Senators both on and off the EPW Committee.

General Pruitt's impressive background and depth of knowledge on EPA issues make him well suited to be the next EPA Administrator. As a member of the Senate Environment and Public Works Committee and chairman of the subcommittee which has oversight of the EPA, I look forward to his eventual confirmation and to working with him in the future.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

PRESCRIPTION DRUG PRICES

Mr. COTTON. Mr. President, I recently read a story in the Wall Street Journal that I thought was so alarming it demanded action. Here is the headline: "Marathon Pharmaceuticals to Charge \$89,000 for Muscular Dystrophy Drug After 70-Fold Increase."

Yes, that is \$89,000 a year, and, yes, that is a 70-fold increase—70-fold, as in 7,000 percent.

For those of you who have not read the article, here is the story. There is a rare disease called Duchenne muscular dystrophy. It affects about 12,000 young men in the United States. Most of them, unfortunately, end up dying in their twenties and thirties because of it.

We don't have a cure yet for Duchenne. Until recently, there was not even a treatment with FDA approval. So, for many years, patients and parents have been importing a drug called deflazacort, a steroid, from other countries. Even though it is not a cure, it at least helps treat symptoms and has been a welcome relief to many families.

Well, technically it is illegal to import a drug that doesn't have FDA approval. But there is a catch. The FDA does not quite enforce the ban against all unapproved drugs. In fact, it has issued regulatory guidance saying that you can get an exemption and buy an unapproved drug from overseas if you meet five conditions. First, you have to have a serious illness for which there is no other treatment available. Second, you can't sell the drug. Third, you can't pose an unreasonable risk to your health. Fourth, it has to be for you and you alone. Fifth, you can't buy more than a 3-month supply.

All of that sounds fair enough. But if someone comes along and gets FDA approval for their version of the exact same drug, the exact same chemical composition of the drug that is being imported, then you cannot buy it overseas anymore. That is exactly what happened here.

This was not a new drug. This was not a medical breakthrough. This was not a scientific advance. This was, plain and simple, an arbitrage opportunity. Other people had already gone to the trouble of making a drug that worked, but if you paid the expenses of getting FDA approval, you would essentially buy for yourself monopoly pricing power. That is what other companies missed, and now, to cover the costs of going through that approval process, Marathon is increasing the price from roughly \$1,500 a year to \$89,000 a year.

I don't think it is an overstatement to say that this turn of events is nothing short of outrageous. It defeats the very purposes of our FDA laws. The reason we offer people the chance to create a monopoly is to encourage innovation and medical breakthroughs, to generate new drugs that are going to solve diseases or illnesses.

What we are saying is, if you go to the pain and expense of developing a new treatment, we will give you the sole rights to sell it for a number of years so you can recover your costs, and, therefore, we will encourage more medical breakthroughs to alleviate the pain and suffering of the American people. In other words, monopoly rights are not merit badges. They are not a reward for business smarts. They are supposed to serve the interests of patients. They are supposed to expand access to treatment. But in this case, what we see in our system is, in fact, restricting access and driving up the price for that coverage.

I understand that many people with Duchenne are happy that Marathon has done this because now that the drug has FDA approval, insurance companies will likely cover it—unlike before when people had to pay out of pocket, meaning that poor kids didn't get access to deflazacort, whereas upper middle-class and rich kids typically did.

I also know that Marathon has promised to increase spending on research on a new drug and to help people of limited means afford that treatment. That, too, is all to the good.

I am not casting aspersions on anyone's motives here, but let's be real. Someone has to pay the full price of this drug at \$89,000 a year. We have a drug that used to be available for \$1,500 a year, and now it is \$89,000 a year. Whatever happened, that is a system-wide failure. We as a Congress have to address it.

There is simply no getting around the fact that this story should never have been written in the first place because it should have never happened in the first place. We should be channeling peoples' ambition and entrepreneurial spirit into finding cures, not finding new and clever ways to make a profit. That is what our food and drug laws are designed to do. That is what they have clearly failed to do in this instance.

I just want to say that I am not going to let this story disappear. I am going to work with my colleagues to find a legislative solution to this mess and promote affordable, high-quality healthcare for all, for all families whose young children suffer from Duchenne and for every other orphan disease that has drugs that can be used for treatment and right now are being blocked from the market or for which we are paying way too much money as a society.

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.

Ms. CANTWELL. 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. CANTWELL. Mr. President, for the last 47 years, the EPA has enforced science-based environmental policies that have resulted in cleaner air and water, the cleanup of some of our Nation's most contaminated lands and waters, and has improved our understanding of our changing climate. All of this has led to a healthier America.

Bipartisan Administrators of the Environmental Protection Agency—everybody from the great Washingtonian Bill Ruckelshaus to most recently Gina McCarthy—took on the role and responsibility as EPA Administrator, knowing that it was their responsibility to protect existing environmental law and to let science be the guide on research and new policies. They took the EPA mission to heart, and they fought to protect human health and the environment.

I have questions about whether the nominee, Mr. Pruitt, follows those same values, and I come to the floor to oppose his nomination to be the Administrator of the EPA.

Mr. Pruitt has repeatedly attacked needed EPA regulations, and he supports polluters at the expense of the environment and health laws. He doesn't believe the scientifically proven causes of climate change are real.

Less than a year ago, then-Oklahoma attorney general Scott Pruitt, working in their State, wrote: “Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind.” That was written in the *Tulsa World*.

When questioned by my colleagues during the hearing process, he said: “The climate is changing, and human activity contributes to that in some manner” but the degree of that contribution is “subject to more debate.”

The reason I raised these issues is that this issue of climate and climate impact is so real in the State of Washington. It is already happening, and it is already affecting our industries.

As EPA Administrator, Mr. Pruitt would have the responsibility for setting the Agency’s agenda, including how to respond to climate change, yet the fact that he doesn’t support the existing climate change science puts him in a role where I think he would not protect the economic interests of our State.

We cannot have a lackadaisical attitude about these issues. It is not a hypothesis. It is here. It is happening.

In the Pacific Northwest, it is altering our region’s water cycle, putting Washington’s farming jobs and our \$51 billion agriculture economy at risk. Wildfire seasons are longer and more severe than ever before. It is costing our Nation billions of dollars.

Warmer water temperatures in our streams and rivers have degraded salmon spawning habitat, led to massive die-offs, and certainly our shellfish industry has been very challenged.

With 25 percent of carbon dioxide emissions being absorbed by our oceans, it is raising the acidity level, and that is impacting the chemistry of Puget Sound. Oceans and their absorption of carbon dioxide emissions and these acidic conditions are making it hard for our shellfish industry to do the type of seeding that needs to take place. It is severely impacting the Pacific Northwest’s \$278 million shellfish industry. Ocean acidification has been found to dissolve the shells of important prey species, and the ocean acidification effects then carry up the food chain, if they are not addressed.

If we have an EPA Administrator who isn’t going to work to cut down on carbon emissions and thinks that it is only part of the impact, aren’t there a lot of Northwest jobs at stake? For example, our maritime economy alone is worth \$30 billion, so I would say there is a lot at stake.

In looking at the record of Oklahoma attorney general Scott Pruitt, he fought EPA regulations that protect public health, including the cross-state air pollution rule, the regional haze rule, the clean air standards for oil and gas production sites, and the clean water rule.

Despite this issue of repeatedly suing the EPA, he recently told Congress: “I do not expect any previous lawsuits to adversely affect my performance as EPA Administrator.”

Well, I have serious concerns about how Mr. Pruitt’s past lawsuits will influence his aggressive attitude as EPA Administrator in not fighting for the things that are going to protect the jobs and economy in Washington State that count so much on a pristine environment.

A letter was sent by 773 former EPA employees who served under Democratic and Republican administrations, stating: “Mr. Pruitt’s record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes.”

His record does not give me the confidence that he is the right person to lead this Agency at this point in time.

But there are other issues. During his time as Oklahoma attorney general, Scott Pruitt planned the Summit on Federalism and the Future of Fossil Fuels. This summit brought together energy industry executives with attorneys general to strategize against EPA, and they specifically discussed EPA’s overreach, as they put it, regarding a very important issue called the Pebble Mine.

The Pebble Mine is an attempt by some who want to actually establish a gold mine in the very place of one of the most successful salmon habitats in the entire world: Bristol Bay, AK.

The EPA followed the letter of the law in their multiyear, science-based assessment of Bristol Bay. They basically made sure that everybody understood what was at risk: that Pebble Mine would destroy up to 94 miles of salmon spawning streams; it would devastate anywhere from 1,300 to 5,350 acres of wetlands; and it would create 10 billion tons of toxic mine waste, which is nearly enough to bury Seattle. And all of this would occur in the headwaters of the greatest salmon fishery on Earth, where half of the sockeye salmon on the planet spawn.

So the notion that this is how this nominee would spend his time—as I said, the mine itself is a direct threat to the \$1.5 billion salmon industry in Bristol Bay. That is 14,000 jobs just in the Pacific Northwest. The importance of making sure that the mine is not located there is of the utmost importance, I say, to the salmon fisheries of the entire Pacific Northwest.

I want to make sure we are putting someone in place who is going to fight for the laws that are on the books and to show leadership, not spend time trying to undermine the Agency, the organization, and its existing authority.

If Scott Pruitt allowed Bristol Bay to go forward, it would be devastating to our State. It would be voting in favor of these polluters instead of making sure that we are protecting science and environmental law.

I have very serious concerns, and that is why I am opposing this nominee. I hope my colleagues on the other side of the aisle will realize that these economies—the ones that depend on clean air and clean water, safe salmon

spawning grounds—are dependent on our doing the right thing to protect what is really our stewardship of this planet that we are on only for a very short period of time. I hope my colleagues will consider all of this and oppose this nominee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I want to speak about this nomination from the standpoint of our State, our State of Florida, because we are famous for sugar-white beaches, fertile fishing grounds, and unique environmental treasures, such as the Florida Everglades. These precious natural resources need our protection and our stewardship. In fact, Florida’s multibillion-dollar tourism industry is driven by the fact that people come to our State to enjoy these kinds of environmental treasures.

I have just come from a meeting with the American Hotel & Lodging Association. With multibillions of dollars of investments all over Florida, what happens if the guests don’t come? That is a major investment that is lost.

And, oh, by the way, a few years ago during the BP oil spill—when the oil got only as far east from Louisiana as Pensacola Beach, and some oil was in Choctawhatchee Bay and Destin and some tar balls were as far east as Panama City Beach, but not any further—the visitors didn’t come because they thought the beaches were covered with oil.

Well, right now Florida’s unique environment is threatened by several environmental challenges, from the threat of fracking in this honeycomb of limestone filled with freshwater that supports the peninsula of Florida to algal blooms that have plagued much of Florida’s Treasure Coast this last year, to the red tide in the Tampa Bay area, and to Burmese pythons in the Everglades. And that is just a little bitty partialness of the plagues. To deal with these challenges, States such as ours depend on the EPA as a backstop.

I am here to express my concerns about the President’s pick to lead this agency. It has been well documented that the President’s pick is a friend of the oil industry. There is nothing wrong with that. But this is an industry that has invested hundreds of thousands of dollars in political contributions to Mr. Pruitt and the PACs supporting him over the years.

Ever since I was a young Congressman, I have been fighting to keep oil rigs off the coast of Florida. In the first place, there is not a lot of oil out there, but Florida’s unique environment—from what I just told you about, the BP oil spill—its tourism-driven economy, and, oh, by the way, the largest testing and training area for the U.S. military in the world, the Gulf of Mexico off of Florida, as well as all of the testing ranges on the east coast, and how about the rockets coming out of the

Cape Canaveral Air Force Station and the rockets coming out of the Kennedy Space Center—because of all of those, you can't have oil rigs down there. For all of those reasons, it makes Florida incompatible with offshore oil drilling. An EPA Administrator with such close ties to the oil industry is deeply concerning for the people of Florida.

But Mr. Pruitt's ties to Big Oil aren't the only concern that we have in Florida. During his confirmation hearing, Mr. Pruitt said that he believes that his views on climate change are "immaterial" to the job of the EPA Administrator.

Whoa, the EPA Administrator is directly involved in things that involve climate change. I can't think of a more relevant issue for our EPA Administrator to be concerned with because Florida is ground zero when it comes to the effects of sea level rise.

These are not projections, not forecasts. These are measurements over the last 40 years in South Florida. The sea has risen 5 to 8 inches.

By the way, where is three-quarters of the population of Florida? It is along the coast. We are already seeing regular flooding at the mean high tide in the streets of Miami Beach, and they are spending millions on infrastructure in order to get those pumps working to get the water off the streets and raising the level of the streets.

We are seeing the saltwater, which is heavier than freshwater, seep into the ground where there is a honeycomb of limestone filled with freshwater, and the seawater is seeping into the freshwater. So cities are having to move their city well fields further to the west because of the saltwater intrusion, and it only gets worse.

The threat Floridians face every day is a result of this sea level rise that is very real. It is critical that we have an EPA Administrator that understands that there are things that are happening because of climate change. It is not immaterial to the job of the EPA Administrator; it is very relevant.

There is Mr. Pruitt's history of questioning science, especially when the facts conflict with his friends, whom he surrounds himself with, about the effects of science. So whether it is protecting Florida's livestock from deadly parasites or protecting the air we breathe, science informs policy decisions that affect all of us—clean water, clean air. It affects public health, national security, and the environment.

Yet we continue to see troubling reports about scientists being muzzled from the State level all the way up to the Federal level in the EPA. So it just seems that this is unacceptable. Our scientists should be free to publish scientific data and not be muzzled. They should be able to publish their reports without fear of losing their jobs or being censored for using phrases like "climate change."

That is why I recently sponsored legislation to protect our scientists from political interference. The Scientific

Integrity Act would ensure that Federal scientists can communicate their findings with the public. It requires Federal agencies to implement and enforce scientific integrity policies and ensure that procedures are in place so that if those policies are violated, it is known and there is a procedure to deal with that.

I conclude by stating that Floridians and the State of Florida cannot risk the health of our environment or our economy on an EPA Administrator who pals around with folks that do all of what I am talking about—they question our scientists, denying the true threat we face from sea level rise and climate change. Floridians can't afford such a risk, and they shouldn't be forced to take this risk. Therefore, I will vote no on Mr. Pruitt's nomination to be EPA Administrator.

Mr. President, I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. The Senator has that right.

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I join my colleagues today to recognize that the environment is critically important. One of the true issues States face is getting back to the promises of the Clean Air Act and Clean Water Act to make sure States enjoy primacy, and I think that is a critical component that is not being discussed today as we look at guaranteed clean water and clean air—making sure that those closest to those issues have the ability to have the input that was anticipated by almost every environmental statute. So I would remind my colleagues that when we focus many times on Federal issues and Federal appointments, one of the most important things that we can do is focus on the fact that these Federal agency heads need to work cooperatively with State organizations.

Scott Pruitt, who is a soon-to-be former attorney general, understands the State role, and I think that is a critical qualification and an important distinction to make.

EX-IM BANK

But I didn't come to talk about the appointment of Scott Pruitt. I came to talk about something we could all agree on, and in fact the President and I agree on this, and I think everyone agrees on this almost unanimously, which is that American jobs matter. Putting Americans back to work in manufacturing is one of the most critical things that we can do in the Senate, making sure that our people have an opportunity to succeed, participate, and have an opportunity to produce goods and services that can be exported and can grow the wealth of our country and grow the economy of our country.

Last week I joined President Trump in a small bipartisan lunch. We had a chance to talk about a variety of issues. There are very many issues that divide us, but this issue unites us. I

specifically talked with the President about the need to get the Export-Import Bank up and running. I also talked to him about the Export-Import Bank in December and talked about the importance of enabling this institution to function for the American manufacturing worker. The great news is that President Trump agrees, and he informed me that we can in fact say he supports the Ex-Im Bank and that he would be nominating someone soon to serve on the Export-Import Bank.

That led off a rash of discussion among the usual naysayers with the Ex-Im Bank, mostly driven by ideology and not fact. So I think it is important to come once again to reiterate the importance of the Ex-Im Bank.

I certainly appreciate the President's interest in making American workers a priority. He will be at Boeing in South Carolina on Friday. I don't know if he will make any announcement about nominating someone to the Ex-Im Bank. I hope he does.

There has been a lot of talk about supporting the economy and boosting American manufacturing jobs, but all that talk falls on deaf ears if we don't take action on the simple issues when we can accomplish those goals, and that simple issue is enabling the Export-Import Bank to function. For decades the Export-Import Bank has leveled the playing field for American workers and businesses. Yet heavy politics is enabling one Senator to put political ideology before the jobs and well-being of thousands of American workers across our country.

We worked very, very hard in 2015. We knew that we were going to be challenged to get the Ex-Im Bank reauthorized. In June of 2015, the Export-Import Bank expired and did not have a charter. It was not authorized for the first time in its more than 80-year history. I fought very hard to reauthorize it, as did a number of my colleagues. Finally, in December 2016, 6 months later, the Bank was given a charter, given an authorization. I want to point out something because I think way too often we think what stops this endeavor is partisan politics. Guess what. Over 70 percent of the House of Representatives voted for the Ex-Im Bank and over 60 percent of the Senate voted for the Ex-Im Bank. This is not a partisan issue. There is bipartisan support. Yet there is a narrow group of people who would rather put ideology ahead of American jobs. It is wrong on so many levels.

Despite the fact, unfortunately, that we finally authorized the Ex-Im Bank over a year ago with overwhelming support, we do not have a Bank that can authorize any credits over \$10 million. That is because it requires a quorum of Bank board members to make that decision. We only have two out of the five members of the board. That means that we don't have a quorum. So what has been happening is that there is \$30 billion—think about that, \$30 billion—of American exports waiting in the queue, waiting for approval, hoping desperately to get the

Ex-Im Bank up and running so those exports can receive the credit they need and receive the guarantees that those exports need and get people back to work.

Do you know what else has been happening since we haven't had a quorum on the Bank? Thousands of American jobs have been transported to places like France and Canada. We are losing thousands of jobs.

When I hear people say the Ex-Im Bank is the bank of Boeing or the bank of GE, trust me, I do not bleed for the executives of Boeing. I do not bleed for the executives of GE. They will do fine. In fact, they know how to get around this problem. They just move those manufacturing jobs to a country that will recognize the exports and will provide that export credit. That is what is happening. But guess what is happening to the American worker and families across these manufacturing facilities? They are getting pink slips. Why? Because this body refuses to give us a quorum on the Ex-Im Bank.

The President understands this. The President understands how important it is to get these American workers back together. Now I want you just to think about what \$30 billion of exports is worth to American employment. If we use the numbers that extrapolate, it is hard to know, but it is over 170,000 jobs. Think about the fact that 170,000 jobs are waiting in the wings for us to do the right thing. When we move forward with the Ex-Im Bank, I think we will have a good day—a good bipartisan day when the President of the United States joins with those of us who care about workers and manufacturing in this country—and we will get the Ex-Im Bank up and running. I think if we fail to do it and if we fail to send the signals that help is coming and that the Ex-Im Bank is going to be an effective institution that will once again play a role in American manufacturing and will be in that tool chest of trade opportunities—if we don't do it—then they are going to give up all hope, and they are going to find some other place to manufacture the products that will allow them to access the credit, that will allow them to sell their products overseas. So it is critically important.

I want to leave with one statistic. The Peterson Institute recently estimated that the United States is losing \$50 million in exports for every day that a nomination is not confirmed—\$50 million of new wealth creation for our country. It is a travesty.

Of all of the things I have seen here—the callous things—that sound so bureaucratic when you talk about the Ex-Im Bank, when you pick up the curtain and you look underneath, what we see are American jobs and American families and American opportunity and new wealth creation for our country and economic growth for our country. And because some institution that could give you a black mark in a political campaign says “We don't like it,” it doesn't get done. Shame on us.

Thank you to the President for agreeing to help us move the Ex-Im Bank forward. Thank you to all of my colleagues—64 in the last Congress—who stood with us to get the Ex-Im Bank reauthorized and the over 70 percent of the House of Representatives, on a stand-alone vote, who voted for the Ex-Im Bank, who know how critically important this is. We can get this job done, and we can stop the migration of these jobs to other countries.

I look forward to hearing more this week and hopefully early next week from the President. As a member of the Banking Committee, I look forward to pushing for a hearing and a vote on this nominee. And I look forward to the day that all of these exporters and these American workers can see that this institution can work for them, and that will be the day that those credits are approved at the Ex-Im Bank.

Thank you so much, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is postcloture on the Pruitt nomination.

Mr. WICKER. Mr. President, I rise in support of the nomination of Scott Pruitt.

Ms. HEITKAMP. Mr. President, will my friend from Mississippi yield the floor for one moment?

Mr. WICKER. I am delighted to yield.

Ms. HEITKAMP. I thank the Senator from Mississippi.

Mr. President, I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I am delighted to rise this afternoon in support of Scott Pruitt, nominated for EPA Administrator, and to congratulate the leadership of this Senate and the administration for persevering on this nomination to the point where we will get a vote tomorrow afternoon and I think be able to end the week on a positive note.

My good friend, the Senator from North Dakota, had just called for a good bipartisan day on the Senate floor, and I support many of the remarks she made in that regard. I would hope we could begin having some good bipartisan days with regard to the administration's nominations for these important positions.

Sadly, it looks as though we will not have a bipartisan vote for Scott Pruitt. He will be confirmed but not nearly with the vote he should receive from Members on both sides of the aisle who know that there has been extreme overreach on the part of the EPA leadership under the Obama administration. The EPA needs a change in direction, and they need to become more sensible with regard to stopping pollution, while at the same time being

friendly on job creation. So we will get this nomination finished tomorrow and we will have a good Administrator, but regrettably it will not be on a very bipartisan basis.

This is the Scott Pruitt whom I have had a chance to learn about since he was nominated in January.

The Scott Pruitt I have had a chance to learn about took on the polluters as attorney general for his State of Oklahoma and finalized multistate agreements to limit pollution, and he did so working with Democrats and working with Republicans on a bipartisan basis across the political spectrum. I think we need that sort of person as EPA Administrator. Scott Pruitt negotiated a water rights settlement with the tribes to preserve scenic lakes and rivers, and I think he is to be congratulated on that, not scolded. He stood up to oil companies and gas companies as attorney general for the State of Oklahoma and challenged them when they were polluting his State's air and water. Then—something I applaud—when the EPA overstepped its bounds and its mission and ceased to follow the law, he challenged the EPA. I submit to my colleagues that that is exactly the sort of balance we need to return to as Administrator of the EPA.

In the hearing, which was rather extraordinary because of its length, Attorney General Pruitt demonstrated his knowledge, he demonstrated his intellect, and he demonstrated his patience. He was available all day long—an extraordinarily long hearing—answered more than 200 questions propounded at the hearing, and then beyond that he has now answered more than 1,000 questions for the record. Yet, in spite of this, it is disappointing that some of my colleagues, some of my friends on the other side of the aisle, have taken not only to disparaging his qualifications and his suitability for this position but also engaged in a slow-walking process designed to keep this nomination from even coming forward.

Every Democrat boycotted the committee meeting that was called to report this nomination to the floor so that we could even have an up-or-down vote. They walked out of the meeting. This is the sort of tactic we were able to overcome on a parliamentary basis, but it has given us what we now know is the slowest confirmation process in 225 years. The only President to have a slower confirmation process was the one who was getting it all kicked off to start with; George Washington's was a bit slower. We will see. Maybe if this keeps going, we could surpass the slowness of the confirmation process that occurred for our first President.

We need a change at EPA. The American people are ready for a change at EPA. We need an EPA Administrator who will listen to the environmentalists but also listen to the job creators. This means listening to the election but moving past the election and getting on to filling the positions that are

important to Americans, such as the EPA Administrator.

Most Americans believe we can protect the environment and still protect job creators, and so does Attorney General Scott Pruitt. Most Americans believe we can have clean air and water without destroying thousands upon thousands of jobs for Americans. That is what I believe. That is what Scott Pruitt believes.

I would quote from a recent op-ed in the Wall Street Journal which William McGurn wrote in support of Mr. Pruitt but also generally in support of other nominations. With regard to Pruitt, Mr. McGurn says this: "The fierce opposition to Mr. Pruitt speaks to the progressive fear that he might help restore not only science to its rightful place but also federalism." I think that is what Scott Pruitt is going to be about when he is confirmed tomorrow and finally gets down to working for us, the taxpayers, as Administrator of EPA.

This is about the 1-month mark in this administration, and we are slowly getting past this unprecedented slow-walk effort by our colleagues. I certainly hope that with the 1,100 other appointments that have to be submitted and have to be spoken to by this Senate, we can hasten the process so we can pass legislation and be about the business our constituents sent us here to do.

Approving Attorney General Scott Pruitt will allow us to move forward with the people's business with a man who has demonstrated courtesy, intelligence, patience, and professionalism, and I will be honored to be one of those voting yes tomorrow when we confirm this outstanding candidate as EPA Administrator.

I thank the Chair.

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. CARPER. 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. CARPER. Mr. President, I would like to follow up on something our friend from Mississippi was just saying. I want to make it clear that I am not really interested in obstructing. I am not interested at all in obstructing. What I am interested in is getting to the truth about this nominee and others.

Two years ago, an organization called the Center for Media and Democracy petitioned, under the Oklahoma open records law—it is a FOIA-like law at the State level—they asked for access to thousands of emails that were sent from or to the attorney general's office under Scott Pruitt. That was 2 years ago. They have repeatedly renewed that request over time, and it has not been granted.

Why might emails be germane? Well, they are germane because many of the emails were with industries that have differences with the EPA and in some cases are involved in lawsuits, a number of which were sponsored by or joined in by Attorney General Pruitt.

Two years after the request to see those emails was submitted to the attorney general's office, they had not seen one of them. A lawsuit was filed earlier this month asking the court—I think it is called the district court of Oklahoma, a State court—asking to see the emails and asking that the court intervene so that the Center for Media and Democracy would have access to the emails.

The Democrats on the Environment and Public Works Committee wrote to the judge, and we shared our voice because we have been making the same request of the attorney general's office—of the attorney general—as part of the nominations process. He has declined to provide the emails to the Congress, the Senate, and we have let the judge know that we appreciate her attention to this matter and hope she might even expedite it. Well, an expedited hearing is called for this afternoon on the sharing of these emails that have been blocked, stonewalled, for 2 years.

What we did as Democrats on the Environment and Public Works Committee is I met with the majority leader, and nine of us wrote to the majority leader, and we said: With all due respect, we suggest to give the judge time to make a decision, and if the judge says the emails should be opened up, allow us to have until a week from this coming Monday to look at the emails to see if there is anything inappropriate or untoward that could be revealed.

That request to the majority leader—he was very nice about it, but he basically said: We are not going to do that.

I renewed the request here yesterday on the floor, and he said: No, we are not going to do that.

I am generally one who thinks it is very important for us to communicate, collaborate, cooperate around here, as I think most of my colleagues would attest, but in this case, I don't think we made an unreasonable request of the nominee. And I think to block access to these emails—even when petitioned under the Oklahoma FOIA law, backed up by our support—for nothing to happen is just wrong. That is just wrong.

So hopefully when the judge has this hearing later this afternoon—actually, in 2 hours—we will find out a bit more as to whether the AG's office is going to be asked to turn these emails over and make them public with that information. I hope the answer will be yes. We will see.

I asked Mr. Pruitt 52 questions on December 28 and asked they be responded to by January 9. January 9 came and went, and we were told maybe we would get the responses at the hearing we were going to have on

January 18. We had the hearing on January 18, and some of the specific questions were answered, some not, but we submitted as a committee some 1,000 additional questions for the record. That is a lot of questions. I suggested to the committee chairman he give the nominee a reasonable amount of time to respond to those questions. The chairman, in the interest of moving things along, I think, gave the nominee 2 days, which is, in my view, not nearly enough.

If we go back several years ago, the last EPA Administrator was a woman named Gina McCarthy. She was asked a number of questions. She was actually asked more questions, I think 1,400 questions, which is several hundred more than Scott Pruitt but a lot of questions. She did not have enough time to answer the questions, and a little extra time, maybe a week or so, was granted. She answered the questions, as I understand, fully, completely, and directly. I will read some of the questions we asked of Scott Pruitt later today, later tonight, with examples of the kind of answers he provided. Some were reasonably complete, but too many were evasive, indirect, or just nonresponsive. Maybe that is because the chairman only gave him a couple days to respond. That is not the way we ought to be about the business.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I came to the floor today to oppose the nomination of Scott Pruitt to serve as Administrator of the Environmental Protection Agency. I thank my colleague from Delaware, whom I had the honor to serve with when we were both Governors, for his good work to point out why Scott Pruitt is the wrong person to head the Environmental Protection Agency.

The EPA was created by a Republican President in 1970, Richard Nixon. I remember very clearly when he did that. Across subsequent decades, support for this Agency and for its important mission has been a strongly bipartisan endeavor. Our Nation has benefited from the service of dedicated, highly effective EPA Administrators from both parties, but I am deeply concerned that Scott Pruitt is a radical break from this bipartisan tradition.

After reviewing Mr. Pruitt's environmental record, I have to ask: Why was he nominated for this critically important position? He rejects the core missions of the Environmental Protection Agency at every turn. He has sued the EPA to block protections for clean air and clean water; he is an outspoken climate change denier; he seeks to dismantle the EPA's Clean Power Plan, which was put in place to address climate change; and he opposes other efforts to slow the warming of this planet. Time and again, he has put private interests and their profits ahead of public interests and public health.

As attorney general of Oklahoma, he has sided with oil and gas companies, and he has failed to protect the people of his State from some of the worst impacts of hydraulic fracturing. He has taken hundreds of thousands of dollars in campaign contributions from fossil fuel industries, and he zealously advocated for their freedom to pollute our air and water.

So again I ask: Why was Scott Pruitt nominated to serve as Administrator of the Environmental Protection Agency? Well, I think it is clear Mr. Pruitt was nominated not to lead the EPA forward but to prevent it from carrying out its mission. Make no mistake, Mr. Pruitt and his extreme agenda are a threat to the environment, to the planet, and to our public health.

Christine Todd Whitman, a former Republican Governor of New Jersey and whom I also had the honor of serving with when I was Governor—Senator CARPER, Christie Whitman, and I all served as Governors together. She also was EPA Administrator during George W. Bush's administration. What she said about Pruitt I think is worth listening to. This is a Republican talking about Scott Pruitt: "I don't recall ever having seen an appointment of someone who is so disdainful of the agency and the science behind what the agency does."

People in the State of New Hampshire have no doubt about the reality of climate change. In the Granite State we see it. We experience it all the time. The steady increase in yearly temperatures and the rise in annual precipitation are already affecting New Hampshire's tourism and our outdoor recreation economy, which accounts for more than \$4 billion a year and employs over 50,000 people. Each year, hundreds of thousands of sportsmen and wildlife watchers come to New Hampshire to enjoy our beautiful mountains, our lakes, our other natural resources, and our 18 miles of coastline, which we are very proud of. As I said, hunting, fishing, and outdoor recreation contribute more than \$4 billion to New Hampshire's economy each year, but much of this is now threatened by the warming of our planet. Rising temperatures are shortening our fall foliage season, they are negatively affecting our snow- and ice-related winter recreation activities, including skiing, snowboarding, and snowmobiling. An estimated 17,000 Granite Staters are directly employed by the ski industry in New Hampshire, and the New Hampshire Department of Environmental Services warns that those jobs are threatened by climate change.

Likewise, New Hampshire's and indeed all of New England's brilliant fall foliage is at risk. I wish to quote from a report by New Hampshire Citizens for Responsible Energy Solutions. They say: "Current modeling forecasts predict that maple sugar trees eventually will be completely eliminated as a regionally important species in the northeastern United States."

Climate modeling by the Union of Concerned Scientists projects that by the end of this century, New Hampshire summers will feel like present-day summers in North Carolina, 700 miles to our south. We have a map that shows what is going to happen to our red maples and the maple sugaring industry. We can see everything here that is in red, these are all those sugar maples. It is projected that by 2070 or 2100, they are gone. They are gone from New England, from the Northeast, and from most of the Eastern part of this country. If we fail to act on climate change, this could mean a steep loss of jobs. It could mean a loss of revenue. It will destroy our maple sugaring industry and will damage our outdoor recreation industry.

Maple sugar production is entirely dependent on weather conditions, and changes—no matter how modest—can throw off production and endanger this industry. Maple trees require warm days and freezing nights to create the optimal sugar content in sap production. The changing climate is putting more and more stress on sugar maples. As this map shows so well, it is already significantly affecting syrup production. If we fail to act on climate change, this could destroy our maple syrup industry. If you haven't done maple sugaring in the springtime, there is nothing like maple syrup over snow. There is nothing else like it. To lose that and to lose the jobs that are there is a real change to one of the recreational activities we love in New Hampshire.

Climate change is also threatening our wildlife species and their habitats. The moose is an iconic feature of New Hampshire's culture and identity, but as the results of climate change, we have seen a 40-percent decline in New Hampshire's moose population. We can see clearly from these pictures why we are losing our moose: Because of milder winters, ticks don't die off. It is really very tragic. The ticks multiply on a moose, they ravage it, and they eventually kill it. I don't know if people can see, but what look like little balls on the end of that moose's tail are ticks. This moose probably has brain worm, which is another problem the moose have because of winters that aren't cold enough to kill off those parasites. Ticks multiply on a moose, they ravage it, and they eventually kill it.

We have seen modeling from the University of New Hampshire which suggests that by 2030, moose will be gone—not only from northern New Hampshire but from much of the northern part of this country.

Other newly invasive insects are harming wildlife species as well as trees. Of course, people are also suffering from the impacts of climate change. Rising temperatures increase the number of air pollution action days. They increase pollen and mold levels, outdoors as well as allergen levels inside, and all of these things are

dangerous to sensitive populations with asthma, allergies, and chronic respiratory conditions. In fact, New Hampshire has one of the highest rates of childhood asthma in the country because we are the tailpipe. All of New England is the tailpipe for the rest of the country. Pollution blows across this country from the Midwest and exits through New Hampshire and New England.

Rising temperatures facilitate the spread of insect-borne illnesses such as Lyme disease. We could see on that moose what the impact is. Those ticks aren't just multiplying on the moose, they are multiplying in a way that affects people as well.

Fortunately, because we have seen the impact of climate change, New Hampshire and the other New England States are taking the lead in reducing carbon emissions and transitioning to a more energy-efficient, clean energy economy. We are one of nine Northeastern States participating in the Regional Greenhouse Gas Initiative called RGGI. It is essentially a cap-and-trade system in the Northeast. New Hampshire has already reduced its power sector carbon pollution by 49 percent since 2008. That is a 49-percent reduction in less than a decade. Thanks to efforts by State and local communities, New Hampshire is on track to meet the Clean Power Plan's carbon reduction goals 10 years early. In addition, we are using proceeds from emissions permits sold at RGGI auctions to finance clean energy and energy efficiency investments.

Unfortunately, Scott Pruitt seems to believe that reducing pollution and investing in a clean environment are somehow bad for the economy. He is just wrong about that. Our efforts in New Hampshire and across New England to fight climate change and promote clean energy have been a major boost to economic growth. We have seen jobs added as a result. During its first 3 years, RGGI produced \$1.6 billion in net economic value and created more than 16,000 jobs in our region. Nationwide, employment in the fossil fuel sector is falling dramatically, but job creation in the clean energy and energy efficiency sectors is exploding. According to the U.S. Department of Energy, more than 2 million jobs have been created in the energy efficiency sector alone and—if we can ever get Congress to move the energy efficiency legislation Senator PORTMAN and I have introduced—would create, by 2030, another 200,000 jobs, just on energy efficiency. Across New England, we are demonstrating that smart energy choices can benefit the environment and strengthen job creation and the economy overall.

So, again, we have to ask: Why does Scott Pruitt deny the science of climate change? Why has he urged States to refuse to comply with the Clean Power Plan? Why has he filed lawsuit after lawsuit to block enforcement of the Clean Air Act? Why does he deny

something as nearly universally recognized as the dangers of mercury pollution?

The bottom line, I believe, is that Scott Pruitt is first and foremost a fierce defender of the oil and gas industry. If scientists point to carbon emissions as the main cause of climate change, then he has to deny that science. If science and common sense point to hydraulic fracking as the cause of thousands of earthquakes in the State of Oklahoma, then he must deny that too. If the EPA's mission is to protect clean air and clean water from pollution caused by fossil fuels, then he has to sue the EPA and try to cripple it.

Scott Pruitt's nomination is not about shaking things up in Washington. It is about turning over control of the EPA to the fossil fuel industry and turning back the clock on half a century of bipartisan efforts—in Democratic and Republican administrations alike—to protect clean air and clean water and to pass on to our children a livable environment and an Earth that they can inhabit from future generations.

My office has been flooded with calls, emails, and letters from Granite Staters. They not only oppose Mr. Pruitt's nomination, they are genuinely afraid of the consequences of putting him in charge of the EPA.

I heard from Deb Smith from Hampton, NH. That is a small community on our coastline. She wrote:

I am a birder, love to walk on the beach and in the mountains, and rely on time spent in nature to cope with a [stage four] lung cancer diagnosis. Clean air is especially important to me! Pruitt's long history of suing the EPA and reversing decades of progress in improving the environment disqualifies him for this post. It is essential to continue to preserve and improve our natural environment for people, birds, and other wildlife!

Elizabeth Garlo of Concord writes:

New Hampshire, due to quirks in its geology and the Earth's rotation, is the "tailpipe" of the Nation with much of the air pollutants from the Midwest exiting to the ocean from here. The people of New Hampshire cannot sit back and watch our children suffer from asthma and be restricted from outside activities due to "bad air quality days." Mr. Pruitt will be a very significant detriment to the quality of life in New Hampshire.

Eugene Harrington of Nashua writes:

I am AGAINST the appointment of Scott Pruitt to head the EPA. He does not seem to support the purpose of the EPA. Now I hear that even scientific papers are being reviewed to be sure they support the current administration's view of "facts." Please do what you can to support a functioning EPA.

Christopher Morgan of Amherst, NH, writes:

This is my first message I have ever sent to my senator in my 32 years as a voting American. . . . As a registered Republican . . . I am vehemently opposed to Mr. Pruitt leading the EPA. He has consistently shown he does not believe in the threat posed by climate change. Climate change affects every citizen in this country and has a detrimental effect on the New Hampshire climate specifically. President Trump's willful dis-

regard for the safety and protection of all Americans cannot go unchecked.

Let me emphasize that I have heard from many Republican constituents who oppose Scott Pruitt's confirmation. My Republican friends point with pride to the fact that the EPA was created by a Republican President. After all, what could be more conservative than conserving our environment and preserving a livable Earth for future generations? For nearly half a century, protecting the environment has been a bipartisan priority and endeavor. That is especially true in the State of New Hampshire, where folks understand that clean air and water and fighting climate change are not and should not be partisan issues. We all have a profound stake in protecting the environment.

Unfortunately, with the nomination of Scott Pruitt to head the EPA, the Trump administration is willing to shatter this bipartisan tradition and consensus, and we must not allow this to happen. I appeal to all of my colleagues but especially to all of those on the other side of the aisle: Don't allow this nominee to destroy your party's hard-earned, commonsense efforts to protect clean air, clean water, and a sustainable Earth.

I urge us to come together—Senators on both sides of the aisle—to reject this effort to undo nearly five decades of bipartisan efforts to protect our environment and our planet.

The stakes are incredibly high for all of us. By rejecting this unsuitable nominee, we can reconsider our approach to the EPA. We can embrace this Nation's bipartisan commitment to protecting the environment for future generations. This is what the great majority of Americans want us to do. Let's listen to their voices, and let's say no to this nominee, Scott Pruitt, who is not only not qualified for this position, he is not committed to the EPA and its mission.

Mr. President, at this time I yield 30 minutes of my postcloture debate time to Senator SCHUMER.

THE PRESIDING OFFICER. The Senator has that right.

The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I rise today, honored to speak after my colleague from New Hampshire and joining my other colleagues in opposing the nomination of Oklahoma attorney general Scott Pruitt to serve as the Administrator of the Environmental Protection Agency.

Our beautiful natural resources define my home State of New Hampshire. From the White Mountains to the Seacoast, to our pristine lakes and our forests, our natural resources are critical to our economy, our environment, our way of life, and protecting these resources plays a critical role, as well, in protecting public health.

However, we are already beginning to see the real impacts of climate change in New Hampshire, and these impacts threaten to have major consequences

for our natural resources and families and businesses in every corner of my State. Recognizing that fact, members of both parties have come together in New Hampshire to enact commonsense bipartisan solutions to take on climate change and to grow and maintain our State's renewable clean energy sector. We have worked to protect our land, our air and water, and the health of our citizens.

Unfortunately, it is clear from Mr. Pruitt's opposition to the Agency he will be tasked to lead, his record of working to weaken critical environmental protections that our citizens need to thrive, and his unwillingness to fight climate change, that he is unfit to serve in this position.

The mission of the Environmental Protection Agency begins with protecting our environment and the health of all of our citizens. The EPA does critical work to protect the water we drink and the air we breathe.

In recent years, the EPA has used sound scientific evidence to take strong measures to protect our environment. Unfortunately, President Trump has made clear that he does not support this critical Agency. Throughout his campaign, the President has repeatedly attacked the EPA, calling for its elimination and saying that our environment would be "just fine" without it. The President has doubled down on his hostility toward this Agency by nominating Mr. Pruitt to serve as its Administrator.

As attorney general, Mr. Pruitt has been a vocal critic of the very Agency he has now been nominated to lead, and he has been involved in over 20 legal actions against it.

According to the Washington Post, Mr. Pruitt has "spent much of his energy as attorney general fighting the very agency he is being nominated to lead."

On social media, Mr. Pruitt has referred to himself as "a leading advocate against the EPA's activist agenda." He has questioned the role of the Agency, stating that "the EPA was never intended to be our Nation's frontline environmental regulator."

When asked by one of my colleagues if there were any clean air or clean water EPA regulations in place today that he could support, Mr. Pruitt declined to name a single one.

The foundation of a future where all Americans have an opportunity to thrive starts with a healthy environment and healthy families. The EPA serves an important role in protecting the health of our people. We must do better than having an Administrator who has fought so tirelessly to undermine the work that this Agency does.

I am also concerned by an EPA Administrator who has consistently voiced skepticism about the clear facts on climate change. Throughout my time in office, I have always fought to protect our environment and have been a strong supporter of curbing the impacts of climate change. As a State

senator, I sponsored legislation that allowed New Hampshire to join the Regional Greenhouse Gas Initiative, and I helped pass the State's renewable portfolio standard to maintain and grow New Hampshire's clean renewable energy sector.

During my time as Governor, I worked with members of both parties to strengthen and build on those efforts, signing legislation to update the renewable portfolio standard and to maximize the benefits of the Regional Greenhouse Gas Initiative.

I am proud that my State has long led efforts to cut carbon emissions, and it is crucial that other States follow our lead and take responsibility for the pollution that they cause. That is exactly why I am a strong supporter of measures like the Clean Power Plan.

I also strongly support the Paris agreement on climate change and believe that the United States must take action to implement the agreement while also ensuring that our international partners fulfill their obligations.

Mr. Pruitt, however, has been a consistent skeptic on the role of climate change and the role that it has had on our environment.

Mr. Pruitt has stated that we do not know the extent of human impact on climate change and has called climate change a natural occurrence. He has said that climate change is "one of the major policy debates of our time."

And he continued:

That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind.

Scientists are clear in their understanding of the climate change science. The American Association for the Advancement of Science says the scientific evidence is clear: Global climate change caused by human activities is occurring now, and it is a growing threat to society.

The American Geophysical Union says that humanity is the major influence on the global climate change observed over the past 50 years.

The American Meteorological Society says it is clear from extensive scientific evidence that the dominant cause of the rapid change in climate of the past half a century is human-induced increases in the amount of atmospheric greenhouse gases.

The Intergovernmental Panel on Climate Change says that warming of the climate system is unequivocal and human influence on the climate system is clear.

The EPA is a science-based organization, and it is unacceptable for the EPA Administrator to be at odds with the well-established views of leading scientists. As the Agency's own website says:

EPA is one of the world's leading environmental and human health research organizations. Science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people. Our re-

search incorporates science and engineering that meet the highest standards for integrity, peer review, transparency, and ethics.

Mr. Pruitt disagrees with well-established climate science. Simply put, that disqualifies him from leading an agency where "science provides the foundation for . . . policies, actions, and decisions." If you refuse to believe research from the world's leading scientists, you cannot lead a science-based agency.

From protecting our environment to protecting public health, the EPA plays a critical role in protecting the health of Granite Staters and all Americans. We know that a cleaner environment plays a key role in the economy, for the economy of New Hampshire and our entire country. We should be building on the critical efforts the EPA has taken to combat climate change and protect public health, not rolling them back.

Mr. Pruitt's hostility to the basic functions of the Environmental Protection Agency and his work to undermine protections for clean air, land, and water make clear that he should not serve in this role.

I will vote against Mr. Pruitt's nomination, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I rise in opposition to the nomination of Scott Pruitt as the Administrator of the Environmental Protection Agency.

When Democrats on the Environment and Public Works Committee asked Scott Pruitt for critical information on his environmental record as attorney general of Oklahoma, Scott Pruitt said no to the Environment and Public Works Committee.

When Democrats on the Environment and Public Works Committee asked our fellow Republicans to delay Mr. Pruitt's vote until he got that important information, the Republican leadership here said: No, we won't wait for that critical information so that all Senators and the American people can understand who is being nominated.

When I asked Scott Pruitt if he would recuse himself from all issues relating to the cases that he has brought against the EPA as Oklahoma attorney general, Scott Pruitt said no to me.

Today we are here to respond to these very serious issues that are being raised about his ability to be an impartial Administrator of the EPA because the question before the American people and the Senate is whether Scott Pruitt should be the Administrator of the Environmental Protection Agency, and that answer is no.

The EPA is our cop on the beat, protecting the American people and our environment from harmful pollution, hazardous waste, and the impacts of climate change. But as attorney general of Oklahoma, Scott Pruitt has tried to undermine the clean water rule and the Clean Air Act, putting the pub-

lic health of millions of Americans at risk.

Scott Pruitt questions the science of climate change. Scott Pruitt has accused the EPA of overestimating air pollution from drilling of natural gas wells in Oklahoma. Scott Pruitt has argued against President Obama's Clean Power Plan, which the EPA is supposed to implement. Scott Pruitt has sued to block the EPA from restricting mercury, a toxin that causes brain damage in children in the United States.

The only thing that Scott Pruitt is certain of is that he wants to represent the interests of the fossil fuel industry. He wants to change the environmental watchdog into a polluter lapdog. And today we are drawing a line out here on the Senate floor because it is critical that the American people understand the moral implications for the water Americans drink, for the air they breathe, for the mercury that could go into the blood systems of children in our country, for the amount of smog that is allowed to be sent into the air, the amount of haze that is created across our country, and why the nomination of Scott Pruitt leads inevitably, inexplicably toward more pollution, more unhealthy air, and more unhealthy water going into the systems of our families across our country.

That really goes to what the moral duty is of the Senate, the moral duty we have to ordinary families across the country. Do Americans really think the air we are breathing is too clean? Do people really believe the water we drink is too clean? Do people really want to water down those standards? Do they want to reduce the safeguards we have put in place?

One hundred years ago, life expectancy in the United States was about 48 years of age. In other words, we had gone from the Garden of Eden all the way to about 100 years ago, and we had increased life expectancy to about 48 years of age—not much progress. Now, it was always good for the Methuselah family. The wealthy always did pretty well. They could protect themselves from the things that would affect ordinary families, poorer families, from the Bible to 100 years ago. But then what happened? All of a sudden there was an awakening in our country that we had to make sure the sewage systems in our country were not going to be able to pollute families across our society. Then step by step, beginning with sewage and water, we in our Nation came to understand that we had to remove the majority of pollutants that were out there that were damaging the lives of ordinary Americans. That was a change that transformed not just the United States but, over time, the whole rest of the world.

Now, 100 years later, life expectancy goes out to age 80. In other words, we have added 32 years of bonus life to the average American over the last 100 years. And what did it? Well, it is no

secret formula; it is just that we looked around and we saw the things we had to put in place in order to protect families, and we took a moral responsibility to make sure that those industries, especially those that were not providing protections, were forced to provide protections for those ordinary people.

Here we are now considering Scott Pruitt as the new Administrator of the Environmental Protection Agency. Here is what Mr. Pruitt has done as the attorney general of Oklahoma: He has sued the national Environmental Protection Agency for the State of Oklahoma 19 times, and the issues on which he has sued are almost a litany of the things that go right to the heart of the protections the American people want for their families.

There are still eight cases that he brought pending before the EPA.

I said to Scott Pruitt in the confirmation hearing: Attorney General Pruitt, will you recuse yourself from consideration of any of those eight pending cases during the time you are Administrator of the EPA if you are confirmed? And Mr. Pruitt said no. Well, as I said to him in the hearing, if you do not recuse yourself, Mr. Pruitt, that turns you into the plaintiff, the defendant, the judge, and the jury for all of those cases, and that is just an unconscionable conflict of interest. As a result, he would never be seen as an impartial Administrator at the EPA as he moved forward trying to repeal or weaken environmental protections through regulations that he originally sought to accomplish through litigation.

We all know that across our country, overwhelmingly, the American people want—in the highest possible polling numbers, Democrat and Republican, liberal and conservative—they want the EPA to protect clean air, clean water, public health. They don't want children unnecessarily being exposed to pollutants in the atmosphere that can cause asthma. Those numbers are going up. The goal in America is to see the numbers go down, but that will not be the agenda Scott Pruitt brings to the EPA if he is, in fact, confirmed.

This question of his fitness for this job also goes to the question of climate change. The science of climate change is now well established.

Pope Francis came to the Capitol a year and a half ago to deliver his sermon on the hill to us, and what Pope Francis said to us is very simple: No. 1, that the planet is dangerously warming and that it is something which is being caused by human activity largely and that those who are going to be most adversely affected are the poorest and most vulnerable in our society. As the Pope said, we have a moral responsibility to do something about it as the most powerful country in the world and, along with China, the leading polluter in the world. This is Pope Francis talking to us about climate change.

What does Scott Pruitt say about climate science? He says he is not quite

certain any actions really have to be taken in order to deal with that issue. Well, we have a Pope who actually taught high school chemistry and who delivered a science and morality lesson to the Congress. He told us that science is certain, and he told us that our moral obligation is unavoidable.

If we had a nominee for the Environmental Protection Agency who embraced that science and morality, I would be voting for him, but that is not who Scott Pruitt is. He is ignoring the impact the fossil fuel industry is having, and he is unwilling to commit to taking steps that can reduce that danger for our planet and for the most vulnerable on the planet.

So I stand in opposition to his nomination, as I will be standing out here all day and into the night. I don't think that we are going to have a more important discussion than the direction of the health of our planet and the health of the children in our country. I think it is something that the American people have to hear all day and through the night.

With that, I see the arrival of the Senator from Ohio. I know that he has time to speak on the Senate floor. So I yield back my time so that my good friend Senator PORTMAN can be recognized.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I thank my colleague from Massachusetts for yielding his time.

OPIOID EPIDEMIC

Mr. President, I rise today to talk about this issue of opioids—heroin, prescription drugs, now fentanyl—coming into our communities. It is at epidemic levels. We have worked on this issue over the last year in a bipartisan way and have made some progress. But I come today to the floor to report bad news and also to report something that Congress could do to help to address a new problem.

There was a report recently that came out by the U.S.-China Economic and Security Review Commission—very disturbing. It said that there is a new influx of what is called fentanyl coming in from China. This is a synthetic form of heroin. It can be up to 50 times more powerful than heroin. Think about that.

The report says:

The majority of fentanyl products found in the United States originate in China. Chinese law enforcement officials have struggled to adequately regulate the thousands of chemical and pharmaceutical facilities operating legally and illegally in the country, leading to increased production and export of illicit chemicals and drugs. Chinese chemical exporters covertly ship these drugs to the Western Hemisphere.

So that comes from an official report from this Commission on the United States and China. It is confirmed, unfortunately, back home. I was home this week meeting with law enforcement on Monday. They told me: Rob, the top issue in our community is now

not heroin; it is fentanyl, and it is this synthetic form of heroin that is far more powerful.

At least in their minds, they think that it is also more effective at making people addicted because it is less expensive and the trafficking of it is more aggressive. So this is a big concern because we were finally, I thought, making some progress on the prescription drugs and the heroin, and now this fentanyl, Carfentanil, and U4—it goes by various names depending on the chemical compounds—are coming into our communities.

It is truly scary. The consequences are, I hope, obvious to everybody now. We are losing one American every 12 minutes. This speech will be about 12 minutes. We will lose another American to an overdose. But it is getting worse, not better. By the way, it is everywhere. Last year, in 2016, every single State in the Union had at least one forensic lab test positive for fentanyl.

According to the Centers for Disease Control and Prevention, the number of positive forensic tests for fentanyl in the United States doubled, in fact, from 2014 to 2015. We believe it is worse. We know it is worse than 2016 from the information we have. Unfortunately, even this year, this month and a half, we have seen more and more evidence of fentanyl coming into our communities.

According to the China Commission's report, the top destination for Chinese fentanyl, by the way, is my home State of Ohio. We had more positive tests for fentanyl than any other State. By the way, Massachusetts—to my colleague who has been involved in this issue and worked on this issue and helped to try to stop the overprescribing of prescription drugs—was No. 2.

We are talking about 3,800 positive tests for fentanyl in Ohio alone. I do believe this is something that is being confirmed at the local level, not just from my meeting on Monday but from what I am hearing from around the State. Just 2 days after the Commission's report came out, in Butler County, OH, police seized \$180,000 in fentanyl-laced heroin after suspected fentanyl overdoses killed five people in just 2 days.

Drug overdoses in Butler County, by the way, have nearly tripled since 2012. When I was in Dayton, I met with the Dayton R.A.N.G.E., which is a law enforcement task force—the Regional Agencies Narcotics and Gun Enforcement Task Force. They told me that this is now their biggest problem.

They said, because it is stronger, there are more overdoses and more deaths than there are with a similar amount of heroin or the number of people using heroin. They said that just over a 2-week period, they had seized more than 40 pounds of drugs off the streets, including 6 pounds of fentanyl last week. Now, 6 pounds of fentanyl, as I do the math, is at least 20,000 doses—20,000 doses in 1 town in Ohio.

I want to thank Montgomery County Sheriff Plummer, the task force, and

all of our law enforcement for their hard work to get this poison off the street. But they need our help. They need some additional tools. They told me about a 14-year-old girl who had tried fentanyl for the first time. She had never tried, apparently, any other drug. She snorted it. The people she was with had snorted drugs before, but she had not, which is one reason she not only overdosed but she died immediately. At 14 years old, her promising life was cut short.

It was in the Dayton suburb of Enon, a little more than a week ago, that a 5-year-old boy was seen running down the streets yelling: “Mom and dad are dead. Mom and dad are dead.”

A driver saw the boy and called the police. They went to his house and found his parents. They weren’t dead, fortunately, but they were unconscious. Mom was on the kitchen floor. Dad was on the living room floor. His skin had already turned blue, which is a sign of someone who overdoses and is close to death.

The first responders heroically saved both of them using Narcan—naloxone—this miracle drug that reverses the effects of an overdose. By the way, it took six doses of naloxone to revive the boy’s father—a good sign, according to law enforcement, that this was not heroin but that it was heroin laced with fentanyl, something far stronger than the normal heroin—six doses.

We saw a 37-percent increase in drug overdose deaths last year in Dayton, OH, with victims as old as 87 and as young as 2 years old. Drug overdose deaths in Dayton are now on pace this year to be even more dramatic—54 deaths already in the last month and a half, which is more than any month and a half last year. Some 235 people have had their lives saved with naloxone. The Dayton Fire Department’s call volume went up 17 percent compared to last January already.

So, again, it is not getting better. It is getting worse.

It is not just Dayton. It is not just cities. This addiction knows no ZIP code. In suburbs, rural areas, and the inner city—it is everywhere, and, by the way, in all demographics. In Medina County, OH, in Northeast Ohio, their overdoses doubled from 2015 to 2016. In Darke County, OH, north of Dayton, a rural county, they are on pace to quadruple last year’s number of drug overdoses already this year.

So why are these increases happening? One of the reasons is because of the increasing potency of these drugs on the street, particularly, again, this move from heroin to synthetic heroin that is more powerful.

Dayton paramedic David Gerstner puts it this way:

I don’t want to say our overdose rate has increased dramatically—because that doesn’t even come close to covering it . . . The potency of the drugs has increased to the point that instead of patients needing 2 milligrams of naloxone or 4 milligrams of naloxone or Narcan, we have had patients who need 20 milligrams or more.

Again, it takes many, many doses of Narcan, also called naloxone, to be able to save these lives. In Darke County, which, again, is north of Dayton, Rescue Chief Brian Phillips said:

With the introduction of new illegally made synthetic opiates [like] fentanyl and Carfentanil, heroin users are overdosing at a more rapid rate. These derivatives are much more potent and deadlier. The majority of our overdoses are not breathing, and in some cases are in complete cardiac arrest. We are also finding ourselves using more Narcan to resuscitate these patients.

So this is the word from those who are in the trenches dealing with this every day. It is not good news. In just the first week of February, by the way, in his department in Darke County, OH, they had 12 overdose calls—in the first week of February. This is a town of 13,000 people.

So it is clear that these drugs are getting on the street, and they are stronger, more addictive, and more dangerous. Heroin is already addictive enough and relatively inexpensive compared to prescription drugs, which is why many people move from prescription drugs to heroin. Probably four out of five heroin addicts in Ohio started with prescription drugs, according to the experts.

But now it is being laced, this more powerful synthetic drug. The Ohio Bureau of Criminal Investigation tested 34 cases of fentanyl in 2010. In 2015, they tested 1,100—a thirtyfold increase. Last year that number doubled again to 2,400 cases. Again, they have already tested for a record breaking number this year in the last month and a half.

According to the Ohio Substance Abuse Monitoring Network, you can buy small doses of heroin and fentanyl for as little as \$5 to \$10 now in Southwest Ohio. A lot parents and family members of those struggling with addiction worried about this, and it is very easy to see why. As the coroner in Butler County said:

Buying heroin today is like playing Russian roulette . . . people don’t know what’s in the product they’re going to use, and it may not be the same [from] one use to the next.

The coroner in my home town of Cincinnati, Lakshmi Sammarco, put it like this. You buy heroin, and “you may be gambling with your life” because it is more dangerous than ever.

We have to get that message out there. We have not done a good job of communicating this basic message that you are gambling with your life.

Dr. Richard Marsh, Clark County coroner, says:

We’re seeing a lot more fentanyl than heroin now. It started about the middle of 2015 . . . there are all kinds of labs producing it now and a lot of people think they’re buying heroin when in fact they’re getting fentanyl, which is fifty times as powerful.

How powerful is that? Let me give you an example. According to the DEA, or the Drug Enforcement Administration, it takes only 2 milligrams of fentanyl, about the same as a pinch of salt—think about that—to kill you. That is how powerful it is.

So again, going back to this China Commission report, they say most of these synthetic drugs are being made in labs in China and being shipped to the Western Hemisphere—to our country, to our communities.

How is it coming in? People are surprised to learn that it is coming in through the mail system. These deadly poisons are coming in through the mail system.

So unlike heroin, which primarily goes over land, primarily from Mexico, these drugs are actually coming in from Asia, from China and India, through the mail system. Unlike the private mail carriers, such as UPS or FedEx, our mail system does not require that people say where the package is coming from, what is in it, or where it is going. I think people are kind of surprised to hear that too.

That, of course, makes it is easier for the traffickers and much harder for our law enforcement to be able to deal with this problem. They cannot scan these packages that are suspect for drugs like fentanyl or other smuggled products because there are just too many packages—millions of packages. But if they had that information, if that was required on every package—electronically, in advance, digitally; this data, where it is coming from, what is in it, where it is going—our law enforcement officials tell us they would have a better shot at being able to stop this poison and being able to identify those packages.

I applaud my colleagues because with the Cures Act last year—it passed at the end of last year—we provided much more funding to our communities, to our States. Half a billion—\$500 million—is going out to our States to be able to deal with the issue of drug treatment and recovery services. It is very important.

That \$500 million, by the way, is this year and next year. That is really important to fight the epidemic. I also, of course, applaud my colleagues with regard to the legislation called CARA, the Comprehensive Addiction and Recovery Act. This provides us with not just more funding but better practices with regard to prevention, education, treatment and recovery, and providing the police with Narcan training and providing more Narcan resources to our first responders, whom we talked about.

So again, in the last year, Congress has taken some important steps forward. I commend the House and Senate for that. By the way, it was bipartisan from the start. I think that is beginning to make a difference. I wish the programs in the Comprehensive Addiction and Recovery Act could be implemented more quickly.

Unfortunately, there are still five more CARA grant programs that have yet to be implemented. Many of us pushed the last administration. Now we are pushing this administration to move quickly on that because this crisis is out there in our communities

now. We need the help. But we are getting that in place, and that is important.

But we now need to build on those efforts because of this synthetic heroin that is coming in. An obvious step to me would be to simply say that the Postal Service has to require what the private carriers require so these traffickers are not favoring the Postal Service and so we can begin to stop some of these dangerous synthetic drugs from coming into our communities, but also so that we can give law enforcement a tool to be able to target this and so that, at a minimum, we can increase the cost of this poison coming into our communities. It seems common sense to me.

Last week, Senators KLOBUCHAR, HASSAN, RUBIO, and I introduced legislation called the Synthetic Trafficking and Overdose Prevention Act, or STOP Act, to simply close the loophole and require the Postal Service to obtain advance electronic data on packages before they cross our borders. We just introduced it 2 days ago. It simply closes the loophole and requires the Postal Service to obtain advanced electronic data along the lines I talked about: where it is from, what is in it, where it is going.

In the House, by the way, there is companion legislation, which makes it easier to get this done because the House also understands this problem. My colleague, Congressman PAT TIBERI from Ohio, is one of the people who are focused on this issue. He is one of the cosponsors. The other cosponsor is from Massachusetts, RICHIE NEAL. Their companion legislation will make it easier for us to get this job done.

This bill is totally bipartisan—in fact, I would call it nonpartisan. It is based on expert testimony we had before our Homeland Security Committee, where we heard directly from law enforcement. It is a simple change that would make it much easier for them to detect these packages, particularly those from these Chinese labs that the China Commission report talked about.

It is not a silver bullet. No one has that silver bullet. But our bill will take away a key tool of drug traffickers and help restrict the supply of these drugs, this poison in our community, making their price higher and making it harder to get.

With the threat of synthetic heroin growing worse and worse every day, there is an urgency to this, so today I urge my colleagues to join us in this legislation. Cosponsor it. Let's get this through the committees.

The Finance Committee will be taking up this legislation. I am on that committee. I hope we move very quickly to mark it up, get it to the floor, pass the legislation here in the Senate, combine it with the legislation that is working through the House, get it to the President's desk for signature, and begin to provide some relief to our communities from this influx of syn-

thetic heroin that is continuing to tear our families apart, devastate our communities, and ruin lives.

This is about ensuring that young people, like the young people who are with us today, the pages on the floor, have the opportunity to pursue their dream, whatever it is. This is about ensuring that we are stepping up as a Congress to deal with a global problem. It is coming in from overseas. It is an international problem. Certainly this is one where the Congress ought to act to ensure that our U.S. Postal Service does the right thing to help law enforcement be able to better protect our communities.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, I rise in strong opposition to the nomination of Scott Pruitt to be the Administrator of the Environmental Protection Agency. President Trump has made it clear that he wants to savage environmental protections, and his administration has already started down this path of reversing some of our hard-fought progress to ensure we have a clean environment: clean water and fresh air. By nominating Mr. Pruitt, President Trump has chosen someone equally hostile to the very notion of defending our environment and our Nation's health.

Respected voices on both sides of the aisle have expressed similar alarm over Mr. Pruitt's nomination. President George W. Bush's former EPA Administrator, Christine Todd Whitman, who led the Agency from 2001 to 2003, stated in reference to Mr. Pruitt: "I don't recall ever having seen an appointment of someone who is so disdainful of the Agency and the science behind what the Agency does."

This is a sentiment I have heard from over a thousand Rhode Islanders—environmentalists, researchers, conservationists, community leaders, parents, concerned citizens—who agree that Mr. Pruitt is a troubling choice for this role. They have contacted my office to express how distressed they are that someone with Mr. Pruitt's record and background could be chosen to lead the EPA.

Last week I hosted a roundtable to hear these concerns directly from my constituents. These Rhode Islanders shared their worries about the state of our changing environment, anxiousness about Mr. Pruitt's nomination, and concerns over what they have seen so far, and fear is coming with respect to the Trump administration's approach to our environment. Nevertheless, they remain committed to ensuring that we

have clean air and clean water because these natural resources are so important to our economy, our health, and our quality of life.

I share that commitment. I have consistently voted for strong environmental policies that seek to limit pollution, promote renewable energy, and mitigate the effects of climate change.

The EPA oversees the Federal Government's role in protecting our health and environment. It needs a leader who fundamentally believes in its core mission. Scott Pruitt has a record of working against the Agency's goals to protect Americans from pollution. That is the goal of the Agency. He does not believe or respect the scientific findings regarding climate change, and his close ties to the oil and gas industry are a serious concern.

These kinds of beliefs and views should be of concern to everyone in this Chamber.

As Oklahoma's attorney general, Mr. Pruitt sued the EPA multiple times seeking to eliminate pollution regulations. He has a record of not only challenging the legal, scientific, and technical foundations of EPA rules, but he has also questioned the EPA's authority to issue them.

Mr. Pruitt filed as the plaintiff in these lawsuits, many of which are still pending. If confirmed as the EPA Administrator, he would be switching sides to become the defendant in these lawsuits. And yet, he has refused to recuse himself from any of these or related cases. He has also failed to provide records of his communications with fossil fuel companies during the years he served as attorney general.

It is abundantly clear that he cannot be impartial.

This lack of transparency regarding Mr. Pruitt's connections to the oil and gas industry raises serious questions about what influence these conflicts will have on his ability to enforce regulations that protect everyday Americans from pollution generated by fossil fuel use.

The EPA Administrator must be someone who will uphold and enforce Federal environmental laws impartially and honorably, with Americans' health in mind.

One issue in particular that comes to mind is one I have worked on for decades across multiple Federal agencies—lead poisoning prevention. I have long advocated for better Federal policies and more funding to protect children from lead hazards. While the Department of Housing and Urban Development and the Centers for Disease Control and Prevention do much of this work, the EPA plays an important role as well.

I think we saw that very clearly over the last year with the situation in Flint, MI.

I was deeply concerned that when asked about lead poisoning among children during his confirmation hearing, Mr. Pruitt told the committee that he, in his own words, "really wasn't familiar with the basic science surrounding

the health effects of lead poisoning.” For the sake of his education on this issue—and to make all my colleagues who might not be aware of the impact—lead poisoning in children can cause serious and irreversible developmental and health problems.

We need an EPA Administrator who is familiar with and committed to protecting the health of our children from these and other kinds of environmental health hazards. Unfortunately, I do not believe Mr. Pruitt is qualified to do so.

During his confirmation hearing, Mr. Pruitt also displayed a lack of understanding of the role human activity plays in climate change, as well as a disregard for the scientists who have spent their lives studying and carefully observing our Earth’s changing climate.

Our next EPA Administrator should understand the threat of climate change and base the Agency’s policies on scientific data and findings without ideological influence. Many people across the Nation were distressed and deeply concerned by the removal of climate change reports from the EPA’s website shortly after President Trump took office. I share that concern, and I am disturbed that the EPA has recently put a hold on issuing new grants and instituted a gag order on all communications.

This is alarming. The halting of Federal funds means that our investments in our water infrastructure, remediation of our watersheds, and support for numerous others environmental initiatives so vital to our local communities and States will be affected, and this will seriously harm environmental protection efforts. In Rhode Island, these cuts could have devastating effects, such as hindering the State’s ability to provide clean air and clean drinking water for all residents.

We need an EPA Administrator who is committed to safeguarding clean water and clean air and who is experienced in environmental protection. This role demands someone who is prepared to preserve and defend our environment from harm, who can make decisions based on scientific evidence, and whose financial ties will not impact his decisions when it comes to protecting the American public from pollution.

Scott Pruitt is not the EPA Administrator we need. The nature of the lawsuits he filed attempting to dismantle EPA regulations that protect clean air and water—the very regulations he would be charged with enforcing—demonstrates that he is not committed to defending our natural resources, our health, and our well-being. Mr. Pruitt, in my estimate, is unsuited and unqualified for this critical leadership position.

For these reasons, I cannot support his nomination, and I urge my colleagues to join me in voting no.

Mr. President, I respectfully ask unanimous consent that I be allowed to yield the remainder of my time on this

nomination to my colleague, Senator SHELDON WHITEHOUSE from Rhode Island.

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

The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to vote no on the nomination of Scott Pruitt to lead the Environmental Protection Agency, a nomination that marks yet another broken promise from the new President to put the needs of American families first over the wishes of big corporations and special interests. And just like we have seen with Betsy DeVos at the Department of Education or Steve Mnuchin at Treasury, we have yet another Trump nominee whose record demonstrates a direct conflict with the mission of the agency they wish to lead. On the EPA’s website, that mission is pretty clear—“to protect human health and the environment”—and EPA achieves that by enforcing regulations based on laws passed by Congress. So I will be voting no on this nomination.

I want to make two points on why Mr. Pruitt heading up the EPA would be wrong for our country and why it would be wrong for the families I represent in Washington State. It starts with his record and clear conflicts of interest.

During Mr. Pruitt’s term as the attorney general for Oklahoma, he filed no less than 19 cases to overturn environmental regulations, including one to topple the EPA’s Clean Power Plan. These regulations specifically seek to protect public health by reducing harmful air and water pollution and are projected to save tens of thousands of lives each year.

As if it wasn’t bad enough that Mr. Pruitt spent so much time filing lawsuits in court and fighting policies designed to protect the health of the environment as well as people, it is pretty shocking that at the same time, he was collecting millions of dollars from the very industries he will regulate if he is confirmed. This is no small conflict of interest between his former and potentially future position, and that he was still nominated to be EPA Administrator is mind-blowing to me.

I echo the sentiments of so many who have expressed serious concerns about Mr. Pruitt’s conflict of interest, that his ties to the fossil fuel industry make him more indebted to backing policies that loosen environmental regulations, benefiting big oil and gas companies, rather than backing policies that protect the American people.

Mr. President, I want to voice another concern my constituents have shared with me. It is unnerving to think the President would choose a climate change denier to set our national environmental policy. I don’t see how someone who has openly denied the existence of climate change—the devastating effects of which we are already beginning to see in Washington State and around the country—will ef-

fectively protect human health or the environment.

This is about more than just the environment. A report by the Congressional Budget Office last year found that climate change is a serious threat to our economic stability. As the occurrence of national disasters continues to rise, the cost of disaster assistance and rebuilding rises too.

If we want to be responsible about tackling our fiscal challenges—which I would think the President and Mr. Pruitt would agree on—we need to take the impacts of climate change seriously. At a time when we are already seeing the very real effects of climate change in my home State, from longer, more devastating wildfire seasons to ocean acidification and rising sea levels, it is more important than ever. This brings me to how Mr. Pruitt’s confirmation would be devastating for my home State of Washington.

As someone who personally spends a great deal of time fishing and hiking in my home State of Washington, I am committed to conservation and preservation efforts so generations to come can appreciate the high quality of life we enjoy and experience the splendor of America’s natural spaces, one of the most important being the restoration and recovery of salmon runs and habitat throughout the Pacific Northwest, which is a vital part of our Northwest economy and its heritage.

I am deeply concerned about whether this support would continue under an EPA Administrator like Mr. Pruitt. I have similar concerns about the Hanford cleanup, a critical part of our State’s history that EPA plays a very important role in to protect the health and safety of our Tri-Cities community, Columbia River, and Washington State.

I will fight against any EPA nominee or an Administrator who will not join us in the fight for a better future for generations to come. I sincerely hope the President and Mr. Pruitt truly understand the enormous responsibility of the Environmental Protection Agency, not only in protecting our environment for future generations but for the families we represent who rely on clean air and clean water right now.

For the sake of our children and grandchildren, we need to act now to avoid lasting, irreversible damage to our health, our environment, our economy, and our country’s future. I am not confident in putting that future in Scott Pruitt’s hands.

Thank you, Mr. President.

I yield the remainder of my postcloture debate time to Senator CARPER.

The PRESIDING OFFICER. Senator CARPER can receive 21 minutes of that time.

Mrs. MURRAY. Additionally, I yield the remainder of my time beyond that, of my postcloture debate time, to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

Mrs. MURRAY. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to rescind my previous request and reclaim my time.

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

Mr. REED. Thank you, Mr. President.

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. Mr. President, I rise this afternoon to speak in opposition to the nomination of the Oklahoma attorney general, Scott Pruitt, to be the next Administrator of the Environmental Protection Agency which we all know as the EPA.

My concern—I have a number of them, but the principal concern of Mr. Pruitt's nomination is rooted in his record, which I believe is totally inconsistent with the mission of the EPA. That mission is to protect human health and the environment. We know the EPA achieves this core goal through the development and enforcement of standards to protect children and families from exposure to dangerous pollutants in our air and water.

Protection of human health means ensuring that our children have clean air and clean water, tackling climate change, which leads to the kind of food insecurity that causes malnutrition in children throughout the world.

I have to say that as a Pennsylvanian, I think I have an obligation to not only speak about these issues but to fight on behalf of policies that will advance the knowledge and mission of the EPA but will be consistent with the directive I am obligated to follow in my State's constitution. In Pennsylvania, if you go back to the founding of Pennsylvania forward, we had many generations, especially through the beginning of the Industrial Revolution, throughout most of the 1800s and into the 1900s, until about the midcentury point, where we didn't do a very good job of protecting our air and water and human health because we let one or another industry pretty much do whatever they wanted until the modern era. Fortunately, since that time, Pennsylvania has made a lot of progress. One of the measures of that progress and something I am bound by is a provision of the State's constitution, article I, section 27, that says people shall "have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment."

That constitutional provision goes on to talk about each of us as citizens of

the Commonwealth of Pennsylvania being trustees of the environment—especially and ever more so if you are a part of State government, and I would argue the Federal Government as well. To say I feel an obligation is a major understatement. I think I am bound by that, and that enters into my determination and analysis of Mr. Pruitt's record.

We know in recent years the EPA, acting under the authority it is granted through laws like the Clean Air Act and Clean Water Act, has developed a number of important standards to advance these priorities—rules like the mercury and air toxics standards, the cross-state air pollution rule, the ozone rule, the new source performance standards for the oil and natural gas industry, the Clean Power Plan, which is meant to obviously focus our policy on climate change, and other policies to reduce exposure to pollutants like methane, volatile organic compounds, mercury, and carbon pollution itself.

According to the American Lung Association's "State of the Air 2016" report, these rules reduce the likelihood of premature death, asthma attacks, lung cancer, and heart disease. I would hope that if you have a series of measures in place that reduce the likelihood of asthma attacks, lung cancer, heart disease, and premature death—I would hope we would not only advance those policies but make sure they are not destroyed, undermined, or compromised. It is just common sense to make sure we regulate pollutants like lead, mercury, arsenic, and acid gases, just by way of example.

Yet Mr. Pruitt, who is the attorney general of Oklahoma, filed 14 lawsuits against the EPA to halt the regulation of these pollutants that threaten our children's health. Mr. Pruitt has stood up for the interests of oil and gas companies but has failed to defend, in my judgment, the most vulnerable members of our society, or at least not defend them to the extent that I would hope he would, not only as attorney general of Oklahoma but as the EPA Administrator were he to be confirmed.

When asked during his confirmation to name one clean air or clean water regulation he supported, he couldn't name one.

I believe his record is clear. He fought to dismantle the Clean Air Act, the Clean Water Act, anti-pollution programs to target ozone and mercury in the air, the agreement to clean up the Chesapeake Bay—which I will get to in a moment—and has even denied the science of climate change. Suffice it to say, I have a number of basic concerns about his record and what he would do were he to be confirmed.

One example of the concerns I have involve the Chesapeake Bay with regard to impact in Pennsylvania. Although Pennsylvania doesn't border the Chesapeake, the Pennsylvania Susquehanna River is the bay's largest source of freshwater. Improving the health of the Chesapeake Bay requires

a sustained, coordinated commitment from all of the States in the watershed. I have repeatedly written to the U.S. Department of Agriculture for increased funding and technical assistance for farmers in Pennsylvania so Pennsylvania can continue to improve the health of the Susquehanna River and the bay.

Pennsylvania has made great strides in addressing the issue of nutrient and sediment runoff into the Chesapeake Bay, but there is more to be done, and Pennsylvania is far from meeting its 2005 Chesapeake Bay pollution reduction goals.

Ensuring that all States in the watershed are coordinated and meeting their commitments is exactly the type of role the EPA should be filling. Mr. Pruitt called the EPA's Chesapeake Bay TMDL standard "the culmination of the EPA's decade-long attempt to control exactly how States achieve federal water quality requirements under the Clean Water Act, and marks the beginning of the end of meaningful state participation in water pollution regulation."

Well, I disagree. We don't have time to outline all the reasons, but I strongly disagree with that assessment of the EPA's actions with regard to the Chesapeake Bay, but we do have a long way to go to make sure that we keep it clean. So on clean water, I think we have to insist that neither the EPA Administrator nor anyone in Congress does anything compromising when it comes to clean water.

Climate change. This fall I had an opportunity to spend time in Pennsylvania with Senator WHITEHOUSE of Rhode Island, one of the leaders in the Senate on the issue of climate change. We did a tour, and one of the places we went was the John Heinz National Wildlife Refuge. It is America's first urban refuge named after one of my predecessors, Senator Heinz, who tragically died in 1991, but his work on the environment is remembered in places like this wildlife refuge. This is a public space that allows us to enjoy wildlife, outdoor recreation, and environmental education opportunities right outside of a major city—in this case, Philadelphia. And this refuge also plays a vital role in climate change resiliency.

Marshes help to filter pollutants from water and can absorb water during heavy rain events, thus helping to reduce the magnitude of flooding. However, the refuge is facing a number of environmental stressors.

Sea level rise could have serious consequences for this fresh water marsh. Not only would rising sea levels lead to the loss of undeveloped dry land and habitat for wildlife, but increased salinity could change the plant makeup of this marsh at the wildlife refuge.

According to EPA, Pennsylvania's climate has warmed more than half a degree Fahrenheit in just the last century. Sea level has also risen nearly 1 foot over the past century, according

to NOAA, measured by the tidal gauge in Philadelphia. That means that significant portions of the city of Philadelphia could be underwater, including the Philadelphia International Airport, if we fail to act.

We know that 2016 was the warmest year on record for a third year in a row. Also, climate change is not some distant possibility in Pennsylvania or throughout the Nation; it is real, and we are already feeling the effects of climate change.

I will close with one story from one mother who talks about air quality, or the impact of bad air quality and the issue of climate change itself. Jacqueline Smith-Spade, a mother from Philadelphia, recently wrote to me about her 6-year-old son Jonas's struggle with asthma and the emotional and financial toll it takes on her family:

Every time there is an extreme or irregular climate shift, I can pretty much predict that my son is going to end up in the emergency room due to the effect of air quality.

She goes on to say later in the letter:

I routinely check the air quality to help predict what type of day my son and my family might have: With or without nebulizer?

The physical toll on Jonas also creates a financial burden on my family. The emergency visits cost \$100 each time we go; \$30 copays for each specialist visit; \$15 copays for each pediatrician visit.

She goes on to say:

This is not cheap; however, my insurance greatly helps to reduce the costs.

She worries, of course, about what might happen on healthcare, but I will not read all of those portions.

She concludes this part of the letter this way:

A reduction in air pollution and climate change will make life for my 7-year-old son, Jonas, much easier. His reactions to those changes will be reduced. It will also save my family countless dollars, stress, and panic attacks.

So said one mom about her son Jonas.

What we must do, and especially what Mr. Pruitt must do, were he to be confirmed, is to answer her questions—to answer her questions, Jacqueline's questions, and the concerns she has about her son Jonas. She is not only a taxpayer, but she is someone who will be impacted directly by the actions and the policies that come from this administration as well as the EPA itself.

So I believe that Mr. Pruitt, if he were to be confirmed, must meet the expectations of Jonas and his mother. He works for them, or will work for them, were he to be confirmed.

I know I am out of time. I will just conclude with this: There are a long series of reasons, some of which I wasn't able to get to today, that undergird and form the foundation of my decision not to support the nomination of Scott Pruitt as the next EPA Administrator.

With that, I yield the floor.

The PRESIDING OFFICER. The majority whip.

WORKING TOGETHER

Mr. CORNYN. Mr. President, today is February 16, 2017. President Trump was sworn in on January 20, 2017.

For the past several weeks now, we have come to the floor and talked about the slow pace at which the Senate has considered and voted on the President's nominees for his Cabinet. Well, there is good reason for that because one of our roles is to consider and vote on advisers selected by the President, regardless of political party, and to help this new administration lead the country.

President Obama, to his credit, after the election, sat down with President-Elect Trump and said he was committed to a peaceful transition of power from his administration to the Trump administration. But, apparently, some of our colleagues didn't get the memo. We continue to slog along at the slowest pace since George Washington to vote on nominees to the President's Cabinet.

The reason it has gone on so slowly is clear by now. It is because our friends across the aisle are still upset and have not yet reconciled themselves with the results of the election on November 8. They just kind of can't get over it. Yes, they are being encouraged by the radical elements of their party who don't want us to fulfill our responsibilities, who don't want a new President to have the Cabinet that he needs in order to govern the country. Yes, there are some who want to halt our work in this Chamber and perpetuate dysfunction. They don't want us to focus on legislating because they want to keep us tied up in the confirmation process.

I will just interject right here, as I have said before, that we know these nominees will be confirmed because, thanks to the nuclear option under Senator Reid, the previous Democratic leader, all it takes is 51 votes to confirm a nominee to a Cabinet post. But the fact is, the country needs a functioning Senate. We need a functioning executive branch.

So I hope our colleagues across the aisle will understand soon that if they want to be effective—if they want to actually move the needle and help those who have entrusted them with the future of this country—then we need to turn from gridlock to action.

Last Congress, even under President Obama in the White House, we did not let partisan dysfunction keep us from working together. There is a difference between elections and governing. But, for some reason, too many people want to keep relitigating the election and not allow us to actually govern.

Of course, during the Obama administration, Republicans had many points of departure from the Obama administration, and we used the tools available to us to provide the oversight and ask the critical questions that the American people demanded. But our friends across the aisle are now being tempted to shut down the government, to run away from policy debates, and point

fingers. Why? Because it is always easier to throw stones than it is to actually accomplish something—roll up your sleeves, focus on the task, and turn to legislating.

Yes, it may be easier just to criticize and to obstruct, but it is not the right thing for the American people. Our colleagues across the aisle know that, but, as I said earlier, they are being unduly influenced by some of the radical elements in their political base who will not let them do it or who say that if you do cooperate on a bipartisan basis and actually do your job, then we are going to recruit people to run against you in a primary.

Well, that is part of the risk we all take. We didn't come here to appease a portion of our political base and neglect our most basic duties as Members of the U.S. Senate. Again, I would point to last Congress and the work we did together on a bipartisan basis, I might add, as evidence of what you can accomplish when you try to do that.

The 114th Congress, after the 2014 election, saw a new majority, a new Republican leadership, and we did our best to help restore order to this Chamber and get it working again after years of dysfunction. Under the previous regime, Members of both the majority and minority parties were actually prevented from coming to the floor and offering legislative ideas in the form of amendments and getting votes on them, but that backfired when some of our colleagues who were running for reelection in 2014 realized that they had very little to show the voters by way of accomplishment—even those in the majority party, the Democratic Party, at that time. So one would have thought that there would be some lessons learned there.

In the last Congress—in the 114th Congress that began 2 years ago—we voted on legislative ideas from both sides of the aisle with more than 250 rollcall votes. That represented a sea change from the previous administration and the way Senator Reid ran things.

We were able to get the Senate functioning as the Founders intended, and that led to big results for the American people. We took care of big, intractable problems that had trouble getting anywhere during the previous Congresses. For example, we passed a transportation bill—the highway bill—to help Americans deal with safety on the roadway, to deal with concerns about pollution due to congestion and people in gridlock, and we helped our economy in the process. That was a big, important bill. That was the first time we had been able to pass a long-term highway bill in about 30 different, separate attempts where we had patched the funding mechanism for 6 months or a year, which made it nearly impossible for our highway departments across the country to actually plan. It actually ended up being more expensive and less effective than it would be with a multiyear highway bill, which we

passed. So that was a big bipartisan accomplishment.

We also made great progress in reforming our public education system by passing, again, on a bipartisan basis, the Every Student Succeeds Act, which went a long way to devolving power from here in Washington, DC, back to the States, back to local school districts, back to parents and teachers—something that, fortunately, we were able to agree upon on a bipartisan basis. That change was applauded by my constituents back home, and, I believe, people around the country.

We also made great headway in making our country safer and our government more just by taking up and passing legislation to support victims of abuse and violence and to craft laws to better equip our law enforcement to handle growing threats.

For example, we passed the Justice for Victims of Trafficking Act 99 to 0. Some people say that nothing ever gets done in Washington; well, 99 to 0—it is hard to beat that, except by maybe 100 to 0, but we will take it.

That law was signed into law by President Obama 2 years ago, and it is helping victims of human trafficking get the healing and recovery they need, while also providing help to law enforcement to help root out the people who patronize modern day slavery, which is what human trafficking amounts to.

We also, on a bipartisan basis, reauthorized the Justice for All Act to strengthen victims' rights in court and increase access to restitution and services that can help them recover. It helps reduce the national backlog in untested rape kits, forensic evidence collected after a sexual assault that is necessary to identify the assailant through the use of DNA testing. That was really important, after we heard the horror stories of as many as 400,000 untested rape kits in laboratories or evidence lockers—evidence which was critical to identifying the assailant; many times they were serial assailants. In other words, they didn't just attack one time, they attacked multiple times over the years—and to get them off the streets. That type of evidence is also very important in exonerating the innocent because if we can exclude someone from one of these terrible assaults, that means a person who is innocent of the crime will be free.

We also passed a bill called the POLICE Act, signed into law last summer, so our first responders and law enforcement officers can learn the latest techniques to deal with violence so they are ready to face the unimaginable or previously unimaginable threats in our communities.

I could go on and on, but I will just mention a few more. We passed bipartisan legislation to combat opioid abuse and heroin addiction, the Comprehensive Addiction and Recovery Act. We passed laws to make our government more transparent so it is more accountable to the public and to vot-

ers. We helped capitalize on our God-given natural resources by lifting the crude oil export ban, for example—something important not only to domestic producers and job creation here but also to our friends and allies around the world who frequently depend on a single source for their energy. Unfortunately, people like Vladimir Putin in Russia have discovered you can use that sole source of energy as a weapon by threatening to cut it off.

The reason I mention some of these accomplishments is to make the point that nothing happens in Congress, nothing happens in the Federal Government, unless it is bipartisan.

It is one thing to fight hard in an election and try to win the election so you can gain the privilege of actually being in the majority or having the White House, but after the election is over, our responsibilities shift to governing. Right now, our friends across the aisle are continuing to obstruct and drag their feet and make it impossible for the President to get the Cabinet he needs in order to get the government up and running.

We need to return to the pattern we established in the last Congress, to work together, to build consensus, to help make America stronger, our citizens safer, and our laws a better service to all the people. I would plead with our colleagues across the aisle to stop the dysfunction, stop wanting to relitigate the outcome of the election. You can't. It is over. We know what the outcome was. They need to move on, and we need to move on—not just for the political parties we are members of, not just for the benefit of those elected here in Washington but for the benefit of 320-some-odd million people whom we have the responsibility of representing. Instead of foot-dragging, obstruction, and dysfunction, let us fight, as we always have, for those people we represent and work together to find common ground where we can to put forward legislation that serves them well.

I hope our colleagues across the aisle would remember those lessons they learned in the 2014 election; that dysfunction is bad politics. It does not help their political cause. I understand the temptation of wanting to yield to the most radical elements in a political party, but we are elected to the Senate for 6-year terms to be that cooling saucer, to try to have debate and deliberation, to try to work out the hard problems. That is our responsibility, and just to blindly obstruct when you know you can't change the outcome—particularly when it comes to the President getting the Cabinet he has chosen and he deserves—makes no sense whatsoever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AGRICULTURE

Mr. GARDNER. Mr. President, there are few things that I enjoy more than

bragging about my hometown. I live in a little town called Yuma, CO, out in the Eastern Plains. It is a town of about 3,500 people. If maybe you over-exaggerate a little bit, it reaches 4,000. It is out in the middle of the High Plains of Colorado, 4,000 feet in elevation, 40 miles or so from the Kansas-Nebraska border. It is a farming community, 100 percent farming. Everything related to the town is farming. Even the clothing stores are related to farming because if you don't have a strong agriculture economy, nobody is buying blue jeans, nobody is going up to the car dealership to buy a pickup if the bushel of corn isn't priced right. So everything we do in that town is related to agriculture and farming.

My family comes from a background of farm equipment business and started a business—101 years old this year—by my great-grandfather. My time working in the dealership started roughly when I was in seventh, eighth grade. They let me do some very complicated tasks, high-skill tasks they let me perform: cleaning the bathroom, sweeping the floors. I did that throughout my time in eighth grade, high school, and college. If I go back today, I am sure they would let me do the same job, clean the bathrooms and sweep the floors. Part of that is because I was selling the wrong parts to a lot of farmers who would come into the dealership. Maybe they were just keeping me off the parts counter for the time being. In fact, maybe that is why people voted for me, to get me off the parts counter and quit selling the wrong parts.

Over my time working at the dealership, we witnessed a lot of good times in agriculture. I can remember one time going into my dad's and granddad's office and saying: You know what, the economy is really good. The price of corn is really high right now. We ought to order a whole bunch of farm equipment—a whole bunch of pieces of implements, tillage equipment, tractors, combines—and have them on the lot so we can take advantage of the good times in agriculture.

My granddad paused and looked at my dad and said: No, I don't think we should do that because I don't think times are going to be good next year.

They were right. This was back in probably the mid-1990s. They had seen it coming because of their experience in the business, the ebbs and flows of agriculture, the good times and the bad times. They were able to recognize, through their own experience, what different economic indicators meant to them and how they could forecast, using their experience, what was going to happen in the farm world the next year. So they decided not to order all that brandnew equipment. They decided not to order the tractors, the combines, and the tillage equipment. It was a good thing because the next year wasn't that great. If this 18-year-old, 19-year-old kid would have had his way, we would have had a whole lot of iron

we were paying interest on that year without being able to sell it.

Colorado is pretty blessed, with 4,000 companies involved in agriculture, 173,000 jobs in Colorado directly involved in agriculture. The State has more than 35,000 farms and 31 million acres used for farming and ranching. If we look at the Colorado business economic outlook, the net farm income of ranchers and farmers in 2016 is estimated this year to be the lowest it has been since 1986, and the projections for 2017 are even lower.

I grew up as a kid in the 1980s, watching perhaps the hardest times agriculture in the United States had faced in decades, watching a lot of people I knew my whole life going out of business, people having to sell the farm because of what was happening in the 1980s, leading to a banking crisis in agriculture in the 1980s, watching banks I had grown up with close.

I am concerned in this country that we are going to see the same thing again, beginning in 2016, into 2017, and then into 2018 next year. I am very worried that those tough times we saw in the 1980s, and some of the tough with the good times we saw in the 1990s, and some really good years a few years ago are going to seem like distant memories come later this summer and into next year if we don't do something.

I had the opportunity to visit with the Colorado commissioner of agriculture in my office last week, a gentleman by the name of Don Brown. Don Brown is from my hometown of Yuma, CO. It has done pretty well for itself, 3,000 people. The State commissioner of agriculture is from my hometown. The previous commissioner of agriculture, a gentleman by the name of John Stoltz, was from my hometown of Yuma. Both of them grew up in agriculture in that area, understanding what it is like on the High Plains, understanding what it is like to live through good times and bad times. Both of them today I think would tell you, they are very concerned as well about what happens over the next year, the next 2 years.

It wasn't that long ago when we saw some of the highest priced commodities this country has ever seen, at least in a very long time—the golden years of agriculture, some people said—where corn and wheat were priced high. People were able to pay their bills and buy new equipment. Commodity prices don't always stay that high though. The one thing a farmer will tell you is, the price of a piece of farm equipment stays high, the price of fertilizer seems to stay high. When prices come down on their commodities, the other prices—the inputs—stay high, and they find themselves in significant trouble.

The price of corn today is estimated to be about \$3.15 per bushel. That is what it was in 2016, less than half of the 10-year high price of corn of \$6.86 in 2012, just a few years ago. To put that in historical context, the price of corn in 2016 at \$3.15 is lower than the price

of corn in 1974, the year I was born, when it was \$3.20. The price of corn in 2016 was 5 cents lower than it was the year I was born, 1974. It is the same story across the board for Colorado. Wheat prices are down more than \$1 from 2015 to 2016 alone and down more than 50 percent since 2012. I can guarantee, even though I may have sold a lot of wrong parts at the implement dealership, those wrong parts didn't come down in price 50 percent.

The livestock industry has seen similar trends, with cattle prices at their lowest level since 2010. In farming and agriculture, a lot of times we might see a year where the price of corn is high, but the price of cattle is low or the price of other commodities are high where the price of cattle is low, but when cattle are high, maybe other commodities are low. Farmers who have a diverse operation are able to offset the lows and the highs with a diverse operation—but not this year, and it looks like that may be the case next year.

Declines in States' agriculture economy are not unique to Colorado. According to the U.S. Department of Agriculture's Economic Research Service, revenues have decreased for agriculture nationwide by more than 10 percent since 2014.

Recently, the Wall Street Journal wrote this, and I will show the headline of the Wall Street Journal piece just a couple of weeks ago. The Wall Street has an article entitled "The Next American Farm Bust Is Upon Us."

We have had a lot of debates on this floor. We have had debates about Cabinet members. We have had debates about resolutions of disapprovals. We are talking about a lot of things, but there is a lot of suffering beginning in the heartland of America right now. A lot of farmers and ranchers are suffering. They are worried about how they are going to survive, not just into the next year but how they are going to survive into the next couple of months. The telltale signs of difficult times are all around us in agriculture. This article, "The Next American Farm Bust Is Upon Us," begins to tell the story. Here is what the Wall Street Journal said:

The Farm Belt is hurtling toward a milestone: Soon there will be fewer than two million farms in America for the first time since pioneers moved westward after the Louisiana Purchase.

Across the heartland, a multiyear slump in prices for corn, wheat and other farm commodities brought on by a glut of grain worldwide is pushing many farmers further into debt. Some are shutting down, raising concerns that the next few years could bring the biggest wave of farm closures since the 1980s.

The article highlights the story of a fifth-generation farmer from Western Kansas. I mentioned my hometown is 40 miles away from Kansas. It looks very similar to the Eastern Plains of Colorado where I live. Here is his story:

From his father's porch, the 56-year-old can see the windswept spot where his grandparents' sod house stood in 1902 when

they planted the first of the 1,200 acres on which his family farms alfalfa, sorghum and wheat today. Even after harvesting one of their best wheat crops ever last year, thanks to plentiful rain and a mild winter, Mr. Scott isn't sure how long they can afford to keep farming that ground.

There is a lot of work we need to do to make sure Mr. Scott and farmers who live in my community around the Eastern and Western Slope of Colorado will be able to survive over the next year—steps so we can help to make sure we are addressing this crisis head-on, before it begins and develops into a full-blown farm crisis like we saw in the 1980s. We must have serious regulatory reform.

In a letter I received from the Colorado Farm Bureau, the letter read:

Colorado Farm Bureau recognizes that a major impediment to the success of American agricultural industries and the national economy is rampant federal regulation and the associated cost of compliance.

We have to allow U.S. agriculture to flow to markets around the world, so in addition to that regulatory reform—some of which we are undertaking now through resolutions of disapproval by peeling back the overreach of government, we have to allow farmers access to more markets. That is a concern we all should share: What is going to happen with our trade policy in this country? Because if we decide to shut off trade in this country, if we decide to close access and avenues to new markets, the first people who are going to be hurt are those farmers and ranchers in Colorado and Kansas and throughout the Midwest of the United States. We have to have the opportunity to be able to send that bushel of wheat to Asia, that bushel of corn around the globe to make sure we are providing value-added opportunities for the world's best farmers and ranchers. Opening up new markets for Colorado and American agriculture is a clear way we can support rural economies.

Let's be clear. What I said at the beginning of these comments—there are farm communities that have diversity in their economic opportunities. A farm economy may not be 100 percent dependent on farms or ranches. Maybe they have tourism. Maybe they have some recreational opportunities. Maybe they are close to a big city where people can live there and commute. But there are a lot of towns across the United States that are solely, 100 percent committed to agriculture. They don't have access to anything but farming and ranching. When the price is down, the town is down. When the town is down, Main Street erodes. When Main Street erodes, it affects our schools and our hospitals and our relationships and our families. And somebody has to be looking out for our farmers and ranchers because the next American farm bust is upon us.

We have to take the necessary steps to pass a farm bill that gets our policies right when the new one expires. The current one expires in 2016, and these discussions are just now underway. If we have regulatory reform, if

we open up new trade opportunities for agriculture and we give farmers certainty—those are three things we can do to help address this crisis before it becomes a full-blown crisis.

We have to make sure that we support our farmers and ranchers, that we have their backs in good times and in bad times. Giving farmers certainty through a farm bill, through a regulatory landscape that provides certainty and relief, is important.

I talked to a family member of mine the other day who talks about his fear that he sees conditions similar to what we saw in the 1980s. The final relief we can provide is relief from financial regulations that are stifling the ability of banks to provide workout opportunities for farmers and ranchers when they need it.

Four things we ought to be doing for our farmers and ranchers: provide them certainty, regulatory relief, new trade opportunities, and targeted financial relief on regulations that are preventing workouts through our banks and our communities.

We have the opportunity now to prevent this country from seeing what it saw in the 1980s, but let's not be reactionary. Let's do what we can to get ahead of this before we start seeing what Secretary-designee Perdue told me the other day. One of the customers of his agricultural business took his life because he didn't know what was going to happen to his farm, and his three kids are now left wondering what they are going to do.

I hope this country understands how supportive we are of American agriculture and the actions we need to take to stand with them when times get tough.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time to explain to my colleagues why I will be opposing the nomination of Scott Pruitt, the attorney general of Oklahoma, to be the next Administrator of the Environmental Protection Agency.

I first want to start by saying I had an opportunity to visit with Attorney General Pruitt. He is a person who wants to serve our country, and we very much appreciate that. He has a distinguished career in public service, and we appreciate his willingness to continue to serve at the national level.

My reason for opposing his nomination is that he has opposed most of the missions of the Environmental Protection Agency as the attorney general of Oklahoma. He has filed numerous lawsuits that would compromise the ability of the Environmental Protection Agency to protect our environment.

I come to this debate acknowledging that there are national responsibilities to protect our environment. The United States must also be engaged in global leadership as it relates to our environment. The people of Maryland want clean air. The people of Maryland

want clean water. No State can guarantee to its citizens that its air will be clean or that its water will be safe. These issues go well beyond State boundaries. They go beyond national boundaries. It is for that reason that we need an Administrator of the Environmental Protection Agency who will lead our Nation both in the appropriate controls and regulations to protect our air and water but also work for our country in regard to the global efforts to protect our environment for future generations.

Let me talk about the issue of climate change. Climate change is one of the greatest threats of our times. We know that this year, according to NASA—they looked at the temperature rise in 2016 and found it to be the hottest year ever recorded. We know something is happening in regard to global climate change. It is affecting so many different areas. We have eroding shorelines that our constituents see. We have major military installations located along our coast that are at risk as a result of rising sea levels from ice melt. We have populations that are at risk in the United States.

Let me give one example, if I might. Smith Island, MD, is a very proud community. It is a community that historically has been one of the strongest in regard to watermen and dealing with the fruits of the Chesapeake Bay. It is a proud community, and it is in danger of disappearing because we have sea level rises resulting from ice melting from climate change. We know there is a problem developing that we need to deal with. It is affecting our economy.

In my State of Maryland, the seafood industry is concerned about the future of the blue crab crop. They know that juvenile crabs need sea grass in order to be able to be protected and mature into full-blown blue crabs. With water becoming warmer, the future of sea grass is challenged, putting the blue crab at risk.

That is just one example. There are many more examples I can give about how it is affecting the economy of my State. It is affecting our ability to enjoy our environment, the recreation itself, and it is certainly providing a real risk in regard to the real estate. We have some very nice real estate located right on the coast or on barrier islands that is at risk of being lost as a result of climate change. We see more and more major weather events occur on a much more regular basis, causing billions of dollars of damage and putting lives at risk.

We know climate change is here. It is happening. The science is pretty clear. When we asked Attorney General Pruitt his view about the science of climate change, his answer was “far from settled.”

The science is well understood. What we do here on Earth—the release of carbon emissions—is causing an abnormal warming of our climate. There are activities that we can do to reduce that effect on our climate. We know that.

That is what science tells us. We know we can affect the adverse impacts of climate change if we take action. That is what scientists are telling us.

The world came together on this issue in COP21. I was proud to head a delegation of 10 Members of the U.S. Senate as we went to Paris to make it clear to the international community that the United States wanted to be part of a global solution to climate change. Not any one country can reverse the trendline that we are on that is catastrophic; we need all nations to do everything they can to reduce the impact of climate change by reducing their carbon and greenhouse emissions. That is what the global community needs to do, but we have been unable to get the global community for all countries to live up to their responsibilities.

Under President Obama and our leadership, we were able to get the world community—over 190 nations—to come together in Paris, in COP21, for every nation to take responsibility to reduce their carbon emissions so that we all can benefit from that effort.

I am concerned as to whether Mr. Pruitt, if confirmed as the EPA Administrator, will continue that U.S. leadership. He has not been at all committed to U.S. programs on dealing with climate change, let alone our international responsibilities to lead other countries to do what they need to do. I will give one example. Part of our way of showing the international community that we are serious about the climate issue was the powerplant rule issued under the Obama administration. Attorney General Pruitt joined a group in opposing that powerplant rule through filing suit against the implementation of that particular law.

We need someone who is going to lead on this effort in America and understand that we have responsibilities to lead the international community. We are at great risk from the impact of climate change, and that needs to be understood and recognized by the leader of the Environmental Protection Agency. I am not convinced Attorney General Pruitt would do that.

I want to talk a little bit about clean air. Maryland has taken pretty aggressive steps to improve the air quality from emissions within the geographical boundary of the State of Maryland. That is what every State should do. But here is the challenge: Maryland is downwind from many other States' emissions, so we are seeing days in which our air quality is below what it should be, not because we haven't taken action but because we don't have a national policy to protect our clean air.

The health of Marylanders depends on the Federal Government being aggressive in guaranteeing that all citizens of this country—that steps are taken to protect the air they breathe. I can tell you the number of children who have asthma who suffer when the air quality is not what it should be. It is not only wrong from the point of

view that we have an obligation to our children to make sure we give them the healthiest air to breathe, it is also costing our economy because every day that child stays home, a parent cannot go to work. The child loses their time in school; they are being disadvantaged. If they have to take a day off from summer camp, the parent has to stay home, and it is wasting resources in this country.

For many reasons, we need an Administrator of the EPA who is committed to a national effort to make sure the air we breathe is clean and healthy.

Likewise with clean water. Some of us remember when the Cuyahoga River caught fire in 1969. We know that pollution was so bad, you literally could set our rivers afire. We took steps. And it was not partisan—Democrats and Republicans came together with the Clean Water Act. We recognized that the Federal Government has the responsibility to protect the quality of our water so that we have safe, clean water in America.

I think we have been working to improve the Clean Water Act consistently on a nonpartisan basis, but now we have Supreme Court decisions that challenge what water the Federal Government can regulate. Congress has not taken steps to clarify that. The administration took efforts to try to clarify that under the waters of the United States, only to see a Court action to put that on hold in which Mr. Pruitt joined as the attorney general of Oklahoma, once again slowing down our effort to protect the clean waters of America.

I have spoken numerous times on the floor of the Congress about the Chesapeake Bay and how proud I am to be a Senator from Maryland, one of the six States that are in the Chesapeake Bay watershed, along with the District of Columbia.

We know that the Chesapeake Bay is a national treasure. It has been so designated by many Presidents of the United States. It is the latest estuary in our hemisphere. The watershed contains 64,000 square miles, has over 11,000 miles of shoreline, and 17 million people live in the Chesapeake Bay watershed—150 major rivers, \$1 trillion to our economy. It is part of the heritage of my State and our region. We are proud that it is part of our life. It is part of why people like to live in this region. They know the Chesapeake Bay makes their life so much more enriched and so much more valuable.

The Chesapeake Bay is in trouble. I could talk about it from a technical point of view. It doesn't flush itself as quickly as other water bodies. The historic oyster population is not what it has been. We have to, therefore, make special efforts to clean up the Chesapeake Bay. Over 30 years ago, almost 40 years now, while I was in the State legislature, when I was speaker of the house, I worked with Governor Harry Hughes, and we developed a State program to deal with the Chesapeake Bay.

We did it the right way. We started at the local levels. We got all the stakeholders together: the farmers, the developers, the local governments, the private sector, our local governments, the State government. We worked with Pennsylvania because Pennsylvania is where the Susquehanna River flows, and that produces most of the fresh water that goes into the Chesapeake Bay. We worked with Delaware, Virginia, New York, and West Virginia, and we developed the Chesapeake Bay Program that is worked from the local level up. We get together to determine what is reasonable: What does science tell us we can do?

We have all the stakeholders sitting around the table as we develop these plans. They all sign up. Our farmers recognize that clean water will make their agriculture more profitable. They recognize that. Developers understand that we need a clean Chesapeake Bay as part of our ability to develop profitable real estate in our community. These are not inconsistent. A serene environment, clean agriculture, a strong agriculture, a strong economy are all hand in hand together.

It is not a choice between one or the other. We recognize that. That is why the Chesapeake Bay Program has never been partisan in Maryland. We have had Democratic and Republican Governors who supported the Chesapeake Bay Program. We have had legislators lead this effort from both parties. Senator Mac Mathias, who served as the U.S. Senator from Maryland, was the champion of bringing the Federal Government into the Chesapeake Bay Program. The program is working. It is making the bay safer today, but we still have a long way to go.

We enforce it through the TMDL, the Total Maximum Daily Loads, so we can monitor that we are making the progress we said we could make, based upon best science. And that is what the local stakeholders have signed up for.

When we did our TMDL's, it was challenged. It was challenged in the courts. Mr. Pruitt was one of those who brought a challenge against the TMDL Program in Maryland. I am thankful that the Third Circuit upheld the legal right of the TMDL, and the Supreme Court affirmed that decision by the Third Circuit. So we won the legal case.

But it troubles me that a program that is from the ground up, from the local governments up, in which the Federal government is a partner—why it would be challenged when it was supported by the local communities. To me, that case should never have been challenged.

We need the Federal Government to continue to participate with us. The Chesapeake Bay Program is supported through the farm bill, through the Water Resources Development Act, through the Clean Water Act, and through annual appropriations. So we need continued support at the Federal level for the Chesapeake Bay Program.

And we need a champion in the Environmental Protection Agency that will help us in that regard.

I want to talk briefly about the Safe Drinking Water Act. Safe drinking water is critically important. We know that in recent years, we have found too much lead in drinking water. We all know, of course, the story of Flint, MI. I could take you to Baltimore where our schools have to cut off their water fountains because of the unsafe levels of lead in the drinking water, if they were permitted to drink from the water fountains.

We can tell you about so many communities in the Nation that have a desperate need to clean up their safe drinking water so that we can protect our children from lead poisoning. I hope my colleagues understand that there is no safe level of lead in the blood. It robs children of their future. It poisons them. I think most people are familiar with the Freddie Gray tragedy in Baltimore. Freddie Gray was a victim of lead poisoning when he was young.

We owe it to our children to make sure we do everything we can so they are not exposed to lead. I asked questions about that during the confirmation hearing of Mr. Pruitt. The answers were less than acceptable and showed his lack of real information about the dangers of lead.

Every Congress should look at their responsibility to build on the record, to leave a cleaner and safer environment for the next generation. The EPA Administrator should be committed to that goal. I do not believe Mr. Pruitt will be that type of leader. For that reason, I will vote against his confirmation.

With that, 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.

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

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

IMMIGRATION

Ms. HARRIS. Mr. President, I rise today, humbled to offer my first official speech as the junior U.S. Senator from the great State of California. I rise with a deep sense of reverence for this institution, for its history, and for its unique role as the defender of our Nation's ideals.

Above all, I rise today with a sense of gratitude for all those upon whose shoulders we stand. For me, it starts with my mother Shyamala Harris. She arrived at the University of California, Berkeley, from India in 1959 with dreams of becoming a scientist. The plan, when she finished school, was to go back home to a traditional Indian marriage. But when she met my father Donald Harris, she made a different plan. She went against a practice reaching back thousands of years, and

instead of an arranged marriage, she chose a love marriage. This act of self-determination made my sister Maya and me, and it made us Americans, like millions of children of immigrants before and since.

I know she is looking down on us today, and knowing my mother, she is probably saying: Kamala, what on Earth is going on down there? We have to stand up for our values.

So in the spirit of my mother, who was always direct, I cannot mince words. In the early weeks of this administration, we have seen an unprecedented series of Executive actions that have hit our immigrant and religious communities like a cold front, striking a chilling fear in the hearts of millions of good, hard-working people, all by Executive fiat.

By fiat, we have seen the President stick taxpayers with a bill for a multi-billion-dollar border wall, without regard to the role of the U.S. Congress under article 1 of the Constitution. By fiat, we have seen a President mandate the detention of immigrants, both documented and undocumented, creating a dragnet that could ensnare 8 million people. By fiat, the President has ordered the creation of what essentially will be a 15,000-member deportation force. By fiat, he wants to take away State and local authority by making local police officers act as Federal immigration officials. By fiat, the President wants to slam the gates of freedom by instituting a Muslim ban—a ban which was as carelessly written as it has been incompetently enforced.

In recent days, we have seen an increased severity in immigration raids sweeping across this country, including the arrest of a DREAMer in Seattle and a domestic violence victim in Texas. And we have seen an administration violate court orders, attack the First Amendment, bully Federal judges, and mock Americans exercising their right to freely assemble.

I rise today to discuss how these actions impact my State of California and our country. In particular, the State of California, I believe, is a microcosm of who we are as America. In California, we have farmers and environmentalists, welders and technologists, Republicans, Democrats, Independents, and the largest number of immigrants, documented and undocumented, of any State in the Nation.

I rise because the President's actions have created deep uncertainty and pain for our refugee and immigrant communities. I rise on behalf of California's more than 250,000 DREAMers, who were told by the Federal Government: If you sign up, we will not use your personal information against you. I rise to say the United States of America cannot go back on our promise to these kids and their families.

I rise today as a lifelong prosecutor and as the former top cop of the biggest State in this country to say that these Executive actions present a real

threat to our public safety. Let me repeat that: The President's immigration actions and Muslim ban will make America less safe.

As a prosecutor, I can tell you it is a serious mistake to conflate criminal justice policy with immigration policy, as if they are the same thing. They are not. I have personally prosecuted everything from low-level offenses to homicides. I know what a crime looks like, and I will tell you, an undocumented immigrant is not a criminal. But that is what these actions do; they suggest all immigrants are criminals and treat immigrants like criminals.

There is no question, those who commit crimes must face severe and serious and swift consequence and accountability. But the truth is, the vast majority of the immigrants in this country are hard-working people who deserve a pathway to citizenship.

Instead of making us safer, these increased raids and Executive orders instill fear in immigrants who are terrified they will be deported or have to give up information resulting in the deportation of their family members. For this reason, studies have shown Latinos are more than 40 percent less likely to call 9-1-1 when they have been a victim of crime. This climate of fear drives people underground and into the shadows, making them less likely to report crimes against themselves or others—fewer victims reporting crime and fewer witnesses coming forward.

These Executive actions create a strain on local law enforcement. Any police chief in this country will tell you that they barely have enough resources to get their job done. So when you make local law enforcement do the job of the Federal Government, you strain the resources for local law enforcement and that hurts everybody's safety.

Let's consider the economic harm this order will cause. Immigrants make up 10 percent of California's workforce and contribute \$130 billion to our State's gross domestic product. Immigrants own small businesses, they till the land, they care for children and the elderly, they work in our labs, they attend our universities, and they serve in our military. So these actions are not only cruel, but they cause ripple effects that harm our public safety and our economy.

The same is true of this Muslim ban. This ban may as well have been hatched in the basement headquarters of ISIS. We handed them a tool of recruitment to use against us. Policies that demonize entire groups of people based on the God they worship have a way of conjuring real-life demons. Policies that isolate our Muslim-American communities take away one of the greatest weapons we have in the fight against homegrown extremism.

Here is the truth. Imperfect though we may be, I believe we are a great country. I believe we are a great country. Part of what makes us great are our democratic institutions that pro-

tect our fundamental ideals: freedom of religion and the rule of law, protection from discrimination based on national origin, freedom of the press, and a 200-year history as a nation built by immigrants.

So this brings me to my message today. We have a responsibility to draw a line with these administrative actions and say no. This is not a question of party. This is about the government of coequal branches, with its inherent checks and balances. This is about the role of the Senate, the greatest deliberative body in the world. I know, having spent now a few weeks in this Chamber, that we have good men and women on both sides of the aisle—men and women who believe deeply in our immigrant communities and who understand that nationalism and patriotism are not the same thing.

I know that it was the junior Senator from the State of Texas who said: "It is an enormous blessing to be the child of an immigrant who fled oppression, because you realize how fragile liberty is and how easily it can be taken away."

It was the junior Senator from the great State of Kentucky who said: "We must always embrace individual liberty and enforce the constitutional rights of all Americans, rich and poor, immigrants and natives, black and white."

It was the senior Senator from the great State of Arizona who said: Undocumented immigrants should not be "condemned forever" to a twilight status.

So, yes, we have good people on both sides of the aisle. I say that we must measure up to our words and fight for our ideals because the critical hour is upon us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma

CONGRATULATING SENATOR HARRIS

Mr. INHOFE. Mr. President, let me say that that was an excellent presentation by Senator HARRIS. I can recall when she first came here, and I sat down with her and we talked about her predecessor and about how people with diverse philosophies can get along and actually love each other.

I would expect the same thing to happen in this case—because it does. I listened to some of the things that were said by the new Senator from California, talking about the rule of law, about freedom of religion, freedom of speech, and the First Amendment. I agree. I am hoping that we end up with more things in common than things that would keep us apart because we have a lot to do. We need to get busy doing it. I appreciate very much hearing the opening speech by Senator Harris.

Mr. President, I wanted to get to the floor because it won't be long until we will be voting on my Oklahoma attorney general, Scott Pruitt. I am looking forward to it. He and I go back a long way. I know that he has been through the ringer, as a lot of them have. I look

at Jeff Sessions and some of the abusive things that were said about him during the time that he was going through this process. Of course, the same thing has been true with Scott Pruitt.

Scott Pruitt just happens to be not only a candidate who is going to make an excellent Administrator of the EPA, but he is also one who knows the job. He has been there. He has been attorney general for Oklahoma, my State. He lives in my home town of Tulsa, OK. So I know him quite well. In fact, I am in aviation, and I remember flying him around the State in some areas, introducing him when he was just starting out in the statewide race.

I think he is going to do a really good job. It is my understanding that my colleagues on the other side are determined to run the clock before we vote on Attorney General Pruitt, and they are using the opportunity to make the case that he will destroy the environment and return pollution to the air and water.

Yet they know that he will do nothing of the sort. Attorney General Pruitt is highly qualified. Yes, it is true that he has had the occasion to file lawsuits on behalf of the State of Oklahoma against the Environmental Protection Agency. I can assure you that he knows that he has represented the State of Oklahoma. There are many other States that were doing the same thing.

He is a believer in the rule of law and will uphold the laws as passed by Congress within constitutional bounds. He has built a career defending the law, and I see no cause for concern that he will ever stop. He has been practicing law in Oklahoma since 1993, when he graduated from law school at the University of Tulsa. In 1998, he ran and was elected to the Oklahoma State Senate, where he served for 6 years. During that time in the Oklahoma State Senate, he was seen as a leader, someone who could be counted upon, and someone who should be in higher office in the State.

Of course, that is what happened. Since 2010, he has been the Attorney General for Oklahoma. He became a respected defender of the State's role in our Federal system of government. As EPA Administrator, Pruitt will continue to uphold core constitutional principles and won't be engaged in the same Federal overreach that we have seen over the last 8 years.

I know there are varying philosophies in this body. I know there are people who want to concentrate the power in Washington. They see nothing wrong with what we refer to as governmental overreach. I have experienced this because it happens that I was the chairman, as well as the ranking member, of the Environment and Public Works Committee, which has the jurisdiction over the Environmental Protection Agency. So I have watched this take place.

I know that there are members of the Environment and Public Works Com-

mittee who have differing philosophies as to what the EPA should be doing. They see outsiders. They see the State, sometimes, as someone who is opposed to the things they are trying to do. But we have watched this happen over the last 8 years.

Attorney General Pruitt has said again and again that he will uphold the laws that we pass right here in Congress—no more and no less. So it is up to us as lawmakers to provide him with effective bipartisan legislation that will make a positive difference for the environment and for our future, while balancing State and private interests. This balance is possible and Scott Pruitt is a testament to this balance.

Oklahoma is an energy State. Oklahoma is an agricultural State. We care a great deal about the land we live on and the air we breathe, and we want to be sure it is safe for our families and for generations to come. I think about the Administrator that was there during the years of the Obama administration, and he was actually in a hearing just a few hours ago. He talked about how comforting it was to come to our State of Oklahoma—which he did twice. He learned that landowners are on the side of the environment. They are the ones who want to care for the land. They are the ones who want to exert whatever energies are necessary to take care of the problems with pollution that are present in this world.

As attorney general, Mr. Pruitt has worked closely with the Oklahoma Department of Environmental Quality and the Oklahoma Water Resources Board to protect Oklahoma's scenic rivers from upstream pollution. As a matter of fact, as to his reputation, he is "Mr. Scenic Rivers" back in Oklahoma. I don't understand how people concerned with the environment are opposing him and saying things about him that are detrimental.

He was able to use unbiased logic and science to reach an agreement with the State of Arkansas to protect our water in Oklahoma. He has also been instrumental in negotiating a historic water settlement agreement. This agreement was between the State of Oklahoma, the Choctaw Nation, and the Chickasaw Nation.

This thing, I say to the Presiding Officer, has been in litigation for 100 years. He walked in, and he resolved the problem. It was a battle that had gone on for 100 years. One of the chief concerns of the Chickasaw and the Choctaw Nations was to ensure that conservation guidelines were preserved. The agreement not only provides Oklahoma City with its long-term water needs but also protects our two Indian nations with their conservation goals. Again, this was tried by a lot of people over a period of 100 years until Scott Pruitt came along. He is the one who did it.

He has sued the EPA and fought against the Fish and Wildlife Service at times. It has all been in Oklahoma's best interest. Now he will have the en-

tire Nation's best interest in mind when making decisions as the EPA Administrator. I have no doubt that he will continue to protect our State's interests from overreach and unnecessary harmful regulations.

It is no secret that Attorney General Pruitt's confirmation process has been unusually lengthy. It is time we vote to confirm him in this position. We had his nomination hearing in the Environment and Public Works Committee. That was back on January 18, almost a month ago. That hearing was one to be remembered because we broke a record by asking 4 rounds of questions. I suggest that no one in this confirmation process this year or in the last three generations has had to undergo four rounds of questions.

During the course of this day-long, 8-hour hearing, he answered more than 200 questions. Now, after this, he responded to more than 1,000 questions for the record, including the extra questions Senator CARPER asked him in a December 28 letter, as Attorney General Pruitt promised he would.

Now, this means that he answered—these are questions for the record—1,600 questions. The average director, during confirmation over the last 3 Presidential years, had 200. So it is 200 questions, as opposed to 1,600 questions that he was subjected to. He never complained about it and actually did a great job.

Now, despite the Democrats' efforts to delay his confirmation vote, we need to be responsible and move forward to confirm Attorney General Pruitt. The longer we postpone this vote, the longer it is going to take for things to get done at the EPA. Right now nothing can get done. Everyone knows that. That is wrong. I know that Attorney General Pruitt will continue to be a champion for economic development and environmental responsibility by upholding the law and restoring the Environmental Protection Agency to its role as a regulatory agency, not an activist organization.

You know, this is all for show because everybody knows the votes are there. He is going to be approved. I look forward to working with him. I think he is ready now to move in and do the job. It is going to be a while before he is able to get the other positions confirmed. That is why it is important to go ahead and do it, and I understand we are going to be doing it when this time runs out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield the remaining time I have to Senator SCHUMER.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today in opposition to the nomination of Scott Pruitt to serve as the Administrator of the Environmental Protection Agency. The Environmental Protection Agency, or EPA, is tasked with

protecting human health and the environment, including our precious air, land, and water. This is clearly one of the most critical missions in the Federal Government.

Americans believe that a great country deserves safe drinking water, clean air, and to know that the products we use are safe. And Americans care about continuing this legacy for future generations, believing that we should leave the environment in good shape or better than we found it, and that is where the EPA comes in.

Before the Agency was created in 1970, a hodgepodge of inconsistent State and city regulations proved to be inadequate for protecting the right of Americans to have a clean, safe environment. Before the EPA, in some cities in this country, the air was so polluted that during the day, drivers could barely see the car in front of them. Studies indicate that the air in the 1950s in Los Angeles, as measured by particulate matter and ozone pollution, was worse than it is in Beijing today. Our rivers, including the Cuyahoga River in Cleveland, caught fire. Schools were built on toxic chemical dumps. I know the thought of public health risks like these sound preposterous today, but this was all the case back before the EPA. It took parents and regular citizens standing up and demanding better to finally force action. In 1970, President Richard Nixon and a Democratic Congress worked in a bipartisan manner to create the EPA.

Let me be clear. The EPA is not perfect. There are many instances when I have stood up to the Agency because I felt its actions were not in the best interests of Minnesotans. That said, since the creation of the Agency, the EPA has significantly improved our public health and our environment by cleaning up our air and cleaning up our water.

We still have a lot of work left to do. Yet we are now faced with a President and an EPA nominee who want to gut the Agency and reverse the progress we have made. President Trump has repeatedly attacked environmental protections and the EPA. He has called to "get rid of" the Agency. And during an interview with FOX News, Candidate Trump said of the EPA: "What they do is a disgrace." And now he is in a position to try to implement his stated goal of gutting the EPA—gutting the EPA, that is right. He wants to slash critical public health and environmental safeguards, and to do this, he handpicked Mr. Pruitt.

Mr. Pruitt intends to prevent the EPA from protecting public health and the environment by reducing the budget by two-thirds. Trump transition team member Myron Ebell made these plans clear. Mr. Pruitt will cut and then cut some more and then cut some more, until the Agency we trust to keep us safe is no bigger than it was when Richard Nixon was President.

So what exactly should we cut? Which aspect of public health and our

environment is in need of less protection and research? Well, let me tell you about some of the things the EPA has accomplished since its creation.

The EPA helps protect us from toxins. From 1948 to 1988, 30 million homes were treated for termite infestation with two related, very longlasting chemicals: heptachlor and chlordane. These chemicals are among the 12 worst known persistent organic pollutants—a rogues' gallery called the dirty dozen. A long-term study found that millions of Americans have these chemicals in their blood and in their fat and that the higher the levels, the more likely a person is to suffer from dementia, type 2 diabetes, prostate cancer, testicular cancer, breast cancer, or lymphoma.

The problems arising from heptachlor and chlordane are still with us, but at least they are not getting worse. Why? Because hard work by EPA scientists helped expose the risks of these chemicals and led them to be banned in the United States in 1988. The world didn't catch up to the protection offered to the American people by our EPA until an international ban came into effect in 2001.

The Agency also determined that lead in our paint and lead in our gas caused terrible public health problems, and they got the lead out. In the 1970s, 88 percent of American children had elevated levels of lead in their blood. Now the number is less than 1 percent.

However, we know that the battle against old toxins is far from over, as the disastrous lead poisoning in Flint, MI, tragically reminds us. We also know that new risks appear every year. That is why Congress recently passed bipartisan legislation to allow the EPA to take action on the most concerning toxic chemicals, including asbestos. Slashing the EPA budget endangers future progress and will not make us better off, will not make us safer, will not make our children safer.

The EPA has also made our air cleaner. Thanks to the EPA, we have reduced air pollution—like smog and ozone and particulate matter—by more than 70 percent since 1970, thus preventing millions of asthma attacks, hospital visits, lost workdays, and more than 100,000 premature deaths every year. At the same time, the American economy has grown 240 percent.

The Agency was also instrumental in the phaseout of harmful substances responsible for depleting the ozone layer. The ozone layer shields us from harmful ultraviolet radiation that leads to sunburns or, worse, skin cancer. Thanks to the work of the EPA and other Federal agencies in cooperation with the international community, ozone depletion has now stopped and the layer has begun to regenerate.

The EPA has also made our water cleaner. The Agency invests billions in drinking and wastewater infrastructure every year through the Clean Water and Drinking Water State Re-

volving Funds. These funds are particularly important to rural communities.

What is more, the EPA is actually saving consumers money. Take the fuel efficiency standards that require car companies to manufacture vehicles that go farther on a gallon of gas. These standards both reduce air pollution and save people money. Thanks in part to the EPA, from 1975 to 2013, the average fuel economy of a car sold in the United States more than doubled. Further increases in fuel economy standards under the Obama administration mean that if you buy a new car, you can expect to save an average of \$7,300 on gas during the lifetime of that vehicle. As a whole, Americans will save \$1.7 trillion at the pump.

This is just a small subset of what the EPA has accomplished over the years to protect public health and the environment. And I didn't even mention cleaning up toxic waste sites or testing foreign products for lead and mercury. But if Mr. Pruitt is confirmed to lead the EPA, all this progress and continued work is at risk.

As the attorney general of Oklahoma, Mr. Pruitt put the will of his corporate donors above the public interest time and time again, suing the Agency 18 times—suing the EPA 18 times—to block clean air and clean water protections. Now Mr. Pruitt wants to run the EPA, but he refuses to say that he will permanently recuse himself from those lawsuits that are still pending. Thus, he would be both the defendant and plaintiff in those cases. This is a bizarre world nomination. We cannot allow this type of conflict of interest at the EPA.

As attorney general, he failed to take environmental protections seriously. He dismantled the environmental protection unit within the AG's office, and in particular Mr. Pruitt's record shows a disdain for protecting the air we breathe. He filed three lawsuits to block EPA health standards for smog, soot, mercury, arsenic, lead, and other air pollutants. His actions directly threaten those who suffer from asthma and other lung conditions. We can't go back to the air we had in the 1970s. We can't afford the air Beijing has today.

Mr. Pruitt is so ideologically driven to protect the interests of oil, gas, and other polluters that he even gets in the way of clean energy projects that would create jobs. Take for example the Plains & Eastern Clean Line, a high-voltage transmission project that President Trump has identified as an infrastructure priority. It will bring clean wind power from the heartland to power-hungry cities. As Oklahoma attorney general, Mr. Pruitt did everything he could to kill that very same project.

Even more concerning to me is Mr. Pruitt's years of opposition to the renewable fuel standard, the RFS. This program is vital in our fight against dirty air, and it also greatly benefits Minnesota's rural economy. It is certainly better to drive our cars on

biofuels from the Midwest than on oil from the Middle East. I know that Mr. Pruitt pledged during his hearing to honor the RFS, but this same law provides him with an important loophole: The RFS permits the head of the EPA to reduce the congressionally mandated levels of biofuel production. I, for one, do not trust an avid opponent of the RFS to now be responsible for its implementation.

During the confirmation hearings, my Democratic colleagues pushed Mr. Pruitt on climate change. His answers were not reassuring. Unlike our new President, Mr. Pruitt did not call climate change a “hoax.” Instead, he was more subtle, repeatedly saying: “The climate is changing, and human activity impacts are changing climate in some manner.” Those words are intentionally deceptive. They are meant to sound reasonable but also to excuse inaction. If we look at Mr. Pruitt’s record, it shows that he has been steadfastly against action on climate change, including a suit to block the first requirements for powerplants to reduce their carbon emissions. Let me remind you that these requirements are based on Supreme Court rulings from a conservative majority Court at that.

In a 2007 decision, *Massachusetts v. the EPA*, the Supreme Court found that the EPA had authority to regulate greenhouse gases under the Clean Air Act. It also directed the EPA to assess whether climate change endangers public health, which the Agency correctly determined it does. The Court further ruled that because of this hazard, the EPA is obligated to regulate greenhouse gases.

During his hearing, Mr. Pruitt made clear that all he wants to do is transfer more environmental protection duties to the States, but there are two major problems with that. First, 50 States each implementing different requirements is both inefficient and likely to lead to a race to the bottom. There are many States that will be tempted to trade away the long-term public health of their citizens for the quick financial rewards that will come if they are able to lure businesses from other States with the promise of lax environmental regulations.

All Americans deserve a clean environment. If States want to innovate, free them to do better than our national standards, but there needs to be an EPA that can make sure they don’t do worse than our national standards.

While my State of Minnesota has been a leader in environmental protection, the second problem with the State-by-State approach is that pollution doesn’t respect State boundaries. The people of my State should not suffer ill effects of pollution from States upwind.

Mr. Pruitt also implied during his hearing that the EPA’s regulations are killing jobs, suggesting we must either choose employment and economic prosperity or public health and environ-

mental protection, but this is a false choice. We know we can and must in fact have both. Addressing environmental challenges like climate change will not only help prevent unprecedented damage to our economy but will also spur economic growth and innovation.

My home State of Minnesota has shown how we can do this. In 2007, under a Republican Governor, we established a renewable energy standard that produced 25 percent of our power from renewable sources by 2025. We established an energy efficiency resource standard requiring utilities to become a little more efficient every year. We established an aggressive target to reduce greenhouse gases by 80 percent by 2050, and we are national leaders in biodiesel blending requirements. These policies have not led to economic ruin in Minnesota. They have led to economic development—rural economic development—as we harvest the wind and Sun and convert our biomass into energy. We are investing in clean energy technology not only because it cleans up the air but because it creates thousands of jobs. In fact, a clean energy economy now employs more than 50,000 people in Minnesota, and it will continue to grow.

In 2005, 6 percent of Minnesota’s electricity came from renewable sources. Today it is almost 25 percent, and we continue to go higher. In addition to good jobs for Minnesotans, this transition brought a 17-percent decline in power sector greenhouse gas emissions during a decade when the population of Minnesota increased 7 percent. It is clear that an EPA led by Mr. Pruitt will not move us in the direction Minnesota is going.

Americans expect and deserve clean water, clean air, and a hospitable environment. Although EPA is far from perfect, the Agency has shown that a cleaner environment is compatible with economic growth. In fact, cleaning the environment helps drive economic growth. We cannot afford to entrust the EPA to Mr. Pruitt or anyone else who has a history of putting polluters’ interests above the public’s and above the economy as a whole. We cannot afford to entrust this Agency to someone the President has handpicked to slash its budget and to prevent it from carrying out its mission. Mr. Pruitt represents a step backward, not a step forward. He is maybe the last person who should be the next leader of the EPA. I will oppose this nomination, and I call on my colleagues to do the same.

Mr. President, I yield the remainder of my postcloture debate time to Senator SCHUMER.

But first, I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. 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. LEE. Mr. President, I am proud to stand today and support Scott Pruitt, President Trump’s nominee to head the Environmental Protection Agency.

I can think of no one who is better suited or more fully qualified to lead this Agency and to advance within it the reforms it so desperately needs. I look forward to voting to confirm Mr. Pruitt as EPA Administrator, and I encourage my colleagues to do the same.

In many ways, the EPA epitomizes the broken status quo in Washington—a status quo that is increasingly and rightfully viewed with suspicion and a certain amount of contempt by the American people. That broken and discredited status quo has been described in various ways: out of touch, arbitrary, inflexible, unreasonable, heavy-handed, unaccountable. These words could apply to any number of institutions or offices here in Washington, DC, but they are the hallmarks of the rule-writing departments that make up our Federal bureaucracy.

Technically, these bureaucratic agencies are creatures of the executive branch—creatures that exist to assist the President in fulfilling his constitutional duty to take care that the laws, written by the legislative branch, are to be faithfully executed. But over the past several decades, they have been recast as the Federal Government’s center of gravity, both writing and enforcing and, in many cases, even interpreting, the vast majority of laws governing America’s society and America’s economy.

Elevating the unelected, unaccountable bureaucracy to the driver’s seat of the Federal Government—to the driver’s seat, specifically, of Federal policymaking—is mostly the work of Members of Congress, of both Chambers and of both political parties, who understand that the best way to avoid being blamed by voters for unpopular laws is not to make them—at least not to make them completely—but rather to empower unelected bureaucrats to make the laws for them. But the regulatory agencies themselves sometimes deserve some of the blame as well.

Congress is guilty of writing laws that are couched in vague terms, centered around gauzy goals, instead of strictly defined as understandable rules. But Federal regulators are guilty of interpreting—and repeatedly reinterpreting—those laws in order to accommodate their ever-expanding conception of their own power, of their own authority to work their own will on the American people.

For instance, in the years since Congress passed the Clean Air Act amendments in 1977, Federal bureaucrats have used the law to enact more than 13,500 pages of regulations, which works out to roughly 30 pages of regulations for every 1 page of underlying legislative text.

The fundamental problem with this expansion and centralization of regulatory authority is the tendency of

Washington, DC, bureaucrats to be ignorant of—and often very indifferent to—the interests of the people who live in the various communities who are affected by the rules they make and the rules they also enforce.

This isn't a knock on the individual men and women who work within the Federal bureaucracy, most of whom are well-educated, well-intentioned, and highly specialized. But there is no doubt that a regulator in Washington, DC, knows a whole lot less about a melon farm in Emery County, UT, and cares a lot less about the fate of the people who work at that melon farm in Emery County, UT, than what the regulators say in Salt Lake City.

The Environmental Protection Agency, in particular, is notorious for its top-down, Washington-knows-best approach to regulation, which often runs roughshod over the immense diversity of local circumstances in our large country.

Too often, the EPA treats States and State regulators not as partners but as adversaries. It treats the States themselves not as laboratories of republican democracy but, rather, as lab rats to be tested upon for their own amusement and for the exertion of their own political power.

Scott Pruitt understands this well because he has seen it firsthand as attorney general of Oklahoma. Mr. Pruitt has spent many years being ignored and pushed around by Washington, an experience that has taught him the need for the EPA to work with and not condescend to the States.

In his Senate confirmation hearing, Mr. Pruitt explained why improving the relationship between the EPA and State-level regulators is the best way to protect our environment and uphold the separation of powers that is the cornerstone of our constitutional system. He said: "Cooperative Federalism is at the heart of many of the environmental statutes that involve the Environmental Protection Agency."

The reason for that is that it is the States that many times have the resources, the expertise, and an understanding of the unique challenges of protecting our environment and improving our water and our air. We need a true partnership between the EPA in performing its roll, along with the States in performing theirs. If we have that partnership, as opposed to punishment, as opposed to the uncertainty and duress that we currently see in the marketplace, I think we will have better air and better water quality as a result.

For many Americans—and certainly for many of my fellow Utahns—the EPA is pejorative. It is synonymous with an out-of-touch and out-of-control government.

This is a shame. Americans want—and Americans certainly deserve—clean air and clean water. The EPA has the potential to help them achieve these goals, but only if the EPA itself returns to its core mission and works

well, works wisely to accomplish that mission, and works within our constitutional system.

That is why I am so pleased that Scott Pruitt is on his way to lead the EPA. The Agency exists to protect the American people, not advance the narrow agenda of some special interests while punishing others.

I am confident that Mr. Pruitt is the right man for the job and that he will remain independent while correcting the troubling course that the EPA has taken in recent decades.

I thank the Chair.

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

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

CALLING FOR A SPECIAL COUNSEL

Mr. BLUMENTHAL. Mr. President, we are in a day—in fact, yet another day—of fast-developing, dramatic events. The news today that LTG Michael Flynn, who served until recently as National Security Advisor, may be culpable of lying to the FBI and therefore prosecutable for a Federal criminal violation adds urgency to the need for a special independent counsel to investigate all of the events surrounding his conversation with the Russian Ambassador and who knew what about it when and what was done.

The severity of this potential constitutional crisis—and we are careening toward a constitutional crisis—makes it all the more necessary that we have an objective and independent investigation, that Attorney General Jeff Sessions recuse himself, and the White House guarantee that documents are preserved—as we have requested in a letter sent by Members of the Judiciary Committee, including myself—today.

The severity of this potential constitutional crisis cannot be exaggerated. Still we are in the early days of a new administration but already the turmoil and turbulence throw into question almost all of the proceedings here on other issues, urgent and important issues—whether infrastructure, trade policy, job creation, economic growth, all of the pressing issues of our day. They also raise potential conflicts of interest on the part of other officials before us now, including the nomination of Scott Pruitt. News that we have also learned very recently, in this day of fast-developing events, increases the importance of deliberate and thoughtful consideration of this nomination.

Just within the last hour, a judge in Oklahoma has ordered the release of thousands of emails sent by this nominee, Scott Pruitt, the attorney general of Oklahoma, relevant to his dealings with oil and gas interests in his State and elsewhere on relevant legislative

and litigation issues. This development really requires a delay in this vote so we can review those emails and know what those conflicts of interest were, what they may continue to be, and whether his answers to our colleagues in his testimony at his confirmation hearing were completely accurate and truthful. We need to delve into those emails, know their contents, examine the contents, in fairness to him and in fairness to an administration that may be appointing for confirmation yet another official like General Flynn, who was forced to resign just days after his appointment.

The interests of the Trump administration, as well as this body, would be well served by delaying this vote so we can review those emails. I call upon the Republican leadership to delay this vote, give us a chance to review the emails, and give the American public a chance to understand how those emails reflect on the qualifications of Scott Pruitt and the potential conflicts of interest that may disqualify him from serving in this all-important role.

I am here to oppose the nomination of Scott Pruitt, but whether we oppose or approve of this nomination, we owe it to ourselves—I say to my colleagues—we owe it to the United States Senate to delay this vote so the potentially explosive material and contents of these emails can be fully considered. If we fail to delay, we are, in effect, potentially confirming a nominee who may be compelled to resign after his disqualifying conflicts of interest are exposed to public view. We have an obligation in advising and consenting to be as fully informed as possible. If there were no such emails, if there were no such court order, there might be an excuse for rushing to judgment as we are on track to do now. There is no excuse for a rush to confirmation. Our obligation to advise and consent implies also an obligation to review these emails as comprehensively and fully and fairly as possible before we make this decision.

The President has nominated Scott Pruitt as the next Administrator of the Environmental Protection Agency to serve a mission, which is to protect human health and safeguard the environment. Even before disclosure of these emails, which involve his contacts with oil and gas interests, he came before us as perhaps one of the least-qualified people in the United States of America to serve in this position. I don't make this statement lightly. It may sound like hyperbole or exaggeration, but the fact is, anyone who studies Scott Pruitt's record as attorney general of his State—and I served as attorney general of mine so I know his position pretty well—can see that his record is antithetical and hostile to the mission and purpose of this Agency.

He is a potential Administrator who will take office at a critical juncture for our planet. Sea levels continue to rise, long-established weather patterns

have begun shifting, and the average global temperature is rapidly approaching 2 centigrades Celsius above preindustrial levels. That is an increase which many climate scientists believe may be a point of no return—no return for the planet, no return for us, no return for generations to come. We are at a historic moment.

The question will be whether Scott Pruitt will be dedicated to doing something about climate change, about the pollution of our air, streams, rivers, and oceans, whether he will be committed to enforcing the rules and laws that protect us against those dangers of degradation of our environment—degradation of the air we breathe, the water we drink, the open spaces we enjoy.

That is the same Scott Pruitt who was pressed by our colleagues during his confirmation hearing and could not name a single regulation designed to protect clean air or water that he supports—the very same Scott Pruitt, who was asked by our colleague JEFF MERKLEY whether he agreed with the statement, “Warming of the climate system is unequivocal,” and he dodged and equivocated. When he was questioned about hundreds of thousands of dollars he has received in campaign contributions from energy companies, he basically refused to answer. He dodged the question. That is the Scott Pruitt who would become Administrator of the EPA, and it is the same Scott Pruitt who, as attorney general of Oklahoma, fought the tremendous progress made by the Obama administration at every turn, taking legal action against the EPA no fewer than 14 times.

While he was in office, he worked hand in hand with Oklahoma’s largest energy companies to roll back regulations that are vital to the health and well-being of the American people, not just the people of Oklahoma, as bad as that would be, but of all Americans, all of our planet.

When he worked hand in hand with the Oklahoma energy industry, those common bonds of purpose and work would be well illuminated by these emails that today will be disclosed. In fact, maybe some of those conflicts of interest will be revealed and dramatized by those emails. That is why we must wait to have this confirmation vote.

He sued to try and block efforts to reduce nationwide emissions of methane, a greenhouse gas roughly 30 times more effective at trapping even carbon dioxide. He block the Clean Power Plan. He took three separate actions against the EPA’s mercury and air toxic rule, targeting standards that the EPA estimates will save 45,000 lives. Those are three more actions, it should be noted, than he took to proactively promote clean air and clean water on behalf of the people of Oklahoma in his entire time in office. Why did he take those actions? Who helped him do it? How and why? The emails will help tell that story and answer those questions.

Taken alone, even without the emails, these actions hardly show a record of someone dedicated to promoting and protecting the environment. Not once during his confirmation process did Mr. Pruitt demonstrate to me a convincing willingness, let alone eagerness, to uphold the mission of the Agency he now hopes to run, nor has he shown an intent to be open and responsive with Members of this body. Most troubling of all, he has, in no uncertain terms, failed to give any indication that he will be a champion for our environment and that he will advance scientifically sound policies to protect the public’s health.

The only thing Attorney General Pruitt has made abundantly clear is that he holds a derisively dismissive attitude toward the Agency he now seeks confirmation to lead. His nomination is an affront to the EPA, but even more, it is a threat to our health, a threat to our environment, a threat to the quality of our air and water, and a risky gamble on the world we will leave to our children and our grandchildren.

There is a very real concern about whose side Scott Pruitt will be on. The question is, Whose side will he be on when and if he is Administrator of the EPA? He has already shown a willingness to use the power of whatever office he holds to advance an extreme agenda and to malign opponents. Polluters do not need another champion in this administration, and our environment does not need another foe. We have enough foxes guarding henhouses as it is in this administration.

Mr. Pruitt’s coziness with the firms that he will be required to regulate—again the emails will tell the story about his relationships with special interests. That is critically important, and, in fact, even on the record we have now, it should disqualify him from this position.

He doubts the effects of climate change and the extent to which our rapidly warming climate is as a result of human activity, calling this debate “far from settled” and placing himself well outside mainstream opinion. His denials are rooted in the promise of funds from corporations and interest groups that think it is far better for their bottom line to pretend that incontrovertible climate change simply doesn’t exist.

He is a beneficiary of the denying corporations and special interests, and those contentions are not only regressive and fallacious but dangerous. If he is a prisoner of those special interests, as these emails may show him to be, my colleagues will regret voting for him—another reason that delaying his confirmation vote is appropriate and necessary now.

The scientific evidence of climate change and human involvement is overwhelming. You don’t have to look hard to see it. Most of us in this Chamber would need to speak only with a handful of our constituents—the men

and women who sent us here—to see the real impact this crisis is having.

My home State of Connecticut has experienced a major rise in storms that have cost hundreds of millions of dollars in damage as well as several lives. It seems that as soon as our State begins to rebuild from one storm, another wreaks havoc on many of the same devastated communities. These monster storms have become the new normal.

In Connecticut and around the country, weather disasters are rapidly becoming part of a way of life, tragically, for innocent people caught in their wake. In just 6 years, Connecticut has weathered the damage and destruction of a freak October snowstorm, Superstorm Sandy, and the force of numerous nor’easters. Severe storms like these, as well as other disasters—floods, tornadoes, droughts—are happening at a rate four times greater than just 30 years ago.

I am not here to argue climate change. I am here to argue that Scott Pruitt is unqualified to fight climate change because he denies it is a problem, and he denies the mission and purpose of the EPA as a vital purpose and mission of our Federal Government.

The people of Connecticut understand climate change, and they get it. They understand that it is happening and that it is happening in their everyday lives. They see its effects. They know its causes, and they know the truth. It will get worse. We need to take action.

This body is on the verge of action that should be postponed so that we can consider vitally important information in those emails that reflects on conflicts of interest, ties to special interests, influence on Scott Pruitt, benefits to him in the past, and debts that he may owe, literally and figuratively, to those special interests that may impact his performance as Administrator of the EPA.

As attorney general of my State, environmental protection was a priority to me. I will be honest; I sued the Federal Government, just as Scott Pruitt did. I sued the Federal Government so that environmental protection would be made more rigorous and stringent and people would be protected, not to slow down the EPA but to speed it up to provide impetus for its action and, in fact, to compel it to carry out its mission and purpose.

Scott Pruitt has acted in exactly the opposite way, and the reasons for his antipathy and hostility to the EPA may well be illustrated even more dramatically and directly by these emails that we should consider.

I urge the Republican leadership to postpone and delay this vote so that we may, in fact, consider those emails.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I want to first thank Senator CARPER for his leadership today, and I rise today

to join him in speaking about the nomination of Scott Pruitt to be Administrator of the Environmental Protection Agency.

I will not be voting in favor of Mr. Pruitt's nomination for EPA Administrator because of his record and views on issues that are very important to the people of my State—issues like climate change, which matters in Minnesota, and issues like the Renewable Fuel Standard. I am not sure everyone has focused on that today, but I think it is important, especially for States in the Midwest, to focus on what his record has been on this issue.

Mr. Pruitt has written that the climate change debate is “far from settled” and has made other troubling comments about climate change. I could not disagree more. I believe that the debate on whether climate change is happening is over. The facts are in, and the science is clear.

The “2014 National Climate Assessment” stated the most recent decade was the Nation’s warmest on record. U.S. temperatures are expected to continue to rise. It was drafted by over 300 authors and extensively reviewed by the National Academy of Sciences and a Federal advisory committee of 60 members.

The “Quadrennial Defense Review 2014” of the Department of Defense of the United States stated: “The pressures caused by climate change will influence resource competition while placing additional burdens on economies, societies, and governance institutions around the world.”

Climate change isn’t just about melting glaciers and rising ocean levels, although it is certainly about that. It is also about what we have experienced in the Midwest. When I first got to the Senate, I remember hearing from experts, including people in our own Defense Department and major military leaders who talked about the fact that one of the consequences of climate change will be, first of all, all over the world in economies that are already struggling. We are going to see some of those developing nations encounter unpredictable weather—hurricanes, tsunamis.

In the Midwest, while we may not have tsunamis, what we see is major, unpredictable weather, which is just as dangerous. We have seen the devastating impacts of natural disasters like Hurricane Matthew, and we have seen flooding from Cedar Rapids and Duluth.

We now know the risk of climate change to Minnesota, to our country, and to our planet. We must reduce greenhouse gas and tackle the challenge of global climate change head-on. If we don’t tackle this issue, we are going to continue to struggle with the far-reaching economic and environmental consequences.

Shifting global trends have the potential to wreak more long-term havoc on our businesses and our industries. That is why businesses in my State—

major companies like Cargill and General Mills—have been willing to take this on, have been willing to talk about this as a problem. They see this as a moral obligation to their employees and their customers, but they also see it as part of their business. They can’t simply continue in business and serve people all over the world if major economies could be ruined by one storm or if we see areas flooded that are on our coast or the kind of weather we have seen in the Midwest. It is bad for business, and they are willing to admit that.

As a Senator from Minnesota with a strong ag industry and also a tradition of hunting and fishing, I see climate change as a direct threat to my State’s economy for recreation. It is also a threat to our State’s heritage of enjoying the outdoors, whether that is snowmobiling or whether that is our wildlife. We have seen some major changes to the wildlife in our State.

I have always believed that an “all of the above” plan is necessary to build a new energy agenda for America, but it must be an agenda that recognizes the challenges of climate change. Someone who heads up the EPA must believe in science. It is an Agency grounded in science.

Mr. Pruitt has also been quoted as saying “the ethanol fuel mandate is unworkable.” I know he has changed some of his views since he was nominated, but I, as a Senator from a State that relies on renewable fuels as one of our major industries in the ag part of our State, must look at his entire record and what he has actually said when he has been in positions of power.

How do I see the Renewable Fuel Standard? The Renewable Fuel Standard has led to important advancements in clean energy, and the standard has provided stability and predictability that have and will continue to drive long-term investments in the renewable space.

Every time a new study is released on the subject, I become even more convinced that investments in renewable fuels are investments in the future health of our economy and our environment. A recent study by ABF Economics showed that the ethanol industry generated \$7.37 billion in gross sales in 2015 for Minnesota businesses and \$1.6 billion in income for Minnesota households. Here is a big one: The ethanol industry also supports over 18,000 full-time jobs in Minnesota.

Senators on both sides of the aisle understand that renewable fuels are important as a home-grown economic generator. They also are about 10 percent of our fuel supply in the United States. That is a competitor for oil. When we have that kind of competition, that allows us to have everything from electric cars to other kinds of renewables, and we should not simply rely on the oil industry to fuel our vehicles. Renewable fuels are an important competitor.

As I mentioned, there is strong bipartisan support for renewable fuels. I

have worked closely with many friends across the aisle for many years on this issue. And, of course, the further ethanol and renewable fuels take us, the less dependent we will be on foreign oil. We need and want a mixed fuel supply.

Now is not the time to waiver on support for renewable fuels. The EPA Administrator has many flexibilities under the law to slow or make changes to the Renewable Fuel Standard, and that is why I am concerned about the past record of this nominee on this important issue.

Another reason we need consistent and effective leadership at the EPA is in the fight to maintain and restore the Great Lakes. Our Great Lakes contain 90 percent of our Nation’s supply of fresh surface water and supply drinking water to 30 million Americans. And our economy? The Great Lakes’ combined economic impact is so enormous that restoration alone is estimated to provide \$50 billion in long-term economic benefits. That is why last year’s Water Infrastructure Improvements for the Nation Act reauthorized the Great Lakes Restoration Initiative. These projects have helped eliminate toxins from our waters, combat invasive species—something very critical in my State with invasive carp—protect against pollution, restore habitats for fish and wildlife, and promote the overall health.

The Administrator of the EPA is responsible for leading efforts to implement, administer, and distribute grant funding across agencies that undertake restoration activities. As I noted, Minnesota is home to a thriving outdoor economy that relies on clean water, free of invasive species. It is vital that our next EPA Administrator continue to take action to stop the spread of invasive carp before they reach the Great Lakes and many of our most important northern waters.

My background? My grandpa was an iron ore miner. He worked 1,500 feet underground in the mines most of his life. Every day when he went down in that cage, he would always think about what he would like to do in the outdoors. He loved to hunt. About once a year, they would borrow a car from my uncle. They would go to see Lake Superior, and he would bring his sons to see Lake Superior.

I want an EPA Administrator that sees that, yes, you want a strong economy, and yes, those things can work together with the environment, but you also need to preserve that outdoors and wildlife and those Great Lakes my grandpa and my family hold so dear.

Mr. Pruitt has articulated extreme views about the role of the EPA, but there is a bigger problem here. We still don’t know his full views and record. My colleagues who sat on the Environment and Public Works Committee have asked Mr. Pruitt to produce critical documents that will clarify his record and vision for the EPA, and 19 times, Mr. Pruitt told Senators they should get the information from his attorney general’s office. Well, they tried

and they have not succeeded. The Oklahoma attorney general's office told them that they have a 2-year backlog for such requests. In committee questions for the record, my colleagues asked Mr. Pruitt to clear the backlog and provide the committee with these communications. Once again, he declined. Mr. Pruitt has not provided the Senate with the information we need to make an informed decision about his nomination.

The EPA Administrator will be entrusted with protecting the health and well-being of Americans. This is a tremendous responsibility. That is why Americans deserve a clear picture of Mr. Pruitt's record on protecting public health, clean air, and clean water, including a review of the emails that were ordered to be released today.

RUSSIA

Now, Mr. President, I would like to turn to another topic. Actually, after watching parts of the President's lengthy and unpredictable news conference today, I came upon some of the parts dealing with Russia. I thought it was important that I come down to the floor and address them.

The part of the press conference that I saw was where the President referred to the reporting that has been done on Russia as fake news. The reporting that has been done about all of the contacts between members of his campaign and the Russian intelligence agencies—I assume he includes the reporting that has been done on the phone call that was made to the Russian Ambassador—and the various other reporting that we have seen—that is very troubling about this administration's dealing with Russia from the campaign time, to the transition, to the present.

I would just like to say that this is far from fake news; this is fact. And if you don't believe it is fact, then that means you don't believe 17 U.S. intelligence agencies and that instead you take the word of Russians, Russian intelligence and Putin's word. I go with our 17 U.S. intelligence agencies that have made it very clear that Russia had been attempting to influence our election.

This was borne out to me when Senator McCain, Senator Graham, and I visited the Baltics, Ukraine, and Georgia at the end of last year in December. What we saw there and what we heard there makes us know that this is not just one single incident of Russia trying to influence one candidate's campaign or even one election or even one country's election, but that this is a *modus operandi*, that they have done this before. They did it in Estonia when they were mad that they moved a statue. What did they do? They shut down their internet. They did it in Lithuania when the Lithuanians had the audacity to invite members of the Ukrainian Parliament who were in exile because they were part of the legally annexed Crimea. Lithuania invites them to their 25th anniversary

celebration of their independence from Russia. What happens? Russia attacks the accounts of members of the Lithuanian Parliament.

I have already expressed deep concern about this administration's lack of transparency on a variety of critical issues, but nowhere is this more true than when it comes to this administration's interactions with the Russian Government. For months, U.S. intelligence agencies have said that Russia used covert cyber attacks, espionage, and harmful propaganda—\$200 million worth—to try to undermine our democracy. Reports show it and the facts prove it.

Unlike what the President said today at the press conference, this is not fake news. Last week, in fact, we learned that the very day President Obama imposed sanctions on Russia for their unprecedented attacks on our democracy, a member of the Trump transition team spoke to a senior Russian official regarding those sanctions and then did not tell the truth about it. The National Security Advisor—the person charged with the most sensitive matters of U.S. national security—misled the Vice President and, in turn, the American people. We have now seen two people resign: the campaign manager for Trump's campaign and the National Security Advisor. And one of the things they have in common is Russia and a relationship with Russia.

So, no, this is not what the President said at his press conference today or earlier in a tweet. This is not about some kind of sour grapes—those were not his words but his implication about the loss of Hillary Clinton. That is not what this is. This is not about her loss in the last campaign. No. These are facts that have emerged since that time that I think are important to everyone.

I appreciated the words a few months ago from Senator Rubio, who said that this is not about one campaign, this is not about one election, because it could quickly turn on the other party. We have an obligation as Senators to protect our democracy. That is what this is about—to make sure we have fair and free elections that are not influenced by foreign governments.

Today, Secretary Mattis said that Russia's behavior is aggressive and destabilizing. I thought that was a good caricature of not only what we have seen in our own country but also what we have seen overseas. And then he went on to say that right now we are not negotiating from a position of strength. Well, that is certainly true when our own President then, a few hours later, takes to the stage and says that this is simply fake news and that we are talking about Russia's aggression as some kind of response to the loss in the last campaign.

We need to know the full extent of the administration's contact with the Russian Government during the campaign and transition, including what was said, what was done, and who knew

about it. Only then will we answer that fourth “w.” Who, what, where—it is the only way we are going to answer why. Why is this administration so focused on trying to placate Russia?

I recently joined Senators CARDIN, LEAHY, FEINSTEIN, and CARPER—this was early January—to introduce legislation that would create an independent, nonpartisan commission to look at the facts and to make recommendations about how we can handle future elections so they will be free and safeguarded from foreign interference. This would, of course, be in addition to the thorough investigation that I have been ensured will occur with the Intelligence Committee under the leadership of Senators BURR and WARNER.

In the last few weeks, we have heard a lot about the three branches of government and our system of checks and balances. One of the fundamental jobs of Congress is to closely oversee the executive branch to ensure that the law is being properly followed and enforced. I think my colleagues on both sides of the aisle understand how important that is.

I am the ranking member of the Senate Rules Committee, and one of our jobs is to oversee our election system. A big part of my job as the Democratic leader of this committee will be to ensure that our election system is safe from foreign interference in the future.

Intelligence experts have been clear: Russian interference in our 2016 election was not an anomaly. The threat of future tampering is real and immediate. As Senator Rubio said and I just noted, this time it was the Democrats who were attacked. Next time it could be a Republican. And it is not something that is limited to one party. Future threats could come in the form of more misinformation. They could range from using social media to disrupt the voting process to even hacking into State reporting websites to alter vote totals. Russia's goal is to create confusion and undermine people's trust in our democratic institutions. That is why they spent \$200 million last year to fund the spread of fake news.

We need solutions and not more problems. Just last week, the House voted to eliminate the Election Assistance Commission, the only Federal agency charged with protecting American elections from hacking. As ranking member of the Rules Committee, I find this unconscionable. We have to do more, not less, to protect American elections from foreign interference.

The EAC and the Department of Homeland Security were in communication with State election officials prior to election day promoting cyber security best practices. Our agencies have ensured that safeguards, like provisional ballots, would allow people to cast ballots even if their systems were hacked. We have to do more, not less, to support this effort. That is why I am currently developing legislation that

will protect our elections from foreign interference. We are going to work with the EAC, DHS, and all 50 States to protect voting systems and registration data bases from cyber security threats. We will also make sure State and local election officials have the resources they need to make these critical cyber security upgrades.

Recent news events show us just how severe the problem is. Now we have to come up with the solutions. My Republican colleague, Senator MCCAIN, got it right yesterday when he said this. This gets to the security issue that goes even beyond our elections:

General Flynn's resignation also raises further questions about the Trump administration's intentions toward Vladimir Putin's Russia, including statements by the president suggesting moral equivalence between the United States and Russia despite its invasion of Ukraine, annexation of Crimea, and threats to our NATO allies.

The day that the Obama administration was imposing sanctions on Russia—and the Trump campaign was allegedly undermining those sanctions—I was with Senators MCCAIN and GRAHAM in Eastern Europe. The goal of our trip was to reenforce support for NATO and our allies in the face of increased Russian aggression. We visited the Baltics, Ukraine, and Georgia—countries on the frontlines of this fight, and they know Russia's playbook well.

In our meetings with Presidents and Prime Ministers of those countries, it was increasingly evident that if we don't stop Russia now, cyber attacking against governments, political parties, newspapers, and companies will only get worse.

This is a pattern of waging cyber attacks and military invasions against democratic governments across the world. Ukraine itself has been targeted by Russian hackers more than 6,500 times in just the past 2 months—earlier I used the examples of Estonia and Lithuania, but 6,500 times in just the past 2 months. Now we have evidence that Russia is working to undermine the elections in France and Germany.

This is not just about defending our own democracy; it is about defending the democratic way of life and democracies across the world. We must be a united front in fighting Russian aggression, and we must make it clear to Russia that there are consequences to their actions. That is why I joined a bipartisan group of my colleagues to introduce the Countering Russian Hostilities Act, legislation that would impose strong actions against Russia. These sanctions would address cyber attacks, human rights violations, and the illegal annexation of land in Ukraine and Georgia.

The world continues to look to America for its steadfast, steady leadership. The United States, a beacon for freedom and democracy, must continue to stand up against Russian aggression. The leader of our country should not be calling those reports that have been substantiated by 17 U.S. intelligence

agencies “fake news.” That is what happened today.

On New Years' Eve, together with Ukrainian President Poroshenko and Senators McCain and Graham, we stood at the border of eastern Ukraine, 2 years after Russia's illegal annexation of Crimea, 2 years after the invasion of eastern Ukraine, 10,000 lives lost.

Ukrainian soldiers stood, and they have continued to stand, protecting their homeland and defending their democracy. For years, our allies have been subject to aggression and invasions, but they are undeterred, unwilling to give up what they fought so hard for: independence, freedom, and democracy. If we are committed to ensuring that Russia's hacking invasions and blackmail do not go unchecked, we must do everything in our power to uncover the full extent of this interference in our own political system. As our allies stand there every day losing people on the frontlines, looking to us for support, looking to us, we cannot turn our own backs on an invasion—a cyber invasion on our own democracy. We must also stand up for independence, freedom, and democracy.

I yield the floor.

THE PRESIDING OFFICER (Mr. YOUNG). The Senator from Delaware.

Mr. COONS. Mr. President, I want to initially begin by thanking my colleague from Oklahoma for graciously allowing me to proceed first ahead of him. He is, as ever, a terrific colleague. I would like to associate myself with the remarks of my colleague from Minnesota. I, too, led a bipartisan delegation—two Republican House Members and two Senate Democrats—to Eastern Europe in August and observed many of the same issues and concerns that she just raised and have joined her, along with 10 Republican Senators and 8 other Democratic Senators, in the legislation she mentioned. I think this is an important issue on which all of us should focus.

Mr. President, let me turn to the matter at hand, the nomination of Scott Pruitt to serve as the director of the EPA. I thank my colleagues, many of whom have come to the floor to speak about the nomination of Scott Pruitt to lead the EPA, and most essentially, my senior Senator and friend from my home State of Delaware, TOM CARPER, ranking member of the Environment and Public Works Committee, who has ably led this fight.

I am glad to be able to join my colleagues to make clear why, in my view, someone who does not believe in a core Federal role in protecting the environment is not the right person to lead the Federal Agency charged with just that mission. It is possible that we in this Chamber have now forgotten why the Environmental Protection Agency was created in the first place. The idea of Federal protection of our environment really started to take hold when the Cuyahoga River caught fire, again, in June of 1969. The public outrage that

rightfully followed this near-spontaneous combustion of a river helped lead to the EPA's creation in 1970 and the passage of the Clean Air Act the same year and the Clean Water Act in 1972.

Now, nearly a half century later, it is precisely because these laws and others like them have been successful in making us healthier and safer that it is easy to forget why we need them.

Institutions like the EPA don't run themselves. The environment does not protect itself, and big oil and gas and coal companies certainly don't police themselves. That is why the EPA exists. You would certainly hope that at the very least the Administrator of that Agency would support that core mission. Yet this evening we are considering the nomination of someone whose main experience with environmental protection at the Federal level is filing lawsuits against the Federal Environmental Protection Agency.

In fact, he has filed 14 of those lawsuits in just 6 years as attorney general of the State of Oklahoma. That is not all he has done. Scott Pruitt, in his confirmation hearing, refused to recuse himself from consideration of future cases which he brought against the EPA if confirmed.

Mr. Pruitt has also suggested that Senators who want more information about the details of his record should file FOIA requests rather than providing that information voluntarily. He has described himself as “a leading advocate against the Federal EPA's activist agenda.” Scott Pruitt has not been able to name in confirmation hearings one single environmental protection statute he supports. In my view, that is unacceptable for a State attorney general let alone someone nominated to be our Nation's highest ranking environmental protection official.

Mr. Pruitt's disdain for the core mission of the EPA leaves me without a doubt that he is unfit to take on this important role, but that is not all. Scott Pruitt either ignores or is ignorant of the core and important science of climate change, mercury, lead exposure, ocean acidification, to name just a few of many topics uncovered in his confirmation hearing.

Mr. Pruitt acknowledges the climate is changing but says the role, the influence of human activity is “subject to debate.” I am here to say this evening, that is simply not true. Only in an alternative universe, based on alternative facts, is the human impact on climate change still subject to debate. That is like saying that Scott Pruitt is fit to lead the EPA is subject to debate. I think after an exhaustive confirmation hearing and a review on the floor of the facts, it is not. It is simply not true.

Scott Pruitt also led a lawsuit against EPA rules that would reduce mercury emissions from coal-fired powerplants. He argued it was too expensive, too burdensome, but he also questioned whether mercury itself was

harmful to health. On that issue, the science is clear. Mercury has devastating effects on the development of the human nervous system.

Does Mr. Pruitt not get that or does he not care? Those are pressing questions for me. During his confirmation process, Mr. Pruitt was confused about ocean acidification, a process explained by very basic science. A question I was left with was whether Mr. Pruitt just did not get it or just did not care.

In that same hearing, he made statements that indicated he was unfamiliar with the Federal standards regarding lead in drinking water. I had to ask myself whether he simply has not heard of Flint, MI, or was not concerned.

My office alone has received nearly 1,000 calls and emails from Delawareans expressing concern about Scott Pruitt and the future of the EPA under his potential leadership, expressing concern and opposition. Delawareans have reached out to me saying they are worried about their kids with asthma; they are worried about clean drinking water for their families; they are worried about protecting our rivers, our wetlands, and other outdoor spaces in Delaware and around the country.

With Scott Pruitt potentially at the helm of the EPA, they are right to be worried. Let me end by sharing a brief excerpt of a letter from one of my constituents who lives in my hometown of Wilmington, DE. She wrote:

Please vote against Scott Pruitt as leader of the EPA. Our children's future, their health and well-being, and their right to inherit a world we have not irreversibly destroyed may depend on it.

She is absolutely right. Our kids do deserve a better environmental future. To her and all the Delawareans who have contacted me and my friend and colleague from my home State, I hear you. I intend to vote against Scott Pruitt. If my colleagues in the Senate really want to stop pollution, we can start by keeping Scott Pruitt from going to lead the EPA.

Our environment should not be for sale, should not be neglected, and should not be turned aside from being the core mission of the Environmental Protection Agency. I think we all should stand firm against the nomination of Scott Pruitt to lead that important Agency.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, it is an absolute honor to be able to rise and speak in support of Attorney General Scott Pruitt. For the last 6 years, Scott has been a leader in the State of Oklahoma. He has been strongly committed to enforcing the law in Oklahoma as it is written and as is consistent with the Constitution. He is a statesman. He is a dedicated public servant.

As the Administrator of the EPA, I fully expect Scott to be able to lead the

Agency to follow every environmental law and to partner with States, local authorities, and tribes to do what is best for the present and for the future. I have heard some people talk about their opposition to Scott's nomination, saying they don't believe Scott believes in clean air, in clean water.

That is not the issue for Scott. Scott absolutely believes in clean air and clean water, and the accusations that somehow he wants dirty air and dirty water and our children to be poisoned is ludicrous.

The question for Scott is not if we should have clean air and clean water, it is who is the primary steward of our clean air and our clean water. Everyone has a role. We are a nation that is connected to each other. What happens in one State does affect another State. That is why we have a national strategy working with the Environmental Protection Agency, but in the Clean Water Act and in the Clean Air Act, the States are given primary responsibility through what is called a State Implementation Plan to determine what is in their best interests and the best solutions to be able to deal with the issues of air and water.

Scott has fought for the State to be allowed to be in the driver's seat with regard to all of the State resources, arguing for those that work in wind farms, in oilfields, and on cattle ranches, for families who have drinking water and breathe the air and who live there. The people who should have the loudest voices should be the people who actually drink that water and breathe that air and understand the effects of it firsthand.

He has not been alone in this fight. As the attorney general of Oklahoma, he stood shoulder to shoulder with more than half of the States to ensure the Federal Government operates within the bounds of the statutes and the Constitution. He has consistently argued that the EPA, when they promulgate rules that violate that basic principle of the State Implementation Plan, should stop, do what the EPA does best, and have the EPA push the States to do what they should do best.

In an environment where Chevron deference is the precedent set, it is critical that the leader of an Agency that has such wide latitude to extract costs out of the economy, should respect the federalist foundation we have, and the pocketbooks of hard-working families, as well as our air and our water.

In previous congressional testimony, he stressed the importance of laws like the Clean Air Act, stressing that the intention was for States to work together under a model of cooperative federalism that protects the environment while considering economic costs.

Scott pursued cases against the EPA and other Federal agencies in an effort to enable and embolden our State government officials to craft the legislation that needs to be done. His focus

has been not to eliminate environmental protections, it is to honor a country with tremendous diversity, from rocky mountains to open deserts, to beautiful woodland areas.

Surprisingly enough, the issues that we face on our environment, in the concrete jungle of Washington, DC, is different than it is in Woodward, OK. Let me give you an example of one of those cases that he engaged in. It is a case where the EPA created a new regulation called waters of the United States. It dramatically changed the definition of what are the areas the EPA can oversee and increased their regulatory authority by millions of acres in just one regulatory sweep.

The courts immediately stepped in and stopped this, and Scott Pruitt and many other States' attorneys general said: The EPA does not have the right to be able to step into almost every inch of our State and say they suddenly have regulatory authority.

In fact, the court said this: "We conclude that petitioners have demonstrated a substantial possibility of success on the merits of their claims."

Furthermore, they said this: "What is of greater concern to us, in balancing the harms, is the burden—potentially visited nationwide on government bodies, state and federal, as well as private parties."

The court stepped in and agreed with Scott Pruitt that the EPA was overreaching, and that case is still in the courts right now. That is a reasonable thing to be able to do, for an attorney general who has the responsibility to not only manage the legal issues of the State but also to watch out for the consumers of the State. As funny as it sounds, if you go to the EPA's website today and look at Oklahoma and air quality, here is what it says. The EPA website today reads: "CAA permitting in Oklahoma. Clean Air Act permitting in Oklahoma is the responsibility of the Air Quality Division. Exit of the Oklahoma Department of Environmental Quality."

The EPA's website today says responsibility for this is from the Department of Environmental Quality in Oklahoma.

All our attorney general has done is said to the EPA: You should probably follow the law or at least your own website to be able to handle all of the permitting issues of who has authority to do this. For the past month, I have heard Senator after Senator come to this floor and describe my great State of Oklahoma in a way that makes Scott Pruitt sound like an ogre and my State sound like a toxic waste dump.

Let me give you an example. Attorney General Pruitt has been dismissed by some who say that he has personally been engaged in leading our State to such terrible air quality that the American Lung Association has given the counties in Oklahoma an F rating.

Well, that is an interesting accusation, until you actually go to the American Lung Association website

and see that they give almost every county in America an F rating. In fact, they give every county in Delaware an F rating in air quality. They categorize those under “high ozone days” and one of three counties just barely skated by with a D in particle pollution for Delaware, while in Oklahoma the two largest metropolitan areas actually received an A from the American Lung Association. Similarly, in that same study, Rhode Island lacks a single county that doesn’t get an F for air quality on high ozone days, while only two counties received passing grades for particulate pollution.

The accusation that somehow the American Lung Association has looked at Scott Pruitt and his record on environmental policy and has given us dirty air quality is not actually true when you see the full study.

What is interesting, as well, is that the EPA publishes data about whether counties meet the national ambient air quality standards, and they have six criteria that the EPA puts out. In fact, recently they dropped their criteria significantly from the previous years. What is interesting, as well, is that for Oklahoma, last week, the EPA released their national ambient air quality standards, trying to determine which counties had attainment of the standard or nonattainment. Guest what. Every single county in Oklahoma—all 77—have attainment. Even as to the new standard that was just released, that we don’t even have to operate under, we already meet those standards for ambient air quality.

Meanwhile, Maryland has 12 counties in nonattainment for at least 1 of those criteria. Connecticut has eight counties that don’t meet those standards. California has 38 of their 58 counties failing to meet those standards in at least 1 criteria. There are 77 counties in Oklahoma, and every single one of them meets attainment.

I don’t hear anyone standing on this floor challenging the attorney general of California or of Maryland or of Connecticut and demonizing them and accusing them of not taking care of the air and the water in their State.

By the way, I have also heard on this floor, as my State is being ripped apart for political gain, over and over that asthma rates for children are catastrophically high in Oklahoma and that Scott Pruitt should have been more engaged, filing lawsuits so that asthma rates would go down—until you look at the CDC website for asthma rates for children. It is 10.1 in Oklahoma. One child is too many. It is 10.1 percent in our State, but you can compare that to Rhode Island, which is 12.4; or Michigan, which is 10.7. Vermont beat us, by the way. They are 9.9—0.2 below us.

Again, I don’t hear anyone on this floor calling out the attorneys general of Vermont, Michigan, and Rhode Island and saying they failed to protect their children because children have asthma in their State.

Another thing that is commonly said about Scott Pruitt and the State of Oklahoma is that he is committed to conventional energy sources and that he is stuck in the past, dealing with oil and gas.

I will tell you that Oklahoma is rightfully right proud of its history of oil and gas in our State. We have unlocked resources that have absolutely powered our Nation forward. We also have an incredible group of visionaries in our State that are driving renewable resources as fast as we are driving oil and gas in our State.

For all the folks that are here bashing oil and gas, I would remind you that you traveled to Washington, DC, on a plane, in a car, or on a train that was powered by Oklahoma energy. So you are welcome. And I will assume that, 2 weeks from now, when we return back for session, you are going to ride in on a horse just to be able to spite Oklahoma’s energy—probably not. But can I remind you of something?

What is often overlooked about Oklahoma and what has not been stated here is that Oklahoma truly is an all-of-the-above energy State—solar, hydroelectric, geothermal, wind, oil, gas, and coal.

Let me give you an example—just one of the examples from that. Recent data shows that Oklahoma ranks third nationally in total wind power. We just passed California for total wind production. We are just barely behind Iowa and Texas. The installed capacity for Oklahoma alone—just in wind generation—is 1.3 million households powered by wind power out of Oklahoma.

I will admit that I am a little biased about my State. But I am weary of hearing people inaccurately demean the air and water in Oklahoma and try to accuse it of something that is not true for their political benefit.

Here is my invitation to any Member of this body. Why don’t you come home to Oklahoma with me? I will buy you some great barbecue and drive you around the State. I will take you through the Green Country in the northeast part of the State, over to Kenton, OK, and Black Mesa to see the majestic area around our panhandle. We will drive four-wheelers in Little Sahara, and maybe we will drive down to Beavers Bend Park, stand under the tall trees, and put our feet in the crystal clear water of that river. I will even take you to my house in Oklahoma City, a community of a million people that exceeds the EPA air quality standards for ambient air quality.

We say in Oklahoma: “The land we belong to is grand,” and we mean it. We are passionate about our land, and we are passionate about our air and water. I will tell you that Scott Pruitt is passionate about his State and what we do there.

I will tell you how political this has really become. Mike Turpen is the former attorney general of the State of Oklahoma and, by the way, he is also

the former chairman of the Oklahoma Democratic Party. Mike Turpen, when it was announced that Scott Pruitt was going to be tapped to be head of the EPA, released this statement:

Oklahoma Attorney General Scott Pruitt is a good choice to head up the Environmental Protection Agency. I am convinced Scott Pruitt will work to protect our natural habitats, reserves and resources. His vision for a proper relationship between protection and prosperity makes him superbly qualified to serve as our next EPA administrator.

That is from the former head of the Oklahoma Democratic Party.

So far, my colleagues have found a good reason for every Cabinet nominee to delay, delay, delay. This has now been the slowest confirmation process for any President since George Washington. The tradition has always been that the President won an election, and he should be able to hire his own staff and his own Cabinet and get busy going to work. That is what the American people asked him to do.

Scott Pruitt deserves an up-or-down vote, and he deserves our trust to be able to take on and follow the law, doing what the EPA requires him to do.

Scott Pruitt is a friend. I understand that some of the folks who have attacked him have only met him at a hearing or read about him on some blog site. But I have prayed with Scott. I have seen Scott struggle with the hard decisions that affect our State’s future. I have seen Scott listen to people from all sides of an issue, and I have seen him take difficult stands. I think he will be an excellent EPA Administrator, and I think he will make some wise choices to not only protect what is happening now but to be able to help protect us for the future.

You see, Scott is a husband and a dad as well, and he cares also about the future of our country. I think he is going to go after it, and he will be able to be an excellent Administrator in the days ahead.

TRIBUTE TO BRYAN BERKY

Mr. President, I would like to take a quick moment just to be able to reflect. I have a staff member named Bryan Berky. He is running off. He has been quite a leader. He is leaving us to be able to take on a new task and a new role.

Since 2010, he has been a tremendous asset to the Senate. Bryan Berky is a student of Senate procedures. He is the one in the office whom everyone wishes they had because, when something comes up and someone has some novel new idea of how the rules work, he is typically the one on the corner saying: Yes, that really won’t work, and here is why.

He has been sharp on budget issues, on tax issues, and efficiency in government. He has been the one who has been passionate about the national debt—and not just talking about national debt but actually trying to solve it.

You see, Bryan Berky is one of those unique staffers not trying to make a

point. He is trying to actually solve the problem.

He was mentored by a guy named Dr. Tom Coburn, who wasn't too bad on those issues himself. He has led well, and I am proud that he has been on my staff.

As he leaves from the Senate, he will be sorely missed by this whole body—even by people who never met him. He had an impact, based on the things that he worked on.

If you want to get a chance to visit with Bryan Berky, though, you can talk about Senate procedures, tax policy, and nerdy budget issues or you can chat with him about Oklahoma State football. He spent his time through college working for the Oklahoma State football team, watching the films and breaking down every single play, preparing the team for practice and for the game days.

He is a great student of people and of process.

I just want to be able to pass on to the Presiding Officer that there is a guy named Bryan Berky who is leaving the Senate in the next week, and he will be sorely missed by this Senate and by our team in the days ahead.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, last year was the hottest year on record, and 16 of the last 17 years have been the warmest years ever recorded. Climate change science is some of the most thoroughly established and well-tested research in history, and 97 percent of the published research says climate change is real and caused by humans.

Climate change is an urgent threat to our health, our national security, and our economy. How we address it is what we need to debate, not whether it is real.

As I have said before, I will work with anyone in this Chamber—Republican or Democrat—to address this issue. That is appropriate because survey after survey of people in Colorado—a State that is a third Democratic, a third Republican, and a third Independent—demonstrates that they believe the science, no matter which party they belong to.

In a very welcome sign, just last week, a group of statesmen, including former Secretary of State James Baker III, former Secretary of State George Shultz, and former Secretary of the Treasury Henry Paulson, Jr.,—all Republicans—released what they described as a “conservative climate solution.”

These distinguished leaders have come together at just the right moment—at the perfect moment—because our new President says that he is “not a big believer” in climate change. In fact, he claimed during the campaign that climate change was a hoax invented by the Chinese to make U.S. manufacturing noncompetitive.

Consistent with that view, the President's nominee to run the Environ-

mental Protection Agency, Scott Pruitt, recently said that the debate over climate change is quote “far from settled.” He wondered in December whether global warming is “true or not,” whether it is caused by humans and whether the Earth is cooling instead of heating. As attorney general of Oklahoma, he sought to prevent the very Agency he has been nominated to lead from fighting climate change, suing the EPA 14 times.

It is important, I guess, to note that while it is rare for somebody in America to share these views, Attorney General Pruitt is not alone in his extreme views in the new President's Cabinet. Rick Perry, the nominee to be Secretary of Energy, wrote in his book that climate science is “all one contrived phony mess” and that the Earth is actually “experiencing a cooling trend.” Ben Carson, the nominee to run the Department of Housing and Urban Development, said: “It is not clear if temperatures are going up or going down.” Rex Tillerson, the new Secretary of State, said: “None of the models agree on how climate change works.” Mr. Trump's CIA Director, Mike Pompeo, said: “There are scientists who think lots of different things about climate change.”

When the Pope was talking about the importance of addressing climate change, which he said was a very real threat, there was an American politician who said that the Pope should stick to religion and that he wasn't a scientist. In fact, the Pope studied chemistry. I am glad he is using his voice on this important issue.

To be clear, some nominees seem to have undergone a confirmation process evolution on climate, but this seems more an effort to hide their extreme views in an effort to be confirmed rather than a genuine conversion based on facts or science, and that is a shame because the world cannot wait for this administration to stop ignoring the science.

Over the past 150 years, human activity has driven up greenhouse gas levels in our atmosphere higher and faster than at any time over the last 400,000 years. That is not surprising because we have pumped almost 400 billion metric tons of carbon into the atmosphere since the start of the Industrial Revolution. As a result, carbon dioxide concentrations have risen from 280 parts per million to 400 parts per million for the first time in recorded history. That significant change over an insignificant period of time is dramatically changing the Earth. These emissions act like closed car windows: They allow light and heat in, but they don't allow most of the heat to ever escape.

Already, record heating has melted ice sheets as large as Texas, Georgia, and New York combined, adding billions of tons of water to our oceans every year. These rising seas have partially submerged cities in Florida and Georgia several times per year. They threaten 31 towns and cities in Alaska

with imminent destruction. They are forcing a city in Louisiana to relocate its residents away from what is now an almost permanently flooded coast. By 2030, there won't be any glaciers left in Montana's Glacier National Park.

While extreme events and natural disasters become more frequent, so do the effects climate change has on our daily lives. In my home State, 7 out of 10 Coloradans know that climate change is happening, and nearly half say they have personally experienced its effects. Shorter winters are already a threat to Colorado's \$4.8 billion ski and snowboard industry and its 46,000 jobs.

Since the snow is melting sooner, there is not enough water for what are now longer summers. Colorado's farmers are forced to grow food with less water, a changing growing season, and higher temperatures. Our agriculture industry employs over 170,000 Coloradans and contributes more than \$40 billion a year to our economy. These changes are not only threatening farmers' livelihoods, they are changing production and food prices at grocery stores.

Our beer industry is even weighing in. This week, I received a letter from 32 brewers from around the country, including three from Colorado, who oppose Scott Pruitt's nomination because they depend on America's clean water resources to brew their beer.

Hotter summers and the droughts they prolong cause wildfires that now burn twice as much land every year than they did 40 years ago. Together, State and Federal agencies are paying nearly \$4 billion a year to fight those fires. Warmer waters and drought are hurting animals everywhere, like our cutthroat trout populations in Colorado. That is not just a problem for the fish; in Colorado, rivers generate more than \$9 billion in economic activity every year, including supporting nearly 80,000 jobs.

As warmer temperatures increase and spread across regions, so do incidents of vector-borne diseases like the West Nile virus and the hantavirus. And what do we do when we have longer, hotter summers? We crank up the air-conditioning, burning more fossil fuel and only perpetuating the problem.

I understand that sometimes it is hard to focus on climate change when the effects seem distant, but it should be impossible to ignore the immediate national security threat posed by climate change that is here today. Here in the Senate, in 2015, we passed a budget amendment with bipartisan support to promote “national security by addressing human-induced climate change.” That is what the amendment said. It got bipartisan support.

The former Secretary of Defense, the former Director of National Intelligence, and the former admiral in charge of U.S. Naval forces in the Pacific have all warned us that climate change is a threat to our national security.

Around the world, climate change is increasing natural disasters, refugee flows, and conflicts over basic resources like food and water, complicating American involvement and security. Climate change is linked to drought and crop loss and failure in southern Africa, leaving more than 6 million children malnourished by famine. It is increasing monsoons and heat waves in Pakistan, driving 11 million people out of their homes. It is even connected to water and food shortages that have intensified civil unrest from Egypt to Syria.

At home, climate change already has cost us billions to relocate and buffer military infrastructure from coastal erosion and protect military installations from energy outages. At the U.S. Atlantic Fleet in Norfolk, VA, the largest naval installation in the world, sea levels have risen over 1 foot in the past 100 years. All the systems that support military readiness, from electrical utilities to housing at that base, are vulnerable to extreme flooding.

When the Department of Defense “recognizes the reality of climate change”—those are their words—“and the significant risk it poses to U.S. interests globally,” we should listen. When the Nation’s most recent national security strategy says that “climate change is an urgent and growing threat,” we should act.

As a Senator from Colorado, I understand very well why people sometimes are frustrated when the EPA, for instance, does take action—or sometimes when it doesn’t take action.

There are certainly some regulations that don’t make sense, where a well-intentioned idea or an ill-intentioned idea—I think they are usually well-intentioned—from Washington ends up not making sense when it hits the ground. That is why I fought to revise EPA fuel storage tank regulations that hurt Colorado farmers, ranchers, and businesses in my home State. I supported an amendment making the Agency take a look at a new regulation that burdens families trying to remodel older homes. There are other regulations that I voted to get rid of. I supported, for instance, lifting the export ban on crude oil from the United States of America, a bill that we passed last year in connection with a 5-year extension of the tax credits for wind and solar energy, a great deal for the State of Colorado—both the lifting of the crude oil export ban and the extension of the tax credits for wind and solar.

I have also supported and fought for our coal community. In Colorado, working with my colleague Senator GARDNER, I fought to keep a Colorado mine open to protect good-paying jobs in my State. I am proud to have a hard hat in my office bearing the signatures of the people who work at that mine.

I have to say tonight that the often-asserted claim that efforts to regulate carbon or more generally to protect our water and our air have signifi-

cantly led to job losses in this country is false. This argument is a fraud perpetrated by politicians making promises that are broken from the start.

The reality—and it is important to understand the reality so we can remedy the situation—the reality is that free market forces and not mostly Federal regulation are transforming American electricity production.

American coal employment peaked in the early 1980s, long before we began seriously expanding natural energy. Natural gas has been gaining market share compared to coal since before 1990. Colorado, for example, has benefited greatly from the natural gas boom. In almost every part of the United States, natural gas plants are now cheaper to build than coal plants. Facilities that were built when I became a Senator 8 years ago were built to import natural gas and are now being retrofitted to export natural gas to the rest of the world. That is good for our environment, and it is good for the geopolitical position of the United States.

Innovation is making renewable electricity more affordable for everybody. Between 2008 and 2015, the cost of wind power fell 41 percent. The cost of large-scale solar installations fell 64 percent. This has led to a 95-percent increase in solar deployment in 2016 over the previous year. The annual installation doubled in 1 year.

If we truly want to support our world communities, we should listen to Teddy Roosevelt, who once said that “conservation and rural-life policies are really two sides of the same policy; and down at the bottom this policy rests upon the fundamental law that neither man nor nation can prosper unless, in dealing with the present, thought is steadily given to the future.”

The truth about the future is that there may be a lot of sound reasons to review, revisit, and even retire any number of Federal regulations, and I will bet there are, but cutting regulation will not reopen shuttered coal mines.

It is not about regulations or the EPA or about a War on Coal. Economic factors, market factors are driving the shift from coal to natural gas and renewables, and we need to recognize this shift and help coal communities adapt to a changing energy economy. They have contributed to building the economic vitality of this country. Their work helped us win World War II. We have to recognize the contribution; we can’t just turn our backs. But we also need to acknowledge what is causing the changes that are occurring in our energy production because if we can’t acknowledge the causes, we can’t fix the problem; we can’t make a meaningful difference for people in the communities that are affected by these changes; we can’t fulfill what have become empty political promises instead of making real commitments on behalf of the American people.

We also have to take advantage of the changes in energy production to fuel economic growth and create new jobs. Already, renewable energy is creating jobs throughout the country. Energy efficiency employs 2.2 million Americans. Solar and wind companies employ more than 360,000 Americans, including more than 13,000 in my home State of Colorado. Colorado now ranks first in the country in wind energy manufacturing. All together, clean energy employment grew 29 percent between 2009 and 2014 in Colorado.

This isn’t a Bolshevik plot, as I said on the floor before. These are American jobs. These are manufacturing jobs. These are plants where it is not just about the wind turbine but about all of the supply chain that goes along with it that can’t be made in China and shipped to the United States and installed here. These jobs in this supply chain are American jobs. They are good jobs that pay a good wage, and they are meaningful to our economy. Last year, solar jobs grew 17 times faster than jobs in the rest of the national economy. They increased by 20 percent in Colorado in 1 year.

The expansion of natural gas, as I mentioned earlier, is also aiding our transition to a cleaner energy economy. Between 2005 and 2012, natural gas production grew by 35 percent in the United States. In Colorado, it expanded by 139 percent. Colorado now ranks sixth in the country in natural gas production as 10 of the Nation’s 100 largest natural gasfields are now located in Colorado.

These industries together create good-paying jobs that can’t be exported overseas; and all of these changes, taken together, are beginning to address climate change. From 2008 to 2015, the American energy sector reduced its carbon emissions by 9.5 percent. We reduced our carbon emissions by almost 10 percent while the country’s economy grew by more than 10 percent, and we are starting to see the same trend around the world. Global emissions stayed flat in 2015 while the global economy grew. Turning our backs on reality is not a recipe for job creation in this country, but embracing the reality is.

So I would ask this new President, after the campaign he ran and the promises he made, why he would promote policies that will kill American jobs and industries. Unfortunately—I regret to say this—even though 70 percent of Coloradans say climate change is real and that humankind is contributing to it, the answer to my question about this administration’s policies comes back to what it believes—to what it believes is a debate on climate change.

If we allow science to become debatable, we can contort our thinking to fit any fiction at all to support or undermine any public policy. We risk discarding facts we don’t like and ignoring experts with whom we don’t agree in favor of special interests, which

often dominate our political system. Our country needs more from us than that. Our national defense demands more than that from us.

When State Department analysts concluded with evidence, with science, that the Keystone Pipeline would not materially increase carbon emissions—facts lost in the phony debate here in Washington—I voted for it against intense opposition from my own party and many of my strongest supporters. That was a painful vote, one of the most painful I have ever taken and difficult to explain to many people I admire, but I was guided by the facts, not by politics, guided by the science, not by politics.

We have always drawn strength as a country from our belief in science, our confidence in reason and evidence. It is what Harry Truman called our “unflinching passion for knowledge and truth.” In school, we teach children to support theories with facts and look to science to explain the world. When it comes to climate change, we cannot allow the narrow limits of political expediency and special interests to cloud our sound judgment. That is not a lesson we should be teaching our children who need us to act on climate. That would set a horrible example for the people who are coming after us.

Our ultimate success in addressing climate change will rely on the same scientific method that sent us to the Moon and eradicated smallpox. If we surrender evidence to ideology, when it comes to climate change, we abandon the process of scientific inquiry. We leave ourselves completely unequipped to defend what we discover to be true. We loosen our grip on the science that allows us to understand that evolution is real and vaccines are effective; that something is true and something else is false. That, not doubt and denial, is the lesson we should leave our children; that we have the courage to confront this challenge without bias; that we have the wisdom to follow facts wherever they lead. That is what this Senate should do. That is what our country should do.

We have seen the evidence now. It is not theoretical anymore that we can grow our economy, the fact that we will grow our economy, that we can conserve energy while we do it, that we can create entirely new industries and technologies to power the most significant economy that human beings have ever seen in the history of the world, and that we can deal with climate at the same time. The two are linked.

Apparently, that is not what this President believes, and that is not what his nominee to be Administrator of the Environmental Protection Agency believes. Because that is so far out of step with what Colorado believes and for all of the reasons I have talked about today and for the sake of our climate and for good-paying American jobs all over this country—but particularly in Colorado—I am compelled to vote no on the President's nominee to

head the Environmental Protection Agency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise to express my strong opposition to President Trump's nomination of Scott Pruitt to be the next Administrator for the Environmental Protection Agency.

The reason is simple. In a choice between corporate polluters and people who want to breathe air and drink water, Scott Pruitt sides with the corporate polluters. He has no business being the head of the EPA.

During his nomination hearing, Mr. Pruitt had countless opportunities to answer for his record. His responses were flippant, evasive, and outright misleading. He has been asked repeatedly to provide records from his office concerning dealings with big oil companies, but he told the Senators that, hey, they should submit an open records request, hoping that his confirmation would be over long before those documents would see the light of day.

Just a few hours ago, an Oklahoma district court judge ordered a dose of sunshine for Mr. Pruitt's dirty dealings from his perch as attorney general of Oklahoma. The judge has demanded that Mr. Pruitt cough up more than thousands of emails pertaining to his cozy relationship with Big Oil—emails he has been hiding from Oklahoma open records requests for over 2 years, but the Republican leadership is not interested in waiting. Its plan is to jam this nomination through tomorrow—4 days before the emails are slated to become public.

Are you kidding me?

If those emails show corruption, every Senator should have that information before—not after—they vote to put someone in charge of the EPA who may be there for years.

Clean air and clean water used to be a nonpartisan issue. In earlier decades, leaders in both parties had the courage to say no to suffocating smog and towering plumes of toxic chemicals poisoning our children. Republicans and Democrats came together, and together they declared that access to clean air and clean water was a basic right for all Americans. We passed the Clean Air Act, and we passed the Clean Water Act. We updated those laws when necessary, and we did those things together.

Together, we depend on the Environmental Protection Agency for three critical reasons: The EPA is the cop on the beat, protecting American families from corporate polluters that would put profit ahead of safety. It watches out for us and for our children; the EPA exists because pollution knows no State borders. What is burned at the powerplant in Ohio is breathed by children across Massachusetts; and the EPA takes on the ever-changing task of researching, monitoring, and regulating toxic emissions because the job

is far too great for any one State to tackle.

To do all of this, the EPA routinely turns to local governments, businesses, and innovative workers for local solutions; the EPA turned to the University of Massachusetts to create a research center to assist smalltown water systems; the EPA turned to towns along Cape Cod and on Martha's Vineyard to pursue innovative solutions to increase coastal resiliency as sea levels have risen; and the EPA recently recognized New Bedford's exceptional work in monitoring industrial waste discharge in the city's collection system.

Across Massachusetts and across the Nation, the EPA sets big national goals that help inspire ingenious local solutions. The EPA is one of our great successes as a nation, but that success has not come without a fight. Each time the EPA has taken a step to clean our air, industry has poured more and more money into the debate, yelling that regulation is just too costly and that companies can never survive if they have to clean up their act.

In the 40 years following the Clean Air Act, emissions of common air pollutants fell nearly 70 percent while the number of private sector jobs doubled. Industry talks about the costs of pollution controls because dirty is cheap. Clean air saves more than 160,000 lives each year. Clean air saves more than 3 million schooldays our children would have collectively lost. Clean air saves 13 million workdays the hard-working, healthy Americans simply can't afford to miss.

Scott Pruitt doesn't measure success by this yardstick. No. He measures success by how happy his corporate donors are. As Big Oil's go-to attorney general from Oklahoma, Pruitt has spent the last 6 years trying to silence the life-saving, data-driven work of dedicated EPA employees and scientists. And now, those big polluters have their fantasy EPA nominee—someone who will work on their side and not on the side of the American people.

How about a couple of examples. When EPA issued a rule to limit mercury, arsenic, and other toxic chemical emissions from coal powerplants, Mr. Pruitt questioned whether mercury poses a health hazard. Mercury is a well-known neurotoxin. It means that it poisons the nervous system. And Scott Pruitt thinks he should question whether it poses any health hazard. Wow.

Or maybe it is this example. When the EPA moved to reduce leaks of methane, a greenhouse gas that is 30 times more potent than CO₂, he turned the Oklahoma AG's office into a clearinghouse for big oil to pursue lawsuits attacking the EPA. Scott Pruitt has spent so much time with his campaign donors that he honestly appears incapable of understanding the difference between the financial interests of millionaires who run giant oil companies and the health and well-being of the 4

million human beings who actually live in Oklahoma.

The people need a voice more than ever. For generations, Oklahoma has had very few earthquakes. Then, oil companies decided to up production, to pull every last drop of oil out of the ground. But with every drop of oil came useless, toxic radioactive salt water waste, and it has to go somewhere. So they took the cheapest option available: Pump billions of barrels of wastewater deep underground, under immense pressure, and that is when the problems started. Suddenly, earthquakes—big earthquakes with a magnitude of 3.0 and above, started occurring every day across Oklahoma.

Here was Mr. Pruitt, the State attorney general, the people's lawyer. What did he do? Did he seek relief for the families that were stiffed by insurance companies? Did he join residents who were suing to stop the drilling while their homes crumbled? Did he even pretend to do something—you know, like maybe issue a strongly worded press release supporting frightened citizens? No, not Mr. Pruitt. No, Mr. Pruitt stood by his friends in the oil industry, and the heck with everybody else.

Mr. Pruitt has been consistent in his work for big oil. As attorney general, he dismantled the environmental protection unit in his office—dismantled the environmental protection unit. He appointed a billionaire oil man to be his 2014 campaign chair, and he ignored the citizens he was sworn to protect. That is the measure of Mr. Pruitt as a public servant.

A State attorney general is supposed to serve the people. Right now, Massachusetts attorney general Maura Healey is leading the case to prove that ExxonMobil deliberately deceived the public about the impact of climate change on our economy, our environment, our health, and our future. Good for Maura. Did Scott Pruitt join that suit? Of course not. Pruitt ran to the defense of one of the world's largest corporations, whining about how that corporation felt bullied. Instead of working as the attorney general for Oklahoma, Mr. Pruitt has served as the attorney general for Exxon.

Finally, Scott Pruitt has the nerve to say that the cause of climate change is "subject to more debate." More debate? We had that debate in the 1980s, in the 1990s, in the 2000s. Maybe Mr. Pruitt missed it, buried under a pile of big oil money.

So let me just offer a summary. For well over a century, we spewed fossil fuel filth into our atmosphere. And, yes, this allowed us to fuel the thirsty appetite of our 20th century economy. But that blistering pace came at a price.

Our planet is getting hotter. Our coasts are threatened by furious storm surges that sweep away homes and devastate our largest cities. Our poorest neighborhoods are one bad storm away from being under water. Our naval bases are under attack—not by enemy

ships but by rising seas; droughts and wildfires are all too familiar across the country. Refugees are fleeing homes that are no longer livable. And the risk of rapidly spreading diseases like malaria and Zika is on the rise.

Our coastal communities don't have time for politicians who deny science. Our farmers don't have time for more debate. Our children don't have time for more cowards who will not stand up to big oil companies defrauding the American people.

Scott Pruitt has been working hard for big oil to dismantle the EPA, and now, President Trump wants to give him that chance.

Where are the Senators who will stand up for the health, the welfare, and the safety of their citizens? Where are the Senators who will stand up for the people's right to breathe clean air and drink clean water? Where are the Senators who will have the courage to demand action on climate change so that our children will have a chance to inherit a livable Earth?

In the end, despite this despicable record, if the Republicans link arms again, there will not be enough of us to stop this nomination. But make no mistake, if President Trump wants a fight over the health of our children, a fight over the creation of clean energy jobs, a fight over the very future of our planet, then we will fight every step of the way.

We will fight alongside moms and dads who know the terror of a childhood asthma attack. We will fight alongside the cancer victims. We will fight alongside the fishermen and the hunters. We will fight alongside the families of Flint, MI, and everywhere else in America where families cannot safely turn on their water taps or step outside and take a deep breath.

We are all in this together.

People in Massachusetts care deeply about preserving a safe and healthy environment for our kids and our grandkids. We see it as a moral question. And I receive letters from people all across the State, describing how important clean air and clean water are to them and how worried they are about what Scott Pruitt leading the EPA will mean for our most vital natural resources. I hear those concerns and I share those concerns.

I would like to read just a few of the many letters that I have received about this nomination.

Edward from Dennis wrote to me on behalf of the Association to Preserve Cape Cod about the importance of the EPA to coastal communities in Massachusetts. Here is Edward's letter:

The Association to Preserve Cape Cod (APCC), the Cape Cod region's leading non-profit environmental education and advocacy organization, writes to state our strong opposition to the appointment of Oklahoma Attorney General Scott Pruitt for the position of Administrator of the Environmental Protection Agency. We urge you to vote against his nomination.

APCC is deeply concerned that Mr. Pruitt's record of vigorously opposing the efforts of

the EPA to protect the nation's water and air quality is in direct conflict with his responsibilities as EPA Administrator to ensure that the agency's important work continues. In fact, his record clearly shows that his loyalties side with polluters instead of with the environment and the welfare of the American people. Of particular concern is Mr. Pruitt's refusal to accept the science of climate change and the implications this has for EPA's ongoing efforts to reduce greenhouse gas emissions.

In addition, the EPA has most recently played a vital role in furthering efforts to protect and restore water quality through its Southeast New England Program (SNEP) for Watershed Restoration, a program that has greatly benefited coastal communities in Rhode Island and southeastern Massachusetts. We worry that important initiatives such as the SNEP program, which was originally proposed by Senator REED with the strong support from each of you, will be in jeopardy under the oversight of Mr. Pruitt, should he be confirmed as EPA Administrator.

The New England states, as well as the entire nation, have made significant strides forward in addressing the protection of our air and water. However, much more needs to be accomplished. With so much at stake, we cannot afford to step backward in our effort to protect the environment. We, therefore, urge you to oppose the nomination of Mr. Pruitt for EPA Administrator.

Thanks, Edward, for writing, and thanks to all of you at the Association to Preserve Cape Cod for the work you are doing every single day. It makes a real difference.

While all sorts of people have written to my office about Mr. Pruitt, I have noticed that a lot of people are writing in about kids—their kids, kids they work with, or just kids in general. My constituents are concerned about Scott Pruitt's commitment to protecting the air our kids breathe and the water they drink, and I share those concerns.

I heard from Mary in Worcester, who is concerned about the effects of environmental toxins like lead on children. She is concerned both as a parent and as a family doctor. Here is what Mary had to say:

With so much focus in Washington on ensuring politicians are held to a strong ethical standard, I ask you to oppose the nomination of Scott Pruitt as EPA Administrator. I wrote to you yesterday asking the same, but after the hearing yesterday, it is increasingly clear that Mr. Pruitt is unfit.

In addition to being a parent, I am also a Family Medicine physician. Rarely, I see children who are exposed to lead through environmental sources. This is rare because lead has been regulated, and as such rates of lead poisoning, and the accompanying irreversible brain damage, have plummeted.

But yesterday Mr. Pruitt revealed that he knows nothing about this issue, responding to Senator Cardin, "Senator, that is something I have not reviewed nor know about."

I continue to ask you to oppose him and to encourage colleagues to do the same.

Thank you for writing, Mary. That is why I am here tonight—to encourage my colleagues to oppose him.

I heard from Elizabeth in Belchertown, as well. Here is what she wrote:

As a resident of MA and a teacher of AP Environmental Science in a public high

school in western MA, I am writing to express my concern about the appointment of Scott Pruitt as director of the EPA. He appears to be the exact opposite of the qualifications and perspective of a person who should have that position. As you know, he has close ties to fossil fuels, has repeatedly sued the EPA, avoided mercury legislation, and espoused the belief that the EPA is too powerful. I urge you to work with other Senators to block this appointment.

Thank you, Elizabeth. The work that you are doing, that teachers are doing, is more vital than ever now, and I share your concerns. Thank you.

A man from Boston wrote to me with concerns about Scott Pruitt's ties to fossil fuel companies, and here is what he said:

As a constituent who cares about our environment, I want you to know I am deeply concerned about the nomination of Scott Pruitt to lead the Environmental Protection Agency.

Scott Pruitt is firmly in the pocket of the oil and gas industry. He is not concerned with the world we leave for our children. As a father and an educator, I am fighting his nomination because I have a responsibility to care about the world I leave children and not merely the wealth my cronies accumulate.

Pruitt has actively worked to dismantle protections for clean air and clean water that people and birds need to thrive. The EPA must adhere to science and support common-sense solutions for ensuring a healthy environment and stable climate for people and wildlife.

Please oppose confirming Scott Pruitt and demand a nominee instead who will represent the vast majority of Americans—regardless of party affiliation—who support strong action and safeguards for our air, water, and climate.

I couldn't agree more with what he said.

Wendy from Newton wrote to me about the concerns as well. Here is what she had to say:

Dear Senator, I am appalled and scared by the possibility of Scott Pruitt to head the EPA. It will be disgraceful if he is confirmed. To appoint someone who stands against everything that agency is for is cynical, disrespectful and dangerous in this urgent time of climate change. Now more than ever we need a strong EPA that believes in science and will protect us from environmental disaster. I hope you will do everything you possibly can to fight against Pruitt getting confirmed.

Thank you for writing.

I also heard from Arlene in Wayland, who is worried about what the future of the EPA means for her two grandchildren. Here is what she had to say:

Senator Warren, please assure your constituents that you will not support Scott Pruitt's nomination to head the EPA. Mr. Pruitt is an enemy of the agency and of the future of our environment. He has stood in the way of the agency's purpose to protect our air and water. He is ignorant of the findings of climate science and medical studies on toxicity, has dealt dishonestly with Congress, and is so obviously in the pocket of the fossil fuel industry. Please use your considerable persuasiveness and rigor to convince your colleagues in the Senate to ditch his nomination. The future of my two grandchildren depends on it. Thank you.

Thank you for your note, Arlene. I am doing my best, and so are the rest

of the Democrats. We just need some Republicans to help us out here.

Joan from Maynard reached out to me about her experience working with children who have suffered from lead poisoning. Here is what Joan wrote:

I have been an Educational Advocate for children with disabilities for 24 years. I've worked with children who suffer from lead poisoning, and they are heartbreaking. Even the smallest exposure has life-long profound consequences. I haven't personally seen anything the level of what has happened in Flint, MI, but I know that it's a tragedy for a generation of children in Flint.

Pollution of our waters is just one of the risks we face if Scott Pruitt is approved. There are countless more, many evident and others not readily apparent, but ready to unfold. Please, please fight this appointment in every way you can.

Thank you, Joan, for writing and for the important work you do. Believe me, I am fighting in every way I can.

A man from North Falmouth wrote to me, worried that the progress we have made on protecting public health and the future of our planet is in danger. Here is what he said:

Oklahoma Attorney General Scott Pruitt is a lifelong ally of corporate polluters. Pruitt's nomination is a clear threat to the nation's public health and the progress made on common-sense pollution standards. I cannot tolerate the appointment of a fossil fuel cheerleader to lead the nation's environmental protection efforts. In 2014, Pruitt literally acted as a messenger between Devon Energy and the EPA in an attempt to stifle public health protections.

Please continue to defend the Clean Power Plan and methane pollution standards against the influence of the fossil fuel industry. 64% of Americans are concerned about climate change, we deserve a leader who will take action to protect air quality.

Thanks for writing. I really appreciate it.

Since President Trump nominated Mr. Pruitt, I have received hundreds of letters like these from people in Massachusetts who are worried about what he will mean for the environment and for the future of our planet, but I have also heard from the experts, people who understand the ins and outs of the EPA and its mission. Hundreds of former EPA employees who have serious concerns about Mr. Pruitt's record on the environment sent a letter to me and my colleagues here in the Senate. Here is what they wrote:

We write as former employees of the Environmental Protection Agency (EPA) to share our concerns about Oklahoma Attorney General Scott Pruitt's qualifications to serve as the next EPA Administrator in light of his record in Oklahoma. Our perspective is not partisan. Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

However, every EPA Administrator has a fundamental obligation to act in the public's interest based on current law and the best available science. Mr. Pruitt's record raises serious concerns about whose interests he has served to date and whether he agrees with the longstanding tenets of U.S. environmental law.

Our nation has made tremendous progress in ensuring that every American has clean air to breathe, clean water to drink and uncontaminated land on which to live, work and play. Anyone who visits Beijing is reminded of what some cities in the U.S. once looked like before we went to work as a people to combat pollution. Much of the EPA's work involves preserving those gains, which should not be taken for granted. There are also emerging new threats as well as serious gaps in our environmental safety net, as the drinking water crisis in Flint, Michigan, painfully demonstrates.

Our environmental laws are based on a partnership that requires EPA to set national standards and give states latitude when implementing them so long as certain minimum criteria are satisfied. This approach recognizes that Americans have an equal right to clean air and water, no matter where they live, and allows states to compete for business without having to sacrifice public health or environmental quality.

Our environmental laws include provisions directing EPA to allow for a "margin of safety" when assessing risks, which is intended to limit exposure to pollutants when it is reasonable to expect they may harm the public health, even when all the scientific evidence is not yet in. For example, EPA's first Administrator, Bill Ruckelshaus, chose to limit the amount of lead in gasoline before all doubt about its harmfulness to public health was erased. His actions spared much of the harm that some countries still face as a result of the devastating effects of lead on human health. Similarly, early action to reduce exposure to fine particle pollution helped avoid thousands of premature deaths from heart and lung disease. The magnitude and severity of those risks did not become apparent until much later.

Mr. Pruitt's record and public statements strongly suggest that he does not share the vision or agree with the underlying principles of our environmental statutes. Mr. Pruitt has shown no interest in enforcing those laws, a critically important function for EPA. While serving as Oklahoma's top law enforcement officer, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit mercury emissions from power plants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay and control greenhouse emissions.

In contrast, none of Mr. Pruitt's many press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution. This track record likely reflects his disturbing decision to close the environmental enforcement unit in his office while establishing a new litigation team to challenge EPA and other federal agencies. He has claimed credit for an agreement to protect the Illinois River that did little more than confirm phosphorus limits established much earlier, while delaying their enforcement another three years.

In a similar vein, Mr. Pruitt has gone to disturbing lengths to advance the views and interests of business. For example, he signed and sent a letter as Oklahoma Attorney General criticizing EPA estimates of emissions from oil and gas wells, without disclosing that it had been drafted in its entirety by Devon Energy. He filed suit on behalf of Oklahoma to block a California law requiring humane treatment of poultry. The federal court dismissed the case after finding that the lawsuit was brought not to benefit the citizens of Oklahoma but a handful of large egg producers perfectly capable of representing their own interests. To mount his challenge to EPA's rules to reduce carbon pollution from power plants, he took the unusual step of accepting free help from a private law firm. In contrast, there is little or

no evidence of Mr. Pruitt taking initiative to protect and advance public health and environmental protection in his state.

Mr. Pruitt's office has apparently acknowledged 3,000 emails and other documents reflecting communications with certain oil and gas companies, but has yet to make any of these available in response to a Freedom of Information Act request filed more than two years ago.

Contrary to the cooperative federalism that he promotes, Mr. Pruitt has suggested that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that would have overturned a cooperative agreement between five states and EPA to clean up the Chesapeake Bay (the court rejected the challenge). When asked how a state can protect its citizens from pollution that originates outside its borders, Mr. Pruitt said in his Senate testimony that states should resolve these disputes on their own, with EPA providing "informational" support once an agreement is reached. But the 1972 Clean Water Act directs EPA to review state water quality plans, require any improvements needed to make waters "fishable and swimmable," and to review and approve plans to limit pollutant loads to protect water quality. EPA's power to set standards and limit pollution that crosses state lines is exactly what ensures every American clean air and water, and gives states the incentive to negotiate and resolve transboundary disputes.

We are most concerned about Mr. Pruitt's reluctance to accept and to act on the strong scientific consensus on climate change and act accordingly. Our country's own National Research Council, the principal operating arm of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to an extent that poses grave risks to Americans' health and welfare. More recent scientific data and analyses have only confirmed the Council's conclusion and added to the urgency of addressing the problem.

Despite this and other authoritative warnings about the dangers of climate change, Mr. Pruitt persists in pointing to uncertainty about the precise extent of humanity's contribution to the problem as a basis for resisting taking any regulatory action to help solve it. At his Senate confirmation hearing, he stated that "science tells us that the climate is changing, and that human activity in some manner impacts that change. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue, and well it should be." This is a familiar dodge—emphasizing uncertainty about the precise amount of humanity's contribution while ignoring the broad scientific consensus that human activities are largely responsible for dangerous warming of our planet and that action is urgently needed before it is too late.

Mr. Pruitt's indulgence in this dodge raises the fundamental question of whether he agrees with the precautionary principle reflected in our nation's environmental statutes. Faithful execution of our environmental laws requires effectively combating climate change to minimize its potentially catastrophic impacts before it is too late.

The American people have been served by EPA Administrators, Republicans and Democrats, who have embraced their responsibility to protect public health and the environment. Different administrators have come to different conclusions about how best to apply the law in view of the science, and many of their decisions have been challenged in court, sometimes successfully, for either

going too far or not far enough. But in the large majority of cases it was evident to us that they put the public's welfare ahead of private interests. Scott Pruitt has not demonstrated this same commitment.

Thank you for considering our views.

Thank you to all who signed that letter and for the incredibly important work that you have done to protect our environment. I am with you all the way.

Next, I wish to read an article published by The Atlantic that uses Scott Pruitt's actions to critique his appointment to head the EPA. Actions speak volumes louder than words, and his tell a pretty compelling story of exactly how he will lead the Agency. Here is what it says:

While broad strokes of Trump's policies were never in doubt, there was often enough bizarreness to wonder what he would do with the powers of the Environmental Protection Agency.

On Wednesday, those questions were all but settled. Trump has chosen E. Scott Pruitt, the attorney general of Oklahoma, to lead the EPA. . . .

In a certain light, Pruitt is an inspired choice to lead the EPA, as he has made fighting the agency a hallmark of his career. His own website calls him "a leading advocate against the EPA's activist agenda." The significance could not be more clear: As he promised on the trail, Trump will likely use the powers of the presidency and the legal expertise of Pruitt to block or weaken the Obama administration's attempts to fight climate change.

And Trump will be able to try for more than that. For what distinguishes Pruitt's career is not just his opposition to using regulations to tackle climate change, but his opposition to using regulation to tackle any environmental problem at all. Since he was elected Oklahoma's attorney general, in 2010, Pruitt has racked up a sizable record—impressive in its number of lawsuits if not in its number of victories—of suing the EPA.

Many of these suits did not target climate-related policies. Instead, they singled out anti-pollution measures, initiated under presidential administrations, that tend to be popular with the public.

In 2014, for instance, Pruitt sued to block the EPA's Regional Haze Rule. The rule is built on a 15-year old program meant to ensure that air around national parks is especially clear. Pruitt lost his case.

Last year, he sued to block a rule restricting how much mercury could be emitted into the air by coal plants. He lost that, too.

And early in his tenure, he sued to keep the EPA from settling lawsuits brought by environmental groups like the Sierra Club. That one was dismissed.

He has brought other suits against EPA anti-pollution programs—like one against new rules meant to reduce the amount of ozone in the air—that haven't been heard in court yet. While ozone is beneficial to humans high in the atmosphere, it can be intensely damaging when it accumulates at ground level, worsening asthma and inducing premature deaths. The American Lung Association calls it "one of the most dangerous" pollutants in the United States.

All this is not to say that Pruitt has omitted climate regulations from his litigation. His most common target has been the Clean Power Plan, the Obama administration's set of Clean Air Act rules meant to reduce greenhouse gas emissions from power plants. The Clean Power Plan is Obama's main mechanism for pushing the United States to meet its pledge under the Paris Agreement.

Pruitt began suing the EPA to block the Clean Power Plan more than two years ago. Now, Oklahoma is one of the 28 states challenging the agency in court, and it helped succeed in getting the Supreme Court to block the rules in February.

But Pruitt's understanding of the bill seems not entirely legally minded in two significant ways. First, Pruitt's knowledge of global warming appears to be lacking, at best. Earlier this year, for instance, he wrote in the National Review that "scientists continue to disagree about the degree and the extent of global warming and its connection to the actions of mankind."

While this sounds reasonable, it is not true. The overwhelming consensus among scientists who study the Earth is that humans are largely to blame for the planet's warming. Climate scientists understood this to be the case since at least the early 1990s, and since then, scholarly consensus on the issue has only strengthened. The majority of scientists also believe that global warming will be quite harmful; the scientific debate about its "degree and extent" is only about how bad it will be and how soon its consequences will kick in.

Second, Pruitt has worked extremely closely with oil and gas companies in opposing the plan. In one case, a New York Times investigation revealed that Pruitt sent an official letter to the EPA, bearing his signature and letterhead, that had been almost completely written by lawyers at Devon Energy, a major oil and gas company. It was delivered to Pruitt's office by Devon's chief lobbyist.

Energy firms and lobbyists, including Devon, have donated generously to the Republican Attorneys General Association, which Pruitt has led. In interviews after the Times report, Pruitt described the collaboration as a kind of constituent service, saying that Devon is based in Oklahoma City. He agreed with the letter's legal reasoning, he said, so he signed it.

"I don't think there is anything secretive in what we've done," Pruitt told The Oklahoman. "We've been very open about the efforts of my office in responding to federal overreach."

Now Pruitt could be the one doing the federal reaching. Environmental groups immediately condemned Trump's selection of him. "The EPA plays an absolutely vital role in enforcing long-standing policies that protect the health and safety of Americans, based on the best available science," said Ken Kimmell, president of the Union of Concerned Scientists, in a statement. "Pruitt has a clear record of hostility to the EPA's mission, and he is a completely inappropriate choice to lead it."

Once, it had seemed like perhaps Trump—who speaks often of his adoration for clean air and clean water—would bypass those old fights and only target Obama's new climate rules. But with Pruitt leading his EPA, it seems that Trump's administration will act like its GOP predecessors. Whether it is successful depends on the Senate, on the courts, and on how well environmental advocates make their case to the public.

Finally, I wish to share a few excerpts from an in-depth New York Times article that uncovered Scott Pruitt's extensive ties to energy companies. The article clearly explains the massive conflicts of interest that Mr. Pruitt would face as Administrator of the EPA. Here is what it says:

The letter to the Environmental Protection Agency from Attorney General Scott Pruitt of Oklahoma carried a blunt accusation: Federal regulators were grossly overestimating the amount of air pollution

caused by energy companies drilling new natural gas wells in his state.

But Mr. Pruitt left out one critical point. The three-page letter was written by lawyers for Devon Energy, one of Oklahoma's biggest oil and gas companies, and was delivered to him by Devon's chief of lobbying.

"Outstanding!" William F. Whitsitt, who at the time directed the government relations at the company, said in a note to Mr. Pruitt's office. The attorney general's staff had taken Devon's draft, copied it onto state government stationery with only a few word changes, and sent it to Washington with the attorney general's signature. "The timing of the letter is great, given our meeting this Friday with both the E.P.A. and the White House."

Mr. Whitsitt then added, "Please pass along Devon's thanks to Attorney General Pruitt."

The email exchange from October 2011, obtained through an open-records request, offers a hint of the unprecedented, secretive alliance that Mr. Pruitt and other Republican attorneys general have formed with some of the nation's top energy producers to push back against the Obama regulatory agenda, an investigation by the New York Times has found.

Out of public view, corporate representatives and attorneys general are coordinating legal strategy and other efforts to fight federal regulations, according to a review of thousands of emails and court documents and dozens of interviews.

For Mr. Pruitt, the benefits have been clear. Lobbyists and company officials have been notably solicitous, helping him raise his profile as president for two years of the Republican Attorneys General Association, a post he used to help start what he and his allies called the Rule of Law Campaign, which was intended to push back against Washington.

"We are living in the midst of a constitutional crisis," Mr. Pruitt told energy industry lobbyists and conservative state legislators at a conference in Dallas in July, after being welcomed with a standing ovation. "The trajectory of our nation is at risk and at stake as we respond to what is going on."

Mr. Pruitt has responded aggressively and with a lot of helping hands. Energy industry lobbyists drafted letters for him to send to the EPA, the Interior Department, the Office of Management and Budget, and even President Obama, the Times found.

Industries that he regulates have joined him as plaintiffs in court challenges, a departure from the usual role of a state attorney general, who traditionally sues companies to force compliance with state law.

Energy industry lobbyists have also distributed draft legislation to attorneys general and asked them to help push it through state legislatures to give the attorneys general clearer authority to challenge the Obama regulatory agenda, the documents show. And it is an emerging practice that several attorneys general say threatens the integrity of the office.

The message is clear across Massachusetts and across the Nation: Big Oil's go-to attorney general is Scott Pruitt, and he has no business running the EPA. He has proven over and over again that he will put short-term industry profits ahead of the health of our children. This nominee has no interest in protecting every American's right to breathe clean air and drink clean water. We cannot put someone so opposed to the goals of the EPA in charge of that very Agency.

For these reasons, I will be voting no on Scott Pruitt. I urge my colleagues to do the same.

I yield the floor.

EXECUTIVE CALENDAR

Mr. YOUNG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of all nominations on the Secretary's Desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN16 ARMY nominations (2) beginning Jeremy D. Karlin, and ending Irahim A. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2017.

IN THE NAVY

PN17 NAVY nomination of Mathew M. Lewis, which was received by the Senate and appeared in the Congressional Record of January 9, 2017.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that of the postcloture debate time under my control, that 60 minutes be yielded to Senator SCHATZ, 60 minutes be yielded to Senator WHITEHOUSE, 35 minutes be yielded to Senator MERKLEY, and 15 minutes be yielded to Senator CANTWELL.

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

The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that of the postcloture debate time under my control, that 50 minutes be yielded to Senator MERKLEY.

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

The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I think it is important to understand what just happened today that makes this debate on Scott Pruitt to lead the EPA so critically important. We call ourselves the world's greatest deliberative body, and that is actually a well-earned reputation. Sometimes we move slowly. Sometimes we move so slowly that it is maddening for both parties and for the American public. There is a reason that the Senate moves slowly. It is because in a lot of instances it has the weightiest decisions that any public official could ever make. In this instance, we are deciding on the person to comply with the Clean Air and the Clean Water Acts, the Endangered Spe-

cies Act, to discharge their duties as the leader of the EPA.

Something happened today that changes this whole debate. In Federal law, there is something called FOIA, the public records law regarding Federal officials. Most State laws have some kind of open records law, and Oklahoma is no different. There was a lawsuit against the Oklahoma attorney general, Scott Pruitt, and it basically said: Listen, you have to disclose the emails between your office and a bunch of energy industry companies. And the context here is absolutely important. Scott Pruitt is not just a person who is bad on the issue of climate; this is a person who is a professional climate denier. This is a person who has made his bones, politically and professionally, trying to undermine all the authorities the EPA possesses. This is a person who is a plaintiff in multiple lawsuits, as the Oklahoma attorney general, against the EPA. This is a person who has not promised to recuse himself when he is running the EPA. So imagine that there are going to be pending lawsuits where he was the plaintiff, and they are going to still be before the EPA. He was asked in committee whether he would recuse himself, because obviously it is preposterous to be both the plaintiff and the defendant in a lawsuit. It just stands to reason. He did not promise to recuse himself.

So this is a person who has an incredibly close, uncomfortably close working relationship with the fossil fuel industry. He may have that as a sincerely held belief, but the Oklahoma State law requires that he disclose whom he is working with. Why is that relevant? Well, he actually had a couple of instances where he has taken language given to him, sent to him by email from oil companies, and he just copied it—select all, copy, drop it, paste it—onto Oklahoma attorney general letterhead, and then transmitted it to the EPA as if it were from the AG's office in Oklahoma. So that is the context.

What did this Federal judge say today? An Oklahoma County district court judge said that according to the Oklahoma Open Records Act—Aletia Haynes Timmons from the district court of Oklahoma instructed Pruitt's office to hand over the emails by close of business next Tuesday.

So here we are, trying to jam through this nomination, and now it makes perfect sense why they wanted to run the clock. They had congressional delegation trips to Munich for the security conference. There were Republicans who were planning to meet with NATO allies. There was another overseas trip of great import. Yet they abandon all other obligations, all other objectives, and they are bound and determined to run this clock until 1 p.m. tomorrow because they need to vote before these emails become disclosed. Tuesday is when we will see these emails. Yet we seem to be in a

race to get this vote done tomorrow at 1 p.m. Something feels wrong about this. Something feels like they are worried about the contents of those emails.

Gosh, I hope I am wrong. I hope on Tuesday that these emails are perfunctory, professional, proper. I hope I am wrong. I hope my fears and suspicions about what may be in those emails are unfounded. But here we are in the so-called world's greatest deliberative body, and we decided we don't even need another 2 business days to deliberate or to gather more information.

This is a decision that will stick for 4 years. This is a nominee who will run one of the most important Federal agencies that there is, the one in charge of clean air and clean water. The person in charge of clean air and clean water has been corresponding with oil and gas and coal companies—nothing necessarily illegal or untoward about that, but he seems to not want people to know what the content of that correspondence was.

The context here is very, very important, and that is why I am asking that we delay this vote until every Member of the Senate can read and review these emails. I think it is very important that we understand what is in the contents of those emails because there are some things we know about Mr. Pruitt. I am going to try really hard not to impugn his personal motivation. I have no doubt he feels sincerely about the issues we are arguing about. I don't have any reason to believe he has personally done anything improper. But I think it is totally reasonable for us to just see what is in those emails next Tuesday.

This isn't that we are trying to drag this out for 6 weeks or 6 months. This isn't that we are trying to cook up an issue. I didn't know about these emails, actually, until Monday. I didn't know there was a court case. I was perfectly ready to say: Look, it looks like they have the votes. We will have our argument. Maybe we can persuade a couple of people—certainly SUSAN COLLINS has been a profile in courage here, and there are Members of the Senate on the Republican side who have been on the right side of climate. But you know what, all that gets washed away. All that gets washed away because you don't get to be on the right side of climate and vote for a climate denier for the Environmental Protection Agency.

And lest you think I am being a little bit overheated here in terms of who Scott Pruitt is, this is what Scott Pruitt has said about himself. He describes himself as a leading advocate against the EPA's agenda. On the role of the EPA he says:

I believe that the EPA has a role to play in our Republican form of government. Air and water quality issues can cross State lines, and can sometimes require Federal intervention. At the same time, the EPA was never intended to be our Nation's frontline environmental regulator.

That is kind of a well-put-together statement, but I want you to under-

stand how radical of a statement that is, because the EPA was designed to be the Nation's frontline environmental regulation.

The basic premise is that there are certain things that can be done at the local level that ought to be done at the local level. When we configured our governments, we decided we want police forces and firehouses and other municipal services—sewer and water, and trash pickup—certain things get done locally. Some things get done at the county level. Some things get done at the State level. And what we have decided as a nation is that because pollution doesn't recognize municipal, State, or even Federal boundaries, that we actually need Federal law to make sure that if one State is polluting, it doesn't move over to the other State. So the idea that the EPA was never intended to be our Nation's frontline environmental regulator, which is what Mr. Pruitt says, is actually quite radical. It is an intentional misunderstanding of what the EPA is for. It is intended to be our frontline environmental regulator.

Here is Mr. Pruitt on climate change:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connections to the actions of mankind. That debate should be encouraged in classrooms, public forums and the halls of Congress.

I have to hand it to Mr. Pruitt—he magnificently describes radical policies as though they are not radical. He is very skillful at that. He is very lawyerly at that.

He did very well, in my view, in the EPW Committee, but his views are essentially that the EPA is not the frontline in terms of protecting clean air and clean water, and that blows up the mission of the EPA.

I see the Senator from Rhode Island is here. I would be happy to entertain any questions he may have in a moment.

A couple more quotes from Mr. Pruitt on the Clean Power Plan:

The president could announce the most "state-friendly" plan possible, but it would not change the fact that the administration does not have the legal authority under the Clean Air Act to regulate carbon emissions.

"[T]hat the administration does not have the legal authority for regulate carbon emissions." Wrong. Factually wrong. Legally wrong. This has been settled. *Massachusetts v. EPA*. I left my law degree in my apartment, but I know *Massachusetts v. EPA*, and I know this is flat wrong. So what he says is totally radical. He is a skillful guy. I assume he is a good guy, but he wants to undermine the basic authorities of the Clean Air Act and the Clean Water Act.

I will finish with this quote before I yield for a question from the Senator from Rhode Island on methane regulation.

My concern is that the EPA is employing its flawed methodology in order to ration-

alize new and unjustified federal regulations to solve a methane emissions problem that simply does not exist.

That has no basis in fact.

I see the Senator from Rhode Island. Before I yield for his question, Mr. President, I ask unanimous consent to engage in a colloquy with the Senators from Rhode Island and Oregon.

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

Mr. SCHATZ. I would be happy to yield to the Senator from Rhode Island, if he is ready.

Mr. WHITEHOUSE. A question of Parliamentary order here. The time during the colloquy will continue to be charged to the Senator from Hawaii, correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WHITEHOUSE. Through the Chair, I would inquire of the distinguished Senator from Hawaii whether, in addition to the concern about pollution that crosses borders when it flows down rivers or that crosses borders when it comes out of smokestacks and floats across State borders into other States, is there not also a supremacy clause in the U.S. Constitution that puts Federal law ahead of State law where there is a conflict?

Are there not means and manners by which a Federal official could either pretend or actually believe or try to impose a Federal rule in a way that interferes with the rights of States that wish to protect themselves more than the fossil fuel-friendly Administrator and inhibit their ability to do so?

Mr. SCHATZ. Well, I thank the Senator from Rhode Island. I think one of the great challenges is that it is one thing to misunderstand the EPA's role here; that is dangerous enough as the attorney general of a State or the head of the Republican Attorneys General Association. But when you are in the EPA and you have charge to administer the law, to discharge your duties under Federal law, to the degree and extent that you misunderstand the authorities in the Clean Air Act as either weaker than they may be or sort of optional—I mean, this is the issue in *Massachusetts v. EPA*.

For instance, the question around carbon was resolved. There were a couple of questions. First of all, is carbon an airborne pollutant? The Supreme Court and the EPA made their finding, and they determined that it was an airborne pollutant.

Once you determine that something is an airborne pollutant, it is not for the EPA, on a discretionary basis, to try to regulate that airborne pollutant. They are then required under Federal law to regulate that pollutant.

So part of the misunderstanding here is the question isn't, Is the EPA authorized to regulate carbon? It is, Are they required to regulate carbon? So he has it wrong doubly—first of all, on the law and second of all, on the science.

I think the danger of putting someone like that in a position of authority

is that they will preempt States, California and others—although California has some pretty significant carve-outs—but they will at least attempt to preempt the States from doing what they want to do to protect their clean air and their clean water.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. SCHATZ. Yes.

Mr. WHITEHOUSE. The Senator from Hawaii is a very kind as well as a very distinguished individual, and he is willing to spot Mr. Pruitt's sincerity in the way he goes about his business. I am a skeptical New Englander, and I think Mr. Pruitt looks a little bit too bought and paid for to spot him that same degree of sincerity.

But to the question of the Federal and the State role, to the extent that it was Mr. Pruitt's position that the EPA should not be on the front line, that it is actually up to the States to bear the bulk of this burden and to be on the front line and enforce environmental laws and protect their Senators, what about the conduct of the Oklahoma attorney general's office might give us some pause as to his sincerity in this being a federalist question in which the power to regulate should be enforced at the State level by strong attorney general enforcement as former attorneys general like myself know?

Mr. SCHATZ. Well, I thank the Senator for that question. It is a really important one because essentially what Scott Pruitt is saying is: Hey, let's let the States handle this. But if you are to take him at his word, I think it is not unreasonable to say: Well how did you handle enforcement of either State or Federal environmental law as the top cop in the State of Oklahoma? Right?

He did two things that would cause everybody to question his commitment to even local environmental protection. The first thing he did when he came in as Oklahoma AG—a lot of offices the attorney general have environmental protection units. It is like a big law firm. They have different units that handle different kinds of crime. They have a civil division; they have a criminal division. They do lots of things. One of the divisions is to enforce environmental law. He disbanded it. He disbanded the State attorney general's division that enforces environmental law. Then he beefed up this thing that did not exist until he got there, which was essentially a division to undermine Federal authorities.

So you are right. He has them coming and going. He is making an argument that the State should be empowered to enforce environmental law. At least we could take that as kind of on-the-level federalism. We have some good Republican colleagues who just really believe that the government that governs least governs best. They think that local problems should be solved at the local level, even though, in my view, when it comes to air pollu-

tion and water pollution, that is essentially preposterous because pollution moves.

I really believe that for some of these Members it is a sincerely held belief. It is hard to believe this attorney general when he says: Hey, give us the authority to enforce our environmental laws, and then, when the rubber hits the road—which is how many lawyers you put on the job, how many cops you put on the beat—he basically eviscerates the division that enforces environmental law, and he beefs up this division that is basically a little shop that sues the EPA to undermine the Clean Air Act and Clean Water Act federally.

Mr. WHITEHOUSE. If I recall the facts of this correctly, not only did he shut down the environmental unit of the department of the attorney general, but in subsequent reporting you could not find a dollar allocated to environmental activities in the Oklahoma attorney general's budget. And he abandoned what his predecessor, Drew Edmondson, had been running, which was not just to have an environmental enforcement unit within the department of the attorney general, but also to have an environmental enforcement team that brought together Federal folks, State regulators, water officials, and put together the multi-agency task force that prosecuted environmental cases—gone also.

Finally, Drew Edmondson used to do an annual report, as I recall, on the successes of his environmental enforcement and his environmental task force, the multiagency group. That was gone too.

In addition to all of those facts, what worries me a little bit—you know, one of the things we have to assess in this process is the credibility of the nominee. Are they going to tell you the truth in the nomination process? If they are not going to tell you the truth in the nomination process, you are probably going to get a lot of malarkey out of them down the road as well.

He took the position that he actually had not gotten rid of the environmental unit. He said he had moved it into a new unit—the federalism unit—which, if you go to their own website and read about the federalism unit, it says it is an appellate. You don't do environmental enforcement at the appellate level; you do environmental enforcement at the trial level, and you do it at the investigative level.

Further, if you read down, the word "environment" never appears in the general description of that unit. So it is not as if there is just one little wrinkle of the environmental unit kind of magically disappearing under this guy. Wherever there was any activity by the department of the attorney general with respect to the environment, he shut it down, zeroed it out, silenced it, finished it.

I believe that is a pretty fair description of the status in Oklahoma.

Mr. SCHATZ. Well, I think the Senator is right. You know, it is fair to

look at his record. It is also fair to look at his words. In 2016—so this is not 10 years ago; this is less than a year ago—he said: Legislation should not be "we like clean air, so go make clean air." It is something that bothers me, that Congress then gives this general grant of authority to EPA.

Congress has given a general grant of authority to the EPA. That is what the law says. So, my concern, when it comes to Mr. Pruitt, is that he understands, as a member of the bar, as an attorney general, what the law says. He has been operating in a political context, I think it is fair to say, as the head of the Republican Attorneys General Association. Working with energy companies, he has been very aggressive in cultivating friends across the country who are very enthusiastic about his nomination and potential confirmation.

But he totally misunderstands the mission of the EPA. It is granted by the Congress, a general authority to enforce clean air. That is what the EPA is, really; it is clean air, and it is clean water. That is what the EPA is about.

The thing I think is especially troubling for me when it comes to the politics of this, is that there was a bipartisan consensus for many, many, many years around the Clean Air Act and the Clean Water Act. I believe the reauthorization of the Clean Air Act came under President George H.W. Bush. This used to be not very controversial because, actually, we can fight about the Iran deal, we can fight about women's reproductive health, we can fight about LGBT rights, we can fight about civil rights, we can even fight about foreign policy and the size and scope of the government, but even if you are an extremely conservative individual, you ought to believe, to the extent that we have government at all, that it should be responsible for keeping us safe and that it is a Federal role to make sure our air is clean and our water is clean.

So this person who is very skillful in kind of eluding—you know, he basically dodged punches in that EPW Committee. We have some very skillful members on the EPW committee. They are very knowledgeable, very passionate. It was rough, but he was able to avoid a sort of knockout blow. The reason is that he is a professional climate denier. This is what this guy has been training to do all of his life.

So, again: We like clean air, so go make clean air. That is something that bothers me.

The Congress then gives a general grant of authority to EPA on the Oklahoma environmental regulations. He said: Federal regional haze standards—if you live in Oklahoma, I understand. You did not vote for Barack Obama, but I don't think you thought you were voting to reduce air quality. So he says that Federal regional haze standards threaten the competitive edge Oklahomans have enjoyed for years with low-cost and reliable electric generation.

This low-cost energy not only benefits Oklahoma manufacturers, but gives the State a considerable edge in recruiting jobs. He is the attorney general. He is supposed to enforce the law. I mean, that sounds like a Member of Congress. That sounds like a Member of the State legislature. But it does not sound to me like someone who is prepared to discharge their duties under the Federal law.

Another space where Mr. Pruitt has some alarming views is on science itself. I am deeply concerned about what is happening to science, to scientists, to government research. We just confirmed the Director of OMB who, in a Facebook post, wondered out loud—he had some questions about the Zika virus. I am not sure he had any special expertise to be raising these questions. We should all be researching and be as scientifically literate as possible, but the OMB Director put on his Facebook post: I have these questions. I am really interested in this, but the real question is whether we should have publicly funded research at all.

So there is a full-on attack on science and facts. There is a full-on attack on reality. But when it comes to environmental science, it is so consequential. I am looking at these pages sitting here. I think about everybody's children and grandchildren. We just have an obligation to get the data right, to really understand what is happening with air quality and water quality.

Here is what Mr. Pruitt says about mercury. "Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small."

This is, again, the White Stallion Energy Center versus EPA.

This is what the scientists say: "As a result of these long-term mercury inputs, there are hotspots and whole regions, such as the Adirondacks of New York, the Great Lakes region of the Midwest and large portions of the Southeast where the fishery is contaminated with mercury."

There are more fish consumption advisories in the United States for mercury than all other contaminants combined.

I can tell you, just on a personal level, to the Senator from Rhode Island, that I like my ahi. I like my fresh sashimi. I like tuna, and everybody in Hawaii likes fish. So you kind of watch how much marlin you eat, how much ahi you eat because we understand that there is a real mercury problem. This isn't made up. If you talk to ER doctors in Honolulu, they have to deal with mercury poisoning on a weekly basis. That is what the science shows, and that is what the reality shows.

Here is what Mr. Pruitt says: "The record does not support EPA's findings that mercury, non-mercury metals, and acid gas pose public health hazards."

And here is what the scientists say: "There is no evidence demonstrating a safe level of mercury exposure."

So before yielding for a question, I think it is really important for all of us to understand what is at stake here. We have a nominee who is really unique in the history of the EPA because never before have we had a person who has made it their life's mission to undermine the Agency which they wish to lead.

You could probably argue that Mr. Puzder, who just withdrew his nomination yesterday, had a similar kind of attitude about the Department of Labor.

But even under Republican administrations, we have had Republican Administrators of the EPA who understood: Hey, look, the law is the Clean Air Act, the law is the Clean Water Act, the law is the Endangered Species Act, and I have an obligation, as the EPA Administrator, to accept those premises—right?—and to be the EPA Administrator, to not sort of be on my crusade against Federal law.

If he wants to undermine Federal law, he can go litigate that. He can be a private attorney or he could run for the Congress and try to be a lawmaker. But to the degree and extent that he wants to run the Agency with a specific statutory mission, he has to follow those statutes. And I have seen no evidence that he has any respect for or understanding of those statutes.

I would be happy to yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. Well, on the subject of respect for and obedience to statute, I thought we might want to discuss for a minute the Oklahoma open records law which the attorney general of Oklahoma not only needs to obey, but he needs to enforce it. He is not just subject to that law. He is the agency responsible for policing compliance with it.

What we have just seen is 750 days of noncompliance by his office with an Open Records Act request where he refused to provide anything to us in the EPW Committee. And, by the way, shame on the Environment and Public Works Committee for allowing that to happen. Shame on the Environment and Public Works Committee for—on a purely partisan basis—not allowing us to get those emails that this office had covered up and suppressed for 2 years.

Finally, they got before a judge and the judge said: Release that first set Tuesday—Tuesday. So he is sitting on several thousand emails between his office and the big energy companies and the big energy organizations, and he stonewalls everybody for 2 years.

When a judge finally gets a look at this misbehavior, first she says: That is an abject failure. Second, she says: That is unreasonable under the statute. And third, she says: Produce them Tuesday.

This was a guy who didn't think he could produce them Tuesday. He couldn't produce them for 2 years, and now the judge says Tuesday.

So when you are looking at his adherence to law, his respect for law, it

seems to me that this is yet another example in which off he goes. The beneficiaries are himself and all the big fossil fuel companies that he was engaged with. That is who the beneficiaries were.

The people who lost were the ones who were supposedly the beneficiaries of the law—the public, the right to know, transparency.

So it makes for an interesting comparison to his version of compliance with the law. And if that is the best he can do complying with an Oklahoma statute that he is obliged not only to comply with but to enforce, what reasonable conclusion would my colleagues draw about his willingness to follow Federal law, which he also despises?

Mr. SCHATZ. Well, I thank the Senator for the question.

This is what is happening today. It would be enough if we were in the process of debating and confirming a climate-denier to the EPA. It would be enough that this person is a plaintiff in 17 lawsuits against the EPA. It would be enough that he is a plaintiff in these lawsuits against the EPA and he refused to recuse himself if he is running the EPA. As Senator MARKEY says, he is going to be plaintiff, defendant, and judge in these lawsuits.

All of that would be enough, but today a judge is compelling him to release around 3,000 emails that have squarely to do with the debate that we are having, which is this: Is this person a little too close to the industry that he is going to regulate?

As I said before, gosh, I hope these emails, as they are disclosed, show nothing. I hope that my suspicions, my fears, my concerns are without foundation. But I think about the Republicans, the good Republicans on the other side of the aisle who are voting for this man tomorrow.

Boy, they had better hope there is nothing in those emails. They had better think very carefully about what is in those emails. They might want to delay this vote themselves because, look, if there is nothing in those emails, then we can vote two Mondays from now—no harm no foul. You have career professionals at EPA doing their job. EPA will run for another 5 or 6 business days. It is OK.

We are the world's greatest deliberative body. We go slow on almost everything, and we are rushing on this. Why are we rushing?

Well, I was trying to figure out all week why we were rushing. Then I understood that the court was going to rule today, and they are jamming this. They are ramming this down the American people's throats.

I would just offer this to my Republican colleagues: These emails are going to be disclosed, and maybe you guys and gals know that there is nothing to be concerned about in terms of the content of these emails, where the Oklahoma attorney general is corresponding with a bunch of fossil fuel

companies. Maybe it is all good in those emails.

But the thing is, if that is the case, why did he refuse for 750 days to offer the emails up? I mean, it literally takes more work to not provide the emails than to provide the emails. You have to lawyer up to not do something. You are going to lawyer up as the Oklahoma attorney general to not comply with an Oklahoma statute. This takes a special effort.

Why would somebody want to undertake such a special effort to not comply with State law? I don't know. But I think we may find out on Tuesday.

Gosh, I hope I am wrong. But I have a feeling that the people who are most nervous right now about what is in those emails—in addition to the American public who care about clean air and clean water—are the Republicans who are being forced to vote at 1 o'clock without seeing them. They are being forced to vote on this person to run the EPA that they know is unpopular.

I mean, I understand that in some States this guy is tremendously popular because it is very easy to blast the EPA. In some portion of the Republican conference, Scott Pruitt is totally popular. I get that.

There is a nontrivial number of Members on the Republican side who actually don't want to be on the wrong side of the public when it comes to clean air and clean water, but they are going to be on the wrong side of the public when it comes to clean air and clean water. And it might get worse next Tuesday.

I really wonder why you would work so hard to not disclose the contents of 3,000 emails over a 750-day period.

I want to quote from Mr. Pruitt again on climate change:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled.

Here is what the scientists say: "The scientific understanding of climate change is now sufficiently clear to justify taking steps to reduce the amount of greenhouse gases in the atmosphere." This is from the U.S. National Academy of Sciences in 2005. This wasn't just some sort of recently arrived at conclusion.

Here is Mr. Pruitt again on climate:

We've had ebb and flow. We've had obviously, climate conditions change throughout our history. That's scientific fact. It gets cooler, it gets hotter. We don't know the trajectory, if it is on an unsustainable course. Nor do we know the extent by which the burning of fossil fuels, man's contribution to that, is making this far worse than it is.

I mean, sorry, this is not what the scientists say. This is what I say. That is just bunk. There was a point at which that was a tenable position, even if it was scientifically bunk, easily 15 years ago. It was politically kind of workable 10 years ago—maybe even 8 years ago and, depending on your community, 5 years ago. But there is a majority of Republicans who understand the urgency of climate change.

The only place where the reality of climate change continues to be debated fiercely is in the halls of Congress.

Local people in every community across the country understand that this thing is settled fact. This thing is upon us. You don't have to be some wonk. You don't have to understand ocean acidification. You don't have to understand exactly what is going on. You just have to, A, listen to experts who know about climate, who know about weather, who know about atmospheric science. Even if you don't believe any of the experts, you just have to believe your own experience. There is not a person out there—whether they are a fisherman on the Big Island or a farmer in the Midwest or a hunter in the Southwest—there is not a person out there who isn't experiencing the weather getting strange.

Everybody understands that 1 day of weird weather does not climate change make. But there is just no doubt that severe weather and odd weather is getting more frequent and more odd and more severe.

Here is what the scientists say about climate change:

The scientific evidence is clear: Global climate change caused by human activities is occurring now, and it is a growing threat to society.

Here is Mr. Pruitt again:

Is it truly man-made and is this just simply another period of time where the Earth is cooling, increasing in heat? Is it just typical, natural type of occurrences as opposed to what the administration says?"

I mean, this is so far out of the mainstream that it would be funny if it weren't terrifying. It would be funny if it weren't terrifying to think that the person who is going to run the Environmental Protection Agency, the person who is going to be in charge of administering the Clean Air Act and Clean Water Act is saying: Is it truly man-made and is this just simply just another period of time where the Earth is cooling, increasing in heat? I mean, is it just a natural type of occurrence, as opposed to what the Obama administration says?

I would be happy to yield to the Senator for a question. I will note that we have a joke where I am the good cop and he is the bad cop, but I think over time, we are merging.

Mr. WHITEHOUSE. Well, I wanted to go back to lawyering for a minute in response to the Senator's comments about the predicament that the other side is being put into—being asked to vote on the nominee, knowing that the disclosure of thousands of emails between the nominee and the industry and companies that he is going to suppose to regulate is imminent—is imminent. As the distinguished Senator from Hawaii said, maybe there is nothing in those; maybe this is just an empty concern. But over and over and over, emails have been really important at breaking investigations open. Certainly, our friends on the other side—until the election in November—

had a fascination with emails, a fixation with emails. They couldn't get enough of other people's emails. And now suddenly everybody is looking at the ceiling, examining the ceiling tiles when it is time to wonder about these emails.

There is a doctrine, if I recall successfully back in the days when I was a more active lawyer, called willful blindness, which is the wrongful act of intentionally keeping oneself unaware of something—the wrongful act of intentionally keeping oneself unaware of something. If that doesn't describe what is being done right now to the Republican Senators about these emails with this vote, I don't know what does, but what I do know is that willful blindness under the law is a culpable state of mind. It is a culpable state of mind in civil cases, where you can be held liable because of deliberate willful blindness, and it is a culpable state of mind in criminal cases, where you can be found guilty of a criminal offense based on a finding of willful blindness.

So this is no small predicament that the majority leader is creating for his Republican Members in the mad rush to get this fossil fuel tool voted on before this stuff all comes out, and it is either going to be good or it is going to be bad, and if it is bad, there will be a price to pay for having ignored this emerging avalanche of emails. If they are good, fine, no harm done, but who really gets hurt if it is bad?

We are going to be examining Pruitt over this, when they come out. If these are bad things, there could be investigations that ensue and an enormous amount of stuff can take place, but there will be ownership on the other side of the aisle for the willful blindness they are displaying toward this package of emails that we now know are on their way and that we know were wrongfully withheld because the judge said so. The judge said it was an "abject failure" under the law. The judge said it was unreasonable. So we know it is wrong, and still, still, comes the vote.

You have to wonder what the power force is here that makes that happen. In astronomy, there are dark stars, black holes. Because they are dark and because they are black, you can't see them in the sky. You have to deduce their presence when light bends around them and when their gravitational pull affects the behavior of other heavenly bodies. When you look for those weird, anomalous behaviors in space, that is a signal that some dark star is out there operating. This is a lot of weird and anomalous behavior. And what is the dark star that is causing the majority leader to put all the Republican Senators, other than SUSAN COLLINS, in peril, in terms of willful blindness to this release of emails, which everybody knows now is coming and which everybody knows now was wrongfully delayed—wrongfully and deliberately delayed—by this attorney general as the enforcer of the disclosure of his own emails.

Mr. SCHATZ. Well, I think—

Mr. WHITEHOUSE. If there was a question in there.

Mr. SCHATZ. You were asking about the willful blindness.

Mr. WHITEHOUSE. There you go.

Mr. SCHATZ. I want to make an observation that there are a couple of kinds of willful blindness. One is willful blindness about climate change in the first place, a desire not to hear the truth, a desire to put blinders on when it comes to these issues. I will note that not every time but almost every time we have a debate on climate, we have a nice complement of Democrats on this side and a totally empty Chamber on the other side. It is not that they don't know what is going on, it is that they know exactly what is going on, and they don't want to deal with it. They don't want to deal with it, and they are good people and patriotic people, but there is a reason to believe this willful blindness is not coincidental.

I would just implore the Senate Republicans who respect the Senate, who understand our special role under the Constitution to give advice and consent on nominations for Cabinet positions, that this isn't some minor sub-Cabinet position. This isn't some matter of little import. I understand both sides employ tactics to delay action on the Senate floor. That is kind of part of the way this body works, right? The minority slows the majority down, and we try to come to some kind of consensus, sometimes a unanimous consent agreement or whatever it may be, to try to make this place work a little better, and it is maddeningly slow, but it forces bipartisanship, right?

I understand the accusation that sometimes gets made that we are just trying to delay for delay's sake. At the beginning of this week—look, I ran for the Senate because of climate. That is how passionately I feel about this issue, but I understood how this thing was lining up, and I said: Look, let's fight the fight. There is no magic between 28 hours and 30 hours. There is no magic between 29 hours of talking about this and 26 hours of talking about this. I was prepared to fight the fight and move this week. I didn't want to employ extraordinary delay tactics. I was actually even arguing with some of my colleagues, with whom I agree so much on climate, about the sort of efficacy just delaying for another couple of hours, but we are not trying to delay another couple of hours for no particular reason. There are 3,000 emails that a judge in Oklahoma is compelling Scott Pruitt to provide to the public, and not 6 weeks from now or 6 months from now but 3 business days from now. On Tuesday morning, the public and, maybe in this instance even more importantly, the Members of the U.S. Senate, who are in a position to determine whether this is the right person to run the Environmental Protection Agency, are going to see the contents of these emails. Do you know what? It is probably nothing. These 3,000 emails

that are correspondence between the Oklahoma attorney general, the head of the Republican Attorneys General Association, and a bunch of fossil fuel companies—this guy who has sued the EPA and tried to undermine the Clean Air Act and Clean Water Act 17 times, this guy who refuses to recuse himself from running the EPA, from being both a plaintiff and a defendant, I am sure the 3,000 emails he has delayed releasing for 750 days—I am sure the 3,000 emails he has delayed releasing for 750 days and is only going to have to provide them to the public because a court is making him, I am sure there is nothing in them. But just in case, why don't we just find out what is in them? Because it seems to me that if they are awful, it would give pause to Republicans.

I just don't get why the Republicans—I understand why people want to jam this through before maybe something bad happens on Tuesday, but if I were a rank-and-file Republican, I would be saying: This looks a little goofy. We don't normally vote on Fridays at 1 p.m., we normally vote on Thursdays at 2:15 so everybody can race off to the Reagan airport and go home. If it is 2:15, I can't get home until Friday, but most people can get home. We vote on Thursday afternoons, and in rare instances do we vote on Fridays—debt ceiling, continuing resolutions, big stuff. We have been moving on nominees kind of at a normal pace. Listen, it has been tough. We have a lot of late nights here. We thank the Senate staff for hanging in here with us. We apologize for the difficulty that you have to undertake to make the Senate work and for us to do our constitutional duties, but isn't it weird that we are just jamming this through on a Friday afternoon?

If I were a rank-and-file Member, I would go to my leadership and say: Hey, this is getting a little weird. I don't want this thing to blow up when I am back home at a townhall.

I would be happy to yield to the Senator from Oregon. There is no better climate champion than JEFF MERKLEY. It is probably a two-way tie with the junior Senator from Oregon and the Senator from Rhode Island. Before yielding to a question, thank you for your dedication on this issue for the people of Oregon and for the people of this country, but I am happy to yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the opportunity that my colleague from Hawaii has given me to ask a question. Particularly, I appreciate his willingness to be on the floor making this case because being the guardians of clean air and clean water in the United States of America is an incredible responsibility, and the individual we place in this position as Director of the Environmental Protection Agency is going to make decisions that will affect the life and death of mil-

lions of American citizens, that will affect the quality of life of millions of American citizens.

When the Director of the Environmental Protection Agency proceeds to say we are to fight for the mercury standard, that means that fewer children will be exposed to a persistent neurotoxin that stunts the development of our children's brains. On the other hand, if that individual says: I am not concerned about that or I think I will just look the other way because I want to help the fossil fuel industry make a few more bucks, and he decides that weighs more heavily than the health of our children, then the health of our children is impacted. That is true with one form of pollutant and another, and they are just across the landscape. This is an incredibly important position. That is why understanding the viewpoints of the nominee is so critical.

My understanding is that the individual who controls access to the emails in Oklahoma is the attorney general; am I correct in that understanding?

Mr. SCHATZ. Yes, the Senator is correct.

Mr. MERKLEY. So we have a situation where an individual has accepted a nomination from the President for this incredibly important position and then has turned around and said: By the way, I am the guardian of the gate for the very records the Senate needs to see in order to determine if I am a fit character for this position, and he says: No, I will not allow the Senate to see my records.

My question to my colleague from Hawaii is as follows: Just the fact that a nominee, accepting a nomination and knowing the Senate has a responsibility to vet the nominee, who turns around and says, but you can't have access to my records, shouldn't that in itself disqualify that individual from consideration?

Mr. SCHATZ. I thank the Senator for the question. I just want to ask the Presiding Officer what the parliamentary situation is; has my 60 minutes expired?

The PRESIDING OFFICER. It has not.

Mr. SCHATZ. How much time remains?

The PRESIDING OFFICER. The Senator has used 54 minutes.

Mr. SCHATZ. I thank the Presiding Officer.

I don't know if it is disqualifying. I would say it is strange, in the extreme, to have the chief law enforcement officer of a State and the head of the Republican Attorneys General Association not comply with his own State statute. This isn't trivial. Not that it would be OK for the attorney general not to comply with any law, but this isn't a nontrivial issue. This is letting the public know the nature of your correspondence with industry—especially since I think it is fair to say that I think even he would agree that he has

distinguished himself among attorneys general as a lead advocate against the EPA and as an advocate for fossil fuel-generating companies. So it is not unreasonable for the public to say: Well, let me understand what the nature of your correspondence was.

My very basic question to the Members of the Senate on the Republican side is, Why in the world would we vote at 1 o'clock before we get these emails? I understand that if we had said, give us 6 months so we can see these emails, that would be preposterous. That would be us delaying for delay's sake. Listen, we feel so strongly, I think it is fair to say about this nominee that we might have even tried that, but then in that case the majority would be within their rights to say: We are not going to let you delay for delay's sake.

But this is not delay for delay's sake. There is information that is exactly on point.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. SCHATZ. Yes.

Mr. WHITEHOUSE. With respect to delay for delay's sake, when a judge finds that the emails can be made available and the judge finds today that the emails can be made available by Tuesday and the attorney general has kept them bottled up for more than 750 days, it would seem that the accusation that delay for delay's sake does not belong with the Democratic minority on this issue. Would it not be a badge that would fit rather well on the attorney general from Oklahoma?

Mr. SCHATZ. I thank the Senator from Rhode Island for that question. The Senator is right that he has been delaying because he wants to be confirmed as the EPA Administrator before these emails become public. There is no other reason that I can think of that is so important that we get the EPA Administrator in. Remember, we have the HUD nominee, we have the Department of Commerce nominee, we have the Department of the Interior nominee, and we have the Department of Energy nominee, who has responsibility and stewardship over our nuclear arsenal. We have decided we are not going to run until Friday afternoon getting a person in charge as the Secretary of Energy to take care of our nuclear arsenal, but it is a really big hurry—and we have to literally prevent Members from meeting with NATO allies—to get this guy through. I really didn't understand earlier in the week what the big rush was and why Pruitt and why now.

Listen, every Wednesday we are in some kind of negotiation about what kind of legislation and what kind of matters come before the Senate, and both sides sort of puff up their chests and make threats about going through the weekend, and we usually come to some sort of agreement. Yet this week there was no budging, and now I get it. They were afraid this judge was going to do what this judge did. This judge is requiring these emails to come out,

and I think they are terrified about what these emails say.

Do you know what? There is only one way to prove me wrong, which is to call our bluff and delay. Let's go two Mondays from now. We have a recess, and we will all read the emails. Then it will be great. We will find out that there was nothing untoward, nothing improper, nothing concerning about these 3,000 emails between the Republican attorney general from Oklahoma and these oil and gas and coal companies. I think maybe something is in those emails. Maybe I am wrong. I hope I am wrong. For the country, for the planet, I hope I am wrong.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to engage in a colloquy with the Senators from Hawaii and Rhode Island over the course of the coming hour.

The PRESIDING OFFICER. Has the Senator from Hawaii yielded the floor?

Mr. SCHATZ. Yes.

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

Mr. MERKLEY. Mr. President, I believe that will be charged to my time, but I have asked for that to be the case.

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. Mr. President, in this conversation about these emails, the thing that keeps striking me is that our fundamental question is, Is the individual, is the nominee, given his record in Oklahoma, going to be an advocate for the environment, an advocate for the health of the citizens of the United States of America, an advocate for upholding clean water and clean air that have done so much to improve the quality of life for Americans, or is the individual, Scott Pruitt, going to be, instead, an advocate for the oil companies and the coal companies and the gas companies? That question goes to the heart of whether the individual, Scott Pruitt, is fit to carry this responsibility.

The American people have been very pleased with the enormous changes in the quality of the environment over the last 30 or 40 years, and it has added a tremendous amount of improvement to their lives. Here we have somebody who, possibly, is not going to advocate and fulfill the responsibilities of the office but who is going to use the office as director of the EPA as an extension of the complex matrix of fossil fuel companies and work on their behalf and not on the people's behalf.

I will invite my colleagues, if they have insight or questions related to this question of whether Scott Pruitt is going to serve the interests of the people or the interests of the fossil fuel companies, to feel free to weigh in.

Mr. WHITEHOUSE. I thank the Senator from Oregon.

Mr. President, I note the diagram that I am showing beside me here on the floor, which is the work of an aca-

demic professor. He is one of a considerable number of professors and researchers who are looking at the fossil fuel-funded climate-denial operation as a socioeconomic creature. They are studying it. It is rather new. This is a diagram done by Professor Robert Brulle of Drexel University, one of the many academics and researchers who are looking into what I call the denial beast, because obviously if you are ExxonMobil, if you are the Koch brothers, you don't want to be out front yourself. You want to put outfits with names that sound much more benign out there—the Heartland Institute, the George C. Marshall Institute. These groups get thrown up by the fossil fuel company, stuffed with their money, filled with their employees, and they all run around saying more or less the same thing, which is, don't worry about climate change; don't worry about our carbon emissions.

When the Senator from Oregon refers to a complex matrix that this individual serves, this is just one visual description of that complex matrix of fossil fuel interests with which he has been so closely involved.

Here is one other example. This is Mr. Pruitt's fundraising from all of these energy companies and then the different ways he raised money. Liberty 2.0 was his super PAC. We still don't know a single thing about it. We haven't talked about the dark money life of Scott Pruitt because—why?—our colleagues on the other side won't require those questions to be answered. They are perfectly willing to scoot him through without knowing a single thing about his dark money operation—his attorney general reelection, which was chaired by a fossil fuel billionaire; the Oklahoma Strong Leadership PAC, which was his leadership PAC that took constant fossil fuel money; the Rule of Law Defense Fund, which was the laundering operation for bringing money to the Republican Attorneys General Association.

If you were one of these big companies and if you could drop money into the Rule of Law Defense Fund, it would wash your identity clean of the money, and then the money could go over to the Republican Attorneys General Association as if it were a gift from the Rule of Law Defense Fund, when all they did was launder the identity off of the fossil fuel donor. Then you had, of course, the Republican Attorneys General Association, which was so loaded up with fossil fuel interests that they had special, secret, private meetings with these big donors at their retreats. It was right on the secret agenda of the retreats, which we have been able to get our hands on.

I add that to the equation because when the Senator from Oregon talks about a complex matrix of fossil fuel interests, he is not kidding. This is a very, very significant matrix of fossil fuel interests, and that is what Scott Pruitt has been serving, not the public and not his duties.

Mr. MERKLEY. My colleague from Rhode Island put up the web. Maybe “web” is a better word than “matrix” because it looks like a giant spiderweb. What is being ensnared in this spiderweb, in this web of denial, in this “denial beast” as you have labeled it, is the truth.

What the complex group of organizations does is to put out information from every possible direction. They hold conferences; they hold workshops; they write letters to the editor; they write opinion editorials in our newspapers; they organize research—all so that it can reverberate in a way that an ordinary citizen hears from here and here and here the same lie—the lie that it is not clear whether carbon dioxide from burning fossil fuels is damaging our environment.

Here is the truth: We know very clearly the damage that is being done by burning fossil fuels, by burning natural gas, by burning coal, by burning oil, but there is so much money, so much profit, that they can build this enormous web of organizations to mislead the public, and that is half of it.

Then there is the second chart my colleague put up, which lays out these funds of dark money. This is really about the corruption of our democratic Republic. Maybe if I come over here, this will be in the same frame of reference. These funds flow through in a fashion that they contaminate the debate among citizens in election after election after election. This dark money is corrupting the very soul of our democracy—our elections.

Here is the interesting connection. Right now, a judge has ruled and said: “There was an abject failure to provide prompt and reasonable access to documents requested.” Our nominee is in control of these emails, his own emails. He has been stopping access to them because he has that power as attorney general of Oklahoma because he is afraid of the information the public will learn from his communications.

The lines on the chart that my colleague from Rhode Island put up showed his connection to fund after fund after fund. In his communications with these groups, which may possibly be among the communications that the judge has just said will be released to the public, wouldn’t it be interesting to find out what he said related to those organizations? Was he serving the public, or was he serving the fossil fuel industry?

This information will be available next Tuesday, but the majority leader has said, essentially, that he is willing to deny Americans the right to know the truth about Scott Pruitt. He is willing to deny Americans the right to know the truth about these emails. He is willing to deny Americans the right to know about these leaks between organizations and whether Scott Pruitt served the public trust or served the fossil fuel industry, served the Koch brothers.

It is an offense to this body and it is an offense to the American citizens’

right to know that we might be voting tomorrow without getting the information necessary to make a considered judgment on this nominee.

Mr. SCHATZ. Will the Senator from Oregon yield to a question?

Mr. MERKLEY. Yes.

Mr. SCHATZ. I thank the Senator from Oregon.

I have been thinking a lot about the job of the EPA Administrator. It is one of those things we have taken for granted over many, many years, that we are going to get someone who is going to sort of play it right down the middle of the fairway, but now we are forced to sort of challenge all of our assumptions with respect to what we can expect in an EPA Administrator.

When I think about the Clean Air and Clean Water Acts, they are very important, especially for young people who are so passionate about the environment, as they may not know what life was like and what the environment was like before the Clean Water Act. The majority of waterways in the United States were not swimmable. You had rivers catching on fire.

I went to college in Southern California in, I guess, 1990 through 1994, and the success of the Clean Air Act is incredible. I mean, L.A. still has its smog, but because of CAFE standards, because of the Clean Air Act, because of other environmental regulations, you don’t have nearly the air quality problems that you had even 20, 25 years ago, and this is a nationwide success story.

Kids had to stay home from school because of air pollution. I know everybody understands that is happening in Shanghai and in Beijing, parts of Africa, parts of the developing world, parts of the industrializing world. But 10, 20 years ago, you would have smog alerts, and kids would have to stay home from school in the United States of America. You had kids who couldn’t function because of their asthma. So what is at stake is not a bird or a butterfly.

I got my start in politics because of conservation issues. I am interested in forest ecology and reef ecology, but I understand a lot of people live a different life than that, and they are not in a position to be worrying about birds and butterflies. But everybody worries about clean air and clean water.

So I was wondering if the Senator from Oregon could talk a little bit about the foundation of this debate. I saw the Senator from Rhode Island do this incredible exposition—as I have seen before, and nobody is better at this—in describing the forces behind what is going on. But I would like to talk about the premise that undergirds this debate, which is not about fossil fuel companies versus conservationists; it is about clean air versus dirty air, and it is about clean water versus dirty water.

I know that is something that the Senator from Oregon is very passionate about, and I wonder if he might com-

ment on the basic idea of a clean and healthy environment and the bipartisan consensus that we ought to have related to that.

Mr. MERKLEY. Mr. President, I appreciate the questions from my colleague from Hawaii. As we stand here tonight, I think about how Hawaii is a State completely surrounded by water. It is very vulnerable to changes in the environment, very vulnerable to the introduction of invasive species, very vulnerable to changes in the acidity of the ocean, which is affected by carbon dioxide, and very vulnerable to the rising sea level.

I appreciate so much that as a citizen of Hawaii as well as now a leader for the voice of the State here in this Chamber, he keeps going back to his fundamentals of concern for our broader environment.

As you were asking this question, I was thinking about President Richard Nixon creating the Environmental Protection Agency in 1970. He recognized that we all share “a profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man.”

Well, that is a pretty clear statement that things were in trouble and we needed to operate a rescue. I think about that in the context of growing up in Oregon and, as I grew up, through my church and through my Boy Scout troop, we would go and do different projects to try to clean up messes that had been left. One of those was that we had a problem with these plastic six-pack rings that held all of the six cans together and the birds that were on the Pacific Flyway would stick their head through one of these plastic rings that would have held the top of a soda can, and they wouldn’t be able to get it off, and they would end up choking or dying. Also, these plastic rings were being digested by the animals, and it was affecting them.

Then we had these flip-tops where you would open a can of soda by pulling off a triangular piece of metal and it would be a little hook that would sit on the beach or the pathway, and then somebody would step on it and cut their foot open or an animal would eat it, and this nice little curved object would tear up their throat and kill them. Those issues of: Why? Why do we have to operate with these consumer products in the fashion that are creating these specific hazards? The answer was: We didn’t.

There was a bill in the Oregon legislature, and we eliminated the plastic rings that birds were sticking their heads through. And then we had a proposal—and I can’t really recall if it was done by initiative or by the legislature—to eliminate these flip-tops. The industry said: You cannot eliminate these flip-tops. People will not be able to open their cans of soda. It will be a terrible tragedy for America. There is no solution. You cannot touch this. Adamantly, they said: Nothing can be

done. It is an impossible problem to solve.

But we passed the law. We adopted that law, either by initiative or by the legislature, and a magical thing occurred. Within what seemed like a few days—maybe it was a few weeks—those peel-off flip-tops disappeared and were replaced by a different mechanism that opens that same triangle, but stays attached to the can.

Well, I have seen this time and again where there is a proposal where we need to improve our habits as humans, and as we are engaged in making our consumer products more complimentary to the environment, we are told: It can't be done. It will be too expensive. It will be too difficult. And then, when we say no, it can be done, and we pass a law, the solutions appear. And everyone says: Oh, that works just fine.

So now we don't have those plastic rings. Now we don't have those peel-off flip-tops that sit on the ground.

But we would go out in my Scout troop or in my church group and we would clean up and we would think that this would be so unnecessary to have these, and I saw the changes that occurred.

Then people said: What about all of these aluminum cans and glass bottles that are sitting all around here on the pathways around our State. Oregon had a strong ethic for the environment, but we were littered by all of these aluminum cans and steel cans back then, and also by glass bottles and broken glass bottles. If you have cleaned up a broken glass bottle, you know that it is real a pain to do that. And if you step on the shards from a glass bottle, you regret that somebody else shattered it and left it on the ground.

So we said: Why can't we change that? So the legislature put forward the idea and said: Let's just put a deposit on this so when you turn it in, you get 5 cents back. So we had the first bottle bill in the Nation, and that bottle bill got a huge percentage of those cans and those bottles returned that were left out in the public. And if somebody did leave something in the public space, somebody else would come along and say: There is a nickel; I will grab it and return it.

I must say that the amount of deposits in Oregon hasn't kept pace with inflation. When my kids were small, I would say: There is a bottle; grab it. There's a nickel. And they would say: It is just a nickel, Dad. A nickel isn't what it was three or four decades ago. But nonetheless, it still was an innovation that served as well.

About that same time, Oregon was worried about the developments of its beaches because we had a huge public trust with the beaches. The beaches belonged to all the people in the State, but the law was a little bit vague in this regard. But there was a provision that said that essentially public byways would remain public byways, and those beaches were established then by law in Oregon as belonging to all of the

people of the State, and that access would be available to all of the people in the State. So nobody could take a piece of beach and say: This is mine. It belonged to everyone. So we gained our public beaches during that time period.

Then, someone else said: Well, look, we are seeing what is happening with congestion in some other States. And, with apologies to my fellow Senators from California, a lot of Oregonians turned to California and said: We are seeing a lot of sprawl, we are seeing a lot of congestion, and maybe we can do something about that and change the way that development occurs.

So under the governorship of Tom McCall, who, by the way, was a Republican and who, like Richard Nixon, believed in the environment—it was Richard Nixon who was President when we did the Clean Water Act and the Clean Air Act, and we established the EPA, and it was the Republican Tom McCall who preserved the beach bill and the bottle bill and this land use planning bill that said: Let's put a boundary around each town and city, and you will not be able to build outside of that boundary so that we don't have sprawl. And some said: Well, we want to still have the right to build anything. So a compromise was struck. And it was that the tax rate outside of those boundaries would be much lower. So, with that, the farmers said: That is a sweet deal, we will take that. And the forest industry said: We will take that. Meanwhile, it meant that our city started to develop more densely with intense services, and we avoided the sprawl that had been experienced elsewhere.

I mention each of these issues—the bottle bill, the beach bill, the land use bill, the fact that we got rid of the flip-tops—because these were strategies to make us be able to operate in a more sustainable fashion, in accordance with the vision that Richard Nixon laid out when he created the Environmental Protection Agency.

Let me read that one more time. He said that we all share "a profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man."

Mr. SCHATZ. Will the Senator yield for a question?

Mr. MERKLEY. He will.

Mr. SCHATZ. Through the Chair, I would just like to ask the Senator a question. It strikes me that Governor McCall, President Nixon, I am thinking of Governor Schwarzenegger, I am thinking of SUSAN COLLINS, although I am almost sheepish to continue to single her out; it may not always be helpful to her to be singled out as the lone pro-climate person on the Republican side of the fence on this issue—but it strikes me that your beginning as an environmentalist was not based on being liberal or progressive, but your community's values, your family's values, your church's values, your Scout troop's values.

We had a really interesting lunch today with a preacher from North Carolina talking about framing political issues as moral issues. It really touched me because I am telling you, it breaks my heart to think—I mean, look, for some of these arguments about the size and the scope of the government, we just have different views on what the right size and scope and role of the Federal Government is. Some of these questions about geopolitics—tough stuff. You try to get it right. You try to have a coherent world view. Tough stuff. If you serve in the Senate long enough, you are going to get some stuff exactly right, and you may be wrong a few times.

But what really breaks my heart is to see the once-bipartisan consensus, which was based on common sense and morality that we just don't pollute our oceans, our streams, our aquifers, the air we breathe; that we try to preserve our environment for each other and for posterity; and a basic understanding that people who own businesses—especially once those businesses are incorporated and especially if those businesses are publicly traded—have a different set of imperatives. It is really hard to get each individual business that is in the mining industry or the electricity generation industry or the extraction industry or the transportation industry or the manufacturing industry to voluntarily worry every day about clean air and clean water. It is kind of like not their job. They are supposed to make stuff. They are supposed to extract stuff. They are supposed to make electronics. They are supposed to make this economy work.

So one of the ideas of the Clean Air Act and the Clean Water Act and the Endangered Species Act is that we have an obligation to creation itself for those of us who are religious and for those of us who are not. That is a moral obligation, not a political obligation. We have a duty that has nothing to do with us being Democrats, and that duty doesn't stop because they decided to run for office as a Republican.

I am wondering if the Senator from Oregon could comment on the sort of degradation of the bipartisan consensus around protecting our environment, which used to be a sort of 90-percent issue, a bipartisan issue. I am wondering how the Senator from Oregon feels about that.

Mr. MERKLEY. I appreciate that question. It is something we have witnessed unfold over the last two decades. It was not that long ago Republicans—both parties—for example, would stand up and say: We have a serious threat to our planet. That threat is the temperature of the planet is increasing, that we are suffering the impacts of methane and carbon dioxide pollution, and we must address that threat, but in the last few years, we have seen a steady diminishment of Republican commitment to address that threat. What does that correspond to? It corresponds very precisely to the

growth of dark money from the fossil fuel industry.

I hate to lay out this story because it is offensive to anyone—any patriotic American who wants to see government of, by, and for the people—to hear this story about the massive corruption of our body politic by this dark money.

If I go back a few years and look at a set of campaigns the last time I ran for office, that dark money became involved in Senate campaign after Senate campaign after Senate campaign, and it very much had an impact on the composition of this body. As those races were won with dark money from the fossil fuel industry, the willingness of some individuals to stand up and speak truthfully, forthcomingly, and powerfully about the challenge to the environment diminished and diminished and diminished. That really has to change. It is why we have to take on this role of dark money. It is the factor that means there is no longer a Governor McCall—a Republican who is fighting for the beach fill, a Republican who is fighting for the bottle bill, a Republican who is fighting for the land use bill to make our environment work better.

As a kid, we had rivers in Oregon you couldn't swim in, and now you can. Now, they are not perfect. They still show a touch of humankind on them, but the point pollution—the pipes full of toxic materials that went in the river—those are gone. What we have left primarily is nonpoint pollution, which is a much harder thing to tackle, but even that we are working to control through buffers and a variety of regulations to try to clean that up. We have made big improvements.

That, to my colleague from Hawaii, I would have to say is the factor that has changed this body.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I will.

Mr. WHITEHOUSE. I draw the Senator's attention to this graphic my office has prepared which reflects certainly my recollection. When I came to the Senate, I want to say there were at least five Republican-sponsored climate change bills floating around. Senator John Warner, a Republican of Virginia, had one; Senator SUSAN COLLINS, a Republican of Maine, had one; Senator JOHN MCCAIN, a Republican of Arizona actually ran for President on a strong climate change platform; Senator LINDSEY GRAHAM, a Republican of South Carolina, was working with Senator Kerry on one; Senator LAMAR ALEXANDER, a Republican of Tennessee, had one.

So there was a regular heartbeat of activity in this body on climate change, a bipartisan heartbeat of activity. Then, pow, came Citizens United 2010, and it has been flatlined since. It is the power of money unleashed into our politics, and nobody plays harder and nobody plays rougher and nobody

plays meaner with the power of money than the fossil fuel industry that Scott Pruitt serves.

Mr. MERKLEY. I appreciate the Senator's chart because I think it demonstrates, in a much more precise way, what I was describing, the corrupting role of dark money. Here, the Senate has illustrated how that money was really unleashed by the Citizens United decision and how the impact has been dramatic, just squelching the ability of my Republican colleagues to share this effort to create a sustainable planet.

I think, when we are asking for these emails to be reviewed before we vote, we are asking the question: Does Scott Pruitt share the mission that Richard Nixon stated when we created the Environmental Protection Agency? If you are going to head the Agency, do you share the mission? We want to know whether Scott Pruitt has, in Richard Nixon's words, "a profound commitment to the rescue of our natural environment." We want to know whether Scott Pruitt has a profound commitment to the preservation of the Earth as a place habitable to mankind. We want to know whether he has a commitment to the preservation of the Earth as hospitable to mankind.

Henry David Thoreau kind of summed it up like this: What use is a house if you don't have a tolerable planet to put it on? That is a good question. It is a commitment to the fact that where we live is just not the house, the structure of our bedroom and our kitchen and dining room, where we live is on this beautiful blue-green planet. That is our home, and we must care for it just as we do the structure of our house.

When I ask this question: Is Scott Pruitt committed to the mission of rescuing our natural environment, I think there will be answers to that in these emails. That is why we should see these emails, as the judge has said that we should see those emails. He said there was an abject failure to provide prompt and reasonable access. By whom? The person who blocked it was the attorney general of Oklahoma, who is the nominee whose record we are examining—the attorney general of Oklahoma. The reason this body hasn't had these emails, the reason the American public has not been able to answer the question: Are you committed to the mission of the Environmental Protection Agency, is because Scott Pruitt prevented us from being able to answer that question.

He has been quite clear in other circumstances which amplify our concerns. On the Agency he has been nominated to lead, he describes himself as a "leading advocate against the EPA's activist agenda." Just with those words, we sense a certain hostility to the work the EPA does to try to clean up the air, clean up the water, and hold polluters accountable. Activists. Isn't it a good thing to fulfill the mission you are charged with doing? It is not a pejorative. It is an important commit-

ment to work hard to fulfill the responsibilities of the office.

That is one piece of evidence, but here is another. Devon Energy sent a letter to Scott Pruitt and said: Would you please make this the position of your office and address it to the Environmental Protection Agency, to the Honorable Lisa Jackson, head of the EPA.

Here is the letter as it was sent to Scott Pruitt by Devon Energy, saying: Won't you take our position as your position. Here is the letter that was sent on. This is the first page. There was a longer amount to it. As we can see, these paragraphs in yellow were lifted 100 percent over here into the letter. There was one sentence that was dropped out in the course of this lengthy letter. I think it is less than 5 percent of the letter was dropped out. Essentially, he took their letter and printed it on his stationery as the position of the attorney general on behalf of the people of the State of Oklahoma.

So I asked him in the hearing whether he felt he was representing Devon Energy and making his office an extension of this corporation or whether he was serving the people of the State. He had earlier said he would like to hear from everyone and get all sides of something. He said: Well, I consider, in printing Devon's letter as Oklahoma's attorney general's letter, simply advocating for an industry that is important to Oklahoma—so making the oil position the position of the attorney general's office.

I said: Well, earlier you stated that you liked to hear the various sides of an issue and consider the input. Whom else did you talk to about this issue before you simply took the position of the oil company?

The answer was: No one.

So we can only conclude that, at least in this one instance, the nominee before us didn't look out to the people he was representing as attorney general. He didn't look after the body of law, the body of opinion, the body of effects. He didn't consult with anyone, except one organization—Devon Energy.

I must say, this is evidence, at this moment, of not serving the people, as an officer of the people is committed to do, but serving a company. So is this an anomaly or is this essentially the way he operated day in and day out? The answer is in the emails that we do not have. That is why it is a travesty if we vote tomorrow without getting those emails next Tuesday and enabling the public to examine them.

We normally have 30 hours of debate postcloture after we officially close debate. We don't quite close it but say there is another 30 hours of debate. That is what we are in right now, and that is why we are here tonight. Wouldn't it make sense to suspend this debate until after the citizens of the United States of America have a chance to pour through those emails and know the answer? Is this what we

can expect; that we will have an Administrator of the Environmental Protection Agency who is serving Devon Energy and the Koch brothers and this dark money cartel or is he going to serve the citizens of the United States of America? That is what we want to know the answer to.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. MERKLEY. I will.

Mr. WHITEHOUSE. One of the points I think could be made here with respect to the emails is that the first tranche of emails—the ones the judge instructed be released on Tuesday—are communications with Scott Pruitt's donors, with Devon Energy right here, with Peabody coal—which I don't see on the list—and with API, the American Petroleum Institute, which is right here. That funding has gone into his political operation.

It is worth understanding how that pays off. I don't know if we can see this, but this says "confidential." I don't know if that is clear on the screen. This is the confidential agenda for a Republican Attorneys General Association meeting, at a nice place—the Greenbrier in West Virginia. It is pretty swish. Look here on the agenda: Private meeting with Murray Energy. There is Murray Energy, right in the energy donors. He is attorney general. Look at what they get—a private meeting with the Republican attorneys general on the confidential agenda. If you go to the next day, the morning meeting is an issue briefing on the dangerous consequences of the Clean Power Plan and other EPA rules, and guess who the lead panelist is—Attorney General Scott Pruitt of Oklahoma.

What you have is this link between a big political donor, Murray Energy, and a private meeting for Murray Energy on the confidential agenda and a followup meeting at the same retreat on attacking the Clean Power Plan. And guess who a lead plaintiff with Scott Pruitt is in the lawsuit against the Clean Power Plan? Boom—Murray Energy.

There is a little machine here that turns between money in from the fossil fuel industry and litigation out on behalf of the fossil fuel industry. These emails aren't just matters of general interest. These emails may provide some good connection, some good evidence into what exactly that little feedback loop entails, because there are plenty of circumstances, and, as somebody who spent years as an attorney general and years as the U.S. Attorney, those little feedback loops is sometimes called corruption.

Depending on what those emails say, that could easily be prosecutable corruption. Rather than answer that question, of whether this link between big donors and action on cases using the badge of the State of Oklahoma as a shield to protect the fossil fuel interests, which were the donors, and talking about it in confidential meetings, in private meetings on confidential

agendas—to me, that smells pretty high all by itself, before you have actually dug into it and seen what the emails say and gotten to the potentially really stinky part.

The fact that this is being jammed through is not without consequence for the Republicans on the other side who are not being given the chance by their leadership to say: Hold it. Whistle. Let's give this a couple of weeks. Let's see if there is something beyond how bad it is already—that perhaps might even make this chargeable stuff—before we are forced to vote on this guy.

Once again, the fact that they are being forced to vote on this guy in this circumstance is very, very unusual behavior. And unusual behavior, to me, signals powerful forces.

I could not agree more with the Senator from Oregon about the importance of these emails and their potential significance. I agree with my friend from Hawaii that I hope there isn't anything really bad here, but the likelihood that there is is very strong. The dogs are hunting.

Mr. MERKLEY. One of the things that I want to return to is why we are so concerned about this complex matrix of corruption, of dark money changing the outcome of campaigns, changing the makeup of the Senate, changing the type of rules that are adopted and the laws that are passed, because behind it all is a rising tide of pollution that is changing the chemistry of our air and changing the temperature of our planet.

This is a very simple chart here, and this shows temperature and carbon dioxide. If we look at this carefully, you can see that the carbon dioxide rises and the temperature rises. This is what has happened. The scientists have looked back hundreds of thousands of years. Carbon dioxide goes down, and the temperature goes down. Carbon dioxide goes up, and the temperature goes up because carbon dioxide is essentially a blanket.

If you increase the thickness of that blanket—that is, the density of the carbon dioxide—more heat is trapped on the Earth's surface. When we realize the age of the Earth, which is measured in billions of years, the time that we have been here in human civilization is pretty brief. And the time that we have been burning fossil fuels for energy is very brief—150 years—a very small blink of the eye.

In that time, we have changed the chemistry of the air. We have increased the size and the weight of the blanket substantially. Prior to the burning of coal, for many thousands of years, the carbon dioxide level had varied up and down, but the top level was 280 parts per million. That is this blue line.

What we see is that the carbon dioxide level has steadily climbed as we burn the coal, the natural gas, and the oil. As we have done that, the black line is going up and down. It has varied a little bit from year to year. It has steadily increased as well.

There are many folks who look at this and say that is just lines on a chart. If you project into the future, that is just a computer model. It can have different assumptions, and you can tweak that computer model. But this is a powerful, powerful explanation of facts on the ground that we are seeing every day.

Let's look at the facts on the ground. Let's set aside the computer models. Let's even set aside this chart showing temperature rising as the carbon dioxide levels rise.

What do we see in my home State of Oregon? What we see is that we have warmer winters, and those warmer winters mean that the pine beetles don't die off in the same way they do when there is a very cold winter. So they come out, and they attack more trees and more trees are killed. That is damaging to our forests. We see that effect.

What else do we see? We see a change in forest fires. Our forest fire season has grown enormously, by more than 2 months over about the last 40 years. Two months is a big additional portion of the year with fires raging, and the fires have been more intense. Partly, they are more intense simply because the forest is different.

The old-growth forests were more resistant to fire than the second-growth forests, and that is a result of our logging practices. In addition, there is the dryness of the forest. The forest is more dry. Sometimes the wood on the floor of the forest is as dry as a kiln-dried two-by-four. Then we have these weather patterns that involve more lightning, and there are more lightning strikes that are starting fires. So we have drier forests.

We have more lightning strikes. We have more dead trees, and we have more damage from these fires. We see a significant impact on our forest. How about on our farming? Farming depends on water. We have had three worst ever droughts in the Klamath Basin over the last decade and a half—three worst ever droughts. It had a huge impact on ranching in that basin and a huge impact on farming in that basin.

As we see that impact, we realize that on the frontline—on the very frontline—in the battle with rising temperatures is rural America, where we have industries that depend on our natural resources, on our forests, on our fishing, and on our farming.

Let's turn to our fishing for a moment. As the winters have gotten warmer, we have seen that in most winters—not in all but in most winters—the snowpack has been decreasing. What does that do? Partly, it affects farming because you have less water stored in the form of the snowpack, but it also affects the mountain streams. So you have warmer, smaller mountain streams for trout and for salmon.

For those who love to fish in Oregon—and so many people do love to

fish in Oregon; in fact, people come from many parts of the world to come and fish in Oregon—you now have streams that are less hospitable for that purpose.

Let's think about what is happening on the coast of Oregon. On the coast, we are a Pacific Rim State. We have the vast Pacific Ocean. Ponder this question. Is it possible that you could burn so much coal and so much oil and so much natural gas in 150 years that you could put so much carbon dioxide into the air, that the ocean could absorb a good share of that, and you could change the chemistry of the ocean?

I have to tell you this. Apologies to my colleague from Hawaii. This is the most beautiful coastline on the planet. You have these incredible mountains dashing into the ocean. You have these gorgeous Pacific waters. You have all kinds of wildlife, all kinds of fishing industry. The Oregon coast is one of the most spectacular places in the world. I must say that, in fairness, I have really enjoyed seeing the Hawaii coastline as well. It is different. It is beautiful and rugged in a different way, but spectacular.

There you are on the coast of Oregon, and you are looking out from those mountains that come crashing into the sea. We have capes—one cape after another. The cape is a big projection of land. You can stand on top of those capes, and you can see out to the horizon of the ocean. You can't see any land. You realize you can only see about 20 miles with the curvature of the Earth, but you know that the ocean goes on and on, far more than a thousand miles. And you say: That is a lot of water. That is an incredible amount of water on the planet Earth. It surely can't be possible that we have changed the basic chemistry of the ocean through the burning of carbon dioxide.

Then you talk to the marine biologists who measure what makes up the Pacific Ocean, and they tell you: You know what, the burning of coal and oil and natural gas is changing our ocean in a way that is making it less hospitable to life.

Here is what they are talking about. The ocean through wave action absorbs that carbon dioxide that we have been putting into the Earth. In fact, the carbon dioxide level in the air would be much, much higher if it weren't for the oceans pulling a good deal of it out. And then, in the water of the ocean, the carbon dioxide becomes carbonic acid.

When you hear the word "acid," you say: Well, that doesn't sound very good. And you are right. That acid, then, has an impact on the ability of marine organisms to create shells. One specific example of this are the oysters on the Oregon coast. The oysters, as little babies, start to pull molecules out of the water and form shells. If the water is more acidic, it is much more difficult for them to do that, and the

result is they die. They put all their energy into that effort. They can't do it. So they die.

In about 2008—the year I was running for office—we had this big die-off of baby oysters in the hatchery on the Oregon coast. It was a big scientific puzzle: What is causing this? What is the virus or the bacterium that is causing this?

The scientists got together, and with a lot of help from Oregon State University, the industry got together and they studied this, and they couldn't find that there was a virus causing this action. They started looking for a bacterium. Well, they looked. They didn't find that either.

What else could it be? It has to be one disease agent or another. It turned out that it wasn't a disease agent. It was the increasing acidity of the Pacific Ocean.

Now, this morning, the owner of that hatchery happened to be coming through DC and came to my "Good Morning Oregon" reception. I hold this every Thursday morning that I am here. People can show up. We have a little bit of good Oregon coffee and a warm chance to reacquaint ourselves with old friends and to hear what folks who are visiting are thinking. He said to me this morning: Buffering is now continuous.

What did he mean by that? What he meant was, when they discovered it was the acidity that was killing the baby oysters, they had to start taking this seawater—they have a big pipe that pulls seawater up into the oyster hatchery, and they have another pipe that recirculates it back into the ocean. They had to start artificially reducing the acidity of the seawater so the baby oysters could thrive. What he said this morning is: We now have to buffer continuously. The condition has become so bad, it is bad on any given day. So that is where we are.

If the acidity of the ocean has changed from the burning of coal and oil and natural gas, isn't it time for us to wake up and pay attention? Isn't it time for us, as the stewards of the environment here in terms of making laws, to be paying attention? Shouldn't we be thinking again about those words that President Richard Nixon said when he created the Environmental Protection Agency in 1970; that we all "share a profound commitment to the rescue of our natural environment."

How are we going to rescue our natural environment from the harm of burning fossil fuels if we keep burning fossil fuels? That is the question before us, and the answer is that we can't. We have to stop.

We have to, in a modest period of time, a rather short period of time—really, in the course of human civilization, just a microsecond of time—we have to move from burning fossil fuels to basing our economy on energy from clean and renewable sources. We have to do this very conscientiously. We have to do it through grassroots ac-

tion. We have to do it through a framework that we create here at the national level. Both are powerful. Let's do both.

In the middle of that is the Environmental Protection Agency. That is why it is so important that we have a Director of the EPA who is committed to the vision of rescuing our natural environment, and that is why we need to have access to these thousands of emails before we vote in the U.S. Senate.

I think that as we consider this, we need to ponder that the conditions we see in Oregon—that are derived from global warming, increasing temperatures—are not simply happening in my State. I used those examples because I come from Oregon. I represent Oregon. You can see these things right where I am, but you can look across our Nation, you can look across our planet, and see the effects everywhere.

If you take the 100 largest glaciers in the world and track their average retreat, it is dramatic. There are those, by the way, who say if you want to see a glacier at Glacier National Park, you better go soon because a number of glaciers in Glacier National Park have retreated substantially.

You can go to other parts of the country and see other impacts. For example, if you go to the Northeast, you have the challenge—just like the pine needles aren't being killed in the winter, the ticks aren't being killed, and the ticks are infesting the moose, and the moose are dying because you have these big clumps of ticks sucking the blood from the adults and from the babies. The list goes on.

Our colleague from Maine says: We are concerned about our lobsters. Our lobsters are migrating up the coast to find a temperature of water that used to be in Maine, and now they are moving north toward Canada.

You can talk to those who track insects, like certain types of mosquitoes that carry the Zika virus, and their range is spreading. There is an insect called a sandfly that thrives in Central America, that is starting to show up in the United States of America because the temperature is changing, and that sandfly carries a disease called leishmania. This disease basically is extraordinarily difficult to cure, and it is a single-cell parasite. When you get bit by a sandfly, you get an enormous number, if it is an infected sandfly, of these parasites that start eating a hole either in your organs or in your skin—very difficult to cure.

As I describe this, I am just touching the surface. I haven't talked about the Great Barrier Reef, much of which has died over the last couple of years off Australia, and the list goes on and on.

So to close, we need a Director of the Environmental Protection Agency who has that profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place habitable by and hospitable to humankind. That is why we need the emails,

and that is why this vote should be delayed until they have been examined fully by the public.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from New Jersey.

Mr. BOOKER. Mr. President, very good to see you. I want to again, as I stated in the past, thank the staff. We are obviously pushing late into the night, and there are unsung heroes who are here in the U.S. Senate working in a nonpartisan way, keeping the Senate going. I want to thank them all for being here tonight. Definitely, the folks who are typing with their fingers are heroic. They have muscles in them. Thank you very much for your work. Of course, I want to just highlight the pages and thank them for yet another late night, when they still have calculus homework, I am sure, to work on.

Mr. President, I am honored to be able to join my colleagues, three of whom themselves are some of the great voices, in my opinion, in the United States on issues of the environment, issues of protecting the health and safety of our communities: Senators MERKLEY, WHITEHOUSE, and SCHATZ. I am grateful to be able to stand with them, joining them in a chorus of conviction about our opposition to the nomination of Scott Pruitt to serve as the Administrator of the Environmental Protection Agency.

The EPA is a critical Federal Agency. It was established through an Executive order by President Nixon and charged with the protection of human health and the protection of the environment. Given the pressing health issues, environmental challenges we face in our Nation, and frankly the growing environmental challenges around our planet today, we should make sure we are confirming an Administrator who has a conviction for the protection of the health and safety of people; that he or she prioritizes the well-being of Americans and is focused tirelessly, exhaustively, on making sure the mission of the Agency is made real, that other factors, conflicts, wealth of industries—that their No. 1 concern is not all of those things but is really the health and safety of people, of Americans, because we know what it means when the health or safety of Americans is undermined.

This idea of life, liberty, and the pursuit of happiness is completely compromised if cancer rates are going up because of toxic dumps or superfunds or asthma rates are epidemic because of toxins in the air.

We need a person who is in charge of making sure we are not prioritizing polluters or industries; that we are prioritizing people first and their safety. This is not just a moral calling of this Agency, but it is actually a practical one too. It is an economic one, too, because the cost to society of pollution, we already know, is extraordinarily high.

I see this in the community where I live. I am a proud resident of Newark,

NJ, but I see a polluted river, the Passaic River, that has caused health issues, that has taken away sports and recreation, actually taken away a source of bounty of fish and clams and other shellfish. In addition to that, now it is costing taxpayers hundreds of millions of dollars to clean up the waste and mess that was made by corporations that were allowed to get away with that polluting. That is the common sense of this.

Not only is it an issue of justice—something our country stands for, this ideal of justice—not only is it compromising life and liberty and the pursuit of happiness, but it also ultimately costs us so much more not to be vigilant in the protection of our environment. It is actually stealing, as we have seen all across this country—stealing from future generations. As you pollute now, you are stealing from future generations and calling it profit.

So this is what I see as a person who is in charge of this Agency, someone who is putting health, common sense, pragmatism before the short-term avarice that often has undermined the great bounty of this Nation.

In this particular case, in this moment in time, with this Agency started by a Republican, we now have a President who is not only putting someone up who is singularly unqualified—and as a person who worked with EPA Administrators, Republican and Democratic, we had a great Republican Governor from New Jersey who was the head of the EPA. Republicans and Democrats, if you compare this person, it is my conviction that he is singularly unqualified to lead the Environmental Protection Agency at this moment. That is Scott Pruitt.

I do not believe Scott Pruitt will lead this Agency in a way that upholds this critical mission in our country. Again, I don't care if you are in a so-called red State or so-called blue State, I don't care what your background is, your religion, your race, if you are living in an environment that is toxic—the air, the water—it is undermining your ability to enjoy the liberty and the freedom and justice of our country.

So if you look at this individual, Scott Pruitt, if you look at his track record, you will see that his actual work has undermined the mission of the Agency that he is now nominated to lead.

At his confirmation hearing, Scott Pruitt stated, as attorney general for the State of Oklahoma, he was responsible for protecting the welfare of Oklahoma citizens. This was his statement. Yet during his 6 years as attorney general, Scott Pruitt spent his time doing the bidding of the polluters, and filing or joining 14 lawsuits against the EPA's effort to clean up the air and water of a State, challenging water and clean air rules.

On top of this, on top of his track record, not for doing things to improve the quality of the air and water but doing things consistently to fight the

EPA—on top of this, on one of the largest issues going on with our planet right now, Mr. Pruitt says clearly that he denies the science and the reality of climate change.

So many in his own community who have come to this building to give their voice and their facts believe this person being nominated has a nonexistent record in Oklahoma when it comes to protecting the environment and that he actually aided and abetted many of the people who were doing some of the worst harm to the water and to the air.

Mr. Pruitt seems to say this is a philosophical thing; that he is a Federalist. What amazed me, as I dealt with Mr. Pruitt, engaged with him during the hearings, is it exposed the fact that he not only tried to get the Federal Government to stop acting to clean up the air and water and constrain the avaristic polluting of these industries, but he actually worked to make sure the State government didn't have the power to do it as well, as I will show momentarily.

But here is somebody who is not into philosophy. The driving force is his picking polluters over people. Mr. Pruitt also has serious conflicts of interest. What is amazing to me is that he has stonewalled the Senate, claiming to us that all of the emails from his agency that should be open—listen, we went through a whole Presidential campaign with all of this talk about email. How ironic is it that we are now putting someone up for EPA Administrator who suddenly is not allowing open public record requests to view his emails.

This is hiding, as Senator WHITEHOUSE has gone through—not allowing the public to see what is their right to see—the emails and communications he has had with polluting industries, as well as other organizations plowing money into his campaign and others. Not only has he denied us access to that, but he has used lies that this could not be produced.

Well, we have just had a judge in Oklahoma, contrary to what he said, force the viewing of these emails. This is really important. Here is a judge who literally calls his failure to release the emails an abject failure, that not releasing these emails in accordance to the public information laws of the State—the judge called it an “abject failure” to not produce this information and called it “unreasonable under the law”; those are the quotes—and ordered him to release these thousands of emails, to release the first tranche on Tuesday.

These are records pertaining to communications with Devon Energy, Peabody Coal, and other organizations. These should be released on Tuesday. We are going to see a lot in these emails.

Then he was ordered to release another tranche to organizations like ALEC, the American Legislative Exchange Council that supports a tremendous amount of partisan policy, the

State Policy Network, and other organizations. Those will be released in 10 days.

By the way, the requests for those go back to April 27, 2016. So one thing I have to say that I object to—and actually I am shocked and appalled that, suddenly, when you have a judge now forcing the release of these emails, which are going to give us transparency, which are going to answer the questions many of us have been asking about the conflicts he might have and how he used or potentially abused his power working in collusion with private industry, we can now see all of this plainly. But suddenly, now, this vote on Mr. Pruitt has been scheduled for tomorrow. Why not wait to let the Senators who have been asking for these emails for months—now that we are finally getting them, why are we now rushing a vote before we get to analyze his record?

So for these reasons—his lack of qualifications, his demonstration of working against the mission of the Agency, his denial of something as important and significant and planetarily consequential as climate change, his clear demonstration of his work on behalf of polluting industries, and the potential for serious conflicts of interest—we should not only oppose him, but at the very least what we should be asking is to have the vote postponed until the transparency that has been requested by Senators is achieved.

Any of these deficiencies individually should have us move the vote or vote against, but let me take some of these issues now. Let me look right now at the issue of climate change and his positions. The EPA is the most important Agency in the United States in the fight against climate change. Through its authority under the Clean Air Act, the EPA is tasked with regulating harmful air pollutants, including carbon dioxide.

I do not believe that Scott Pruitt will adhere to this EPA mandate. It is an EPA mandate that he has shown a disregard for that he will be tasked with enforcing. He not only has no record of enforcing it, but even believing in the harm that these pollutants can cause. He has openly questioned the need for climate change action on numerous occasions. He is on the record for pondering whether climate change is even happening at all.

Less than a year ago, he told a public audience the debate about climate change is just that, a debate. He has said that climate change is a religious belief and a political bumper sticker. Scott Pruitt appeared to walk back that language on climate denial during his confirmation hearing before the committee of jurisdiction, the Environment and Public Works Committee, last month. He claims that science tells us that the climate is changing, and human activity in some manner impacts climate change. The human ability to measure with precision the extent of that impact is subject to con-

tinuous debate and dialogue, as well it should be.

Well, I am happy to see that he is moving. But here Mr. Pruitt now is taking a different tactic. He is acknowledging that our climate is changing, without accepting the scientific consensus that human activity is the primary cause. But this seemingly softer language is actually a damaging tactic and in many ways is just as damaging as outright climate denial.

This is a hallmark of the new strategy: Hey, let's admit the climate is changing, but let's try to cast doubt on whether human activity is doing it. The language may be different, but the implication is the same: If we don't know how much human activity contributes to climate change, hey, then we don't need to do anything about the crisis.

This reminds me of Big Tobacco. There were these big tobacco scientists who made their living insisting that the link between cigarettes and lung cancer was uncertain. To cast doubt on it was their strategy—that link between lung cancer and smoking. This is a strategy we have seen before, again and again and again. Even though there is a consensus of science about smoking—or in the case of climate change—cast doubt, cast doubt. That is what Scott Pruitt does; he is a merchant of doubt when it comes to climate change.

He is attempting to sow uncertainty where there is, in fact, considerable certainty. As a result, he is deliberately undermining and misrepresenting the reality of the case. This is the person we want to put—who is intended by the President to be put at the head of the Environmental Protection Agency, someone who is a merchant of doubt.

Well, let me just go through the climate change evidence. Let's be clear about the facts. There are extraordinary indicators to provide strong evidence not just for climate change but for rapid, human-caused climate change. Atmospheric carbon dioxide now is higher than at any point in recorded history; 15 of the 16 warmest years on record have occurred since 2001; the pace of global sea level rise has doubled in the last decade; surface ocean acidity has increased by 30 percent since the beginning of the industrial revolution.

Those are dramatic changes in what is happening to our oceans. The evidence of this is global, from the bleaching of reefs to the killing of the biomass, to the extinction of species.

Arctic sea ice is declining by over 13 percent per decade. Just yesterday, scientists published a large research synthesis that has detected a decline in the amount of dissolved oxygen in oceans around the world, a long-predicted result of climate change that is expected to have severe consequences for the marine ecosystem and fisheries.

Some 97 percent of the actively published climate scientists agree that

these climate change trends—I would say crises—are extremely likely due to human activity. Scientists this month released an estimate that human activity is causing the climate to change 170 times faster than natural forces alone would cause.

I just sat with an incredible author who wrote “The Sixth Extinction,” a book that documents the rapidity with which we are now in a period of global climatic extinction, with species disappearing from the planet Earth at a speed that she compared, in the larger perspective of time, to the impact of a massive asteroid that was one of the major extinction periods. This is happening rapidly, like no period before in history, except that of massive climatic events like the asteroid hitting Earth. This is a crisis. The crisis is already being felt in terms of human impacts. Right now, we know that, unabated, these climate trends will continue to have impacts, and they will grow more devastating for our planet, especially for our children and our grandchildren.

By 2045, some east coast cities could flood three times a week. Scott Pruitt's home State may not have to worry about this, but New Jersey, a coastal State—we now have everyone from people in the military to businesses, to leaders in government, all realizing that this is going to have a serious effect on our State and we have to start preparing now to deal with that crisis.

Weather patterns are going to become more erratic. Hurricanes and other major storms in the North Atlantic will become stronger and more intense. Drought and heat waves will increase in parts of Arizona, California, Texas, and, yes, even Oklahoma could exceed 100 degrees for over 120 days a year. The U.S. crop yields will drop significantly. Estimates suggest that under a business-as-usual scenario, by 2100, wheat yields could drop 20 percent, maize by 40 percent, soybeans 40 percent, causing global spikes in food prices.

The rising seas, with more intense storms and worsening drought, could create climate refugees. In fact, we are seeing climate refugees already form small island states. The United States is already facing the reality, with many of these people from around the globe, that several communities in low-lying coastal areas in Alaska and Louisiana are in the process of relocating to higher ground. It is happening right now, where you are seeing evacuations from coastal areas that are no longer habitable.

Regarding climate refugees, I would like to quote Pope Francis. He said:

Many of the poor live in areas particularly affected by the phenomenon related to warming, and their means of subsistence are largely dependent on natural reserves and ecosystem services such as agriculture, fishing and forestry. They have no other financial activities or resources which can enable them to adapt to climate change or to face natural disasters. Their access to social services and protection is very limited.

The Pope continues:

There has been a tragic rise in the number of migrants seeking to flee from growing poverty caused by environmental degradation. They are not recognized by international conventions as refugees; they bear the loss of the lives they have left behind, without enjoying the legal protection whatsoever. Sadly, there is widespread indifference to their suffering, which is even now taking place throughout our world.

All of this—and perhaps lastly—it is this global insecurity that will grow. Major climate events like drought and floods have clearly been linked to violent conflicts around the globe. Climate extremes are worsening tensions in some parts of the world. There is a widespread international scientific agreement on the scope of this problem and international urgency about doing something about it.

The Intergovernmental Panel on Climate Change has unequivocally concluded that there is a clear human influence on the climate system. To keep global temperatures from rising more than 2 degrees Celsius, the IPCC estimates that we need to reduce emissions by 40 to 70 percent by 2050, compared to the 2010 levels. Warming beyond this level, 2 degrees Celsius, is often cited as that threshold.

Warming beyond this level will result in surface temperatures above anything our planet has experienced in the last 100,000 years. Given current emissions scenarios, keeping temperature increases below this 2-degree threshold will be extremely challenging, but this only underscores the urgent need for rapid and dramatic emissions reductions.

Unsurprisingly, given these numbers, there is also an international agreement on the need for action. We are seeing people come together and make strong commitments. In 2015, 195 countries adopted the first-ever binding global climate change agreement in Paris. The national commitments established in the Paris Agreement would put us on a trajectory to limit warming to 2.7 degrees Celsius—not enough of a limit, but it is a start. It is a start and a remarkable moment in planetary cooperation.

There is no question that given planetary cooperation, there is no question that given a consensus of scientists, there is no question that, given the factual urgencies being created by climate change, Scott Pruitt is on the wrong side of history in refusing to acknowledge global scientific and political consensus on climate change and the urgency that we need to act. We are potentially going to put someone who stands against this global consensus in charge of the EPA.

Much of the opposition to climate action in our country is motivated by false narratives about economic costs—people who are selling this idea that somehow doing the responsible thing is going to hurt our economy. The idea that addressing climate change could actually make us less of a wealthy nation is propaganda, and it is propa-

ganda that is being pushed by the people who are doing significant amounts of the polluting, the people whom Scott Pruitt has spent time advocating on behalf of.

Last year, Mr. Pruitt parroted the argument that fighting climate change is bad for the economy. He parroted that on an Oklahoma radio station, arguing that climate action is “hurting our ability to manufacture, to grow our economy, it’s hurting the fossil fuel industry, it’s an assault, and it’s all done outside of the Constitution and the law, which makes it even more egregious.”

That is a strong statement. Besides the fact that addressing climate change is very much within the law, this economic devastation narrative is simply patently false. Just last month, a renowned climate economist who had long argued that emissions reductions would damage economic growth actually changed his mind after running a more accurate analysis of carbon dioxide’s impact on temperature.

In fact, responding to climate change will help grow new parts of our economy. Last year, nearly half a million Americans were employed in whole or in part by the solar energy and wind energy industries. Wind energy jobs grew by 32 percent in 2016, and solar jobs grew by 25 percent. Solar jobs, in fact, have tripled since 2010. We should be focusing on actively expanding our promising clean energy sector. Frankly, we should be racing, as the great Nation of innovation that we are, to lead in these areas and not let our competitors get there first. We should be doing the breakthroughs, making the investments, growing the jobs.

Scott Pruitt is one of the last stand-offs. In fact, the GOP—the Republican Party—is the only major political party in the developed world that refuses to acknowledge that climate change poses a problem. All of our other allies—their right parties, their left parties; you name it—all the other major political parties on the planet Earth recognize that this is a problem, but it is unconscionable that we, here in America, are still pushing a narrative that is contrary to the global consensus and the consensus of science, that denies the reality of human-caused climate change and the urgent need for action.

Recent polling says that nearly 8 out of 10 registered voters—people on the right and the left, especially with our millennial generation—support regulating carbon dioxide as a pollutant. Seven out of 10 registered voters support setting strict carbon dioxide limits on coal-fired powerplants, a core aspect of the Clean Power Plan that Scott Pruitt and the Trump administration have vowed to repeal. Seven out of 10 registered voters think the United States should participate in the Paris Agreement, another critical moment where the planet was coming together in cooperation. Seven out of 10 voters agree that we should be a part of

the global movement to cooperate on dealing with climate change.

Nothing in Scott Pruitt’s record as Oklahoma attorney general suggests he will uphold Americans’ desire for climate action. A public servant who abides by the wishes of polluting industries, instead of the wishes of the American people, instead of the real tangible health challenges in their own State—someone who is standing with the industries and contrary to people suffering in their own State—has not earned the right to be our Administrator of the EPA.

Look at his record in Oklahoma. Well, let’s just start with air pollution. At his confirmation hearing, I asked Scott Pruitt if he knew how many children in his State had asthma. He did not know. So I informed him. According to the data published by the American Lung Association, more than 111,000 children in Oklahoma—more than 10 percent of all the children in Oklahoma, so more than 1 out of every 10 children in Oklahoma—has asthma. This is one of the highest State asthma rates in the Nation. This is a crisis.

As former mayor of Newark, I know the devastating impact that asthma has on parents and children. This is the number one health-related reason why kids miss school not only in my city, not only around my State—it is still one of the top reasons, if not the top—but in our Nation.

I have talked to parents and teachers about this crisis, about kids who are struggling to breathe, children rushed to emergency rooms, children missing school. This is literally undermining kids’ ability to succeed in school and to get the benefits of life from academic success.

In a State where more than 1 out of every 10 kids—a State where more than 10 percent of your children—have asthma, clean air should be an urgency.

So what did Scott Pruitt do, as it relates to air pollution? Well, he actually took every major possible opportunity to help the polluters, joining with them to block the EPA from taking action to clean up the air and protect the children in his State.

When I say “joining with them,” and that is not a hyperbolic exaggeration. Scott Pruitt sent a letter to the Environmental Protection Agency in 2011, accusing Federal regulators of grossly overestimating the amount of air pollution that natural gas companies were releasing from well sites in Oklahoma. The letter was sent to the EPA on Mr. Pruitt’s official attorney general letterhead. So we might assume its contents represented the State’s official stance on what was best for the welfare of Oklahoma families and children because, as he testified, his job was to represent what was best for the welfare of Oklahoma’s families and children.

This is what he said in his testimony here in the Senate. This is what he said. That was his job. So he is writing a letter, challenging the EPA, saying they grossly overestimated the amount

of air pollution that natural gas companies were releasing.

Well, the problem is that we would be wrong if we had thought that this was something that his office came up with. No, what Mr. Pruitt did was actually take a letter written by lobbyists at Devon Energy, one of the State's largest oil and gas companies, change maybe a few words—maybe three, maybe four—and, basically, took these words, took off their letterhead, put the same letter on his letterhead, and passed it along to the EPA.

Remember, Devon Energy is one of those organizations that we want the emails from, back and forth between his office.

Now, did he go out from his position and do research on air quality? Did he interview families with asthma? Did he test air quality? How did he come up with his conclusions that what the EPA was doing was wrong?

Well, clearly he couldn't write his own letters. He just took the information from Devon Energy, put it on his letterhead, and sent it off. He was doing the bidding of one of the people, one of the companies that was undermining the air quality for the 1 out of 10 children that have asthma.

So we, as U.S. Senators, who believe in thorough vetting—we hear a lot about intense vetting for refugees; I am a guy who just wants a thorough vetting for nominees—asked for his communications, using public FOIA, or the Freedom of Information Act. What are your communications with this company that seems to be writing your letters for you?

What he said to us was—he stonewalled: I can't get those things to you.

Well, thank God a judge in Oklahoma has now ordered him to release it, calling a failure to do so an abject failure.

Well, great, we are going to see the letters to understand what kind of cooperation or even collusion he had with these companies, but we are going to see them too late because the vote is tomorrow. We are going to get that information a day, 2 days, a few days too late.

So here is someone who says his job, as attorney general, was to represent the welfare of children and families. Here we have a State with a crisis in air quality, a crisis in asthma, and where the EPA is working to do something about air quality in the State, and he is coming to conclusions that we don't know if they are his or not, but we know there are industries that do not want to change their practices at all and want to continue to pollute the air.

Whose side is Scott Pruitt on—the side of the children in his State, 1 out of every 10 who has asthma, or of Devon Energy? And we want to put him in charge of the EPA, without even having a thorough understanding of what his relationship was with these companies.

Well, my colleague did his own exhaustive research about the campaign

funding he had received and more support from companies like this, and it creates an implication. Well, let's get to the bottom of what is happening. Let's see the emails before we vote. What do these say to these corporations?

I asked him: He allowed polluting companies to write emails to the EPA on his letterhead; did he let any children with asthma or their parents write letters that he then just put on his letterhead—people who were suffering from the poor air quality?

Later, the director of government relations at Devon Energy emailed Mr. Pruitt's office—this, we do know—to express gratitude to the attorney general for sending the letter.

Beyond this note of thanks, there were other clear benefits of this type of behavior for Mr. Pruitt. Energy industry lobbyists and executives worked tirelessly to help Mr. Pruitt raise his profile as president of the Republican Attorneys General Association. As president of this nationwide group, Mr. Pruitt set up something called the Rule of Law Defense Fund, a super PAC that allowed corporations benefiting from the actions of Mr. Pruitt and other Republican attorneys general to make unlimited and anonymous donations. This super PAC raised \$16 million in essentially untraceable fundraising in 2014 alone.

Companies were partnering with him to fight the EPA in its efforts to fight for cleaner air in a State with children struggling from widespread asthma challenges. This would be bad enough, but this in many ways is only the beginning of Mr. Pruitt's collaborations with air polluting corporations. Scott Pruitt filed two lawsuits challenging the EPA mercury and air toxics standards.

So the EPA is working to clean up mercury. He filed lawsuits against the EPA to stop them. These were the first Federal standards to require powerplants to limit their emissions of such toxic air pollutants. The EPA's final rule set standards for known hazardous air pollutants emitted by coal- and oil-fired powerplants above a certain generating capacity.

This rule sought to limit Americans' exposure to airborne toxics like mercury. Mercury in the air settles on the surfaces of water and land where rain washes it further into surface water. Once in the water, mercury is converted to a toxic chemical called methylmercury, and this accumulates in increasing levels up the aquatic food chain. It is one of the reasons that doctors often will advise pregnant women not to eat certain fish because of the high mercury content. Why is there a high mercury content in some of those fish? This is the reason: mercury spewing out into our air, coming down and settling on land and water, getting into our waterways, and working its way up the aquatic chain, ultimately getting into our food.

Humans, especially young children and pregnant women, are vulnerable to

mercury exposure from consuming contaminated fish or shellfish. This is a tragedy. Over 400,000 newborns are affected by mercury pollution each year in the United States—400,000 of our children, the greatest hope for our country, 400,000 children affected by mercury pollution each year in the United States.

What does mercury exposure do? It damages the brain, heart, kidneys, lungs, and it damages the immune system of people of all ages but, again, particularly vulnerable populations. It is a horrific toxin. This is not an argument. It is scientifically clear that the largest source of mercury air emissions are our power companies. It doesn't mean we want to shut the powerplants down; it doesn't mean we want to stop them. We want to take measures to remove the mercury emissions.

So what happened in the State of Oklahoma to hundreds of thousands of our children? What happened in the State of Oklahoma? The man who was on the job—he told the U.S. Senate that his job was protecting the welfare of the people. What Mr. Pruitt did is attack the EPA. He said that they lacked the legal authority to regulate powerplant mercury emissions and other hazardous pollutants under the mercury and air toxics standards. He did not do this once; he did it twice. When the EPA moved under the mandate they had, he tried to stop them twice.

He went even further than that because he apparently doesn't even believe that mercury is toxic to humans. In his challenge to the EPA's mercury rule, this is what he wrote: "The record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

Reading this was astonishing to me. This was written by someone whom we want to put in charge of the Environmental Protection Agency? I am sure that even his family was told not to eat certain fish because of mercury. It is astonishing to me that he would say that "the record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

Mercury is a scientifically proven, well documented, deadly neurotoxin, and the person we are about to elevate to head the Environmental Protection Agency when he had the chance to fight to protect people from mercury not only fought to stop efforts to restrain mercury being put into the air and into our water, he went as far as to say: Hey, this stuff isn't so bad.

While he was focused on attacking these mercury standards and denying its status as a toxic metal, the number of lakes in Oklahoma with mercury-related fish consumption advisories has doubled since 2010. Think about this. The attorney general, in charge of protecting people, has the Federal EPA saying: Hey, you have a problem here. Let's address it. The mercury levels in your lakes have doubled since 2010. The scientists and experts in your State are

releasing advisories to your community that state: Don't eat the fish from Oklahoma's lakes. His response is to fight against efforts to clean that up in support of those industries, as we are finding out, that are pumping money into his super PAC.

If I lived in a community and I lived next to a river that had deadly toxins in it—I have spent my entire professional career as a city councilman, as a mayor, and now here to fight to clean the Passaic River. I swore an oath to defend people. I am fighting for them.

What did Pruitt do when he had a shot to be there for the people who were living by lakes that literally had a doubling of the advisories about fish consumption? What did he do? Did he stand for the people or the polluters? What did he do? It is clear what he did. He stood with the polluters.

But there is more. Scott Pruitt filed a lawsuit challenging EPA's 2015 national ambient air quality standards for ozone. The Clean Air Act required the EPA to set national ambient air quality standards for air pollutants considered harmful to the public health and the environment.

Under this authority in 2015, the EPA strengthened the standards for ground-level ozone from 75 to 70 parts per billion, based on substantial scientific evidence about ozone levels on health. This updated ozone standard improved public health protections, particularly for children, older adults, and people who suffer from lung diseases like asthma. The new standard will prevent hundreds of thousands of asthma attacks. This is not rhetoric; this is scientifically based. The reductions will save hundreds of thousands of asthma attacks.

As already stated, Oklahomans have some of the highest incidence of asthma in our country. But like the mercury contamination in the lakes, this excessive asthma rate did not stop Scott Pruitt from trying to block EPA from regulating harmful air pollutants under the national ambient air quality standards. So this is Scott Pruitt.

The list goes on and on and on, of his attacks on the environment, of his doing the bidding of the polluting corporations, of literally taking his letterhead and taking their letters and putting them on his letterhead and using that, not his own research, not his own interviews with scientists, not his work connecting to people with asthma—which, unfortunately, in his State with one of the highest asthma rates isn't hard to find—not talking to the people who were in his State releasing advisories not to eat the fish because of increased mercury content. What he did was the bidding of the polluting industries, and he sued the EPA again and again and again and again and again.

The EPA estimated in 2015 on their regional haze rule—this is the Agency he is about to take over—that implementing the rule would prevent 1,600 premature deaths, 2,200 nonfatal heart

attacks, 960 hospital admissions, and over 1 million lost schooldays and workdays. That is the EPA's estimate on one rule, the regional haze rule.

Think about that. He is going to lead an Agency where the scientists in that Agency are going to be telling him: Hey, this rule that you fought against is going to save lives. What is his response going to be?

Can we as Americans trust that he is going to run an Agency where he relies on science or is he going to run an Agency where he relies on polluting industries to give him advice on what he should do? If he relies on them, there will be 1,600 more premature deaths, 2,200 nonfatal heart attacks, 960 more hospitalizations. We will suffer. People will suffer.

Scott Pruitt also filed a lawsuit challenging the EPA cross-state air pollution rule. This rule tightens limits on the amount of sulfur dioxide and nitrogen oxide pollution that powerplants in 28 States in the eastern United States are allowed to emit. Once in the air, this pollution drifts across state borders, meaning that States that had no role in contributing to the pollution suffer the repercussions. It is this type of interstate pollution that EPA is especially well positioned to address.

Further solidifying his stance as a staunch opponent of climate action, he filed four lawsuits. He filed four lawsuits challenging the EPA Clean Power Plan. He also sued the EPA to challenge the Clean Air Act 111(b) standards for carbon dioxide emissions from new powerplants. And in all those lawsuits except one, Scott Pruitt joined with the polluting companies that were also suing the EPA.

So amidst all this in the confirmation hearing, I asked Scott Pruitt, given all those lawsuits he had filed with the polluters against the EPA to block the EPA from reducing air pollution—he had even filed one lawsuit on behalf—he literally was advocating for polluting industries to the point where he was even using their letter on his letterhead to make his point. So my question was, in all this fighting against the EPA, all of this, using their words, using their facts, not the scientists in your community, not the scientists telling you about the mercury in the lakes and the fish that you shouldn't eat and one of the highest asthma rates in the Nation, I asked him: Have you ever filed at least one lawsuit on behalf of those 111,000 children in your State with asthma? Have you filed one lawsuit on their behalf to try to reduce the air pollution and help those kids? Have you ever filed one lawsuit as attorney general of the State? And his answer was no.

Had he ever tried as Oklahoma attorney general to take any action—any action to help those children who struggle with asthma? What reason did Mr. Pruitt give for failing to even try? Mr. Pruitt stated that he lacked the statutory authority to file that type of legal action.

Let's think about that for a minute. Again, it doesn't take a law degree to understand the problems with that statement. You see, Scott Pruitt was more aggressive than any other attorney general in our country's history in suing the EPA, often using completely novel theories in court that lost—novel theories that lost. He was trying to find all kinds of ways on behalf of polluting industries to stop the EPA and thought of using creative legal approaches for doing it. Yet, when it came to the children in his State, 111,000 children suffering from asthma, one of the highest rates in our country, could he think of one novel thing to do on their behalf? Did he file one lawsuit to try to help those children? No, he claimed he lacked the legal authority.

What Scott Pruitt lacked was not legal authority. What I believe he lacked was any interest in trying to truly help those kids, to stand up for people against polluters. Those sick children were not powerful. They didn't have millions of dollars for a super PAC. They couldn't make campaign contributions. It seems, when it comes to their advocacy, that they were not important enough for him to even try.

When Mr. Pruitt was questioned by a reporter on his practice of letting polluting companies write letters challenging EPA regulations, which he then copied onto his official attorney general letterhead and he then sent, this is what Scott Pruitt said. This is his defense for letting polluting companies write letters that he put on his letterhead and then sent off to the EPA, advocating for them: "That is actually called representative government in my view of the world."

That is, simply, not an acceptable world view for the head of the Environmental Protection Agency. His view of representative government isn't any one of those 111,000 children. His idea of representative government isn't a family living next to a lake from where they are advised not to eat the fish anymore. His idea of representative government isn't pregnant mothers who are worried about eating fish that are caught in the State. His idea of representative government is giving voice to the polluters—to the powerful, money-laden interests—and not to those of the people.

If Scott Pruitt wants to be the EPA Administrator, we as Americans should insist that we have transparency into what he did in his work beforehand—what he did on air quality, which I just went through. But the truth of the matter is that it is the same story for water pollution in the State, and it is the same story for other health and safety issues that the EPA was doing.

I conclude by saying that it is unfortunate that, at a time when we are finally going to get transparency into Scott Pruitt and what he has been doing as attorney general, after his stonewalling week after week, month after month, saying he wasn't going to release these records—by the way, the

person in charge of enforcing Oklahoma's Freedom of Information Act is the attorney general. So it is kind of ironic that the attorney general was refusing to enforce them himself—the laws that public officials have to abide by in the State. It finally took a judge to order him to release that transparency. Now we are going to get these letters and see more about his connections to polluting companies—what kind of potential collusion went on and what conversations went on. Was he fundraising even from his official capacity? What was happening?

Alone, that is unfortunate that we are not, at least, postponing this vote until we get transparency in the Senate. Our role, as spelled out by the Constitution, is to advise and consent the President on these choices, and we are about to vote on somebody on whom we don't have full transparency to give advice.

The final point is that here is someone who is going to be the head of an agency that was started under the Nixon administration that is focused on protecting the health and safety of Americans, and he has demonstrated in no way his commitment to doing that—that he is putting people first. More than that, he has the ability to pull back these regulations that he himself has been fighting and that the scientists are saying will literally save lives.

It is not just what he will do. It is what he won't do in that job that is so threatening and so potentially devastating to families and communities like the one he is coming from. I cannot support someone who denies climate change, someone who clearly prioritizes polluting companies over people, someone who has spent his career in not protecting folks but in fighting the EPA.

I end where I began, with this Nation's ideals of life, liberty, and the pursuit of happiness. I would hope that an EPA Administrator, regardless of party, would understand the sanctity of those ideals and those aspirations. This person is clearly, clearly not someone who will support the common good but narrow interests to the detriment of, not just of his State, not just of our United States, but to the detriment of our children's future and of the future of the very planet.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I just want to follow up on what Senator BOOKER has been talking about.

This is a historic nomination tonight. This reminds the country so much of James Watt being nominated in 1981 to be the Secretary of the Interior. That turned out disastrously. He had to resign. This reminds the Nation of the nomination of Anne Gorsuch, in 1981, as the head of the EPA. That ended disastrously. She had to resign.

We are just repeating history here today as we are going through the very

same stages of an administration—a radical rightwing, anti-environmental administration—that is trying to dismantle environmental laws across our country. It did not end well back then, and this will not end well. Scott Pruitt, as attorney general of the State of Oklahoma, has not demonstrated the qualities that are going to be necessary in order to protect the environment of our country.

Today, many of us recognized a day without an immigrants. Businesses across the country closed, students did not attend classes, and workers did not head to their jobs—in protest. In my own home State of Massachusetts, the museum at Wellesley College took down all of the works of art that were created and donated by immigrants. Bare walls, empty desks, shuttered restaurants—all of these things—show us just how essential, how fundamental immigrants are to our economy and to the very fabric of our Nation.

Now imagine if tomorrow we recognized a day without the Environmental Protection Agency. Imagine that—with no Environmental Protection Agency; no Clean Air Act enforcement; no clean water rule enforcement; no one to clean up abandoned Superfund and toxic waste sites; more climate change; more kids with asthma; more rivers with toxins running through them; more families with cancer; more environmental injustice for communities of color because it is those communities, the most vulnerable communities, that will suffer the worst consequences on a day without the EPA.

If Scott Pruitt has his way, it won't just be a day without the EPA. It could be a nation without the EPA. That is what Scott Pruitt wants. That is what congressional Republicans want. That is what Donald Trump wants—no more clean air and water protections, no more pollution controls, no more environmental justice. That is Scott Pruitt's favorite day. That is Scott Pruitt's EPA.

That is why we are out here tonight. We are out here tonight to begin this warning to the country that there is trouble brewing if Scott Pruitt is, in fact, confirmed as the next head of the Environmental Protection Agency.

What is it that we can look forward to?

The oil, the gas, the coal industries opposed many of the Obama administration's commonsense protections for our air, for our water, for our climate.

One by one, Republicans in Congress are working to legislatively overturn many of those protections. They now have twice deployed a very rarely used procedural tool known as the Congressional Review Act to benefit the coal, the oil, the gas industries by rolling back environmental protections. Republicans are planning to use the Congressional Review Act to hand out even more giveaways to the fossil fuel industries in the coming weeks.

You can pick any industry you want—coal, oil, mining, timber, graz-

ing. You go through, and no matter how you spin it on the Republican “Wheel of Giveaways,” some industry gets a big giveaway. They are trying to decide right now what is the next one they will bring out here that waters down the protections that the American people need in each and every one of these areas. But don't question for a second if that is what this whole year is going to be about. Just take oil. There will be big tax breaks for oil coming very, very soon—like they need it. The same thing is going to be true in area after area. We have our helpful tool here, the GOP “Wheel of Giveaways,” to help viewers at home keep track of which industries the Republicans are making the weekly winners.

Now, by nominating Scott Pruitt to head the EPA, President Trump and Senate Republicans have found their new host for this great Republican show—the “Wheel of Giveaways”—and that will be Scott Pruitt, attorney general of Oklahoma, because Scott Pruitt has already made a career of handing out prizes to the fossil fuel industry in our country.

As attorney general of Oklahoma, he sued to block the EPA from restricting toxic mercury pollution from powerplants in order to benefit the coal industry—that is right—blocking protections from mercury that could affect the lungs of children in his own State and, ultimately, across the whole country.

Then, as attorney general of Oklahoma, he questioned the EPA's estimate of air pollution from new natural gas wells in Oklahoma. By doing that, he took natural gas and oil, and he made sure that would, as well, be something that wasn't subject to the types of regulations that were necessary in order to protect the public health and safety.

Then he moved on, as attorney general of Oklahoma, to push for a rollback of protections of our Nation's waterways to the benefit of corporate polluters. Corporate polluters love to use the waterways of our country as one big sewer. Why do you have to store that dirty water? Why do you have to make sure that it is just not put in some safe place when you can just use rivers? Just dump all of that garbage right in the river. Put all of that pollution right in the river. Who cares what impact it has upon families? Who cares what impact it has upon children?

So, again, this “Wheel of Giveaways” is really a way to ensure that the polluting industries don't have to pay to clean up the messes they create, just pass it on to innocent families, because with Scott Pruitt as the new host of the Republican “Wheel of Giveaways,” we know who will always win every time, every week, during all 4 years of the Trump administration. It will always be the oil industry, the natural gas industry, the coal industry, the polluters of all stripes that otherwise the EPA would be regulating and protecting the public health and safety of our country.

It is going to ultimately be those American families who are left to lose protections which for generations we have fought to put on the books in order to ensure that we increase life expectancy and reduce exposure to asthma and other diseases that otherwise, because of these polluting companies, are going to be visited upon hundreds of thousands and millions of families within our country.

When we think about this whole issue of the environment, many times we say: Well, the Republicans—the coal industry, they say there is a War on Coal in the United States of America, an absolute war, a war out there to destroy the industry. However, upon closer examination, it turns out that it is the free market that has been working to replace coal with other sources of energy.

A decade ago—here are the numbers—50 percent of all electricity in the United States came from coal; now it is down to 30 percent of all electricity in our country. What has replaced coal? Well, the free market has actually substituted natural gas, which has grown from a little over 20 percent of U.S. electrical generation a decade ago to 35 percent of all electricity in our country right now. And coal has been replaced by clean energy—by wind, which has grown to 5 to 6 percent of our generation from almost nothing, and solar, which is up to 1 percent of all of our electrical generation. And between wind and solar, there are additions of 1.5 percent every single year between those two sources, to renewable electrical generation capacity in our country. So we can see that every year that goes by—over a 15-year period, for example, that would be 22 percent of all electricity would be wind and solar if we just keep on the current pace.

From the coal industry's perspective, that is terrible. That is a War on Coal, what natural gas is doing, what wind and solar are doing. But the reality is that they are losing it in the marketplace. ADAM SMITH is spinning in his grave—so quickly, by the way, that he would actually probably qualify as a new source of energy. So the Republican complaint is that the free market is killing coal; it is a war. It is capitalism, actually, and it is working. So the only way they can stop it, the only way they can slow it down, is to get somebody like Scott Pruitt to be the new head of the Environmental Protection Agency. This isn't a conspiracy; it is actually a competition, and the competition for those clean energy jobs is global.

Back in the 1990s, I was the author of a law that moved over 200 megahertz of spectrum. In 1993 in America, the average phone that was wireless was the size of a brick. It looked like the phone Gordon Gekko had in the movie "Wall Street." People didn't have one. It cost 50 cents a minute. But I was able to move over 200 megahertz of spectrum in 1993, and four new companies were able to compete. They both went dig-

ital, and by 1996, this is what people had in their pocket—under 10 cents a minute, and all of a sudden everyone had this phone. It just killed that phone that was the size of a brick.

But then another remarkable thing happened. Within 8 or 10 more years, there was a guy out in Silicon Valley, and he came up with an idea for an iPhone, and that revolution just kept moving because we had opened it up to competition.

You can imagine there were devotees to the black rotary dial phone who kept saying: Oh my goodness, it is a war on the black rotary dial phone, all of these new devices. But it wasn't. It was just technology. It was a revolution. It was capitalism, and it had finally been opened to that competition after 100 years.

Well, that is what has happened in electrical generation. We finally have passed laws that open it up to competition. It is not a secret. And the only way to shut it down is to have someone like Scott Pruitt as the head of the EPA because then, all of a sudden, you can have an EPA chief who says: We are not going to have any new rules on climate change. We are not going to have any more rules that reduce the amount of pollution that goes up into the atmosphere. We are not going to have any more rules that ensure that President Obama's Clean Power Plan is implemented in our country, which would again telescope the timeframe that it would take in order to deploy these massive amounts of new renewable electricity sources in our country and expedite the pace at which natural gas resources get deployed in our country.

So that is really what this is all about. It is a special interest giveaway—pick your industry. How do we protect it? How do we make sure we don't move beyond the 20th century? How do we not have this incredible green generation be able to invent the new energy technologies of this century, the same way that they invented the new telecommunications technologies at the end of the 20th century? How do we stop them? Well, you have to really find people who are willfully committed to it.

Let's go to Scott Pruitt. Scott Pruitt, as the attorney general of Oklahoma, unbelievably sued the EPA 19 times. Now, what attorney general sues the EPA 19 times? Well, let's look at the subjects he sued on—clean air, clean water, soot, mercury, haze. It is almost like a laundry list of the dirtiest issues that America would want us to have an Environmental Protection Agency working on. And he sued over and over and over again. And even as he is being considered for confirmation, after I questioned him in the hearing, saying: Will you recuse yourself from any consideration of any issue that you have already sued the agency on that is still pending, he said he would not recuse himself.

So I said to Mr. Pruitt in that hearing: Well, if you don't recuse yourself

and you still have eight pending cases, that will make you the plaintiff, the defendant, the judge, and the jury on these matters that are at the heart of the clean air, clean water agenda that the American people want to see implemented in the 21st century.

What was he doing in Oklahoma? What was he trying to accomplish? Well, I decided to ask Mr. Pruitt some questions.

Question No. 1: I asked Mr. Pruitt to describe the actions he took as Oklahoma's attorney general to enforce the State's environmental laws. His response: He told me to go file an open records request.

Secondly, I asked Mr. Pruitt how much of the budget he controlled as attorney general did he devote to Oklahoma's Office of Environmental Enforcement. Do you know what he told me? He said: Go file an open records request.

No. 3: I asked Mr. Pruitt how many individuals he employed in the Office of Environmental Enforcement. Do you know what his answer was? You are asking for too much information. Go file an open records request.

No. 4: I learned that Mr. Pruitt had hired one of his campaign contributors to sue the EPA, so I asked him to show me the contract. And do you know what he told me? You are right. You guessed it. He told me to go file an open records request.

So his answer to me over and over again was go FOIA yourself. But that is not a sufficient answer to a Member of Congress because we actually get the right to ask for critical information on the environmental records of those who are applying for the job of chief environmental protector of our country. And if you are looking for evidence to convict Scott Pruitt on the charge of protecting public health and the environment, he is unwilling to give it to you.

During his confirmation hearing, we heard a lot about Scott Pruitt respecting States' rights. Scott Pruitt's record shows that he is in favor of States' rights but only when it is good for the State of Oklahoma and the oil industry of Oklahoma. When I asked him about protecting the rights of States like California and Massachusetts to do more to protect their environment, he declined to support their rights to do that for their States.

So under Scott Pruitt, EPA is going to turn into Every Polluter's Ally. He won't be there as the cop on the beat to ensure that those protections are in place to ensure that every American—all 320 million—is given the protections they need. No. It will no longer be an Agency that is a watchdog for the environment; this is an Agency that is going to be a lap dog for polluters across our country. And if that is the case, then we are going to see a rollback in the health, the safety of those protections that all Americans have come to expect in the area of the environment.

When we raised the issues of his conflict of interest in the committee, we received unsatisfactory answers. When we raised the issues of providing us the information we were going to need in order to fully understand his complete record, we were not given the answers we need.

Now let me once again come back to 1981 and 1982. What did James Watt do at the Department of Interior? Well, he wound up selling off for bargain-basement prices the coal resources in the Powder River Basin in Wyoming. It was a scandal of massive proportion. It led to his resignation. It was avoidable but predictable because he made very clear what his attitude was about all of these resources.

The same thing was true over at the EPA with Anne Gorsuch. It was an Agency that the Reagan administration, in actual reports, said that the goal of the EPA Administrator would be to bring the Agency to its knees—to its knees—and that became the goal during the Gorsuch time at the EPA. So another resignation.

We have here with Scott Pruitt someone who has the same agenda, the same goals, and the same unfortunate allies to accomplish those goals.

So I am going to continue, along with my colleagues, for the rest of the evening to bring this case to the American people. We believe this is a preview of coming attractions. We want America to know who Scott Pruitt is because when he begins to take action in March, in April, and in May, if he is confirmed, then they will know who he is very simply because everything we are saying tonight is going to be a preview of those coming attractions.

So at this point, I reserve the remainder of my time.

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. MARKEY. 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. MARKEY. Mr. President, earlier today I spoke on the floor about Oklahoma attorney general Scott Pruitt and his nomination to lead the Environmental Protection Agency. Since that time, an Oklahoma judge has now ruled that Scott Pruitt must comply with a 2-year-old request to release email correspondence between the attorney general's office and fossil fuel companies, like oil company Devon Energy and coal company Murray Energy.

After an over 2-year struggle, these communications will finally come to light starting next Tuesday, but the Senate is due to vote on Scott Pruitt's nomination tomorrow afternoon, Friday, at 1 p.m. Now, that smells to the high heavens. The American people in the Senate have a right to know what is in all of those emails that have finally been ordered to be released by a

court. Instead, what the Republican leadership is going to do is rush to judgment, forcing Members of the Senate to vote on this confirmation without knowing what is in all of these emails that have been subject to litigation for the last 2 years.

Now, it is a little bit fishy because Republicans have been obsessed with emails for over 2 years. They have spent millions of dollars on attempts to gain access to emails during the Presidential campaign, but now they are denying the Senate and the American public the right to examine Scott Pruitt's emails. That, again, is not OK. The only thing Senate Republicans seem to want to deny more than climate change is the right of Senators to review these 3,000 emails. That, again, is not OK. So we are going to be in a very funny situation at 1 tomorrow afternoon. The emails are on the way. We are going to find out what was in all of those emails. We are going to find out what kind of correspondence Attorney General Pruitt had with all of these different entities with which he was communicating, but the Senators will not have it for a basis of casting a vote.

Now, maybe it is benign, but maybe it is not. Maybe that is why this vote is being rushed. It is being rushed so the Senators don't know what is in there; that they are blind as they vote. Then, as each email becomes public, as each new revelation becomes public in the weeks and months ahead, people are going to look back at this body and they are going to say: Why could you not wait just another week so Senators could know what was in those emails? I think there is a reason why many people have arched eyebrows that are going up so high that it would hit the roof a ceiling. There is a reason to be skeptical that something is happening here that is meant to be a rush to judgment to avoid all of the evidence being placed in front of the Senators and the American people in terms of his nomination.

Members of the faith community are weighing in as well. They have opposed Mr. Pruitt's nomination. I want to read portions of a letter that the bishops of the Episcopal Church of Massachusetts sent to President Trump:

The Episcopal Church stands strongly for the protection of the environment. We respect the facts of science. We support the laws and policies that address the reality of climate change.

Our respect for our government leaders and our reverence for the earth as God's creation impel us to write you to express our dismay about your selection of Scott Pruitt to head the Environmental Protection Agency.

These are the bishops of the Episcopal Church of Massachusetts. They continue:

We wonder why a person who has consistently and adamantly opposed all laws and policies that provide even minimal "protection" to the environment should be entrusted with leading such an agency.

President-elect Trump, you have promised economic development. Like you, we value a

stable and prosperous economy. However, a thriving economy depends on a healthy environment. The more we weaken and dismantle the E.P.A.'s vital protections of our natural world, the more we threaten the common good.

You have also promised to strengthen our national defense. Like you, we value national security. However, our country's top military intelligence have concluded that climate change is a "threat multiplier" that is already creating instability around the world and will likely create significant security challenges in the years ahead. If someone who casts doubt on the reality of climate change becomes the head of the E.P.A., our national security will be compromised.

As citizens of this beloved country, we intend to write our members of Congress, urging them to block the nomination of Scott Pruitt to lead the E.P.A. We will pray for a better choice.

The letter is signed by the following faith leaders: Right Reverend Douglas J. Fisher, Bishop Diocesan of Western Massachusetts; the Right Reverend Alan M. Gates, Bishop Diocesan of Massachusetts; the Right Reverend Gayle Harris, Bishop Suffragan of Massachusetts; the Right Reverend Barbara C. Harris, Bishop Suffragan of Massachusetts; the Right Reverend Roy F. Cederholm, Bishop Suffragan of Massachusetts.

The reality is, this is not just a question of these Episcopal bishops, but Pope Francis came to the Congress just last year and preached a sermon on the Hill, saying the planet is dangerously warming, human activity is causing it, and we have a moral responsibility to take action as Americans, as the House and Senate, a moral responsibility to protect this planet that God created and those who are the poorest and most vulnerable who will be most exposed.

This is a moral issue of the highest magnitude. The leaders of religions all across our country are praying for us, begging us to do something in order to protect this planet. Scott Pruitt does not intend on taking those actions.

Mr. President, 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. MARKEY. 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. MARKEY. Mr. President, I want to continue on the subject that I was just referencing. This is a story from Oklahoma that is on the wires right now across the country.

Headline: "Judge orders Oklahoma Attorney General Scott Pruitt to release emails related to fossil fuel industry."

Let me read a little bit of this news story. This is Oklahoma City.

A judge has ruled that Americans have a right to know how much of a relationship Oklahoma Attorney General Scott Pruitt has with oil and gas leaders before becoming the head of the Environmental Protection Agency.

For years, Pruitt has been an outspoken adversary of the EPA and is currently suing the agency.

In December, President Donald Trump selected Pruitt to lead the agency despite concerns from lawmakers.

A 2014 New York Times report claimed that Pruitt's ties to Devon Energy Corporation directly influenced decisions he made while in office in Oklahoma.

Through open records requests, the New York Times obtained a letter written by Devon's attorneys, which was then taken to Pruitt.

The article states, "The attorney general's staff had taken Devon's draft, copied it onto state government stationery with only a few word changes, and sent it to Washington with the attorney general's signature."

In 2014, KFOR asked for a comment to the allegations, but received a statement focusing on the benefits of the oil industry. . . . Six Senators from the Senate Environment and Public Works Committee asked Pruitt to list his connections to energy companies so they can decide whether those interactions will affect how he will run the EPA. . . . The Center for Media and Democracy filed nine open records requests with the AG's office, beginning in January 2015.

"Probably the largest request we have is for communication: emails, phone calls, [and] scheduling related to his involvement with various energy companies, as well as his involvement with the republican attorney general's association," attorney Blake Lawrence said.

The group alleges that Pruitt received nearly \$350,000 in campaign contributions from the fossil fuel industry. They want his dealings with those in the industry made public—and soon.

"Just last week our office contacted the Center for Media and Democracy to notify them that release of their request was imminent. The fact that they have now filed suit despite our ongoing communications demonstrates that this is nothing more than political theater," AG spokesman Lincoln Ferguson said in a statement.

According to the Hill, Democrats asked Pruitt for the documents as part of his confirmation hearing, but he declined. Instead, he told them to file public records requests themselves.

Now, a judge has ordered the Oklahoma Attorney General's Office to turn over close to 3,000 documents related to Pruitt's communications with oil, gas, and coal companies, according to E&E News.

Pruitt's office has until Tuesday to release the emails, but his confirmation vote was originally believed to be held Friday, Feb. 17.

Meaning today, in 5 more minutes.

"Scott Pruitt and Senate Republicans have made a mockery of the confirmation process, permitting the nominee to escape scrutiny and hide his deep ties to the fossil fuel industry. What is he hiding in all of these emails? The vote to confirm Pruitt must now be delayed until every senator can see just who Pruitt is and what he will do if permitted to run the EPA," a statement from the Sierra Club read.

That is where we are right now, ladies and gentlemen. We are 6 minutes to midnight on Thursday night. The vote is now scheduled in 13 hours 5 minutes here on the Senate floor.

These emails are going to be released next Tuesday so there can be a public examination of them, to finally determine what is the relationship between Scott Pruitt and these industries that he will be given responsibility to regulate.

What are they hiding? Why are they rushing? Why will they not give the

American people the ability to find out what is inside these emails before there is a vote on the Senate floor? Because once that vote takes place, he will be the head of EPA, and then we will find out what conflicts may exist, what relationships may exist, what decisions had been made. But, no, the Senate leadership will not give the American people the respect they deserve to ensure that all of that information is out for public viewing so they can make an informed judgment as to the exact nature of the relationships between this nominee for the EPA and industries that he has had responsibility for regulating in Oklahoma and he will have responsibility for regulating as the head of the national Environmental Protection Agency.

It is an absolutely unacceptable policy to know that critical information that makes it possible for the public and the Senate to understand a candidate for such a powerful office is to be available and yet not in fact considered as part of this historic decision.

For me, it is a "March of Folly." It is just another example of how the Republican Party, the GOP, has become the gas and oil party. That is really what it stands for now, just committed to ensuring that they cover up what is in these emails. They don't give the public the chance to be able to understand what these potentially explosive relationships may be so the Senate can deliberate fully on whether Mr. Pruitt does in fact qualify to be an impartial head of the Environmental Protection Agency of our country and ultimately of the world because the world looks to us to determine where climate change is going, where environmental protections are going, not just for our own citizens but for theirs as well. What we do is replicated inevitably, intricately in the rest of the world.

This man will have one of the most powerful positions on the planet. Emails are available right now if we just wait to help us in our deliberation. It is really a tragedy. It is a sad commentary upon this institution that rather than just delaying, examining, and then giving the public the information they need in the Senate, instead we rush to judgment. We rush to judgment, but ultimately the judgment of history is going to be on us if it is determined, through these emails, that Mr. Pruitt is unqualified for this position; that the conflicts which he has had disqualify him for this position; that the emails disclosed to us the conflicts of interest that are going to ultimately impair his ability to be impartial in his regulation of clean air and clean water and mercury and haze and soot and smog and this whole litany of issues that go right to the public health and safety of every American.

From my perspective, it is a sad day in the Senate when the information is now available, a brief delay would make it possible for each Senator to be able to make an informed decision, and yet the Senate moves on, not waiting,

not listening, not willing to give the American public the information they will need to make an informed decision that they can then give to their Senators to make a wise decision that could lead to much stronger protections that they can receive from this critical Agency that is the overseer of the environment in our country.

Again, I oppose Mr. Pruitt's nomination. I would ask for a delay. I know it is not going to happen. I understand why, but it is a sad day in the history of the Senate.

Mr. President, I wish to reclaim the remainder of my time and yield the floor.

MORNING BUSINESS

COMMITTEE ON RULES AND ADMINISTRATION

RULES OF PROCEDURE

Mr. SHELBY. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator KLOBUCHAR, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

MEETINGS OF THE COMMITTEE

Rule 1. The regular meeting date of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR-301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

Rule 2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (a) through (f) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a

clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

Rule 3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

Rule 4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

Rule 5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

Rule 6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

Rule 7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

QUORUMS

Rule 8. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

Rule 9. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

Rule 10. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

Rule 11. Under no circumstances may proxies be considered for the establishment of a quorum.

VOTING

Rule 12. Voting in the committee on any issue will normally be by voice vote.

Rule 13. If a third of the Members present so demand a roll call vote instead of a voice vote, a record la vote will be taken on any question by roll call.

Rule 14. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

Rule 15. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

AMENDMENTS

Rule 16. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

Rule 17. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Rule 16 shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

Rule 18. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

Rule 19. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

Rule 20. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

Rule 21. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

Rule 22. The Chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

Rule 23. The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule

or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, today I wish to celebrate Black History Month, a time to honor and reflect on the many achievements and sacrifices of African Americans throughout our Nation's history.

This February, we highlight the titans of African-American history. We honor the culture-shifting accomplishments of civil rights icons such as Dr. Martin Luther King, Jr., Dr. Dorothy Height, and our esteemed colleague, Congressman JOHN LEWIS.

As the senior Senator from Maryland, I would be remiss if I didn't also honor Harriet Tubman, Thurgood Marshall, and—perhaps one of the greatest Marylanders in our long history—Frederick Douglass. There are some out there who may not know it, but Douglass was born in Maryland around 1818. He learned to read and write in Baltimore before escaping slavery. Despite unknowable hardship and systemic discrimination, he went on to become one of the most influential writers, orators, publishers, and abolitionists of his time. Though Douglass fiercely and vocally opposed slavery, he would want us to remember that he stood for the rights of all Americans, regardless of race, color, religion, gender, or national origin. These views—revolutionary for the time—gained him increasing prominence, leading to 1872, when Victoria Woodhull chose him as her Vice Presidential nominee.

Frederick Douglass was the first Black American ever to hold that title. His legacy continues to make Maryland proud.

While we take time to recognize Frederick Douglass and others this month, we must also celebrate the countless men and women whose names and heroism will never grace the history books. Let us never forget all of those who suffered discrimination in silence, who endured civil rights abuses without recognition, who sat-in and stood up to oppression without accolade. We should use this month to lift up their memories and to recommit to the causes of justice and equality for which they also fought so diligently.

In particular, we should honor the Black teachers who taught generations of children in the dark, against the odds and sometimes the law, with little more than old, secondhand books and makeshift buildings. We honor the businessowners who laid the foundations of the Black community in places like Baltimore, Harlem, Chicago, Washington, DC, and Tulsa. We honor the civil rights movement foot soldiers who rejected subservience and embraced rebellion by marching in the streets of Selma and Birmingham. We honor the factory workers who left the South behind with hopes of a brighter

future, only to struggle in Northern cities for pennies.

For too long, Black Americans' rich and vibrant history has been ignored or obscured by the specter of prejudice. But today, and for the rest of the month, in classrooms and cities across our Nation, we will shine a spotlight on that history.

We will vow to honor it here, now, in the present and in the future, through protecting both the legacy of civil rights and the Americans who are counting on us to uphold them. As lawmakers and as leaders, it is our duty to fight on their behalf. It is our duty to pass laws that will protect all Americans, support all Americans, and defend all Americans, especially those who have been victims of institutional and systemic prejudice.

That is why I introduced the End Racial Profiling Act in 2011. It is incumbent upon every Member in this Chamber to be an advocate for the men and women of color who are singled out every day simply because of their skin color and appearance. These individuals are your constituents. They are my constituents. They are our fellow Americans.

They deserve our commitment and an attention span that lasts longer than 1 month a year.

Discriminatory profiling based on race—or religion or gender identity, nation of origin, sexual orientation—has no place in our society. It is un-American; it is also counterproductive. Racial profiling doesn't keep us safer. To the contrary: it breeds hostility and distrust, and it turns communities against law enforcement and against each other. It wastes resources that our law enforcement agencies can't afford to spend. And the more time we waste targeting Americans because of their race or religion, the less time we are devoting to those who are actually committing crimes or trying to harm us.

My End Racial Profiling Act, which I plan to reintroduce this week, would eliminate this harmful practice and instead offer resources for more police training, mandate greater accountability, and offer recourse for Americans who have been unduly profiled.

Our duty to African Americans does not end there. That is why, as ranking member of the Foreign Relations Committee, I intend to introduce the National Security Diversity and Inclusion Workforce Act, which would codify and build upon President Obama's efforts to diversify our national security workforce. Having a workforce that looks like America is not just good personnel policy, it is also a national security imperative.

Our diversity is one of the strongest assets that the United States has. It allows us to connect and work with different communities and countries across the globe; it helps us to foster the relationships we need to fight terrorism across the globe. And having a diverse set of backgrounds, skills,

knowledge, perspectives, and experiences contributes to better national security decisionmaking. We should lead the world and protect our homeland not just by preaching pluralism and tolerance, but by practicing it.

While we embark on that mission, we should take with us the words of Frederick Douglass: "If there is no struggle, there is no progress." Everyone in this body has a responsibility to be part of the struggle and, through it, to be part of progress. Everyone in this body has a responsibility to embrace struggle, even when it occurs right here on this floor, if it is in the name of progress.

I am talking about protecting the Voting Rights Act. The right to vote is fundamental to every democracy. Every vote counts and must be counted fairly.

I am talking about ending the senseless and discriminatory practice of racial profiling. It is painful that, in 2017, we still need to explain that Americans should not be considered suspects or targets because of the color of their skin.

I am talking about criminal justice reform—and prioritizing criminal justice reform in this Congress.

I am talking about recognizing the incredible contributions of Frederick Douglass, Dorothy Height, Harriet Tubman, Katherine Johnson, Mae Jemison, and others in our public school curricula.

Many Americans would not even recognize their names, and that is a tragic failure on our part to honor Black history.

I am talking about not just talking, but committing to these causes through actions around our States and through legislation right here in this Chamber. Whether through passing my End Racial Profiling Act or my National Security Diversity and Inclusion Workforce Act or any other bills introduced by my colleagues, Black History Month reminds us that we can and must do more. Let us begin by remembering that Black history is American history. Their story is our story. When we celebrate Black pioneers and activists and inventors and artists, we celebrate the diversity and the strength of character that are the reasons we are here today.

SECURITY AND HUMANITARIAN SITUATION IN NORTHEASTERN NIGERIA

Mr. CARDIN. Mr. President, today I wish to shine a spotlight on the dire security and humanitarian situation in northeastern Nigeria and the Lake Chad basin, precipitated by Boko Haram, and to urge the new administration to organize quickly to address it. Nigeria has been referred to as one of the anchor states of sub-Saharan Africa and our bilateral relationship is one of our most important on the continent. It is the most populous country on the continent. It has the biggest economy. It has contributed troops to

regional and U.N. peacekeeping missions for decades and is a major oil-producing country. Nigeria's population is forecast to grow to 400 million by 2050, overtaking the United States and becoming the world's third most populous country. Nigeria's political and economic influence in the region is difficult to overstate, and it will only increase as the population and economy grow.

That is why I joined Senator CORKER in writing to President Obama urging high-level engagement with Nigeria in the wake of the 2015 elections, elections which, while perhaps not perfect, turned out to be a positive story of respect for democracy in the region. For the first time in the nation's history, there was a peaceful transition of power between opposing political parties. Though people feared the worst, Nigerians proved they can be leaders on the continent and in the world. However, for Nigeria to fully realize its enormous promise, it must deal with a range of challenges from rampant corruption, to insecurity and intercommunal violence in the Niger Delta and the Middle Belt, tensions in the southeast, and most immediately the continuing threat Boko Haram poses in northeastern Nigeria and other countries in the Lake Chad basin. It is critical that we help with these efforts.

Since 2010, Boko Haram has devastated northeastern Nigeria. According to the 2016 Global Terrorism Index, Boko Haram has the chilling distinction of being among the deadliest terrorist groups in history, with the second highest death toll from attacks out of all terrorist groups since 2000. In recent years, its attacks have spread to Cameroon, Chad, and Niger. The group, which pledged allegiance to ISIS in 2015 and now calls itself the Islamic State West Africa Province, has killed almost 16,000 people. Thousands of others have died as a result of clashes between the military and Boko Haram. The terrorist group has kidnapped thousands, including nearly 300 girls from Chibok in April 2014. The whereabouts of almost 200 of the girls remains unknown.

Countries in the Lake Chad basin are experiencing what U.N. officials and aid workers have called a forgotten crisis as a result of the terrorist group's activities. Nearly 2 million people have been displaced in Nigeria alone. Two hundred thousand Nigerians have fled across borders as refugees. Eight-and-a-half million people in northeast Nigeria are in need of humanitarian assistance. Nearly 2 million people are estimated to be at risk for starvation. Continued insecurity has prevented aid workers from reaching some areas, so the actual needs may be even greater. Last November, Doctors Without Borders expressed fears that malnutrition could wipe out the under-5 population in parts of Nigeria's Borno state.

In his 2015 inaugural address, President Muhammadu Buhari cited Boko

Haram as the most pressing issue facing his administration, and to his credit, he has taken some action. The command center for counter Boko Haram operations has been relocated to Maiduguri, and Nigerians are coordinating military action with other countries in the Lake Chad basin. However, despite the Nigerian Government's claims, Boko Haram has not been largely defeated, and attacks continue. Just last month, the Nigerian military warned of a horrifying new tactic: women suicide bombers carrying babies in order to evade detection.

The reports of continued attacks are profoundly disturbing. As tempting as it is to focus on a military solution, we must be very wary of falling into the trap of thinking that the scourge of Boko Haram can be overcome through military means alone. It is critical that we continue to encourage and support the Nigerian Government's use of all of all available tools to counter violent extremism in the northeast. The Obama administration engaged former President Goodluck Jonathan on the need to develop a holistic civilian-security focused counterterrorism strategy, one that addresses legitimate political and economic grievances in affected communities, but that approach was never fully embraced.

There has been movement towards a countering violent extremism approach under President Buhari's leadership, and we should continue to encourage Nigerians to do more. One of the most important ways to engender the trust of the population is to provide access to justice for human rights abuses by security forces. After nearly 2 years in office, Buhari has yet to keep commitments to do so. The government created a human rights desk for the national army last year, which I welcome, but the establishment of the desk in and of itself is not enough. The military has made very serious mistakes for which it must be held accountable.

In mid-2015, Amnesty International released a report alleging that the deaths of 8,000 civilians are attributable to the Nigerian military in northeast Nigeria. The report calls for the investigation of specific military commanders who are alleged to have had knowledge of torture, extrajudicial killings, and arbitrary detentions in overcrowded facilities that lead to thousands of deaths. Buhari said he would launch an investigation. However, we have yet to see any one prosecuted, tried, or convicted. The results of a commission of judicial inquiry into the massacre of more than 300 people in the northern city of Zaria in December 2015 were made public last year. The inquiry found that the deaths were a result of excessive force on the part of the Nigerian army. To date, there has been no action on the part of the federal government to hold abusive security forces accountable. Impunity for human rights abuses serves to under-

mine all of the work we are doing to counter violent extremism.

In addition to widespread allegations of extrajudicial killings, there are accusations that the military has stolen humanitarian supplies and sexually exploited and abused those living in camps for internally displaced. And many of those freed from Boko Haram have been kept in internment camps for indefinite amounts of time, subject to a screening process that appears inconsistent and is not transparent. Internally displaced persons have reported that the military and local militia take men and boys seeking refuge in camps for screening and they are never seen again. All of these actions have a deleterious effect on efforts to win the hearts and minds of the communities of the northeast, a critical objective to any strategy to defeat Boko Haram.

Military impunity is why I remain leery of the proposed sale of Super Tucano fighter aircraft to Nigeria. Now is not the time for the United States to focus on the provision of aircraft and heavy munitions, especially in the wake of the Nigerian Airforce's bombing of a camp for IDPs last month that may have killed up to 200 innocent people and injured many more. Make no mistake. I support security assistance provided in compliance with the Leahy laws. But I support assistance that will have an actual impact on the Nigerian military's effectiveness. Lack of airpower or munitions are not its problem. The real impediments to success include poor command and control, insufficient air to ground coordination, impunity for human rights abuses, and little to no experience working with local communities and humanitarian partners. Addressing those issues could have an enormous impact on the ground.

To help Nigeria respond to the challenges in the northeast, I urge the new administration to take three steps immediately. First, increase our overall humanitarian assistance budget. The administration should ensure that the President's budget request for fiscal year 2018 provides increased baseline funding for all foreign assistance programs. Such funding is currently 30 percent lower than it was in fiscal year 2010, and it is critical that we return baseline funding to a normal and sustainable level following several years of inadequate requests. An approach that erodes baseline funding while temporarily substituting emergency funds is not workable if the United States wants to continue to set an example in the world. An increase in the budget will enable us to make a significant pledge at the February 24 donors conference in Oslo. We have been generous, but the scale of the emergency demands that we—and our partners—do more. The United States has always led the international response to emergencies such as these, and we must continue to do so. But we can't get blood from a rock. There is no way we

can provide adequate money to help the traumatized people in Nigeria and other countries of the Lake Chad basin unless we ensure that the budget for humanitarian assistance is robust without relying on transient funding like OCO. I encourage the administration to continue to inform Congress of the status of the humanitarian response, so that we can work as a unified government to help the people of Nigeria overcome the destruction left in the wake of Boko Haram.

Nor can we afford a draconian cut to our contributions to international organizations. The World Food Program, WFP, is just beginning to scale up its operations in northeastern Nigeria. But it is under enormous strain. In December, the organization was forced to cut the amount of food it is providing to people in the Central African Republic due to insufficient resources. In fact, funding for CAR is so scarce that in 2016 it was able to give aid to less than a third the number of people it aimed to support. A new drought in Ethiopia has left 5.6 million people in urgent need of assistance according to authorities. The U.N. humanitarian coordinator for Somalia, Peter de Clercq, warned earlier this month that, without a massive scale up in assistance, parts of Somalia may face famine. Needs in South Sudan continue to rise, with warnings of famine on the horizon. Slashing funding to WFP would be incredibly unwise, as would deep cuts to UNFPA. Women have suffered enormously in this conflict. UNFPA is on the ground supporting mechanisms to both prevent and respond to gender-based violence and care for pregnant women and newborns. We cannot let the specific needs of women and girls go unmet.

Second, the new administration must work with career experts to surge our capacity on the ground. The administration needs to make clear that the current hiring freeze will not affect lifesaving efforts here or abroad, and Embassy Abuja should approve USAID's request to station additional humanitarian experts at post as quickly as possible. We need experienced people working with the Nigerian Government and the international community to coordinate more effective aid delivery. I applaud the U.S. Agency for International Development, USAID, for dispatching a disaster assistance response team, DART, to Nigeria in November to support government of Nigeria-led efforts to reduce food insecurity in the Boko Haram-affected regions of the country's northeast. The country has not faced a humanitarian emergency like this in a generation. National and state emergency management agencies are overtaxed, have little familiarity with providing a large-scale aid response, and are not accustomed to working with the U.N. in this manner. Our aid professionals can help. Let me be clear; Nigeria must continue to do its part. It is imperative that

President Buhari set a positive cooperative tone with the international community. However, there is no question that we must continue our robust humanitarian response.

Finally, we must get smart about our security assistance. Agreeing to sell planes with more sophisticated targeting systems that will not be on the ground for 2 more years will not fix what is broken with respect to the Nigerian military's response in the north. Right now—today—we and our international partners should redouble our efforts to work with the Nigerians to develop a list of short-term interventions and a long-term plan to address issues related to military professionalism, accountability, improved command and control, more effective communication between and within services, strategic planning, logistics, and auditing. The strategic governance initiative is a step in the right direction, but we must take action that will translate into results in the field as quickly as possible.

The situation in Nigeria is urgent. Few Americans are aware of the importance of Nigeria to the United States or the degree of suffering in northeastern Nigeria, but those of us who are policymakers cannot afford to drop the ball on our support of Nigeria's fight against Boko Haram or for those suffering in the Lake Chad basin. I recognize that it seems to some people that we are being called on to do more now internationally than ever. But we can do this. We are the Nation that conceived the Marshall Plan, worked with allies to execute the Berlin Airlift, and more recently, developed and implemented PEPFAR. We are up to the task. And we are not alone. Where America leads, our partners will follow. And I strongly encourage them to do so. Failure to redouble our efforts in these areas could mean that ISIS will gain a foothold in West Africa for a generation.

I thank my colleagues.

TRIBUTE TO PAUL FRANCIS

Mr. MCCAIN. Mr. President, today I wish to recognize the dedicated public service of Paul Francis, who will soon retire as managing director for acquisition and sourcing management with the Government Accountability Office, GAO, a position he has held since 2009. For more than 42 years, Paul has helped the U.S. Congress analyze the \$2 trillion in the ships, planes, tactical vehicles, satellites, and scores of other systems and related services that the Department of Defense, DOD, has procured to make our Nation safe. In so doing, Paul has obtained the respect of the Members of this body and the deep affection of his colleagues, who for decades have hewed to his fine example of public service.

An important congressional oversight tool that Paul helped develop at GAO almost 15 years ago is its annual "Quick Look" assessment of the Pen-

tagon's procurement of its most expensive, most complicated weapon systems. In these reports and in the hundreds of individual reports that GAO has released on major defense acquisition programs, Paul's teams first identified, and railed—occasionally like a lone voice in the wilderness—against the proliferation of "concurrent development" throughout the Pentagon's portfolio of major procurement programs. As Paul and his team observed, this acquisition strategy, which features an excessive overlap between development and production, has exposed the DOD's largest weapons procurement efforts to an undue, high risk of discoveries late in production, often requiring costly redesign, production cut-ins and retrofits—driving up the costs of these programs exponentially, especially those executed carelessly under cost-plus contracts. These observations have been vital to Congress's attempts to reform, among other programs, the joint strike fighter and the aerial refueling tanker programs and provided Congress with a valuable framework for analyzing and overseeing how the DOD spends hundreds of billions of taxpayers' dollars each year.

Since first becoming a member of the Senior Executive Service in 2002, Paul has testified before Congress more than 20 times—sounding the alarm on everything from unmanned aerial vehicles, the Army's Future Combat System, shipbuilding and missile defense programs, and broader issues of acquisition best practices and reform. For more than a decade, I have relied greatly on his clear analysis and recommendations related to the Ford-class aircraft carrier and littoral combat ship programs.

In addition, Paul has been an excellent witness, who counterbalances the Pentagon's complicated, technical, and bureaucratic mumbo-jumbo, which I sometimes think the DOD purposefully uses to resist being understood by a layperson, with cogent, plainspoken, evenhanded, but nuanced assessments. Time and again, Paul has thoughtfully illustrated the practices that should be followed to ensure success, as well as how poorly aligned bureaucratic incentives lead to failure despite well-intentioned individuals. Also noting that all individuals participating in the defense acquisition process "see their needs as rational and aligned with the national interest, collectively" and that "these needs create incentives for pushing programs and encouraging undue optimism, parochialism, and other compromises of good judgment," Paul has reminded us that the problems we see in the defense acquisition process are not the fault of any one actor—they are the collective responsibility of all of us.

Paul epitomizes what Congress and the American public value about the Government Accountability Office—the honest broker. In believing that oversight of programs funded by taxpayer dollars represents a sacred trust

and in embracing this responsibility aggressively with joy, Paul has been a tireless, effective advocate for both the American taxpayer and the men and women in service to the government's many and varied missions. He has inspired his teams with this notion of resource stewardship, that American taxpayers should get what they have paid for and American warfighters should get the capabilities they need to defend this great Nation.

Paul has received numerous GAO awards during his career, including the Comptroller General's Award and the John Henry Luke Mentoring Award. Leading by example at GAO, he models his own motto, which is "Be right. Communicate well. Don't leave people in body bags."

Throughout his remarkable career with GAO, Paul has been supported by a wonderful family, including his wife, Vicky, and two daughters, Sheri and Katie—all of whom are engaged in public service in various ways. We wish Paul a fond farewell and thank him for his distinguished service to Congress and the American public. Thank you.

ADDITIONAL STATEMENTS

RECOGNIZING BENNETT LUMBER PRODUCTS, INC.

• Mr. RISCH. Mr. President, Idaho's small businesses and the entrepreneurs behind them are known for their perseverance and get-it-done mentality. They have a seemingly innate understanding of the importance of delivering the highest quality products and services. Successful small businesses are also known for their commitment to getting the job done right. These qualities are on display in this month's Small Business of the Month. Located in north Idaho's rich timber country, this month's honoree is well known in my home State for its strong commitment to its local community and sustainable forestry. As chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to recognize Bennett Lumber Products, Inc., as the Senate Small Business of the Month for February 2017.

Led by a legendary lumberman, Mr. Frank Bennett, Bennett Lumber Products, Inc., is a family-owned and operated company headquartered in Princeton, ID. The company has two highly efficient mills, one in Princeton, ID, and the other in Clarkston, WA. Bennett Lumber also owns and sustainably manages approximately 70,000 acres of forest lands throughout the Northwest. The Idaho location, originally known as Boones' Mill, was purchased by Bennett Lumber in the early 1950s. The company invested in upgrading the old mill's equipment and modernized its processes in order to mill smaller dimension logs with a largely automated milling process. Always at the forefront of innovation in the lumber industry, Bennett Lumber implemented

the use of a mechanical lumber sorter in 1972, which set the company apart as being ahead of its time. In addition to their commitment to innovation and efficiency, owners and employees of Bennett Lumber pride themselves on producing high-quality products while also adhering to sustainable land management principles.

Bennett Lumber also displays a commitment to the communities in which the company operates by contributing to the Idaho Forest Products Commission's Project Learning Tree. This award-winning organization is dedicated to children's environmental education programs that help to teach students about land stewardship. Bennett Lumber also organizes youth summer reading programs, scholarship awards, school forestry tours, 4-H projects, and contributes to the Distinguished Young Women of Idaho Program. I would like to extend my sincerest congratulations to the employees and owners of Bennett Lumber Products, Inc., for being selected as the February Small Business of the Month. You make our great State proud, and I look forward to watching your continued growth and success.●

25TH ANNIVERSARY OF ALEXION PHARMACEUTICALS

● Mr. BLUMENTHAL. Mr. President, I am proud to recognize and celebrate the 25th anniversary of Alexion Pharmaceuticals, a company that has brought life-transforming therapies to patients around the world from its headquarters in New Haven, CT. Since its establishment by Leonard Bell in 1992, Alexion has become a global leader in discovering, developing, and delivering therapies for people with devastating and rare disorders. I have always been honored to call Alexion a Connecticut company, and I applaud the life-changing gains in medicine that it has made from the city of New Haven since 1992.

Even while maintaining a commitment to developing new therapies that impact the lives of patients with rare disorders throughout the world, Alexion has always remained committed to its community in Connecticut. Whether it is helping connect individuals who are homeless with temporary work assignments in New Haven, partnering with scientists at the University of Connecticut, or subsidizing public transportation to help students get to their classes at Gateway Community College, Alexion has proven time and time again that its commitment to the people of Connecticut and to its over 1,000 employees in the State is as strong as ever.

On its 25th anniversary, I applaud Alexion and the people who work so tirelessly for Alexion's values and commitment each and every day. Alexion continues changing lives through its medical breakthroughs, and I am so pleased to know that they call Connecticut home. Thank you.●

REMEMBERING WILLARD "WILL" P. HEDDLES

● Mr. BROWN. Mr. President, today I wish to remember the life and legacy of Mr. Willard "Will" P. Heddles, a champion of American manufacturing who dedicated much of his life to improving his home—the community of Tiffin, OH.

A native of Colorado, Mr. Heddles moved to Tiffin in the 1970s to oversee Tiffin Art Metal Company. The company was founded at the turn of the century, originally making stamped ornamental ceiling panels. When cars became popular in the 1920s, the company seized the opportunity and began making large billboard frames.

When its parent company wanted to sell the plant, Mr. Heddles wasn't impressed by any of the potential buyers. He knew how important this plant was to his community. So Mr. Heddles organized a management buyout and eventually became the owner of the company, known today as Tiffin Metal Products.

Under Mr. Heddles' leadership, Tiffin Metal Products continued to demonstrate the kind of adaptability and creativity that enables a company to grow and thrive. Today Tiffin Metal Products remains one of the two main manufacturers of large billboards in the country, while also making custom products and a popular brand of specialty lockers for law enforcement.

Mr. Heddles took pride in his role in American manufacturing and in keeping his company true to its Ohio roots. Over the years, Tiffin Metal Products has provided good jobs to hundreds of people in Tiffin and Seneca County, and those workers have shown the world that Ohioans know how to make things and make them well.

Will Heddles also took pride in his community, giving generously to local service programs and the arts and helping establish the Seneca Industrial and Economic Development Corporation, a private nonprofit organization working to drive positive economic and community development in the area.

He will be missed by his family, church, community, and the men and women who have been a part of Tiffin Metal Products, a great Ohio manufacturing success story. I am sure that my Senate colleagues join me in celebrating the life of Mr. Willard P. Heddles and his lifelong commitment to American manufacturing.●

TRIBUTE TO DEBORAH WICKS

● Mr. COONS. Mr. President, I rise to honor the exemplary service of the Smyrna Delaware School District Superintendent, Deborah Wicks, and recognize her upcoming retirement. For nearly half a century, she has been an exceptional teacher and leader, serving in many positions throughout Delaware's fastest growing school district. Her hard work, perseverance, and dedication will truly be missed by students,

parents, and Delawareans up and down our State.

Since 1967, Debbie has played an active and integral role within the Smyrna Delaware School District, serving as a special education teacher for 16 years and an associate principal for 4 years, before serving as the district's superintendent for 19 years. Throughout her time in the district, Debbie has been a key leader, instrumental in the successful completion of many projects like the John Bassett Moore Intermediate School and the School Special Services Building. As she steps down from her position as superintendent in June, I join the many Delawareans she has worked with in thanking Deborah for her diligent efforts to improve the education system for Delaware's children through hard work and diligence.

A native of Smyrna, DE, and educated in the same school system that she serves so faithfully, Debbie has always been a champion for students, teachers, and the local community. Being a champion to Debbie means helping to instill values of integrity, compassion, perseverance, respect, and responsibility—values visible in the hallways and classrooms of the schools in Smyrna and in the hearts of its graduates.

Debbie's success can be attributed not only to a commitment to instill essential values in district students, but also to a genuine passion for the betterment of her community. Her ability to develop and foster community relationships essential to the district's long-term educational success can be seen in numerous completed projects and building upgrades, as well as the annual "I Love Smyrna School District Day," which has drawn close to 7,000 attendees in recent years.

Debbie's work has been nothing short of inspirational, and we are sincerely grateful for all that she has done on behalf of the students and families of Smyrna. Her model leadership and dedication has touched so many lives in Smyrna and beyond. It is my privilege to offer my sincerest congratulations on a job well done and wish her many happy, healthy, and successful years to come.●

VALLEY COUNTY'S CENTENNIAL ANNIVERSARY

● Mr. CRAPO. Mr. President, my colleague Senator JIM RISCH joins me today in recognizing Valley County, ID, on its 100-year anniversary of its establishment by the Idaho State Legislature in 1917.

Valley County's rich natural resources and landscapes have long been a draw for the determined and industrious. The Native Americans, packers, prospectors, miners, homesteaders, trappers, ranchers, loggers, farmers, recreationists, conservationists, and more who have made homes in and traversed the county have contributed to its deep and fascinating history and shaped its culture. This expansive

county—approximately 2.4 million acres and roughly 3.7 thousand square miles—encompasses hundreds of lakes, three national forests, rivers, fish and wildlife habitat, streams, grassland, and mountainous landscapes. It is no wonder the county's stunning terrain continues to attract those who enjoy the outdoors.

The county's splendor and ruggedness are matched by the grace and determination of the more than 9,000 Idahoans who make the area home. Over the years, Valley County residents have faced booms and downturns in the mining, logging, and agriculture sectors with resilience and continue to forge ahead with collaborative efforts to increase economic opportunities. Mining, fueled by the Idaho Gold Rush, has roots in the county stretching back more than a century. Logging has also been a historically central part of the county's economic base, and efforts to reestablish these sectors continue.

We wish the residents of Valley County all the best as they seek advancements in tourism and innovation for this important part of our great State. Congratulations on this significant milestone in Valley County's history and 100 years of achievements.●

TRIBUTE TO ELLEN WOOD

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Ellen Wood of Winnett. Ellen has been serving up hospitality to the folks in Petroleum County for the past 25 years. Her culinary prowess have also pleased the tastebuds of many others well beyond her central Montana community.

In 1992, Ellen decided it was time to make an occupational change and purchased the Kozy Korner Bar and Cafe. It was not long after that The Kozy Korner became known for its delicious pies. Hunters, ranchers, tourists, and locals are all fortunate if they get a slice. Some even call ahead just to make sure they will not leave empty handed. You know a pie is good when you have to make reservations. Ellen has even shipped her homemade pies to repeat customers around the country. In addition to her pies, Gourmet Magazine did an article in 2005 on Ellen's plate-sized pancakes. It is no wonder that every 5 years during the Winnett all-school class reunion, the Kozy Korner serves as a hub of activity for the local community. A quarter century of hospitality and service to her neighbors and guests is a great accomplishment.

Being a small business owner is tough work, but Ellen had a trusted partner in her husband, Buck. He was U.S. Marine Corps veteran with over 4 years of service in Vietnam. He helped her run the Kozy Korner until he passed away in 2014. Today Buck's Bacon Cheeseburger is still one of the favorite menu items for Kozy Korner patrons. Hometown cafes are a staple of our Montana communities and so

are people like Ellen and Buck. With that community spirit in mind, it is an honor to say thank you to Ellen for making a corner of Petroleum County a comfortable place to visit. If you are going to stop in, just remember to call ahead if you want a piece of the marionberry pie.●

TRIBUTE TO BRIGADIER GENERAL TIMOTHY J. CATHCART

● Ms. MURKOWSKI. Mr. President, I wish to recognize the accomplishments of an exceptional Alaskan, Brig. Gen. Timothy J. Cathcart, U.S. Air Force, currently serving as director, Office of Legislative Liaison, National Guard Bureau. He will retire on May 31, 2017, after more than 32 years of honorable service. A master navigator, Brigadier General Cathcart has executed more than 75 operational rescue missions, has over 2,000 flight hours, and has served in a variety of operational, training, command, Air Staff, and joint positions.

Brigadier General Cathcart enlisted in the Alaska Air National Guard in 1985 and received his commission in 1990 through the Academy of Military Science. Upon completion of navigator training in 1992, he returned to the Alaska Air National Guard as a rescue navigator on the HC-130 aircraft and then served as senior controller at the Alaska Rescue Coordination Center. While serving, Brigadier General Cathcart earned a master of business administration and a master of science in computer science from the University of Alaska. In 2000, he was selected as the mobility forces action officer in the Air and Space Operations Directorate at the National Guard Bureau. After 2 years, Brigadier General Cathcart was promoted to mobility forces branch chief and later went on to serve as the operations support branch chief.

In 2005, Brigadier General Cathcart was selected to attend the Industrial College of the Armed Forces, National Defense University, earning a master of science in National Resource Strategy. Following graduation, he served at the Pentagon as the National Guard readiness adviser, Operations Directorate, Joint Staff, while concurrently earning a doctor of philosophy, Ph.D., in Science and Technology Studies from Virginia Tech. From 2008 to 2011, Brigadier General Cathcart served as chief, Joint Training and Education Division, Joint Doctrine, Training, and Force Development Directorate, followed by a position as deputy director for Force Development, Domestic Operations and Force Development Directorate on the National Guard Bureau Joint Staff. From 2011 to 2014, he served as commander of the I.G. Brown Training and Education Center at McGee Tyson ANGB, TN, followed by the General Officer Homeland Security Executive Seminar at the Kennedy School of Government at Harvard University.

Prior to his current position as director of legislative liaison, Brigadier General Cathcart was a special assistant to the director, Air National Guard, assigned to the Air Staff's total force-continuum office. In this role, on behalf of the Secretary of the Air Force and Chief of Staff of the Air Force, he worked to identify the appropriate balance of active and reserve components across missions and platforms and helped reduce legal, organizational, policy, and cultural barriers to a more fully integrated Air Force.

As director, Office of Legislative Liaison, Brigadier General Cathcart is the primary adviser to the chief, National Guard Bureau, on all matters of congressional interest and provides guidance and direction in the development of the National Guard Bureau legislative strategy. He ceaselessly and effectively supported all Air and Army National Guard roles and missions both State and Federal. Brigadier General Cathcart's efforts advanced an unprecedented level of integration and collaboration within the Department of Defense, as well as with State, interagency, and non-Federal entity partners. He educated and informed decisionmakers within the executive as well as legislative branches of U.S. Government to support National Guard priorities, personnel, and resource requirements, resulting in support and funding for core programs in fiscal year 2016 and fiscal year 2017 legislation.

Brigadier General Cathcart's extraordinary career of visionary leadership and highly successful implementation of innovative cutting-edge concepts leaves behind a remarkable legacy of success. His years of dedicated service in the U.S. Air Force and the National Guard represent lifelong dedication and commitment to the defense of our great Nation.

I wish to express my gratitude to Brig. Gen. Timothy J. Cathcart for his many years of distinguished service to this country.●

REMEMBERING ANNIE CARROLL WYCHE

● Ms. MURKOWSKI. Mr. President, when I am home in Anchorage this weekend, I plan to attend the grand opening of Roscoe's Food for the Soul Restaurant at the Aviator Hotel. Last December, the Alaska Dispatch News noted that the name Roscoe's has been synonymous in Anchorage with soul food for decades. The original Roscoe's was a father and son enterprise. Roscoe Wyche, Jr., opened the restaurant on Government Hill with his son Roscoe Wyche III in 1988. Roscoe's Food for the Soul continues the family tradition. It is a partnership of Roscoe Wyche III, now 56, and his son, Roscoe Wyche IV, who goes by the moniker "Roc." Roscoe III told the Alaska Dispatch News that he was passing the torch just like his dad did—a very sweet story.

But this weekend's opening will be a tad bittersweet. The matriarch of the

family, Annie Carroll Wyche, Roscoe's mother and Roc's grandmother, passed away on January 18, 2017. Ms. Carol, as she was known, was an entrepreneur in her own right. A native of Thomasville, GA, Ms. Carol came to Anchorage with her late husband, Roscoe Wyche, Jr., who served in the Air Force. Shortly after his retirement, they formed two beauty businesses. Top of the Hill Beauty Salon and Top of the Line Beauty Supply. That was Ms. Carol's domain. Ms. Carol was also a partner in her husband's restaurants. Ms. Carol is remembered for a beautiful spirit, which showed in her smile. She leaves behind a large family. There is no doubt that her entrepreneurial spirit lives on in Roscoe's Food for the Soul.●

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 42. Joint resolution disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants.

H.J. Res. 66. Joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

H.J. Res. 67. Joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

The message also announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 3, 2017, the Speaker appoints the following Member of the House of Representatives to the British-American Inter-parliamentary Group: Mr. RODNEY DAVIS of Illinois.

ENROLLED JOINT RESOLUTION SIGNED

At 12:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 40. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. HATCH).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-677. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002;

Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations" ((RIN0579-AE08) (Docket No. APHIS-2014-0095)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-678. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AD90) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-679. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustments to Civil Monetary Penalty Amounts" (17 CFR Part 201) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-680. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions and Sanctions Regulations" (31 CFR Part 560) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-681. A communication from the Program Specialist of the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Economic Growth and Regulatory Paperwork Reduction Act of 1996 Amendments" (RIN1557-AD95) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-682. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for General Service Lamps" (RIN1904-AD09) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-683. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Dedicated-Purpose Pool Pumps" (RIN1904-AD52) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC-684. A communication from the Director of Congressional Affairs, Office of General Counsel, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Penalties for Inflation for FY 2017" ((RIN3150-AJ82) (NRC-2016-0165)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC-685. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "Los Angeles River Ecosystem Restoration Integrated Feasibility Report"; to the Committee on Environment and Public Works.

EC-686. A communication from the Assistant Secretary of the Army (Civil Works),

transmitting, pursuant to law, a report relative to the Town of Princeville, North Carolina, project; to the Committee on Environment and Public Works.

EC-687. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the City of Diomedes, Island of Little Diomedes, Alaska, project; to the Committee on Environment and Public Works.

EC-688. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Puget Sound Nearshore Ecosystem Restoration Project; to the Committee on Environment and Public Works.

EC-689. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Portland, Oregon, project; to the Committee on Environment and Public Works.

EC-690. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Upper Ohio Navigation Study, Pennsylvania; to the Committee on Environment and Public Works.

EC-691. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Individual Shared Responsibility Payment Hardship Exemption that May Be Claimed on a Federal Income Tax Return Without Obtaining a Hardship Exemption Certification from the Marketplace" (Notice 2017-14) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC-692. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the Peace Corps, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Foreign Relations.

EC-693. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Director of the Peace Corps, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Foreign Relations.

EC-694. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-695. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" (RIN1840-AD22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-696. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions" (RIN1840-AD22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-697. A communication from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of

Education, transmitting, pursuant to law, the report of a rule entitled “Open Licensing Requirement for Competitive Grant Programs” (RIN1894-AA07) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-698. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Examinations of Working Places in Metal and Nonmetal Mines” (RIN1219-AB87) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-699. A communication from the Attorney-Advisor, Office of the Legal Adviser, Department of State, transmitting, pursuant to law, the report of a rule entitled “2017 Civil Monetary Penalties Inflationary Adjustment” (RIN1400-AE09) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Foreign Relations.

EC-700. A communication from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Mandatory Guidelines for Federal Workplace Drug Testing Programs” received in the Office of the President of the Senate on February 14, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-701. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Federal Labor Relations Authority, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-702. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committee on the Judiciary.

EC-703. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for fiscal year 2016; to the Committee on the Judiciary.

EC-704. A communication from the Office Program Manager of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Recognition of Tribal Organizations for Representation of VA Claimants” (RIN2900-AP51) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Veterans’ Affairs.

EC-705. A communication from the Chief of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Fertility Counseling and Treatment for Certain Veterans and Spouses” (RIN2900-AP94) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Veterans’ Affairs.

EC-706. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Pleasure Beach Bridge, Bridgeport, CT” ((RIN1625-AA00) (Docket No.

USCG-2015-1088)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-707. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Pipeline Canal, Orange, TX” ((RIN1625-AA00) (Docket No. USCG-2016-1051)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-708. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lower Mississippi River, Natchez, MS” ((RIN1625-AA00) (Docket No. USCG-2016-1017)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-709. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; James River, Newport News, VA” ((RIN1625-AA00) (Docket No. USCG-2016-0987)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-710. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Snapper-Grouper Fishery of the South Atlantic; 2016 Recreational Closure for Hogfish in the South Atlantic” (RIN0648-XF042) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-711. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 16” (RIN0648-BD78) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-712. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2016 Commercial Accountability Measures and Closure for Atlantic Migratory Group Cobia” (RIN0648-XF056) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-713. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Possession and Trip Limit Modifications for the Common Pool Fishery” (RIN0648-XF074) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-714. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for the State of New York” (RIN0648-XF043) received in the Office of the President of the Senate on February 14, 2017;

to the Committee on Commerce, Science, and Transportation.

EC-715. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer” (RIN0648-XF069) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-716. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts” (RIN0648-XF104) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications” (RIN0648-XE568) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reopening of Recreational Sector for the South Atlantic Other Jacks Complex” (RIN0648-XF046) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Dispute Resolution Procedures Under the Fixing America’s Surface Transportation Act of 2015” (RIN2140-AB30) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revised Inspection of Records and Related Fees” (RIN2140-AB34) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-721. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Civil Monetary Penalties—2017 Adjustment” (Docket No. EP 716) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-722. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary/Administrator, Transportation Security Administration, Department of Homeland Security, received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-723. A communication from the Chief of the Satellite Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Terrestrial Use of the 2473-2495 MHz Band for Low-Power Mobile Broadband Networks; Amendments to Rules for the Ancillary Terrestrial Component of Mobile Satellite Service Systems" ((IB Docket No. 13-213) (FCC 16-181)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC-724. A communication from the Assistant Chief Counsel for Regulatory Affairs, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Changes" (RIN2137-AE94) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Rules and Administration, without amendment:

S. Res. 62. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2017 through September 30, 2017, October 1, 2017 through September 30, 2018, and October 1, 2018 through February 28, 2019.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COONS (for himself, Mr. KING, Mr. PORTMAN, Ms. STABENOW, Mr. ISAKSON, Mr. BLUMENTHAL, Mr. HOEVEN, Mr. CARPER, Mr. GARDNER, Mr. KAINE, Mrs. FEINSTEIN, Mrs. MURRAY, and Ms. COLLINS):

S. 405. A bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. PAUL, Ms. BALDWIN, Mr. DAINES, Mr. TESTER, and Mr. LEE):

S. 406. A bill to repeal certain amendments made to rule 41 of the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

By Mr. CRAPO (for himself, Ms. STABENOW, Mr. INHOFE, Mr. WYDEN, Mr. MORAN, Mr. SCHUMER, Mr. WICKER, Mr. CASEY, Mr. ROBERTS, Mr. BLUMENTHAL, Mr. ISAKSON, Mr. HELLER, and Mr. THUNE):

S. 407. A bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. CARDIN, Ms. STABENOW, Mr. SCHUMER, Mr. BROWN, Mr. CASEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. LEAHY, Mrs. MCCASKILL, Mr. VAN HOLLEN, Ms. WARREN, Mrs. FEINSTEIN, and Mr. REED):

S. 408. A bill to require the President to disclose income, assets, and liabilities asso-

ciated with countries with which the United States is negotiating a trade or investment agreement, countries subject to presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, and for other purposes; to the Committee on Finance.

By Mr. LEE (for himself and Mr. PAUL):

S. 409. A bill to provide that the President must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 410. A bill to amend title 38, United States Code, to authorize the transfer of unused Post-9/11 Educational Assistance benefits to additional dependents upon the death of the originally designated dependent; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mr. FRANKEN, Ms. HARRIS, Mr. HEINRICH, Ms. HIRONO, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. SANDERS, Ms. STABENOW, Mr. UDALL, Mr. WYDEN, Ms. WARREN, Mrs. GILLIBRAND, Mr. KAINE, and Mr. VAN HOLLEN):

S. 411. A bill to eliminate racial, religious, and other discriminatory profiling by law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Mr. PERDUE):

S. 412. A bill to amend the Homeland Security Act of 2002 to require State and local coordination on cybersecurity with the national cybersecurity and communications integration center, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CAPITO (for herself, Mr. TESTER, Mr. LANKFORD, Mr. GRASSLEY, Ms. HEITKAMP, Mr. WICKER, Mr. BOOZMAN, and Mr. COTTON):

S. 413. A bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies; to the Committee on Finance.

By Mr. HELLER:

S. 414. A bill to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CORTEZ MASTO (for herself, Mr. DURBIN, Mr. COONS, Ms. HIRONO, Mr. FRANKEN, Mr. SANDERS, Mr. BOOKER, Mr. MARKEY, Mr. LEAHY, Mr. WYDEN, Ms. HARRIS, Mrs. MURRAY, Mr. KAINE, Mr. BENNET, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. WARREN, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. MENENDEZ, and Mrs. FEINSTEIN):

S. 415. A bill to nullify the effect of the recent executive order that makes the vast majority of unauthorized individuals priorities for removal and aims to withhold critical Federal funding to sanctuary cities; to the Committee on the Judiciary.

By Mr. DONNELLY (for himself and Mr. TILLIS):

S. 416. A bill to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation; to the Committee on Small Business and Entrepreneurship.

By Mr. RUBIO (for himself, Mr. COTTON, and Mr. CARDIN):

S. 417. A bill to reinstate reporting requirements related to United States-Hong Kong relations; to the Committee on Foreign Relations.

By Mr. YOUNG (for himself, Mr. MENENDEZ, Mr. RUBIO, and Mr. COONS):

S. 418. A bill to require reporting on the implementation of Government Accountability Office recommendations by the Department of State and the United States Agency for International Development; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mrs. GILLIBRAND, Mr. HATCH, and Mr. COONS):

S. 419. A bill to require adequate reporting on the Public Safety Officers' Benefits program, and for other purposes; to the Committee on the Judiciary.

By Mr. RUBIO (for himself, Mr. CORNYN, Mr. SASSE, and Mr. PERDUE):

S. 420. A bill to require the President to report on the use by the Government of Iran of commercial aircraft and related services for illicit military or other activities, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FISCHER (for herself and Mr. UDALL):

S. 421. A bill to amend the Communications Act of 1934 to protect low-income Lifeline subscribers by mandating a continuing role for States in designating eligible telecommunications carriers for participation in the Universal Service program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. DAINES, Mr. TESTER, Mr. CRAPO, Mr. MARKEY, Ms. MURKOWSKI, Ms. WARREN, Mr. RUBIO, Mr. LEAHY, Ms. KLOBUCHAR, Ms. HEITKAMP, Ms. BALDWIN, Mr. SCHATZ, Mr. WHITEHOUSE, Mr. WYDEN, Mr. CASEY, Mr. KAINE, Ms. STABENOW, Mr. WARNER, Mr. PETERS, Mr. MENENDEZ, Mr. PORTMAN, Mr. BLUNT, and Mr. ROUNDS):

S. 422. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Ms. BALDWIN, Ms. STABENOW, Mrs. GILLIBRAND, Mr. BROWN, Mr. SANDERS, Mr. MANCHIN, Mrs. MURRAY, Mr. DURBIN, Mr. REED, and Mr. UDALL):

S. 423. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOOKER (for himself and Mr. PORTMAN):

S. 424. A bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. COCHRAN, Mrs. GILLIBRAND, Mr. WICKER, and Mr. LEAHY):

S. 425. A bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes; to the Committee on Finance.

By Mr. TESTER (for himself, Ms. BALDWIN, and Mr. BROWN):

S. 426. A bill to increase educational assistance provided by the Department of Veterans Affairs for education and training of physician assistants of the Department, to establish pay grades and require competitive

pay for physician assistants of the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS (for himself and Mrs. GILLIBRAND):

S. 427. A bill to enhance Social Security benefits and ensure the long-term solvency of the Social Security program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BENNET, Mr. PORTMAN, Ms. HARRIS, Mr. BLUNT, Mr. NELSON, Mr. BROWN, Mr. GARDNER, and Mrs. MURRAY):

S. 428. A bill to amend titles XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through enhanced pediatric health homes, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 429. A bill to exempt the aging process of distilled spirits from the production period for purposes of capitalization of interest costs; to the Committee on Finance.

By Mr. COTTON (for himself, Mr. JOHN-SON, and Mr. RUBIO):

S. 430. A bill to provide for compliance enforcement regarding Russian violations of the Intermediate-Range Nuclear Forces (INF) Treaty, and for other purposes; to the Committee on Foreign Relations.

By Mr. THUNE (for himself, Mr. SCHATZ, and Mr. WICKER):

S. 431. A bill to amend title XVIII of the Social Security Act to expand the use of telehealth for individuals with stroke; to the Committee on Finance.

By Mr. HEINRICH (for himself and Mr. UDALL):

S. 432. A bill to designate the Cerro del Yuta and Rio San Antonio Wilderness Areas in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ:

S. 433. A bill for the relief of Malachy McAllister, Nicola McAllister, and Sean Ryan McAllister; to the Committee on the Judiciary.

By Mr. FRANKEN (for himself and Mr. PORTMAN):

S. 434. A bill to amend the Internal Revenue Code of 1986 to qualify homeless youth and veterans who are full-time students for purposes of the low income housing tax credit; to the Committee on Finance.

By Mr. HEINRICH (for himself and Ms. COLLINS):

S. 435. A bill to establish programs to improve family economic security by breaking the cycle of multigenerational poverty, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HEINRICH (for himself and Mr. UDALL):

S. 436. A bill to authorize the Secretary of the Interior to retire coal preference right lease applications for which the Secretary has made an affirmative commercial quantities determination, to substitute certain land selections of the Navajo Nation, to designate certain wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 437. A bill to provide for environmental oversight and remediation activities at Red Hill Bulk Fuel Storage Facility; to the Committee on Armed Services.

By Mr. CRUZ:

S.J. Res. 23. A joint resolution disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY:

S. Res. 62. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2017 through September 30, 2017, October 1, 2017 through September 30, 2018, and October 1, 2018 through February 28, 2019; from the Committee on Rules and Administration; placed on the calendar.

By Mr. CARPER (for himself and Mrs. CAPITO):

S. Res. 63. A resolution expressing support for the designation of the week of October 29 through November 4, 2017, as "National Obesity Care Week"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 16, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 27

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial cyber operations and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 37

At the request of Mrs. ERNST, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 37, a bill to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

S. 65

At the request of Ms. WARREN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 65, a bill to address financial conflicts of interest of the President and Vice President.

S. 108

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 150

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 150, a bill to amend title 18, United States Code, to provide an additional tool to prevent certain frauds against veterans, and for other purposes.

S. 170

At the request of Mr. RUBIO, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 170, a bill to provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 203

At the request of Mr. BURR, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 236

At the request of Mr. WYDEN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 242

At the request of Mr. CASSIDY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 242, a bill to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 294

At the request of Mr. NELSON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 294, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 301

At the request of Mr. LANKFORD, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 301, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. 315

At the request of Mr. SULLIVAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 315, a bill to direct the Secretary of the Army to place in Arlington National Cemetery a monument honoring the helicopter pilots and crewmembers who were killed while serving on active duty in the Armed Forces during the Vietnam era, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 350

At the request of Mr. FRANKEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 350, a bill to amend the Securities Exchange Act of 1934 to prohibit Members of Congress from receiving a discounted price in certain private offerings of securities.

S. 368

At the request of Mr. FLAKE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 368, a bill to require the Director of the United States Fish and Wildlife Service to issue a scientifically valid and State-supported recovery plan for the Mexican gray wolf.

S. 379

At the request of Mr. WHITEHOUSE, the names of the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Ms. WARREN), the Senator from Delaware (Mr. COONS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 379, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S.J. RES. 5

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S.J. Res. 5, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. CARDIN, Ms. STABENOW, Mr. SCHUMER, Mr. BROWN, Mr.

CASEY, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. LEAHY, Mrs. MCCASKILL, Mr. VAN HOLLEN, Ms. WARREN, Mrs. FEINSTEIN, and Mr. REED):

S. 408. A bill to require the President to disclose income, assets, and liabilities associated with countries with which the United States is negotiating a trade or investment agreement, countries subject to presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I, along with 13 of my Senate colleagues, am introducing the Presidential Trade Transparency Act of 2017. This bill establishes new reporting requirements directing the President to disclose foreign income, assets, and liabilities when initiating or continuing trade or investment negotiations with a foreign country, taking or refraining to take certain trade enforcement actions, or granting or modifying preferential tariff treatment under statutory trade preference programs. Each of these decisions may have significant commercial implications, both as to a foreign country's economy as a whole and with respect to particular investments within a foreign country. Given the complexity and lack of transparency with respect to the President's finances, additional country-specific reporting is necessary for Congress to properly exercise its oversight responsibilities and assess whether the authority it has granted to the President is the subject of undue influence due to a business relationship between the President and one or more foreign entities. Reporting of this information will also help address questions regarding improper influence by foreign entities when the President exercises trade authorities granted by Congress.

Americans have a right to know if the President is looking out for the good of the country or just his own bottom line when he negotiates a trade deal, decides whether or not to enforce our trade laws, or decides whether to cut tariffs on imports from a developing country. The President has business interests around the world, but he continues to keep the full nature of those ties secret.

Under the Constitution, Congress is responsible for regulating foreign commerce, including setting U.S. tariff rates applicable to imports from foreign countries. However, Congress has granted the President limited authority to modify U.S. tariffs in certain circumstances, including to enforce U.S. laws protecting U.S. industry from harmful trade or to address foreign trade barriers, to negotiate trade agreements that eliminate foreign barriers to U.S. exports, and to grant developing countries preferential access to the U.S. market.

In many instances, the President himself is granted this authority and does not exercise it through a Cabinet

official. While Congress has granted such authority to the President, it retains the responsibility to ensure that the President uses the authority in a manner consistent with congressional objectives.

The bill directs the President to report to Congress information regarding foreign income, assets, and liabilities, consistent with the information required to be disclosed under the Ethics in Government Act, specifically as to any country that is the subject of a trade negotiation, trade enforcement action or inaction, or decision to grant or deny tariff preferences, and to describe in detail the nature of the connection between the income, asset, or liability and the foreign country. The bill specifies deadlines for disclosure of the information with respect to each action that generally track existing deadlines for Presidential reporting under U.S. law.

Failure to timely submit a report would render without legal effect a Presidential proclamation modifying U.S. tariffs with respect to the country and, with respect to a trade agreement, would disqualify the agreement from eligibility for expedited consideration under trade promotion authority.

Passage of this bill would close a key loophole in congressional oversight authorities over trade and shine much needed daylight on the financial relationship between the President and America's trading partners.

I thank my colleagues for their efforts on this bill, and I hope the Finance Committee will consider our proposal quickly.

By Mr. BOOKER (for himself and Mr. PORTMAN):

S. 424. A bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BOOKER. Mr. President, I rise today to reintroduce the Law Enforcement Officers' Equity Act. This good-government bill will provide Federal law enforcement officers with the Federal benefits they deserve for their service. I thank Senator Rob Portman for being an original cosponsor of this bill.

There is perhaps no harder job in the United States than that of law enforcement officers. Each day, brave men and women work under tremendously stressful conditions to keep our communities safe. From apprehending violent criminals to arresting drug kingpins, these brave men and women in uniform put their lives on the line for a higher cause. We owe them our sincerest gratitude for their service.

Due to the high level of training required for their job and the ever-present danger in their profession, Congress determined that Federal law enforcement officers should receive higher salaries and enhanced benefits compared to other Federal employees. Unfortunately, due to a technical error,

nearly 30,000 Federal law enforcement officers classified as G5-0083 police officers do not receive enhanced benefits under the United States Code. As a result, certain officers who work for Federal agencies—such as the Department of Defense, Department of Veterans Affairs, Federal Bureau of Investigation, U.S. Postal Service, U.S. Mint, National Institute of Health and many more—receive lower pensions as compared to other law enforcement officers with similar responsibilities. It makes no sense that postal police officers or any other Federal law enforcement officers receive less benefits even though they have the similar duties and functions as other law enforcement officers.

The Law Enforcement Officers' Equity Act would fill in this gap in the law and expand the number of Federal law enforcement officers who can receive benefits. The bill would expand the definition of "law enforcement officer" for retirement purposes to include all Federal law enforcement officers. The change would grant law enforcement officer status to the following individuals: employees who are authorized to carry a firearm and whose duties include the investigation or apprehension of suspected criminals; employees of the Internal Revenue Service whose duties are primarily the collection of delinquent taxes and securing delinquent returns; employees of the U.S. Postal Inspection Service; and employees of the Department of Veterans Affairs who are Department police officers. These officers face the same risks and challenges as the men and women currently classified properly under Federal law as law

The Law Enforcement Officers' Equity Act would allow incumbent law enforcement officers' Federal service—after the enactment of the act—to be considered service performed as a law enforcement officer for retirement purposes.

This legislation has the support of law enforcement groups, including the Fraternal Order of Police, the Federal Law Enforcement Officers' Association, and the Law Enforcement Action Network.

Fundamental fairness demands that we close this loophole in Federal law and give all Federal law enforcement officers the retirement benefits they deserve—Trask my colleagues to support the Law Enforcement Officers' Equity Act, and I urge its speedy passage.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 429. A bill to exempt the aging process of distilled spirits from the production period for purposes of capitalization of interest costs; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Growth in the Economy through Distilled Spirits Act" or the "AGED Spirits Act".

SEC. 2. PRODUCTION PERIOD OF DISTILLED SPIRITS.

(a) IN GENERAL.—Section 263A(f) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) EXEMPTION FOR AGING PROCESS OF DISTILLED SPIRITS.—For purposes of this subsection, the production period shall not include the aging period for distilled spirits (as described in section 5002(a)(8)), except such spirits that are unfit for use for beverage purposes."

(b) CONFORMING AMENDMENT.—Paragraph (5)(B)(ii) of section 263A(f) of the Internal Revenue Code of 1986, as redesignated by this section, is amended by inserting "except as provided in paragraph (4)," before "ending on the date".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest costs paid or incurred in taxable years ending on or after December 31, 2018.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 62—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2017 THROUGH SEPTEMBER 30, 2017, OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018, AND OCTOBER 1, 2018 THROUGH FEBRUARY 28, 2019

Mr. SHELBY submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 62

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 2017 through September 30, 2017, in the aggregate of \$57,801,217, for the period October 1, 2017 through September 30, 2018, in the aggregate of \$99,087,800, and for the period October 1, 2018 through February 28, 2019, in the aggregate of \$41,286,584, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2017 through September 30, 2017, for the period October 1, 2017 through September 30, 2018, and for the period October 1, 2018 through February 28, 2019.

(c) EXPENSES.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of each standing committee of the Senate, the Special Com-

mittee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the applicable committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$2,463,834, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$4,223,716, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$1,759,882, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,783,845, of which—

(1) not to exceed \$46,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$17,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,486,591, of which—

(1) not to exceed \$80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,702,746, of which—

(1) not to exceed \$33,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$12,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,119,153, of which—

(1) not to exceed \$8,370 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$503 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,347,119, of which—

(1) not to exceed \$14,348 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$861 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,227,966, of which—

(1) not to exceed \$5,978 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$358 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,534,372, of which—

(1) not to exceed \$35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$21,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,058,924, of which—

(1) not to exceed \$60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$36,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,524,552, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,879,581, of which—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,650,710, of which—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for

the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,771,129, of which—

(1) not to exceed \$50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,219,522.

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,519,181.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,299,659.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,060,871, of which—

(1) not to exceed \$4,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,166 may be expended for the training of the professional staff of such

committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,247,208, of which—

(1) not to exceed \$8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,186,337, of which—

(1) not to exceed \$3,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$834 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$4,710,670, of which—

(1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$8,075,434, of which—

(1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February

28, 2019 under this section shall not exceed \$3,364,764, of which—

(1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,889,028, of which—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$6,666,904, of which—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,777,877, of which—

(1) not to exceed \$150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings,

and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$5,105,487, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$8,752,264, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,646,777, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through

September 30, 2017 under this section shall not exceed \$5,591,653, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$9,585,691, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,994,038, of which—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and the Government's relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal

activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman

is authorized, in its, his, her, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and any duly authorized subcommittee of the committee authorized under S. Res. 73, agreed to February 12, 2015 (114th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$5,461,388, of which—

(1) not to exceed \$116,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$11,667 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$9,362,379, of which—

(1) not to exceed \$200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$3,900,991, of which—

(1) not to exceed \$83,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$8,333 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **ADDITIONAL COMMITTEE AUTHORITY.**—For the purposes of carrying out its investigative powers, duties, and functions under the Standing Rules of the Senate and in accordance with Committee Rules of Procedure, the committee is authorized to require by subpoena the attendance of witnesses at depositions of the committee, which may be conducted by designated staff.

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of such committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,375,819, of which amount—

(1) not to exceed \$43,750 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$7,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of such committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,358,546, of which amount—

(1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$12,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of such committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$982,728, of which amount—

(1) not to exceed \$31,250 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,520,944, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,607,332, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$1,086,388, of which—

(1) not to exceed \$25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration,

to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,283,522, of which—

(1) not to exceed \$2,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,750 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,200,323, of which—

(1) not to exceed \$5,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$916,801, of which—

(1) not to exceed \$2,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,250 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,399,763, of which—

(1) not to exceed \$3,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$3,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,399,594, of which—

(1) not to exceed \$6,000 may be expended for the procurement of the services of individual

consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$999,831, of which—

(1) not to exceed \$2,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$1,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$3,217,448, of which not to exceed \$10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$5,515,626, of which not to exceed \$17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$2,298,177, of which not to exceed \$7,143 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2017 through February 28, 2019, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.**—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this section shall not exceed \$1,184,317, of which—

(1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2018 PERIOD.**—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this section shall not exceed \$2,030,258, of which—

(1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.**—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this section shall not exceed \$845,941, of which—

(1) not to exceed \$20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed \$20,000 may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) **ESTABLISHMENT.**—Within the funds in the account “Expenses of Inquiries and Investigations”, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) for the period March 1, 2017 through September 30, 2017, an amount shall be available, not to exceed 7 percent of the amount equal to 7/12th of the appropriations for the account that are available for the period October 1, 2016 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018, an amount shall be available, not to exceed 7 percent of the appropriations for the account that are available for that period; and

(3) for the period October 1, 2018 through February 28, 2019, an amount shall be available, not to exceed 7 percent of the amount equal to 5/12th of the appropriations for the account that are available for the period October 1, 2018 through September 30, 2019.

(b) **AVAILABILITY.**—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SENATE RESOLUTION 63—EX-PRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF OCTOBER 29 THROUGH NOVEMBER 4, 2017, AS “NATIONAL OBESITY CARE WEEK”

Mr. CARPER (for himself and Mrs. CAPITO) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 63

Whereas the disease of obesity is a major source of concern across the United States, and more than one-third of adults in the United States are affected by obesity, with the number of people with severe obesity in the United States continuing to grow;

Whereas experts and researchers agree that obesity is a complex disease influenced by various physiological, environmental, and genetic factors;

Whereas, while prevention programs have successfully established the seriousness of the public health crisis posed by obesity, it is also imperative that individuals and families currently affected by obesity receive comprehensive care and treatment;

Whereas studies show that bias against and stigma associated with people affected by obesity among general society and healthcare professionals are significant barriers to effectively treating the disease;

Whereas healthcare professionals, policymakers, patients, and families should regard obesity with the same level of seriousness with which other chronic diseases are regarded;

Whereas research suggests that weight loss of as little as 5 to 10 percent of the total weight of an individual affected by obesity can improve the associated health risks affecting many patients living with obesity and can thereby support the goals of Federal and State initiatives to reduce chronic disease, improve health outcomes, and help control healthcare costs;

Whereas healthcare professionals should treat patients with respect and compassion and should partner with patients to develop comprehensive and individualized approaches to weight loss and weight management that consider all appropriate treatment options, such as reduced-calorie diets, physical activity modifications, pharmacotherapy, and bariatric surgery;

Whereas it will take a long-term collaborative effort, which will involve individual, corporate, and institutional partners in all fields taking active roles, to ignite the betterment of obesity care and treatment; and

Whereas the week of October 29 through November 4, 2017, would be an appropriate week to designate as “National Obesity Care Week”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of “National Obesity Care Week”; and

(2) encourages all people in the United States to create a foundation of open communication to break barriers of misunderstanding and stigma regarding obesity and

to improve the lives of all individuals affected by obesity and their families.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. CAPITO. Mr. President, I have seven requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 9:30 a.m.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Thursday, February 16, 2017, at 10:30 a.m. in room 253 of the Russell Senate Office Building. The committee will hold a subcommittee hearing on “Stakeholder Perspectives on Improving TSA for the Security of the Traveling Public.”

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 16, 2017, in 215 Dirksen Senate Office Building.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 10:05 a.m., to hold a hearing entitled “Nominations.”

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 10 a.m.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, February 16, 2017, from 2 p.m. to 3:30 p.m., in room SH-219 of the Senate Hart Office Building.

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN’S ISSUES

The Committee on Foreign Relations Subcommittee on the Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women’s Issues is authorized to meet during the session of the Senate on Thursday, February 16, 2017, at 2:45 p.m., to hold a hearing entitled “Democracy and Human Rights: The Case for U.S. Leadership.”

PRIVILEGES OF THE FLOOR

Mr. PORTMAN. Mr. President, I ask unanimous consent that Barbara Repeta, a congressional fellow with the Committee on Energy and Natural Resources, be granted floor privileges through December 31.

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

Mr. COONS. Mr. President, I ask unanimous consent that Leah Rubin Shen of my staff be granted floor privileges for the remainder of this Congress.

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

Ms. WARREN. Mr. President, I ask unanimous consent that a fellow on my staff, Brian Clark, be granted floor privileges for the remainder of this session.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that Christy Veeder be granted floor privileges through the remainder of the year.

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

Mr. BOOKER. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following members of my staff. One is an incredible young person, Ariana Spawn: the other is a very special human being—this will be his first time ever on the Senate floor, so history for him—Zach “Jersey Giant” McCue.

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

Mr. MARKEY. Mr. President, I ask unanimous consent that Andrew Falacci, an intern in my office, be granted floor privileges for the duration of debate on the Pruitt nomination.

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

CONFIRMATIONS

Executive nominations confirmed by the Senate February 16, 2017:

EXECUTIVE OFFICE OF THE PRESIDENT

MICK MULVANEY, OF SOUTH CAROLINA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH JEREMY D. KARLIN AND ENDING WITH IRAHAM A. SANCHEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2017.

IN THE NAVY

NAVY NOMINATION OF MATHEW M. LEWIS, TO BE LIEUTENANT COMMANDER.

NOTICE

Incomplete record of Senate proceedings. Today’s Senate proceedings will be continued in the next issue of the Record.