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EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, in late October, people who lived in a place called Donora shrugged off the thick, yellow smog that had covered their small town. It was 1948. It wasn't unusual to see a smog blanket the town, thanks to the zinc plant and the steel mill that smoked endlessly into the Pennsylvania sky. It wasn't unusual to see people coughing as they went about their day. As one reporter put it, ''People are always coughing in Donora.''

What was unusual is that the smog did not clear as the day went on. It lingered, hanging around the town, wreaking havoc for the next 5 days. At first, life seemed to go on. The Halloween parade went on as planned, even though no one could really see the people marching. The high school football game went on as planned, although the quarterbacks avoided passing plays since the wide receivers couldn't see the ball. But then someone died. People couldn't breathe. As the local hospital started to fill, the town hotel set up beds for overflow patients. By the fourth day, the hotel had to set up another emergency section—this time, a temporary morgue. The town's three funeral homes were overwhelmed. On the fifth day, the stacks of a zinc plant stopped their endless streams of smoke, and the smog that would become known as the Donora death fog finally lifted but not before nearly 7,000 people fell ill and 20 died.

This is one of the many stories that show us what life was like in the United States of America before the EPA was created. In the early 1960s, millions of freshwater fish and rivers around the country were poisoned by insecticides—hurting consumer trust and the countless fishermen and their families who relied on the fish to make a living. Pollution was so bad that debris floating in the Cuyahoga River actually caught on fire, causing thousands of dollars in property damage. The water in Lake Superior, one of the most beautiful lakes in the United States, became so toxic from companies dumping asbestos-laden waste that local communities had to start filtering their water. Think about that. People could drink the water from local reservoirs, unfiltered, until pollution came along. This was the path our country was on.

Pollution was destroying some of the most beautiful places in this country—on the planet, in fact—putting the health of the public and the health of our economy at grave risk.

There was another event in the early 1960s that helped our country to see clearly that the path we were on would only lead to destruction. Rachel Carson, scientist, public servant, and author, published a book called ''Silent Spring.'' This book laid out in simple, beautiful prose the threats that pesticides and pollution posed to our environment or what Carson called a ''Fable for Tomorrow.'' She wrote: ''The most alarming of all man's assaults upon the environment is the contamination of air, earth, rivers and sea, with dangerous and even lethal materials.''

Carson's book made clear that we were contaminating the environment and that this could not go on. Her book sounded a call for change, as millions of Americans began demanding that the government take action, but there was also a backlash. Here is what one industry spokesman said as public opinion began to coalesce around addressing pollution:

> The major claims of Miss Rachel Carson's book Silent Spring are gross distortions of the actual facts, completely unsupported by scientific experimental evidence and general, practical experience in the field. Her suggestion that pesticides are in fact biocides destroying all life is obviously absurd in the light of the fact that without selective biologicals, these compounds would be completely useless.

This is how the controversy went on for the next few years. The public, the science, and the reality all pointed toward the truth, but a few loud voices persisted. They did not want the movement to go forward. This continued even after Rachel Carson passed away, tragically and prematurely, of cancer in the year 1964.

Here is what the New York Times published in her obituary:

> The most recent flare-up in the continuing pesticide controversy occurred early this month when the Public Health Service announced that the periodic huge-scale deaths of fish on the lower Mississippi River had been traced over the last 4 years to toxic ingredients and three kinds of pesticides. Some persons believe that the pesticides drained into the river from neighboring farm lands.
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> A hearing by the Agriculture Department of the Public Health Service's charges ended a week ago with a spokesman for one of the pesticide manufacturers saying that any judgment should be delayed until more information was obtained.

The line of argument captured in the New York Times is familiar to anyone who has watched our Nation struggle to come to a shared set of facts around a number of difficult issues, but even in the face of so much controversy, the country did the right thing. In addressing the threats to our environment, the U.S. Government—with substantial and commendable support from Republicans—began to lay the foundation for a new America, one that would preserve and protect our country and its resources for the next generation.

I would like to highlight three of the critical cornerstones in the foundation: the EPA, the Clean Air Act, and the Clean Water Act.

Let's start with the EPA itself. It was established in 1970 by President Nixon. He united several offices and bureaus already in the Federal Government into a single agency—one that

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

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would oversee all of the laws, protections, research, and policies about the Nation's environment. The mission of the EPA was clear from the start, to protect human health and the environment. Almost immediately, something really exciting happened. There was a feeling of hope and anticipation for what this Agency could do for the country. Within the first few months, tens of thousands of resumes came flooding in from across the country as people clamored to work for the EPA.

Here is how one man who worked for the Agency described it:

> There was a palpable sense of excitement that we were about to do something big. We had to do things big because the newspapers and news magazines were filled with stories about Lake Erie dying. I think it was a year or two before that the Cuyahoga had indeed caught on fire. I believe the Houston Ship Channel had the same issue. We knew we were there to really deal with substantial problems, and we were going to meet with immediate pushback.

For the next 40 years, the EPA would build a legacy of preserving and protecting the country's air, water, and natural resources, working to make our country a better place to live.

I just want to say that whatever the final disposition of this nomination ends up being—and I know we will push as hard as we possibly can for the delay of this decision, until we are able to see the contents of Mr. Pruitt's emails as directed by the court this afternoon—but whatever the decision is of the Senate under advice and consent, it is really important that this be said: EPA employees still have an obligation under Federal law to do their job, to protect air and water, to administer the Clean Air and Clean Water Act, to enforce the Endangered Species Act. We are confirming a head of an Agency, but this new head of an Agency is not the Emperor of the Agency.

This new head of an Agency has obligations under the statute to enforce the laws on the books, and he has a current role as the lead of the Republican Attorneys General Association and as a plaintiff in multiple lawsuits against the EPA, and that is a reason many of us object to his confirmation. If he is confirmed, every EPA employee has rights. They have whistleblower rights, they have protections, and they have obligations under the statute so that if this EPA tries to do anything unlawful, anything that contravenes the Clean Air Act, the Clean Water Act, the Endangered Species Act, then all of the EPA employees are dutybound under the law to follow the law.

No one in the Federal Government should be forced to do anything unlawful, and we support the EPA employees, in particular, who we know work so hard and are so dedicated to such an important cause. We know they are under intense scrutiny and pressure, and I think it is worth saying that we support them but also that the law supports them.

One of the first actions of the Agency was to ban DDT, a pesticide used in World War II. At first, DDT seemed like a dream chemical. It was used to protect soldiers from pests and then to protect crops like cotton, but soon it became clear—thanks to Rachel Carson and others—that this chemical was creating far more harm than good. Public health was really in danger. The bald eagle and other wildlife were being poisoned, and the pests that were supposed to be put off from bothering the crops were adapting, becoming more resistant, even as the chemicals became more potent and ultimately more dangerous.

Thanks to the EPA, the use of DDT came to an end. The health of children, families, and wildlife immediately improved. The bald eagle slowly recovered, to the point where it is no longer a threatened or an endangered species.

The Agency also found a solution to acid rain, which was a major problem that killed fish, hurt American farmers, and caused damage to forests and infrastructure alike. After studies showed how high concentrations of lead were hurting our kids, the EPA took action to remove it from gasoline and from the air. Because of that action, lead levels in both kids and adults have dropped by more than 80 percent since the late 1970s. We have a lot more work to do on lead, but that is one of the many EPA success stories.

The EPA then took on secondhand smoke, banning smoking in indoor public places. It pushed the auto industry to design technology that would reduce the amount of pollution created by cars, a step that would reduce the amount of pollution per mile emitted by cars by up to 90 percent. It provides technical assistance to State and local governments that otherwise don't have the resources or the know-how to tackle problems on their own.

The Agency has also empowered the public through right-to-know laws that give people access to information about chemicals, toxic substances, and pollution in their own communities. After studies show how low-income and minority communities face greater environmental risks, the EPA formed an Office of Environmental Justice, dedicated to making these communities as safe as any other in the country. As is so often the case, this Federal Agency set the bar for the rest of the world on how governments can protect and preserve the environment.

One leader of the EPA who served under President George H.W. Bush recalled that the Agency worked with countries as varied as Morocco and Mexico to battle fires or spills. After the EPA sent people to help with a Russian spill that was impacting Estonia, the Prime Minister wrote the EPA a letter, saying their visit was the most important visit of any American's since Charles Lindbergh had flown from Russia to Estonia in 1933.

So the EPA has had incredibly important impacts, from boosting diplomacy around the world to protecting the lungs of little ones right here at home.

The second cornerstone of our efforts to protect the environment is the Clean Air Act. Before the EPA opened its doors, States set their own standards for clean air, and most States had weak standards because they were in a race to the bottom to attract companies that didn't want to have to deal with the damage they caused. Imagine you are in a State and have three or four adjacent States and someone wants to cite a factory. Well, it is very difficult to have a strong environmental standard because that factory is no doubt going to find the place where they are allowed to pollute the most, which is why you have Federal standards. Not surprisingly, these low standards were fueling air pollution.

Every day, the average American takes between 17,000 and 23,000 breaths. If the air we are breathing is filled with toxic chemicals, we are at risk for cancer, birth defects, and damage to our lungs, our brain, and our nerves. That risk is even higher for people with asthma and for senior citizens.

Remember, humans are not the only ones that rely on clean air. Trees, crops, wildlife, lakes, fish are all at risk of damage when we have dirty air. So eventually the American public demanded that something be done to clean up our air.

In 1970, Congress on a bipartisan basis, passed the Clean Air Act. This law, along with later amendments, makes up the complete Federal response to air pollution. It is a beautifully written law. It gives the EPA the authority to limit air pollutants and emissions from industry plants. It empowers the Agency to research and fund different approaches to keeping the air clean. It creates partnerships between Federal, State, and local governments to reduce air pollution. Who could argue with that?

As soon as it was passed, people knew that this law was a game changer. President Nixon said: ''I think that 1970 will be known as the year of the beginning, in which we really began to move on the problems of clean air and clean water and open spaces for the future generations of America.''

That is exactly what happened. The impact was actually felt very quickly, starting with the auto industry. The Clean Air Act called on the auto industry to drastically reduce the amount of nitrogen oxide, carbon monoxide, and other harmful chemicals that came out of the tailpipes across the country within 5 years.

Consider that today there are more than three times the amount of cars on the road than they were in the 1970s. Now imagine that the chemicals coming out of each of those car's tailpipes were 90 percent more harmful. That is where we would be without the Clean Air Act.

It was not so long ago that communities would cancel high school for kids because the air pollution was so bad, not in Beijing but in California. That is no longer the case, not for numerous

reasons, not for a dozen or so causes but because of the Clean Air Act. This law has literally saved millions of lives. It has improved the health of millions of others.

Because the EPA has been there to enforce it, air pollution has fallen by 70 percent since 1970. Smog levels in Los Angeles have fallen from their peak by two-thirds. Nationwide, lead in our cars is down 98 percent, carbon monoxide is down 85 percent, sulphur dioxide is down 80 percent, acid rain is down 50 percent, and all at a fraction of anticipated costs.

Let me make two points here. First of all, it is actually rare that a law works this well. I mean, it is hard to make a good law. Everybody talks about it as a sausage-making process; you don't want to see what goes into it. But not all laws work over time.

This law actually worked. This law actually cleaned up our air. That is a really important thing to remember. If you undermine this law, if you undermine the agency that enforces it, the air does not clean up itself. This is not an automatic thing. The air is clean because the government protects the air.

I understand that, including the Presiding Officer and many Members of the Republican Party, we have tough debates about how big the government should be, what its responsibility should be. But if you go from BERNIE SANDERS, a democratic socialist, to RAND PAUL, the sort of Republican libertarian—and I am not sure if you just sat down and had a cup of coffee with either of them or everybody in between on the political spectrum, in terms of their view of what the Federal Government ought to do, gosh, I can't imagine that anybody—if you kind of get them in a private moment—does not think that it is a Federal role to keep the air clean.

There are moments where I see a program within a Federal agency and I might love it, right, because of my political persuasion. But I can understand how a BEN SASSE or a RAND PAUL or a MARCO RUBIO might object to it because they might say: Well, that sounds like a good idea, but my goodness, if that is so important, why don't we let communities decide whether or not to do that?

This is not one of those issues. Go and talk to your constituents about whether they want clean air. I don't know that you are going to find too many Republicans out there—I mean voters, not elected officials—voters, who think clean air is, take it or leave it, not a Federal role.

The truth is, that first of all, clean air is important enough to make a Federal law about in the first place. But there is also a technical reason, not a very complicated technical reason, but a technical reason that you need a Federal law that is about clean air as opposed to a State-by-State patchwork, and that is because the air travels. You cannot pollute in one State and expect that it will not impact the other State.

So one State having tough clean air standards doesn't really function in terms of the ecology because pollution knows no boundaries. The same study that I referred to found that air pollution has improved in the United States, thanks to environmental protection. But our work is not done. Nearly 90,000 people every year in the United States are at risk of a premature death because of air pollution. That number will rise if we chip away at this basic foundation.

The third and final cornerstone of that foundation is the Clean Water Act. It is really important to remember how bad things were before the Clean Water Act. I mean, we are not where we need to be in terms of protecting our water resources. But it is kind of unfathomable how bad it was before this law was passed.

Water in communities across the country was dirty. You could not swim or fish in two-thirds of the lakes, rivers, and coastal waters in the country. You couldn't swim or fish in two-thirds of the lakes, rivers, and coastal waters in the country. That is a data point that you would expect in a country that is still industrializing, that just doesn't have the pollution controls.

When you go to certain parts of the planet and you see essentially a very dirty environment, you would assume two-thirds, maybe more, of those lakes and streams and waterways are too polluted to fish or swim. But this is the United States. It was allowable to dump untreated sewage into open water. You could dump untreated sewage into open water before the Clean Water Act.

But that changed in 1972, when what is now known as the Clean Water Act became law and cleared the way for the Federal Government to restore and protect the health of our water.

According to a study by the Aspen Institute, the Clean Water Act stopped billions of pounds of pollution from fouling the water and dramatically increased the number of waterways that are safe for swimming and fishing. Twenty years ago, you would have had to have a death wish to go swimming in Boston Harbor. Today, you don't have to think twice. That is because of the Clean Water Act.

But this is not just about enjoying the beauty of the water that it provides to so many communities, although not is not a small thing. Look, a lot of people—left, right, and center—people who are not political, people on the progressive side, people on the conservative side, people like lakes. People like the beach. People like the ocean.

It is not unreasonable, whoever you voted for, to think that there are a few things that government should do: They should probably have some kind of transportation infrastructure. There should probably be a law enforcement function. Make sure that the water is clean, the air is clean, and we have some national defense. Right? That is some basic stuff. Even if you are a libertarian, if you are not nuts, you think that the government should do a couple of very basic things, and among them is to keep the water clean.

I wanted to share some interactions I have had with the craft beer industry. They wrote a letter this week about how important clean water is to them. Here is a section of it:

> Beer is about 90 percent water, making local water supply quality and its characteristics such as pH and mineral content, critical to beer brewing and the flavor of many classic brews.
>
> Changes to our water supply—whether we draw directly from a water source or from a municipal supply—threaten our ability to consistently produce our great-tasting beer, and thus, our bottom line.
>
> Protecting clean water is central to our business and our long-term success. Not only does great-tasting beer we brew depend on it, but so do the communities in which we operate.

Some of the largest and best craft breweries in the country signed onto this letter, from the Allagash Brewing Company in Maine to the New Belgium Brewing Company in Colorado. They are right to be concerned because it will not take much for our water to go back to where it was in the 1970s. So it is in the interest of many industries for our country to have clean water, but not all of them.

Publicly traded companies will do the minimum. In a lot of ways, the way these companies are set up, they are actually obligated under the law to do the minimum. They have to maximize shareholder profit. They have boards of directors, they have earnings reports, they have quarterly obligations. Whether you like it or not, that is the way our system works. So, if you have a fiduciary obligation to maximize profits, then you may give short shrift to environmental concerns.

Compliance costs money. So most companies will comply only if they have to. If they are good companies, they feel that their obligation is to sit down with their lawyers and have the lawyers explain to them what they must do to comply.

But it is a rare company that says: Hey, I want to do much more than that. I mean Patagonia is great. There are other companies that do good work in the environmental space. But let's be very clear: There are a handful of companies that are so motivated, either as a brand strategy or a mission-driven approach, that they are going to exceed their obligations under the law. Most companies are going to do what is required under the law and not much more.

We can count on someone saying on a board of directors in some corner office or someplace on Wall Street: Hey, we can save 3 percent here if we don't clean the water. That is why we need a Clean Water Act. That is why we need the EPA. It is not a matter of left or right; this is a matter of right or wrong. This is a matter of clean or dirty.

This is especially important because our work is not done. We still have a ways to go. We still can't swim or fish in about one-third of our waterways. So these three cornerstones—this foundation of more than 40 years of progress—have prepared us to tackle what is the challenge of our lifetime, climate change. There was a time when this was primarily the concern of the conservation minded among us, people like me: hikers, swimmers, surfers green groups, bird and butterfly people. Right? I understand that.

There was a time where this was mostly an ecological concern. You had science people, you had hiking types who said: Hey, this thing is happening. I read Al Gore's book. This is a big deal. They were 10 years ahead of the curve. But climate change is no longer just an ecological issue; it is an economic issue. It is a quality of life issue. It is an American way of life issue. It is causing real harm to people and costing us billions of dollars now—not in the future, but now.

In recent years, the United States has experienced a record number of devastating storms, extreme temperatures, severe floods and lasting droughts. It is not a coincidence. As the climate changes, normal weather patterns are altered, and this affects our environment, our health, and our economy by influencing everything from the price of produce at the grocery store to our home insurance rates.

So we know that climate change is real. The science makes that clear. In fact, our own personal experience makes that real. A lot of people fish or hunt or hike or surf or snorkel or go to the lake or just go outside and experience something that seems to be changing.

There is a difference between weather and climate. The weather is tomorrow morning's temperature and whether it is raining or not and whether it is windy or not. The climate is the conditions that create the weather. It is not arguable anymore by anybody credible that the climate has changed and, therefore, the weather is getting absolutely more volatile.

Now we can, unfortunately, rely on our own experience and our own eyes to confirm that the climate and the weather are getting weirder—in some cases, more dangerous and certainly more unpredictable. Make no mistake, this is caused by humans, and that means we can do something about it.

Climate change deniers need to know that they are on the wrong side of history. They can't just cite the cost of transitioning to a clean energy economy—a cost that continues to decline, I should point out—while ignoring the cost of doing nothing, because the cost of doing nothing on climate change is absolutely astronomical, whether in storm aid, infrastructure mitigation, private property loss, or disruption in financial and insurance markets. It is much less expensive to move toward a clean energy economy than to allow severe weather to drain our economy as a whole.

As a Senator from the State of Hawaii who has led the way in building a clean energy infrastructure—producing clean, renewable energy and cutting our dependence on fossil fuels—I know that we can achieve meaningful change across our Nation, but we need the EPA and an Administrator to achieve this.

By law, the EPA has the authority to take steps to cut any pollution that threatens human health and welfare, including carbon pollution. Even the Supreme Court agreed that if EPA found carbon pollution to be a danger, the Agency was obligated to act to reduce the threat. So EPA has begun undertaking efforts to rein in those emissions.

Every protection that the EPA creates is the result of years of scientific inquiry, stakeholder involvement, public comments, and technological feasibility studies.

For all the talk of Federal overreach, EPA gives an enormous amount of authority to the States. For instance, in the Clean Power Plan, EPA sets emissions targets—that is true—but it was up to each State to develop a plan that is best suited to its unique circumstances.

The State of Hawaii has a really unique situation because we have lots of clean energy opportunities. But in terms of baseload power, we get all of our fuel from Asia, and it is LSFO. It is low sulfur fuel oil. So what we do is we bring in oil on tankers, which is costing three and a half times the national average for electricity, and we light it on fire, and that creates electrons. That is not smart. So we are in a transition.

But there are other States that have geothermal resources or biofuel resources. So the EPA said: Hey, carbon is a pollutant. You have to reduce carbon pollution because, under the law, under the Clean Air Act, any airborne pollutant must be regulated, right? You have to reduce the airborne pollutants.

The EPA said: You have to do this over time, but we understand you are going to have your own energy mix and your own challenges. All you have to do is submit a plan that is kind of like thought through. So West Virginia's plan is different from California's plan and is different from Hawaii's plan. They empowered the States to endeavor to come up with their own energy mix.

Here is the good news about EPA's rules. This news is on the Clean Air Act. It is on the Clean Power Plan. This is always the case. It always comes in below the estimated cost because what happens is, if you tell industry to innovate, even if they don't want to, frankly, even if they complain about it, even if they tell you that it is going to crash the American economy, which they often say, they end up driving innovation in the private sector.

In the case of electricity generation and transportation, the Clean Power Plan and the CAFE standards, the fuel efficiency standards for cars, accelerated the technological transition that was already underway.

Here are a couple of examples. When the auto bailout came in, President Obama negotiated very hard for an increase in fuel efficiency standards. You can imagine that the American auto industry was basically on the ropes. It was about to die without a major bailout. So they got the bailout, but there were also some strings attached, which were that they bring up fuel efficiency standards. They freaked out. And you know what happened? They met the standards. And you know what happened after that? The American auto industry has never been stronger because people like fuel-efficient cars, right?

What has happened with the Clean Power Plan and with the Paris climate accord and the investment tax credit and the production tax credit is that the cost of solar and wind energy is declining. But when utilities began thinking about long-term investments in a carbon-constrained world, the increased demand for clean energy drove down these costs even further, which is good for both consumers and the environment. In fact, more solar capacity was added in 2016 than any other energy source, by far. Solar and wind combined to make up almost two-thirds of the new capacity last year.

I want people to understand that the clean energy revolution is underway. The only question is whether we are going to have to take a 4-year break from this clean energy revolution and give the keys to the car to China and other countries, which would be pleased to let the United States abdicate its role as the leader of the clean energy revolution. We are going to lose all of those solar jobs, we are going to lose the innovation opportunities, and we are going to lose all of those wind energy opportunities.

The question is not whether we are going to make a transition to clean energy. The question is how quickly and whether the United States will drive it or not.

Consumers loved the first generation of hybrid vehicles so much that there were waiting lists to buy them. CAFE standards, along with similar fuel economy standards around the world, drove the automotive industry to innovate even further. Now we have unprecedented numbers of hybrid and hybrid electric vehicles on the road, and we stand at the precipice of a new age of electric vehicles.

So we find ourselves at a crossroads. If we continue down the path President Obama set us on, I have no doubt that American ingenuity and innovation will allow us to continue to lead the world in the clean energy economy, but if we turn back the clock and hand our future back over to the dirty fuels of the past, we will cede economic leadership to China, India, Germany, and the

rest of the world. Those countries are moving toward clean energy so quickly that we may never catch up; we may never be able to take full advantage of the economic opportunities that clean energy represents. It is sad, but it is true, that this is the path that our country will go on if Scott Pruitt is confirmed to lead the EPA.

I know for the public, after so many troubling nominees, that it is hard to wake up outraged for yet another nominee. But the reason to freak out about this one is very simple—clean air and clean water. Ask anyone who lived in L.A. or in Boston since the 1970s, and they can tell you that our country has clean air and clean water because of the laws that were put in place and the Agency that has done its job to implement them.

All of this will be in jeopardy with Scott Pruitt at the helm. He made his political bones trying to shred the EPA's ability to enforce the laws that protect clean air and clean water. Now this administration wants to give Mr. Pruitt the ultimate opportunity to lead the Agency that he has worked so hard to undermine. And he hasn't hidden the fact that he is utterly opposed to the EPA.

Let me highlight four statements that he has made that illustrate this point. He said: ''The EPA was never intended to be our Nation's frontline environmental regulator.''

The reality is that the opposite is true. The EPA was created for exactly that reason. Before the EPA existed, there were a number of offices and bureaus across the Federal Government that worked on protecting the environment, but the government saw—Congress saw—that it wasn't enough. Our Nation's waters were polluted, and the air was not clean. People were getting sick and even dying because there wasn't enough being done to protect the environment. So the intention behind the EPA was absolutely to put a single Agency on the frontlines of protecting and preserving clean air and clean water.

Not only does Mr. Pruitt disagree with the very mission of the EPA, but he also doesn't seem at all interested in the work being done by this Agency. He was asked during the confirmation process to name a single protection on the books at the EPA. Here is his answer:

> I have not conducted a comprehensive review of existing EPA regulations. As attorney general, I have brought legal challenges involving EPA regulations out of concern that EPA has exceeded its statutory authority based on the record and the law in that matter.

I mean, just as a parent—forget my job as a Senator—as a parent and as a citizen, this really concerns me. I don't want to see the EPA led by someone who is basically given a softball question in the confirmation hearing: Name something you like about the EPA. But he declines to go on the record supporting clean air or clean water.

I mean, you would think that he could just say: Well, I like the Clean Water Act; I like the Clean Air Act. He could even offer caveats, saying: I think there has been overreach, and I think there needs to be a recalibration. Say whatever you want, but he couldn't even bring himself to say he supports the Clean Air Act or the Clean Water Act. That was the second comment that he made that was disturbing.

The third one relates to a Federal standard that targets pollution that decreases visibility. Mr. Pruitt had this to say about these standards:

> [They] threaten the competitive edge Oklahoma has enjoyed for years with low-cost and reliable electric generation. This low-cost energy not only benefits Oklahoma manufacturers, but gives our State a considerable edge in recruiting new jobs.

What Mr. Pruitt is referring to is actually another reason why the EPA was created in the first place. When States were in charge of environmental protections, it was often a race to the bottom. Everyone would try to lower their standards so that companies would move plants and factories to their State. And the result is exactly what you would imagine. Companies were happy to meet the lowest standard possible, leaving huge messes for the State to clean up, and that is not a good use of our taxpayer dollars.

It isn't the government's job to allow companies to make a huge mess and say: Hey, we will clean that up for you. There is no need to clean it up. We have it.

Let's look at how this has worked out for Oklahoma. I would like to read an article by journalist, author, and climate expert Eric Pooley, which was published by Time magazine:

> Mercury is a deadly neurotoxin that damages the brains of the ''developing fetus and young children,'' according to the American Academy of Pediatrics. It is spewed into the air from coal-fired power plants and other industrial sources before settling into lakes and waterways and contaminating the fish we eat.
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> But Pruitt's challenges against the EPA's mercury standards include a tidy piece of scientific denial, claiming ''the record does not support the EPA's findings that mercury . . . pose[s] public health hazards.''
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> After that legal challenge failed, Pruitt sued a second time to block the mercury rules—even though virtually all power plants had already complied with them at a fraction of the expected cost.
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> Thanks in part to the EPA rules Pruitt opposed, mercury levels in Atlantic Bluefin tuna are rapidly declining.

This isn't an abstract thing. If there are high mercury levels in fish and people eat the fish, they actually get the mercury poisoning. This happens in Honolulu all the time. We like our fish. And people go to the ER all the time. They don't know what it is, and it turns out that it is mercury poisoning.

> But Oklahomans aren't so lucky. While Pruitt was busy trying to kill national mercury rules, the number of Oklahoma lakes listed for mercury contamination was climbing. This year, the state lists 40 lakes with fish consumption advisories due to mercury levels—up from 19 listed in 2010. Eight lakes were added just this year.
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> Another Attorney General might have been trying to identify the sources of the pollution. But Pruitt was apparently too busy suing the EPA.
>
> Pruitt also attacks limits on ground level ozone. The ground level ozone—better known as smog—despite the fact that ozone problems are huge and worsening in Oklahoma. The latest American Lung Association report gave all Oklahoma counties surveyed an ''F'' for ozone problems and found that the number of high ozone days had increased in most counties as compared to 2010 to 2012.

The argument in this article can be boiled down to a single phrase: With Mr. Pruitt leading the EPA, we can bet that as goes Oklahoma, so goes the Nation. I can't speak for the people of Oklahoma, but I can say that when it comes to these kinds of statistics on polluted air and water, we would like to pass. If you ask most people in this country, they would agree that this is not the kind of environment they want their kids to grow up in.

The fourth disturbing statement Mr. Pruitt has made is about lead. Because of the EPA we have seen lead levels in both kids and adults drop by more than 80 percent in the past few decades. This is one of the legacy achievements of this Agency. This is something the next leader of the EPA should understand, but the senior Senator from Maryland, Mr. CARDIN, raised this during a confirmation hearing. The Senator asked Mr. Pruitt if ''there is any safe level of lead that can be taken into the human body, particularly a young person.'' Another softball question.

Here is how Mr. Pruitt answered him: ''Senator, that is something I have not reviewed nor know about.'' This is pretty alarming because clearly he does not understand that in just 30 years this is an issue that the EPA has taken on as a high priority. This is an issue that we need the next leader to take seriously so we don't see any kind of backsliding. If you look at Mr. Pruitt's actions, they do, in fact, speak loudly about his approach to the EPA. Here is another news report:

> The new administration is reportedly looking to close the Office of Enforcement and Compliance Assurance, and instead let individual program offices handle enforcement. The outlet inside EPA quoted ''a source familiar with the plan'' who says the Trump administration intends to ''disassemble the enforcement office . . . take it, break it up, and move it back into the program offices.''
>
> Environmental advocates were quick to point out that Scott Pruitt—the Oklahoma Attorney General Trump picked to lead the EPA—made almost the same move back home. Pruitt closed his office's Environmental Protection Unit not long after he took office in 2011.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. SCHATZ. But Mr. Pruitt did more than close Oklahoma's Environmental Protection Unit. He also started a new unit solely dedicated to suing the EPA. He closed the Environmental

Protection Unit and set up a unit to sue the EPA. That is all they do—the other unit that people in Oklahoma might count on to investigate water contamination or illegal dumping. Mr. Pruitt's new unit has been quite active. Their office has filed more than a dozen lawsuits against the EPA. He has sued the EPA because of the way it tackles cross-state air pollution and the Agency's limits to oil and gas pollution. He sued to allow air pollution when facilities start up, shut down, malfunction, and to stop plans to address air pollution in his home State.

He sued the EPA because he disagrees with the Clean Power Plan, which will prevent an estimated 90,000 asthma attacks every year while saving American families money on their electric bill. He sued EPA to end protections against carbon pollution from new powerplants, even though these protections will cost companies very little to implement, and he challenged the clean water rule, which the EPA says protects the streams and wetlands that form the foundation of our water resources.

This is not a comprehensive list. I think there are 17 lawsuits he has filed. Guess what. Some of them are still pending. Mr. Pruitt was asked: Will you recuse yourself from the lawsuits in which you are the plaintiff? And he refused. So he is going to be the plaintiff and the defendant.

I am sure Mr. Pruitt is a good person, I am sure he is good to his family, but he also needs to be good to the American people and faithful to the law: the Clean Air Act, Clean Water Act, and Endangered Species Act. This is the foundation of what the EPA does. He doesn't get to have an opinion about those laws. He gets to implement those laws. If he wants to run for office, he can run for office and change those laws. If he wants to referee what authorities exist on those lawsuits, he can litigate, but if he is going to be the EPA Administrator, he has to check his ideological baggage at the door, and there is only one way we can be sure that he will not take his biases to the EPA.

I don't understand why in his confirmation hearing he didn't say: Look, anywhere I brought suit, anywhere I am a plaintiff, I am out. It is not unusual for a nominee to say on certain issues: I will recuse. There is ample precedent. It was done this year. It is also just plain common sense. It is the moral thing to do, the ethical thing to do, and it is politically smart because it is a problem that this person wants to remain plaintiff and defendant.

So it is disappointing and it is worrying. The agenda needs to uphold the Agency's mandate not to dismantle what the EPA has already done.

Senator BOOKER asked Mr. Pruitt how many kids in Oklahoma had asthma. Fair question to ask when you consider how many lawsuits Mr. Pruitt has filed against the EPA that if he wins will increase air pollution, and you can bet that more air pollution will hurt those kids who already have trouble breathing. Mr. Pruitt did not know how many kids in his home State have asthma, but here is the answer: 1 in 10—1 in 10 kids have asthma.

If Mr. Pruitt takes over the EPA, he is no longer responsible for just the kids in Oklahoma who have asthma. He is also responsible for the kids across the country and in my home State of Hawaii. There are millions of people in the United States who suffer from asthma, and for each and every one of them, not to mention the countless others at risk, Scott Pruitt guarantees that it will become harder to breathe. Scott Pruitt is going to guarantee that it becomes harder to breathe because he has sued the EPA to end the regulations that keep our air clean enough for us to breathe. Never before in the history of the Environmental Protection Agency has a President nominated someone so opposed to the mission of the EPA. Look, this administration has made it very clear where it stands on climate, on science, on protecting clean air and clean water.

We have seen climate change called the Chinese hoax. We have heard rumors that scientists will be muzzled and research stopped. We have seen the President sign a law that allows oil companies to hide what kinds of payment it is making to foreign governments in exchange for extracting oil. So there is no question that dirty energy is preferred by the current administration, but that doesn't mean the Senate has to be a rubberstamp here.

We are the Senate, and the United States Senate has a specific role under our Constitution and in our history. There comes a time where issues related to party have to be subsumed by issues related to the health and welfare of the country, and we have strayed from the bipartisan consensus that existed for decades and decades and decades, the basic premise that it is an American value in every small town, in every urban place from coast to coast, and everywhere in between, everybody likes clean air and clean water. Everybody at some point on a weekend wants to drive someplace or walk someplace and just be outside and be able to take a deep breath, enjoy your family, enjoy your friends, enjoy not having to work for 2 or 3 hours—go fishing, go hunting, go hiking, go surfing, go snowboarding, go skiing, whatever it is that people like to do to kind of restore themselves, that depends on our commitment to a legacy, and it depends on a commitment to these statutes. It really does. It depends on our commitment to the Clean Air Act and to the Clean Water Act and to the Endangered Species Act.

I will just close with this. I have never seen the Senate in such a rush when there is not an actual deadline. I mean, we hurry when the government may shut down—and sometimes we screw that up too—but usually when we are in a hurry like this, when we are doing all night, there is a reason for it. I think it is just weird that congressional delegation trips overseas were canceled, multiple Members on a bipartisan basis were supposed to be meeting with NATO allies about 2 hours from now, but all of that got canceled.

Normally our vote is on a Thursday afternoon or a Friday morning, and this vote is at 1 p.m. on Friday. That is because somebody is bound and determined to get this vote done before those 3,000 emails between Scott Pruitt and a bunch of energy companies are disclosed. It is not a theoretical thing anymore. There was some talk about whether this was going to be disclosed. Now a judge is ordering that these emails get disclosed. Now everybody seems to be in an incredible hurry to make sure that we conduct this vote before those emails are disclosed.

I was talking to Senator WHITEHOUSE and Senator MURPHY about the content of those emails. I don't know what is in those emails, but here is what I know. I know the attorney general spent 750 days trying not to disclose those emails. I know they are between him and a bunch of energy companies. I know there seems to be a strong motivation on the Republican side to conduct the vote before we get the emails. And in the world's greatest deliberative body, it seems absolutely reasonable and consistent with our constitutional obligation to provide advice and consent on nominees and especially for a Cabinet position as important as this.

It just seems like we should probably wait to see what is in those emails. If I were a Republican on the other side, I would be very uncomfortable casting a ''yes'' vote, and I would be waking up Tuesday morning, probably at 1 a.m., and checking on the Internet and hoping there was nothing explosive in those emails. I hope there is nothing explosive in those emails. I don't want to know that we just confirmed someone who is inappropriate for the EPA, but we are going to know by Tuesday.

If my concerns are not well-founded, great. We can vote two Mondays from now, and we will have a new EPA nominee, but why not wait to find out what is in the emails. So I urge a ''no'' vote tomorrow, but more than that, I urge that we give ourselves the time to deliberate and to be a Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I would like to take this time to share with my colleagues why Scott Pruitt is unqualified to be Administrator of the EPA and why I oppose his nomination.

I just got a new job here in the Senate when the people of Illinois elected me last November, and I have a little advice for Mr. Pruitt on how to succeed in an interview. No. 1, don't go to a job interview and spend the entire time dodging questions. You don't tell the people interviewing you to go file document requests, which Mr. Pruitt can

reject as attorney general, and you don't oppose policies that strengthen our energy security like the renewable fuel standard. I am concerned that the RFS will be gutted under a Scott Pruitt-led EPA.

As someone who fought to defend this great Nation, I see firsthand the price we pay for our dependence on oil imported from our adversaries. I already fought a war over oil, and I would rather run my car on American-grown corn and soybeans than oil from the Middle East. During Operation Iraqi Freedom, 50 percent of all casualties occurred during convoy operations, and 80 percent of all convoy operations were conducted to transport diesel fuel. I think it is high time we invest more energy and more money and more support into development of biofuels like ethanol.

In addition to risking lives, we are wasting resources. Annually, we spend approximately $67.5 billion protecting global oil supplies. At home, Americans are using more gas than ever before. Yet OPEC has made it clear they are controlling the price we pay at the pump.

For example, in November of 2016, OPEC decided to cut its oil production to increase prices, and it caused a 10-percent increase in prices that very day. By December 12, prices had reached an 18-month high. We should not be risking lives and wasting money when we can use energy grown right here at home in States like mine. When we are producing more oil at home than ever before, that doesn't mean we can gut policies that are helping our Nation become energy independent. We need an EPA Administrator who will work with Congress to help us find ways to cut, not increase, our use of oil.

Scott Pruitt called the RFS unworkable. He clearly doesn't know that the renewable fuel standard is delivering triple bottom-line benefits. It is good for our security, it is good for our economy, and it is good for our climate. In my State of Illinois alone, the RFS employs more than 4,000 people and generates more than $5 billion in economic impact. Nationwide it is supporting 86,000 direct jobs. Those are good jobs with good wages. Those are people who are going home and paying their mortgages, sending their kids to school, and saving money toward retirement. It has helped to generate $8.7 billion in tax revenues that go to schools, roads, and first responders.

Mr. Pruitt's failure to support the RFS is not the only reason I oppose his nomination.

During his confirmation hearing before the Environment and Public Works Committee, which I sit on, Mr. Pruitt gave vague, hollow, and evasive answers. It was clear that he either doesn't support or understand the mission of the very Agency he would like to lead.

Mr. Pruitt, the mission of the Environmental Protection Agency is to protect the basic ingredients that people need for a good life. It is to protect our air and our water. These issues, public health issues, are what he has spent his career in helping Big Oil to dismantle.

Take the issue of lead poisoning. One of the responsibilities of the EPA is to enforce our lead contamination laws that keep lead out of our air and water. When questioned at his confirmation hearing, I was shocked that Mr. Pruitt was unaware that there was no safe level of lead for children.

As a mom, this terrifies me. I remember sitting in the House Oversight and Government Reform Committee when we had hearings on the Flint water crisis. I am a mom of a 2-year-old, and at the time my baby was just 1 year old. I remember being pregnant and having my daughter. I looked out into that audience, and I saw a mom holding a baby bottle that looked exactly like one my daughter drank out of—a little bottle with a pink top on it. The water in her baby bottle that she had to make her formula with was brown. It was brown. I thought about what it would have been like for me to have been drinking that water while I was pregnant and to have fed that water to my child and to have had the choice of: Could I have afforded bottled water or would I have to feed my daughter that water? It is not acceptable, not in the greatest country on the face of the Earth.

Mr. Pruitt doesn't know there is no safe level of lead allowed in the drinking water for children? Even low levels of lead can cause permanent brain damage in kids, lower IQs, and inflict other cognitive damage. There is no excuse for our Nation's EPA Administrator to not know that basic fact. That is a serious oversight, especially in the aftermath of the Flint water crisis. Lead in schools and in public waterways is a serious problem for Illinois children as well as for the children of Michigan. It is a problem for families. It is a problem for families and for children all across this Nation.

The EPA should work proactively to prevent crises like in Flint and to protect America's water supplies, but Mr. Pruitt's record of filing lawsuit after lawsuit that challenge the EPA's authority to carry out its mission doesn't inspire much confidence that his goals are the same as the Agency's that he seeks to lead. The American people simply cannot afford to have someone with a well-documented history of putting corporate polluters' profits before our clean air and water leading the Agency that is meant to safeguard them—the EPA.

We are only starting to learn the extent of Mr. Pruitt's conflicts of interest, and we have an opportunity to learn more about these conflicts now that a State judge in Oklahoma has ordered Mr. Pruitt to release by Tuesday potentially thousands of emails he exchanged with fossil fuel interests in his job as the Oklahoma attorney general. Senate Republicans are forcing us to vote on Mr. Pruitt before Tuesday because they know the American people will be alarmed and shocked by what his correspondence will reveal.

Mr. Pruitt has shown he is unwilling and unable to do this job. I remember, during questioning in committee, he was asked what was the role of the EPA. He spent the majority of his answer talking about the Federal Government not infringing on States' rights and talking about pulling the Federal Government and the EPA out of the States' business. Only at the very end did he add, almost as an afterthought—oh, yes—''and to safeguard the water and the air.'' The name of the Agency is the Environmental Protection Agency. That should have been the first thing he said, not the last.

He doesn't understand the central public health and environmental challenges that face us. Instead of siding with people, he has chosen to side with corporate polluters. He doesn't have a single environmental accomplishment to his name. He is unqualified, and I urge my colleagues to join me in opposing his nomination.

As someone who represents a farming State, I remember when President Trump came out to the Midwest and promised the American farmers that he would support the renewable fuel standard. I am deeply disappointed he has nominated someone to head the EPA who is clearly opposed to the renewable fuel standard.

I asked Mr. Pruitt several times in committee, in several different ways, if he would stand by the American farmer. I even told him what the right answer was—side with, stand with, protect the producers, and he refused to answer. He gave vague, evasive answers and refused to commit and refused to support the American farmer.

It is a no-brainer. Support the American farmer. Don't break the President's promise. Don't back away from the RFS.

Mr. Pruitt is continuing his administration's tradition of using alternative facts. The alternative to facts is fiction, and we cannot afford to have an Administrator who questions climate change. Climate change is an urgent threat to our Nation. Increasing temperatures are causing extreme weather events at alarming rates. We are witnessing more intense droughts, wildfires, and extreme weather across this country. If we put our heads in the sand and fail to curb the pollution that drives climate change, the effects will be devastating as our air quality will worsen, which will trigger more asthma attacks and other respiratory issues for our children; our coastal communities will be threatened by sea level rise; our national security will be threatened as climate change creates instability around the world.

ADM Mike Mullen, who served as Chairman of the Joint Chiefs of Staff under the Bush and Obama administrations, had this to say about climate change:

Whatever the cause, climate change's potential impacts are sobering and far-reaching. Glaciers are melting at a faster rate, causing water supplies to diminish in Asia; rising sea levels could lead to a mass migration and displacement similar to what we saw in Pakistan's 2010 floods.

The National Intelligence Council's report, ''Global Trends 2030,'' made similar observations.

Their report states: ''Many developing and fragile states, such as in Sub-Saharan Africa, face increasing strain from resource constraints and climate change, pitting different tribal and ethnic groups against one another and accentuating the separation of various identities.''

Climate change, clean air, clean water, and fighting lead contamination are not partisan issues. We don't only have these issues in red States or blue States—they are universal—and the American people expect us to make sure the head of the Agency that is charged with safeguarding these vital health priorities will be able and willing to do the job.

Since Mr. Pruitt was nominated, I have heard concerns from thousands of my constituents. Let me share a few words that I have received from my home State.

This letter is from one of my constituents from Illinois.

He writes:

I am asking you to vote ''no'' on Scott Pruitt's nomination as Administrator of the Environmental Protection Agency. America's clean water and air are a shining example for much of the world, and the EPA is their defender. Mr. Pruitt demonstrates no understanding of ocean acidification and the urgent risk it poses to American marine life, fishermen, and the communities that depend on them. Americans must protect our water and air from further pollution while we work collaboratively toward win-win solutions to challenges like ocean acidification. Mr. Pruitt ignores established science, and he is the wrong choice to lead the EPA. As my Senator, please vote ''no'' on my behalf.

I hear you, and I share your concerns, and I will be voting no on Mr. Pruitt as Administrator of the EPA.

As you may know, EPA region 5 is based in my State, in Chicago. I have heard from a number of EPA employees as well as from constituents—employees, both past and present—who are worried about the Agency they have served and loved. Here are some words from a former region 5 employee.

He writes:

Dear Senator Duckworth, I and many other former employees of the Environmental Protection Agency want to share our concern about Attorney General Scott Pruitt's qualifications to serve as the next Administrator of the EPA. Our perspective is not partisan. Having served under both Republican and Democratic Presidents, we recognize the right of a new administration to pursue new policies that protect our environment, but the EPA's Administrator must act in the public's interest and not simply advance the agendas of the industries that it regulates.

Decisions that affect the public's health or natural resources should respect the law and reflect the best scientific evidence available. Mr. Pruitt's record and public statements suggest that he does not share these values. As Oklahoma's attorney general, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit mercury emissions from powerplants, reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay, or control greenhouse gas emissions. In contrast, none of Mr. Pruitt's press releases refer to any action he has taken to enforce environmental laws or to actually reduce pollution.

Of even greater concern, his statements frequently ignore or misrepresent EPA's authority to regulate or its obligation to do so under the Clean Air or Clean Water Act. Mr. Pruitt has shown little interest in the kind of scientific and factual evidence that must guide EPA decisions. Mr. Pruitt has said that humanity's contribution to global warming is subject to considerable debate. That statement is at odds with the consensus among scientists. Mr. Pruitt fails to understand the difference between the public interest and the private interest.

It is just amazing to me that we are even here, that this man was even nominated—someone who has sued the EPA, someone who has so clearly been in partnership with the fossil fuel industry and who has not put the interests of families and children first as opposed to the interests of the fossil fuel industry, which have been guiding him all the way.

I, in fact, was shocked to learn that Mr. Pruitt closed the Oklahoma Environmental Enforcement Unit established by his predecessor. Instead, he established a new litigation team to challenge the EPA and other Federal agencies. Let me say that again. When he became the Oklahoma attorney general, he closed the Oklahoma Environmental Enforcement Unit. Instead, he chose to start a new litigation team to challenge the EPA and other Federal agencies.

I did not see any indication from him, in his confirmation hearing, that he would not do the same once he gets to the Federal EPA. Perhaps that is the intent of the Trump administration, to bring someone in who will dismantle the EPA. That is why I am here tonight. That is why I am opposing him—because I put the needs of our children, the needs of our environment, and the needs of our national security in front of the needs of the biofuel industry. We need an Administrator who has the patience, skill, and commitment to public service in order to steer the EPA through challenges that are associated with protecting our public health.

I, too, cannot believe Mr. Pruitt has demonstrated that he has the qualities needed to lead the Environmental Protection Agency. I hope you will be happy to know that is why I am opposing his nomination.

A constituent from Deerfield, IL, wrote to me:

I am writing to ask that you raise your voice in Washington against Scott Pruitt as President Trump's nominee for EPA Administrator.

The EPA is an organization driven by science and dedicated to protecting the climate and environment, not just for Americans but for all citizens of the Earth. Mr. Pruitt, on the other hand, disagrees with a vast majority of the scientific establishment as to the extent of climate change and humanity's role in it. He has made a name for himself by opposing EPA's policies and missions in the past.

It is beyond me that anyone believes Mr. Pruitt could effectively head the EPA and lead it further in its mission to ensure we are responsible stewards of this planet's environment and resources. I ask that you do your duty as a citizen of this planet and vote ''no'' on Mr. Pruitt for this position.

The EPA is an organization driven by science and dedicated to protecting the climate and environment, not just for Americans, but for all nations of the Earth. Mr. Pruitt, on the other hand, disagrees with the vast majority of the scientific establishment. Vote no on Mr. Pruitt for this position.

I hope you all do your duty as representatives of the American people by vocalizing our concerns with Mr. Pruitt to your fellow Senators, urging them to see the fault in President Trump's nomination.

Respectfully, Ethan, Deerfield, IL.

Well, Ethan, I am doing exactly that. That is why I am here today—to make sure that our colleagues understand how poorly suited Mr. Pruitt is to this job of Administrator of the Environmental Protection Agency.

Here is a letter from a Ph.D. student from Northwestern University.

As a Northwestern University doctorate student, I have chosen to devote my life to the pursuit of scientific knowledge. I am deeply troubled by the nomination of Scott Pruitt, and I am really concerned about the upcoming Senate vote.

The head of the EPA must uphold basic science and should not be colluding with the polluters they are required to regulate. Scott Pruitt cannot be trusted to head the EPA, an agency that is charged with protecting all Americans from threats to their water, air, and health.

Pruitt is also out of step with the vast majority of scientists, not only those working in the field of climate change, but also those who have dedicated their lives to protecting our air and water. As a scientific agency charged with protecting the public's health according to the best and most recent science, the EPA deserves to be headed by someone with a scientific background, or at least an appreciation for scientific truth.

I strongly urge you as my Senator to stand up for me and my neighbors, and I oppose this nomination.

Thank you so much, Amanda Cook, from North Lakeview Avenue in Chicago.

Well, Amanda, I get it. I am with you. I, of course, did not pursue a Ph.D. in a scientific field, but it doesn't take a Ph.D. in a scientific field to know that a man who has sued the EPA over a dozen times is not someone suitable to lead the EPA; that a man who said that he doesn't know whether climate change truly is scientific fact should not be the man who is going to head the Agency enforced with dealing with the effects of global warming. He should not be the person who is in charge of the Agency that will be protecting our air and our water supply.

We have not even touched on what the costs will be to this Nation if we continue to neglect the well-being of our environment. Rising rates of asthma of our children will mean higher

medical costs. Lead in the water supply causing cognitive damage to our children will mean that additional resources must be spent in our schools in order to provide those children with the best opportunities that they can have to grow and thrive and will also result in greater medical bills to treat those children for the rest of their lives.

If you don't believe me, just ask the people of Flint, MI. They are dealing with it every single day—every single day—those parents of children who have now been affected by the lead in that water supply. And Mr. Pruitt chooses to defend and protect the needs of the biofuels industry over the needs of our children. That is not someone worthy of representing the American people. That is not someone worthy of heading this Agency.

Let's just stick to Mr. Pruitt's own words, not the words of others, not the words of my constituents, but his own words. This is what he said about the Agency that he has been chosen to lead. Mr. Pruitt describes himself as ''a leading advocate against the EPA's activist agenda.'' He said this on his LinkedIn page. We accessed this in January of 2016.

On the role of the EPA he says:

> I believe 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.

This was his testimony before the House Committee on Science, Space, and Technology in May of 2016.

I disagree with you. I disagree with you, Mr. Pruitt, because I was there at that hearing where there were both State EPA officials as well as Federal EPA officials trying to explain why they allowed Detroit's children to be poisoned. And the Federal EPA official knew about the lead in the water supply—in fact, had discovered it—and they were so timid about pursuing it that they waited too long and allowed the State to continue to move forward. Those Federal EPA officials were indeed on the frontline.

I asked the Regional Administrator, Would you not rather be in front of this committee today explaining why you acted too quickly to save the health and the future well-being of the children of Flint than to be here in front of us today explaining why you allowed them to be poisoned, and not exercise your right as the Federal EPA to step in when the health and well-being of American citizens were at stake?

So Mr. Pruitt, I disagree with you. The EPA was indeed intended to be one of our Nation's frontline environmental regulators.

On climate change, Mr. Pruitt has said:

> 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.

Really. He is actually arguing that we should be teaching false science and should be encouraging it in classrooms and public forums. I can't think of something that would be a greater disservice to America than for the EPA Administrator to be someone who actually looks at scientific data—proven scientific data, facts—and rejects them. Yet, we know why he does. We know from his history. We know from his record in Oklahoma. He does it because the fossil fuel industry tells him so.

This is what he said about 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.

Yes, it does. Yes, it does, Mr. Pruitt. He just said that in August of 2015.

Here is what he said on methane regulation:

> My concern is that EPA is employing its flawed methodology in order to rationalize new and unjustified Federal regulations to solve a methane emissions problem that simply does not exist.

This man does not believe in global warming. This man does not believe in scientific data.

If you don't believe the scientists, at least look at what is happening with the storm systems, with what is happening to the climate that is changing and affecting this Nation with increased drought, increased flooding, more severe weather, and erosion. We had the first climate change refugees of Louisiana where people who have lived for generations in the gulf have now seen their islands washed away and have to be resettled.

Even if you don't believe in the data, believe your eyes and believe the facts.

Mr. Pruitt also said:

> The record does not support EPA's finding that mercury poses public health hazards. Human exposure to methylmercury resulting from coal-fired EGUs is exceedingly small.

That is simply untrue.

On legislating, he has said:

> Legislation should not be ''we like clean air, so go make clean air.'' That is what bothers me, that Congress gives this general authority to EPA.

On Oklahoma's race to the bottom on environmental regulations—this has to do with the Federal regional haze standards—Mr. Pruitt said:

> These standards threaten the competitive edge Oklahoma has enjoyed for years with low cost and reliable electric generation. This low-cost energy not only benefits Oklahoma manufacturers but gives us a considerable edge in recruiting new jobs.

He would rather increase the haze and the pollution in the environment. He would rather have an economic edge at the expense of the people of Oklahoma who must live and breathe more polluted air.

This is what he said on the renewable fuels standard:

> The evidence is clear that the current ethanol fuel mandate is unworkable. The decision by the EPA to lower that standard is good news for Oklahoma consumers.

What he means is that it is good news for Oklahoma's fossil fuel producers. In fact, the renewable fuel standards have been a success and we should be adhering to them and we should be keeping the renewable fuel standards and supporting the producers.

I will bet on the American farmer any day of the week. Our farmers work hard. Our farmers produce the corn for ethanol right here in the United States. I would rather invest in them than in foreign oil. I would rather invest in them and in a fuel that is clean-burning versus a fuel that pollutes the environment for the next generation of our Nation.

Even if you don't believe in the science, believe in the dollars. Ethanol and biofuels employ tens of thousands of hard-working Americans all across this great Nation. It accounts for large proportions of the economies of the farming States, including Illinois, Iowa, Ohio. So even if you don't believe, you should at least support our farming communities.

It is a fact that Scott Pruitt is simply too extreme to lead the EPA. He once wrote an entire op-ed questioning the science of climate change. He said:

> 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 connection to the actions of mankind.

This is according to an op-ed written by Scott Pruitt in the Tulsa World.

He goes on:

> Healthy debate is the lifeblood of American democracy, and global warming has inspired one of the major policy debates of our time. That debate is far from settled.

I agree that healthy debate is important to democracy, but when that debate is over and becomes an item of fact, it is just simply silly, and in the case of clean air and clean water and climate change, it gets to be dangerous.

His climate denial goes against the scientific community. Ninety-seven percent of scientists, including those at NASA, agree that human activities are causing climate change.

The 18 major national scientific organizations issued a joint statement with the following conclusion:

> Observations throughout the world make it clear that climate change is occurring and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver.

Mr. Pruitt's climate denial is also against the will of the American people. In fact, a New York Times/Stanford poll from 2015 showed that 77 percent of Americans support government action to combat climate change. This poll found that 83 percent of Americans, including 61 percent of Republicans, say that if nothing is done to

reduce emissions, global warming will be a serious problem in the future. Seventy-seven percent of Americans, according to this poll, say that the Federal Government should be doing a substantial amount to combat climate change.

In a Wall Street Journal/NBC poll from 2009, 67 percent of Americans stated that they supported EPA action to curb carbon pollution from powerplants, while only 29 percent opposed them. In that same poll, 57 percent supported requiring companies to cut emissions even if it means higher power bills. This was an increase from 48 percent in October of 2009 to the poll that was conducted in June of 2014.

Mr. Pruitt's blatantly anti-environment agenda threatens public health. He is unfit to lead an Agency that he sued at every turn to block protections for clean air and water. He sued the EPA over the legality of the Clean Power Plan. He claims that the EPA does not have the authority under the Clean Air Act to regulate greenhouse gas emissions.

Since becoming Oklahoma's top legal officer in 2011, Mr. Pruitt has unsuccessfully attempted to stop vital protections of public health—unsuccessfully. This includes standards for reducing soot and smog pollution that crosses interstate lines; protections against emissions of mercury, arsenic, acid gases, and other toxic pollutants from powerplants; and standards to improve air quality in national parks and wilderness areas. Each time he has done this, he has failed. Yet he continues to file suit.

He did many of these suits in conjunction with the fossil fuel industry. Some of those suits are still outstanding. Yet he has said—he has refused to commit to recusing himself from any of these lawsuits that may come in front of the EPA while he is the Administrator of the Agency. That is a conflict of interest. He will simply become the plaintiff, the judge, and the jury if he does not recuse himself. But of course that is his goal. His goal is to dismantle the EPA. His goal is to dismantle the Clean Water Act. His goal is to take away the authority of the EPA to regulate and protect those activities that affect our environment.

Mr. Pruitt launched three separate failed lawsuits against EPA's clean air rules, the regional haze cross-state air pollution rule, and the mercury and air toxics protections, otherwise known as MATs. The Supreme Court flat-out rejected Mr. Pruitt's challenges to the EPA's mercury standards. Thank God, because it protects millions of children from the effects of mercury, arsenic, and other dangers neurotoxins from coal plants.

Mr. Pruitt wants to block the EPA's clean water rule, which will protect the drinking water for over 117 million—that is one in three—Americans. One in three Americans gets drinking water from streams that lacked clear protections before the clean water rule.

According to analysis of over 1,200 peer-reviewed scientific reports, small streams and wetlands play a critical role in the health of larger downstream bodies, such as rivers, lakes, bays, and coastal waters.

Mr. Pruitt doesn't even want the EPA to study fracking's potential links to water contamination. As recently as 2014, he sent a letter to the EPA Office of Inspector General warning against preliminary research into threats to water resources posed by hydraulic fracturing. He said he believed EPA's efforts to study whether fracking was linked to groundwater contamination was politically motivated. He is even afraid of a study. Not only is he trying to block the EPA's ability to regulate, he doesn't even want the EPA to study it. He doesn't even want it to have the chance to develop the data to show that our water supply is under danger from fracking.

This man doesn't believe in scientific data, but he is afraid of it. If he weren't afraid of it, he would support these studies because they would show that he was right. But here is the problem: He is not right. He is wrong. The scientific data shows that such activities pollute our water supply.

Mr. Pruitt has repeatedly failed to act to protect the people of Oklahoma from increasingly powerful earthquakes caused by fossil fuel extraction through the process of fracking as well. We have had a string of level 5 magnitude earthquakes hit the State of Oklahoma. Scientists have indicated that they are being caused by a dramatic rise in the use of hydraulic fracturing—fracking—to produce oil and gas. The problem lies in the massive volumes of wastewater unearthed in the process of unlocking oil and gas. Operators typically dump salty wastewater, injecting high volumes of fluid into the disposal wells dug thousands of feet below the Earth's surface, but the pressure from wastewater is wreaking havoc on Oklahoma's fault lines.

The Oklahoma Geological Survey bluntly concluded last year that it was very likely that the majority of earthquakes that ripped through the central and northern regions of the State were caused by this process of injecting wastewater into disposal wells. This was reported by NBC News in November of 2016.

In 2016, the National Review reported that Mr. Pruitt compared taking on Big Oil to offenses committed by the British leading to the American Revolution. It said:

> The United States was born out of a revolution against, in the words of the Declaration of Independence, an ''arbitrary government'' that put men on trial for ''pretended offenses'' and ''abolish[ed] the Free System of English laws.'' Brave men and women stood up to that oppressive government, and this, the greatest democracy of them all, one that is governed by the rule of law and not by men, is the product.

Some of our States have forgotten this founding principle and are acting less like Jefferson and Adams and more like George III.

A group of Democratic attorneys general has announced it intends to criminally investigate oil and gas companies that have disputed the science behind manmade global warming. Backed by green energy interests and environmental lobbying groups, the coalition has promised to use intrusive investigations, costly litigations, and criminal prosecutions to silence critics of its climate change agenda. This is from the National Review.

He is comparing the efforts to take on Big Oil to offenses committed by the British leading to the American Revolution. I will take on Big Oil any day. I think it is important for our Nation's future.

As we have heard during the course of this debate, those of us who are troubled by the prospect of Mr. Pruitt becoming EPA Administrator believe that the process to this point has been marred by his failure to provide us with the information we feel we need to evaluate his suitability to serve in this critical role. Meanwhile, our colleagues on the other side of the aisle argue that Mr. Pruitt has been fully forthcoming. So let's put this dispute aside and turn our attention to a question Mr. Pruitt did answer. It may be among the most revealing of his responses. Unfortunately, what his answer reveals is the precise reason so many of us and so many of the people we represent are opposed to his confirmation and convinced he is absolutely the wrong person to head the agency.

Senator CARPER asked Mr. Pruitt: Are there any other EPA regulations that are on the books today that you do support?

Mr. Pruitt declined to name a single one. Not one. He has many that he could choose from. In fact, the question should have been something of a softball, in my view, giving him a chance to embrace the EPA's core mission as a public health Agency. He couldn't find a single regulation that he could support within the EPA. The man who is supposed to be heading the EPA could not think of a single regulation of this Agency that he could support.

Instead, what Mr. Pruitt does not seem to grasp is that EPA regulations are not simply policies to be litigated. In reality, they are lifesaving protections for so many Americans, and they create millions of dollars of net benefits.

Let's take a look at some of the public health environmental protections Mr. Pruitt cannot bring himself to support.

The mercury and air toxic standards have been projected to save up to 11,000 lives annually from premature deaths—11,000 lives annually from premature deaths, saved because of these regulations. They also prevent heart attacks and avoid 5,700 emergency room visits. That translates into over $80 billion in net benefits in a single year. That is a lot of lives saved, illnesses avoided, and economic benefits created that a

would-be EPA Administrator can't bring himself to support.

Of course, we should have expected Mr. Pruitt to name that rule since he has sued to block it twice, the second time being after EPA modified the rule to address concerns raised by the Supreme Court. Perhaps the number of rules we could expect Mr. Pruitt to support is a bit smaller than we might have thought since he blocked so many of them. In case after case after case, he has sued to block the EPA from working to save lives, prevent illnesses, and create economic benefits.

He has sued on behalf of Oklahoma to block the cross-state air pollution rule, otherwise known as the good neighbor rule. That rule cuts the pollution that leads to dangerous, sometimes deadly, urban smog and soot. When he sued, he was suing to block the American public from enjoying the following benefits: up to 34,000 lives saved per year, along with some $280 billion in health benefits.

When Mr. Pruitt brought an action against EPA's health-based standards for ground-level ozone, he was standing in opposition to the protections that would help avoid 660 premature deaths and over 230,000 asthma attacks, while creating $4.5 billion in health benefits net of cost. Even if you don't believe in the science, you should at least believe in the dollars and cents of the lives saved. Yet he continues to sue the EPA to oppose these regulations.

Although Mr. Pruitt has been a tireless litigator, he has not challenged every one of EPA's public health protections. But still, when asked, the man who wants to become the Administrator of the EPA could not name a single regulation of the Agency that he is about to take charge of that he supported. That means, for example, Mr. Pruitt probably doesn't support a rule that reduces the sulfur in gasoline so that emission control devices on cars can work more effectively. Don't we all want cars to work effectively? I guess he doesn't. This particular rule stands to create net benefits of up to $17.5 billion by 2030. Those dollar figures include the benefit of saving up to 2,000 lives and preventing 2,220 hospital admissions and asthma-related emergency room visits.

In 2015, the EPA set standards for the emissions of toxic air pollutants at refineries. As a result, 1.4 million fewer people will be exposed to cancer risks, yielding a 15- to 20-percent reduction in cancer incidents linked to refinery air pollution. According to his answer, Mr. Pruitt—who is seeking to be the EPA Administrator—doesn't support those advancements in public health.

He also doesn't support rules that are protecting the brain development of our children from exposure to lead in both gasoline and paint. Otherwise, he may have answered my colleague Mr. CARPER by saying that he supported the highly successful gasoline lead phaseout that dates all the way back to 1988. That regulation produced health benefits to the tune of over $6 billion. He didn't even indicate that he supports a rule addressing childhood lead exposure and renovation repair and painting.

Mr. Pruitt didn't even tell us that he supports rules that put or keep money in the pockets of families and businesses along with the environmental benefits they deliver.

EPA's greenhouse gas and fuel efficiency standards for cars and light-duty trucks are calculated to save families $1.7 trillion—that is a ''t''—in fuel costs.

The EPA's 2012 rule limiting the emissions of volatile organic compounds in natural gas production were calculated to create up to $19 million in cost savings in 2015 alone because of the value of the material recovered in the process of controlling emissions. Those benefits, however, did not inspire Mr. Pruitt to support them.

The list of health protections Mr. Pruitt does not support goes on and on. It includes health-based standards for fine particles or soot which will achieve between $3.7 billion and $9 billion in health benefits net of cost.

All of the rules I have mentioned are just a representative sample, nowhere near an exhaustive list.

When Mr. Pruitt declined to name a single environmental regulation he supported, he showed us how little he supports the central mission of the EPA, which is not to produce rules and regulations but to take action that creates health, environmental, and economic benefits for the American people.

Clearly, along with much of the rest of his record, Mr. Pruitt is declining to tell us he does support the health and environment protection EPA has established. It shows why he is not a suitable candidate to lead this Agency. He has shown throughout his career that he has a blatantly anti-environmental agenda, and this agenda threatens public health. He is not fit to lead this Agency—an Agency that he has sued every single chance he has gotten to block protections for clean air and water. I wonder why he does that. I wonder why.

Well, this might be a reason why. According to the National Institute on Money and State Politics—we accessed this in December of last year, just a few months ago—it appears that Mr. Pruitt has received over $314,000 from fossil fuel industries since 2002. According to them, Scott Pruitt has received a total of $314,996. He received $8,201 in 2002, $76,970 in 2006, $112,150 in 2010, and $117,775 in 2014.

It keeps growing and growing. I guess he is being rewarded by the fossil fuel industry for suing the EPA over and over. I can't imagine why they would continue to give him more money, other than the fact that he keeps suing the EPA.

He has used letters written by Devon Energy lawyers to send to the EPA. According to the New York Times, he sent a letter to the EPA from his own office that was written by lawyers of Devon Energy, one of Oklahoma's big oil and gas companies, and was brought to him by their chief lobbyist. Their chief lobbyist, Mr. William Whitsitt, at the time directed government relations for the company, and had presented a note to Mr. Pruitt's office. Mr. Pruitt 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.

I don't think that is acceptable, and I certainly don't think that it is a suitable way for someone who is going to head the EPA to conduct himself.

Mr. President, I ask unanimous consent to have printed in the RECORD a January 17 letter from the African American environmental justice community leaders.

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

JANUARY 17, 2017.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.
Hon. THOMAS R. CARPER,
Ranking Member, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATORS BARRASSO AND CARPER:

Please name one achievement by Scott Pruitt, as Oklahoma State Attorney General, that has improved the environment or protected civil rights. Don't bother to Google it because the answer is NONE.

As the African American leaders of environmental justice organizations, we urge the Senators serving on the Environment and Public Works Committee to oppose the confirmation of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency. We are outraged that Mr. Pruitt promises to set back and dismantle the policies and programs we have worked for more than 30 years to develop with community organizations across the nation. These policies were developed pursuant to both federal civil rights laws and environmental laws in order to remove racial disparities in environmental protection.

As you know, the Senate's Environment and Public Works Committee has scheduled a hearing on January 18, 2017 to examine the nomination of Mr. Pruitt to the office of the EPA Administrator by President-Elect Donald Trump. There is nothing in Mr. Pruitt's record as the current Oklahoma State Attorney General to demonstrate that he would be dedicated to the mission of the EPA, which is to protect human health and the environment. Nor does his career indicate any action to improve environmental conditions in people of color communities, who are disproportionately burdened with pollution.

Mr. Pruitt seeks to rise to the position of EPA Administrator as a reward for his efforts to block the EPA from mitigating the harmful effects of pollution ''outside the fence-line'' of toxic industries.

Let's be clear: the people who live beyond the fence of polluting industrial facilities and suffer the acute, chronic, cumulative and synergistic effects of exposure to pollution are predominantly African American and other people of color.

Mr. Pruitt appears to relish the opportunity to remove standards that are protective of our basic rights to a healthy and safe

environment. Case in point: Mr. Pruitt's dogged effort to axe the Obama Administration's Clean Power Plan would have devastating effects on predominantly African American communities. The Clean Power Plan requires the reduction of carbon pollution from power plants. It is the first federal air quality standard to establish requirements for states to achieve environmental justice. These requirements are based on the egregious fact that 78% of power plants are disproportionately located in close proximity to people of color and poor communities. The Clean Power Plan recognizes the vulnerability of people of color and poor communities to the disastrous effects of climate change, which is brought on by the burning of fossil fuels. In the U.S., the largest source of pollution driving climate change is power plants. Additionally, this air quality standard direct states to ensure meaningful and effective participation of vulnerable communities in developing state plans for reducing power plant pollution.

We recognize that the biggest climate and environmental threats to our nation and planet are fueled, in part, by racial disparities in environmental protection. Industrial sites and major transportation routes are disproportionately located in and around predominantly African American neighborhoods, where residents are daily exposed to the smokestack and vehicle emissions that warm the planet as well as trigger asthma attacks and cause other severe health problems. We cannot effectively confront the threats of climate change by confirming Mr. Pruitt, a climate denier, to the post of EPA Administrator. We also cannot pursue remedies for racial disparities in environmental protection with Mr. Pruitt at the helm of the EPA, as he has shown himself to be hostile to preventing pollution that occurs disproportionately in communities of color.

We need an EPA Administrator who will work to remedy the persistent and pervasive problem of environmental racism that results in:

79% of African Americans living in polluted neighborhoods;

African American children being three to five times more likely than white children to be hospitalized or die from asthma;

African Americans in 19 states being more than twice as likely as whites to live in neighborhoods with high pollution levels, compared to Hispanics in 12 states and Asians in 7 states;

more than 68% of African Americans living within 30 miles of a coal-fired power plant—the distance within which the maximum negative health effects of the smokestack plume are expected to occur—compared with 56% of whites and 39% of Latinos who live in the same proximity to a coal-fired power plant;

African Americans being more vulnerable than whites to climate change, and less likely than whites to recover from disastrous weather events;

the percentage of African Americans living near the fence line of a chemical plant is 75% greater than for the US as a whole, and the percentage of Latinos is 60% greater; and

predominantly African American neighborhoods with households incomes between $50,000 and $60,000 being more polluted than predominantly white neighborhoods with households incomes below $10,000.

There is nothing in Mr. Pruitt's record as Oklahoma State Attorney General to indicate that he would be sensitive to and willing to help communities throughout the United States, where African Americans and other people of color disproportionately suffer and die from unhealthy environmental conditions, which also contribute to climate change. For all of the reasons stated above, we urge you to take a stand in opposing the confirmation of Mr. Pruitt as EPA Administrator.

Should you have any questions, please do not hesitate to contact Dr. Beverly Wright, Executive Director of the Deep South Center for Environmental Justice, Inc.

Sincerely,

Dr. Beverly Wright, Executive Director, Deep South Center for Environmental Justice, Inc; Dr. Robert D. Bullard, Distinguished Professor, Urban Planning and Environmental Policy, Texas Southern University; Ms. Peggy Shepard, WeACT for Environmental Justice; Rev. Lennox Yearwood Jr., President/CEO, Hip Hop Caucus; Ms. Francis Gilcreast, President, NAACP—Flint Branch; Dr. Charlotte Keys, Executive Director, Jesus People Against Pollution; Rev. Leo Woodberry, Director, Kingdom Living Temple; Mrs. Sylvia Scineaux-Richard, President, East New Orleans Advisory Commission; Mr. Hilton Kelley, Founder & Director, Community In-Power & Development Association; Mr. Kali Akuno, Co-Director, Cooperation Jackson; Mr. David Fellows, Dehlson Chair of Environmental Studies, Director, Global Environmental Justice Project, University of California, Santa Barbara; Ms. Sharon E. Lewis, Executive Director, Connecticut Coalition for Environmental Justice.

Major Joe Womack, Vice-President, Mobile Environmental Justice Action Coalition; Mr. Arthur Johnson, Chief Executive Officer, Lower Ninth Ward Center for Sustainable Engagement; Ms. Katherine T. Egland, Chairperson, Environmental and Climate Justice Committee, NAACP National Board of Directors; Ms. Rebecca O. Johnson, Consultant, Road Map Consulting, c/o Common Counsel Foundation; Ms. Donele Wilkins, President/CEO, Green Door Initiative; Rev. James Caldwell, Executive Director, Coalition of Community Organizations; Dr. Mildred McClain, Executive Director, Harambee House, Inc.; Ms. Ruth Story, Executive Director, Education, Economics, Environmental, Climate and Health Organization; Mr. Derrick Evans, Director, Turkey Creek Community Initiatives; Mrs. Dorothy McWilliams, Concerned Citizens for Melia; Rev. Calvin Avant, Director, Unity in the Family Ministry; Ms. Bridgett Murray, Director, Achieving Community Tasks Successfully; Mr. Brian Butler, Communications Outreach, Director, Air Alliance Houston.

Ms. DUCKWORTH. Mr. President, as is stated in this letter, it says:

As the African American leaders of environmental justice organizations, we urge the Senators serving on the Environment and Public Works Committee to oppose the confirmation of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency. We are outraged that Mr. Pruitt promises to set back and dismantle the policies and programs we have worked for more than 30 years to develop with community organizations across the nation.

There is nothing in Mr. Pruitt's record as current Oklahoma State Attorney General to demonstrate that he would be dedicated to the mission of the EPA, which is to protect human health and the environment. Nor does his career indicate any action to improve environmental conditions in people color communities, who disproportionately burdened with pollution.

Mr. Pruitt appears to relish the opportunity to remove standards that are protective of our basic rights to a healthy and safe environment. Case in point: Mr. Pruitt's dogged effort to axe the Obama Administration's Clean Power Plan would have devastating effects on predominantly African American communities.

Mr. President, I ask unanimous consent to have printed in the RECORD a January 17 letter from the leaders of over 20 regional and nationwide Latino civic organizations to Members of the Senate.

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

[January 17, 2017]

LATINOS OPPOSE SCOTT PRUITT FOR EPA ADMINISTRATOR

DEAR SENATOR: As Latino leaders, members and representatives of the undersigned organizations committed to efforts that support our communities' health, advancement, safety and well-being, and on behalf of the concerned communities we represent, we strongly urge you to oppose the president-elect's nominee to lead the U.S. Environmental Protection Agency, Oklahoma Attorney General Scott Pruitt.

Mr. Pruitt has made a career of suing the Environmental Protection Agency, and has used his office to attack lifesaving public health protections time and time again. His record exhibits a reckless disregard for public health and a deeply troubling contempt for the very mission of the agency he has been nominated to lead. Mr. Pruitt denies the science of climate change, suing to block national standards to fight this crisis; he has fought against clean air protections, opposing the Mercury and Air Toxics standard which would prevent premature deaths and asthma attacks; he has sued the EPA to overturn clean water safeguards for more than half of the nation's waterways, including streams that feed into the drinking water supplies of hundreds of millions of Americans. Scott Pruitt is simply unfit to lead the EPA and, if confirmed, would pose a danger to our communities.

Latinos overwhelmingly support actions to fight climate change. We recognize the importance of protecting the environment: 97 percent of Latinos agree we have a moral obligation to take care of our environment. In December, the National Hispanic Leadership Agenda, a coalition of 40 of the leading Latino organizations nationwide, voiced their opposition to Mr. Pruitt's nomination, stating that they were ''particularly troubled by this choice,'' and pointing to the prevalence of asthma and other respiratory diseases among Latinos living near polluting power plants, truck routes, and factories; as well as the large number Latinos who are employed in outdoor occupations, including agriculture, where they are exposed to health hazards, bad air quality, and the impacts of extreme weather.

Americans did not vote for more air pollution, toxics, or dirty water, nor did they vote to undo critical protections that safeguard our children and communities. We did not vote for more climate change or dirty energy. Putting the EPA in Mr. Pruitt's hands does just that: he will threaten our children's health, turn back the clock on landmark efforts to clean up our air, water and climate, and imperil the United States' position as a global clean energy leader.

We call on you to publicly declare your commitment to stand up for our right to breathe clean air, drink clean water, and be protected from pollution. We urge you to vote against all legislative proposals that would in any way repeal, weaken or undermine these rights, laws and safeguards. Our community is counting on you to protect us by voting to reject Scott Pruitt's nomination for Administrator of the U.S. EPA.

Ms. DUCKWORTH. Stated in this letter, it says:

As Latino leaders, members and representatives of the undersigned organizations committed to efforts that support our communities' health, advancement, safety, and

well-being, and on behalf of the concerned communities we represent, we strongly urge you to oppose the president-elect's nominee to lead the Environmental Protection Agency. Latinos overwhelmingly support actions to fight climate change. We recognize the importance of protecting the environment: 97 percent of Latinos agree we have a moral obligation to take care of our environment. In December, the National Hispanic Leadership Agenda, a coalition of 40 of the leading Latino organizations nationwide, voiced their opposition to Mr. Pruitt's nomination.

Putting the EPA in Mr. Pruitt's hands will threaten our children's health, turn back the clock on landmark efforts to clean up our air, water and climate, and imperil the United States' position as a global lead energy leader.

I am also deeply concerned that we are holding this vote so quickly, when not all of the evidence of Mr. Pruitt's activities has been brought to light.

The fact of the matter is that we are still waiting for almost 2,000 emails to be released from his time as the Oklahoma State attorney general. Only on Thursday afternoon was there a ruling that said those emails must be released. Yet we are going to hold a vote, and my colleagues will be forced to make a decision on behalf of the constituents of their great States based on incomplete information.

I don't understand the need to rush this. I don't understand why we would hold this vote so soon, so quickly, when there are other nominees for other positions in the President's Cabinet whom we could vote on, who do not have 2,000 hidden emails waiting to be released, waiting to be reviewed.

I served on the Benghazi Committee in the House. I have to tell you that one of the refrains I heard over and over from my Republican colleagues, Republican voices, was that they just wanted to pursue transparency, and they wanted to see all the emails, and yet the very same people who were so dogged not too long ago now don't care to look at any emails when it comes to Mr. Pruitt.

Why is that? Why are we so eager to have this vote? Do you just want him to start dismantling the EPA that much sooner? Can't we wait a week? I think we are doing a disservice to the gentlemen and women who serve in this body. They deserve to have complete information before we hold this vote. I think those emails that would be disclosed deserve to be looked at. They deserve the light of day—transparency—so that we can continue to evaluate and truly have more complete information on Mr. Pruitt and his time as the Oklahoma State attorney general before we pass this vote.

Mr. President, I ask unanimous consent to have printed in the RECORD a February 6 letter from nearly 500 former employees of the EPA to Leader MCCONNELL.

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

FEBRUARY 6, 2017.

Subject: Concerns about Scott Pruitt's qualifications to serve as EPA Administrator.

Hon. MITCH MCCONNELL,
Washington, DC.

DEAR SENATOR MCCONNELL AND THE U.S. SENATE: 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 questions 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 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 gives 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 action spared much of the harm that some countries still face as 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 laws. Mr. Pruitt has shown no interest in enforcing environmental 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 gas 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 rule to reduce carbon pollution from power plants, he took the unusual step of accepting free help from a private law firm. By 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 act on the strong scientific consensus on climate change. 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 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.

Ms. DUCKWORTH. The unemotional appeal lays out the facts directly and clearly and, as such, reads as a scathing condemnation of the Oklahoma attorney general. Stated in this letter it says:

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.

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.

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

The PRESIDING OFFICER (Mr. PERDUE). 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, I come to the floor this morning to join my colleagues to speak on the nomination of Scott Pruitt to be Administrator of the EPA. Like my colleagues who have been out here tonight, the great Senator from Illinois, Senator DUCKWORTH, and my colleague from Hawaii who preceded her, we are here to talk about the importance of our environment and what a critical asset it is to each of our regions of the United States.

Certainly, you can say for the State of Washington that the environment is our economy—the beautiful aspects of our clean water, the resources of our beautiful mountains and wonderful streams, Puget Sound itself, our mountains that so many of my colleagues ask me about. These are all assets that make Washington State a great place to live, work, and recreate in.

Our companies would tell you that one of the great things they have in recruiting people to the State of Washington is that it is a competitive advantage to say their business is located in Washington. People understand what that means to the quality of life and to the opportunities for those workers. It is with that in mind that I rise in strong opposition to this nomination.

I had a chance yesterday to discuss Mr. Pruitt and to discuss some of the concerns that I have with his role as Administrator, and in Oklahoma in the attorney general slot, and also his nomination process. Many of my colleagues this morning have brought up his record, what that record represents, and their concerns about his answers to very important questions.

This is about stewardship. Stewardship is about how we are going to manage our resources and apply the laws of clean air and clean water to protect not just this generation of Americans, but future generations of Americans.

Mr. Pruitt's poor environmental record—in my opinion, he is choosing to side with those companies that have been polluters of clean water and failed to protect in an aggressive way the important public health issues that were before people in his State.

Obviously, there is a big discussion tonight. My colleagues have been out here discussing whether there is transparency in Oklahoma regarding his ability to discuss with them his failures or his successes, if you will, in a public process. That is why people have been demanding these emails. These important documents are things that, not only the people of Oklahoma, but people in the U.S. Senate have a right to have answers to as we consider his nomination.

I join my colleague from Hawaii in saying, What is the rush? What is the rush to push forward somebody as an administrator for something that is about the stewardship of our air and water—something that is going to be important, not just to our generation but future generations? We want an EPA Administrator who is going to protect that. That is what we want to know: Are you going to be an aggressive steward for future generations?

I had an opportunity a couple of years ago to hear one of the great authors who has written all these books about economics. He was talking about the great implosion of the economy in 2008, 2009. His point was that was going to cost future generations—not just this generation, but maybe three generations of Americans were going to be affected by that big great recession of our economy. It is the same issue tonight.

Our future environment is going to be impacted, not just for today, but for future generations by what the next EPA Administrator does. It is critical that we recognize the important need for clean air and clean water now and take steps to be aggressive about it.

This is something that is important to our State because it is affecting us economically. It is affecting us with water and ocean acidification, challenging our seafood industry and our food chain, and challenging us with wildfires. We want to make sure that we have an EPA Administrator who is going to do their job.

In my opinion, Mr. Pruitt has ignored big polluters and discharge in drinking water in Oklahoma. In my opinion, he has not been strong enough with regards to the big oil and big mining companies who have attempted to undermine what is EPA law. As attorney general, he tried to undermine the laws that are already on the Federal books. It leaves my colleagues and I questioning, How could he ever stand up for those laws if he has spent so much time trying to undermine them?

He has helped organize strategies and discussions about how to aggressively stop the EPA from doing its job. Some of these discussions used the example of the Pebble Mine. The Pebble Mine is a mine that companies are proposing in Alaska at the headwaters of the largest sockeye salmon run in the world, one of the most important sockeye salmon runs in the world. So as EPA Administrator, when he is supposed to be protecting clean water, is he going to side with those mining companies? He spent a whole strategy session with them trying to figure out how to overrun EPA. Is he going to be the kind of person who is going to help us stand up for clean water so we can have salmon on the west coast? Or is he going to join with those who think that you can degrade the environment and still preserve these incredible resources?

I know that people think Mr. Pruitt and his statements about climate change are important. I agree because part of that stewardship on clean air is basically implementing and carrying forward strategies to make sure that polluters reduce pollution in our air and that we come up with a plan to diversify energy sources to reduce that pollution. I should say his job is not that, but it is clearly to call out what the Supreme Court has said is implementation of the Clean Air Act.

My colleagues, I think, are failing to recognize that Mr. Pruitt's hesitancy on this issue is really going to cause problems or challenges for us here in the Senate. It is going to cause challenges for us to move ahead when we are seeing so much impact.

I know my colleague from Maine, Senator COLLINS, and I have asked the GAO for an analysis of what climate change is costing us. What is the impact of climate change costing us? Why did we ask for that letter over a year ago? Because we are seeing devastating impacts in the shellfish industry, in the timber industry, in various aspects of our economy as it relates to that.

In the Tulsa World Mr. Pruitt said: ''Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind.''

That is what he said in the newspaper in Oklahoma.

I know several of my colleagues and I have further discussed exactly this issue, but the United States has made great strides to reduce carbon dioxide, and we need to have someone who is going to be aggressive about doing more work on this. The consequences of increased carbon dioxide have been everything from extreme weather patterns to impacts on water quality, which causes impacts to our salmon, to drought conditions, which a lot of legislation—various committees have been discussing exactly what to do about the drought situation in Washington, Oregon and California. I am sure it is going to continue into many other States. It is impacting even the chemistry of Puget Sound—something I will get into in a minute with ocean acidification.

To have somebody who doesn't get how aggressive we have to be on addressing these issues is very problematic. It is an economic issue.

I would like to say, as I mentioned earlier, it is about good stewardship because it is about future generations and whether someone did their job in leaving this place to the next generation, but it is also about economic issues.

Mr. Pruitt failed to be accountable as attorney general in releasing emails, and that is so much of the discussion today about his nomination. During his confirmation hearing, he repeatedly failed to answer questions. And he told Senators: Submit an open records request to the attorney general's office—his own office. It is as if Mr. Pruitt is taunting our colleagues, not answering the questions about his policy, hoping that my colleagues on the other side of the aisle and this side of the aisle will support him, even though he will not give us answers on his policies. And then he says: Well, if you want to know, you can submit an open records request. We have; people have. We want the answers, and a court today has said: Let's give people those answers.

We don't have those answers today, yet my colleagues want to rush to have his nomination pushed through when something as important as the environment is at stake.

On average, Oklahoma State government agencies complied with their open records request within 68 days. That was the average, yet Mr. Pruitt, as attorney general, has taken over 2 years. A few weeks ago when a lawsuit was filed against Mr. Pruitt on this very issue, the suit requested that he respond to 9 open records requests, asking for as many as 3,000 emails.

As I just said, yesterday, a judge said that he has to turn over those records, those documents, and he has to do so by Tuesday. It is not a long time to wait. It is not a long time to discuss the concerns that our colleagues have with this position. In fact, I would be happy to come back on Wednesday and make sure we have consideration then, giving people time until Tuesday. But people are pushing us to vote for this nomination tomorrow or, I should say today.

What do my colleagues not want to see in the Pruitt emails? What is it that they don't want to know? Attorney General Pruitt has been part of close to 30 anti-environmental legal actions. Is that what they don't want to see?

I know one of my colleagues has said he is going to make polluters pay. He is going to assure that these issues are implemented.

Scott Pruitt has sued the EPA 14 times. He fought the cross-state air pollution rule. He fought the regional haze rule. He fought the clean air standards for oil and gas production sites. He fought the clean water rule. He fought the mercury rule twice, and he fought the Clean Power Plan four times.

So are my colleagues interested in giving this job to someone who has fought the EPA and tried to stop them from making sure that polluters pay? This is what the responsibility of the Environmental Protection Agency is, to make sure that we have good stewardship.

In one case, Attorney General Pruitt failed to pursue a Phillips 66 refinery in an Oklahoma City, which the EPA found was one of the worst polluting refineries in the entire country. Phillips 66, in this case, impacted groundwater. That was the pollution in this case. Yet Scott Pruitt failed to enforce the environmental laws there.

As attorney general, Scott Pruitt has been absent in other cases. There was a groundwater case and pollution by Halliburton. Where was the attorney general in that case?

In another case, in Bethany, the city's water wells were impacted by a toxic plume of chemicals that impacted access to safe drinking water.

This case is still going on. But the attorney general failed to step in and protect those citizens.

So this is what we want to understand, given what Attorney General Pruitt said in his testimony: Ask for requests. Get the emails. See the positions.

That is what we have done. As we can see from his record, he knew very well it took a long time, that he had every tool to make this a very hard process for people to get the answers. Yet we are now within days of having those answers. My colleagues want to go ahead and vote.

During his confirmation hearing, Mr. Pruitt was asked to identify lawsuits he filed against private companies in Oklahoma for violation of pollution laws. Despite these examples I just mentioned, Mr. Pruitt could think of only one specific instance in which he filed a settlement after his predecessor completed an investigation into how a dozen or so poultry producers illegally disposed of animal waste. So let's take a closer look at that case.

The poultry companies in the northeast corner of Oklahoma were not properly disposing of 300,000 tons of animal waste per year. Attorney General Pruitt's predecessor had sued the companies for damages caused by pollution and forced the companies to change disposal practices. But Mr. Pruitt in this case, rather than advocating for the judge to make a ruling, negotiated an agreement with the company to do a study on the appropriate levels of phosphorus in the Illinois River.

So while some might say ''Well, isn't that a good step?'' he let the agreement expire that was already in place to reduce that waste and did not seek a formal extension. He shut down the environmental unit that helped start the lawsuit against those companies. This unit was in charge of making sure that agricultural waste cleanup and millions of dollars to clean up those toxic sites were in place. Yet he let that expire.

So I have grave concerns about whether he is going to be aggressive about these issues all across the United States. Is he going to work to make sure these laws that are on the books already continue to be enforced? Is he going to fight to make sure that clean air and clean water—the rights of the citizens here in our country—are preserved and preserved for future generations?

I noticed that in Oklahoma there was question 777, a ballot measure. On that ballot measure was Oklahoma's right-to-farm statute that was proposed by the Oklahoma Legislature. If the voters in Oklahoma approved it, it would have created an amendment to the Oklahoma Constitution prohibiting the legislature from enacting laws restricting agricultural production unless laws were needed to advance a ''compelling State interest.''

I think this is a very interesting demonstration of how people are trying to use a process, just like the House colleagues are sending over regulatory reform bills. They are going to hide behind regulatory reform when in reality they are trying to curtail clean water and clean air rules.

Well, the people of Oklahoma were a little smarter than that. Right-to-farm laws are not uncommon, and there are currently variations in all 50 States. But many such statutes, including Oklahoma's current law, protect farmers and ranchers from nuisance claims as long as they operate in acceptable practices.

This question that was put on the ballot to Oklahomans went further than the typical right-to-farm law; it would have amended their State constitution. The State constitution holds a higher authority than these State statutes. So if that initiative was enacted, it would have guaranteed that

agriculture can engage in farming practices without interference from the legislature, and it would even have prohibited the public from suits. Can you imagine that? I know that that is what some of the proponents of these issues want; they want to do whatever they want on the land whether it impacts the neighbors or impacts clean air or clean water. They just want to keep moving it forward.

So Mr. Pruitt was in support of question 777. He talked about the ''intrusive rules from government regulators'' that often ''fail to achieve the stated health, safety and environmental goals.'' Well, we know we want to have a balance. We can have jobs, we can have agriculture, and we can have environmental stewardship. I think we, in Washington, work very hard to achieve that.

Drought issues like we are experiencing in the Yakima Basin got everybody to the table—farmers, Native Americans, fishermen, everybody. Instead of trying to pass initiatives like this—which, by the way, failed in Oklahoma—people said: We need to work together in these challenging times of a changing climate and work on preserving what is most important to all of us. They have done a good job in doing that.

So what we are looking for is an Administrator who is going to help in that process, who is going to continue to make sure we live up to these laws that are on the books and help in the challenging times of drought and environmental impact.

Of Attorney General Pruitt's 14 cases against EPA, 13 of those suits were joined by the fossil fuel industry. The attorney general has been known to send letters to Federal agencies that basically were identical to the fossil fuel industry letters; that is, as attorney general, he wasn't making his case, he was just making the case for the fossil fuel industry.

The CEO of Continental Resources, a top oil producer in the United States—their organizations basically were trying to push Mr. Pruitt during his time as attorney general, instead of standing up for clean air and clean water. And we want to know what he is going to do in this new job—work with Members here in the Senate on continuing to implement the law.

One of the best examples of what I would expect him to do is to continue the good work of the Federal Government in protecting salmon. Of particular importance, as I mentioned earlier, is the issue of Pebble Mine. During his time as attorney general, Scott Pruitt, as I said, planned the Summit on Federalism and the Future of Fossil Fuels. That is a pretty interesting task to take if you are the attorney general of a State, the Summit on Federalism and the Future of Fossil Fuels. That summit brought together energy executives with attorneys general to strategize against what they thought was so-called EPA overreach and how to defeat it.

One of the key examples they brought up was the Environmental Protection Agency's efforts to protect Bristol Bay, AK, from a proposed mine that is called Pebble Mine. Pebble Mine is a proposed large hard rock mine, as I mentioned earlier, in the headwaters of Bristol Bay. Each year nearly 40 million sockeye salmon return to Bristol Bay. In total, Bristol Bay supports 29 species of fish, including all 5 North American salmon species. That is why Bristol Bay is called one of the greatest fisheries on Earth. Bristol Bay supports a $1.5 billion sockeye salmon fishery, which provides 14,000 jobs throughout the Pacific Northwest.

Even my colleague, the late Ted Stevens, was opposed to the Pebble Mine. I think he knew the great resource and the importance of Bristol Bay.

This fishery, and the people in that fishery, and the tribes of Bristol Bay, petitioned the EPA to evaluate the impact of the proposed Pebble Mine and what it could do to salmon.

In 2014, after years of research, EPA finalized a science-based assessment of the Pebble Mine called the Bristol Bay Watershed Assessment. This assessment found that Pebble Mine posed a direct threat to Bristol Bay salmon.

I am not sure this is a picture of Bristol Bay salmon, but this is definitely an iconic symbol of what we are talking about here tonight, that thousands of jobs in our State rely on salmon, and the subsistence culture of many Native Americans also rely on Bristol Bay salmon. That is why so many people weighed in at meetings with EPA and agencies in various parts of the Northwest to talk about this issue, because so many jobs would be impacted. That mine would destroy up to 94 miles of salmon spawning streams, devastate up to 5,350 acres of wetlands, and create 10 billion tons of toxic mine waste.

So you can imagine my concern when the attorney general out of Oklahoma decided he was going to take a very lenient attitude on animal waste and hold the summit trying to basically figure out ways to disrupt EPA's questioning and assertions about Bristol Bay. How far he is going to go as EPA Administrator to basically have a negative impact on our salmon economy?

He could have said: It was just a session, and I support EPA's actions. But that is not the message we are receiving. The toxic mine waste that would exist at Bristol Bay would contaminate massive amounts of areas behind the second largest dam in the world, and that mine waste would be there in perpetuity in Bristol Bay.

So the science was very clear. The Pebble Mine was in the wrong place, and it was the wrong idea. Large mining companies have come to that same conclusion. Just a few weeks ago, an analyst issued a report that said Pebble Mine is ''not commercially viable.'' That is because of the tremendous costs that are associated with it and the risks associated with it.

After the EPA assessment found that salmon were at risk from the Pebble Mine, I definitely want to make sure that Bristol Bay salmon are protected forever. The EPA had the authority to basically use a section of the Clean Water Act to make sure those Bristol Bay salmon were protected. That is what I expect. That is what I expect after public hearings, an open process, using the authority. Why would it be a good idea to let a mine be located at the headwaters of one of the most important salmon runs in the world? Why would we do that? Yet Mr. Pruitt took time to join an effort to say: How can we overturn EPA's efforts here?

I need an EPA Administrator who is going to stand up for our environment in the Pacific Northwest and protect us on clean air and clean water. It is critical that those individuals who were proposing this mine continue to be thwarted.

While the EPA has been close to making sure there are permanent protections for Bristol Bay, I am very concerned that this EPA Administrator could start this process all over again. That is something we can't afford. We cannot have an EPA Administrator who is on the wrong side of the Pebble mine issue. They need to protect Northwest salmon.

I would also like to talk about another threat to our environment, to our fishing economy that is certainly happening today and why we need an EPA Administrator not to be spending their time joining forces with polluters, figuring out ways to avoid law, but figuring out ways to implement the Clean Air Act that the Supreme Court says we must follow through on.

Last year, Attorney General Pruitt stated that there is a disagreement about whether human activity has had an impact on climate. When he was pressed on this issue during his hearing, he continued to question scientific facts. He said he believed climate change is irrelevant to his role as EPA Administrator. Well, I disagree. Climate change is not a future hypothetical issue. We are seeing it today, and we are seeing it in our State.

Our fishermen want to continue the great legacy that we have in our fishing traditions, and we are going to get to why this picture is affected by what I am going to talk about next, but we want to continue to have thriving Northwest fisheries. We want to continue to have a healthy environment and food chain that is going to allow us to have a robust fishery in the Northwest.

I think our fisheries can be cited as some of the best managed fisheries in the entire world. That is how good we are at it. That is how scientific we are at it. That is how collaborative we are at it. That is how much hard work has been put into stewardship and managing the resources and making sure the jobs still exists. I would match that with any other part of the United States or this planet. The Northwest

fisheries are managed well, but they are being challenged. They are being challenged by the fact that our climate is changing and that the oceans absorb 25 percent of the carbon dioxide emissions, which resulted basically in a changing of the chemistry in our waterways. That is right; the oceans absorb 25 percent of carbon emissions. So basically they become this sink for the emissions.

We have scientists who are out on the Olympic Peninsula studying this very issue, not for us in the Northwest; they are studying it for the entire United States. It is part of our National Laboratory system. They are looking at this very important issue and the challenges we face from it.

The fact that the oceans have been the sinks for that carbon has made the rate of ocean acidification 10 times faster than anything we have seen on Earth in the last 50 million years. In Puget Sound, that means that ocean acidification has resulted in massive die-offs of young oysters. Juvenile shellfish cannot survive in these corrosive waters, and their shells actually dissolve.

So this economy for us is in the hundreds of millions of dollars, the shellfish industry. A few years ago, we were successful in getting some very minor—I think it was in the definitely thousands of dollars—to help that industry figure out what was happening because the shells weren't forming. We were able to see that ocean acidification was having such a corrosive impact, we helped the industry figure out when a better time for seeding was and to get to a point where those extreme conditions weren't having their most devastating impact.

This die-off in 2005 caused a major plummeting of the shellfish industry. An industry that employs over 3,000 people in the State of Washington. I have met shellfish growers who are fourth-generation shellfish growers in our State. So this way of life around Puget Sound is important to us. You can go to probably a dozen restaurants here. I am sure you could have gone across the street to Johnny's Half Shell and ordered a product from Washington State. It would be one of the premier products on the menu.

We have to fight to keep this industry. We have to make smart decisions about our environment. We have to make good stewardship decisions or those four generations of shellfish growers are not going to be here anymore.

The pollution that is coming from carbon into our water is a big deal. How big a deal is it? Well, it is a big enough deal to put on the front page of the Seattle Times above the fold—and probably not just once, probably several times. Why? Because we live and have a huge population around the shores of something called Puget Sound.

Almost everyone, everyone there understands the importance of clean water and a healthy environment to protect this maritime economy and to make the right decisions moving forward.

We don't want to see what happened in 2005 and in 2006. We don't want to see that. We want to see more of our shellfish actually able to survive the seeding process, and we want to continue to be smart about this. This is where the science question comes in.

If we have an EPA Administrator who doesn't believe this impact is happening, if he is going to thwart the efforts to do the research and the science, if he is going to spend more time trying to thwart these laws than implement strategies to mitigate the impact of climate change, we are not going to be successful economically. We need technology like ocean acidification sensors.

Why were we successful at turning that situation around with the shellfish industry and making sure? It is because we were able to locate buoys in the water to give us data and information about these warming temperatures, what problems it was causing, and come up with a strategy to lessen the impact of acidification. They measured our waters and how to modify growing practices. That is basically what they did. If you are denying that climate change is even happening or that it is having this impact and you are not planning for it, you are not going to go out and help our growers strategize for the future.

They use that real-time information to increase the production from the 20 percent of historical levels that it was to 70 percent, but without that data in collaboration with places like NOAA, our shellfish industry would have continued to just decline.

I need an EPA Administrator who is going to support monitoring; that is going to understand this impact and do something about it.

Now why did I have the other picture of the salmon fisherman? Because ocean acidification, as I mentioned, basically dissolves the shells of important prey species we call pteropods, and they are the base of the food chain. So not only am I just talking about the thousands of jobs and millions of dollars associated with the shellfish industry, if you have so much carbon sinking into our waters that you are destroying this part of the food chain, it impacts the rest of the food chain. It impacts all the way up the species, including salmon, herring, mackerel, and other species. So this is why we have to have an EPA Administrator who is going to follow science and be aggressive at protecting these issues.

Last month, a new study published by scientists at the University of Washington and NOAA found that even Dungeness crabs are at risk because of these pteropods. I think that is what it says right there: ''Scientists fear ocean acidification will drive the collapse of Alaska's iconic crab fishery.'' Thank you, thank you, Seattle Times.

That is what this is about, are we going to leave it up to the newspapers of America to describe the scientific impact of what is happening so we can force people whose job it is to be the stewards here to do their jobs?

They should be the leaders, the people we put in this position. They should be the ones who lead our Nation in protecting our most valuable natural resources and making sure these pristine areas that we need for our economy, for our quality of life, for our recreation are there, and we need an EPA Administrator who is going to be aggressive about that.

So that is a little preview of this issue and what it looks like in the State of Washington, but on this climate issue, as I mentioned, my colleague from Maine and I actually joined forces probably 6 or 7 years ago on this issue when the Senator from Maine was aggressive about pushing legislation, asking Federal agencies to make sure they had a response to climate change. I think the Senator from Maine probably saw then how important this issue was, and it was legislation we actually passed out of the Commerce Committee. I don't think it was actually implemented into law, but it was a very good directive at saying to agencies: This is going to impact us, and what is your mitigation plan.

We, in the Commerce Committee, held a hearing about this because what we were finding was that a huge part of the U.S. economy—it was definitely a high number, maybe as much as 50 percent—was driven by States with coastal economies. A report was issued about how all of these changes impacted sea level rising, impact in ocean acidification, all of these things were going to impact these coastal economies and thereby have a dramatic effect on the U.S. economy.

For example, just because it might not be front and center for somebody from Oklahoma, it was going to become very front and center for the U.S. economy if we didn't have a mitigation plan and did something about it, and this report was a heralding call for the United States to wake up to this issue.

I will never forget that hearing because the actress Sigourney Weaver was there to testify. She was there to testify because she really wanted to make the point about how important these issues were, as it related to our waters and the impact.

You would think a brilliant actress like Sigourney Weaver would steal the show. You would think her testimony before the Commerce Committee would be it. That would be the news of the day, and that is what would be written about, but it was actually a fisherman from a Southern coastal State who stole the show because he spoke about how his job was threatened, how fisheries were threatened, how, if we don't protect our oceans and our air, we are going to have devastating effects on our fisheries. This gentleman, whose family and livelihood was dependent

upon it, spoke in such an unbelievably meaningful way, he upstaged her.

So this isn't something we are coming at just because President Trump has nominated Scott Pruitt; this is something we are going to fight for every single day because it is important that our Nation have a response to it.

My colleague from Maine was on it a long time ago. She said: Let's make sure that every agency is going to have a plan for what we are going to do about mitigation and impact as a result of climate.

As I mentioned just recently, in the last year or so, she and I joined and sent a letter to GAO asking them to actually give us an estimate across the whole Federal Government. What is going to be the cost and impact of these changes to climate on our economy and the Federal Government? This is a very important answer to have from the GAO because my guess is that they are going to show that it costs a lot of money. It is not surprising to me because I have seen it in my own State, with catastrophic wildfires that have burned up hundreds of thousands of acres of land at an unbelievable cost to the Federal Government.

We are trying to come up with a better strategy for combatting these wildfires. We can't get our House colleagues to engage in a serious Energy bill process. Hopefully someday we will get them to understand that the Senate in a bipartisan fashion did its homework and had approval.

But these issues are not going away. Next summer there will be another part of the United States that will be in the hot spot again, and instead of making sure we are addressing that, some of our colleagues just want to ignore it, just like they are ignoring Mr. Pruitt's emails and his answers to these important questions.

That is the Northwest. Let's look at other parts of the country on ocean acidification. Here is an example of a coral reef in the State of Florida. In 2016, the University of Miami published a study which found that Biscayne Bay coral reefs are already suffering the impacts of ocean acidification. I would expect that coral reefs in Florida are probably as important to their economy as salmon is to our economy. I say that because I know people go to visit those coral reefs. Actually, their reefs, according to economic analysis, are worth over $7.6 billion. That is what coral reefs are worth, apparently, due to their importance in recreational and commercial fisheries and tourism.

Everybody wants to stand up for the fossil fuel industry because they have jobs, but they forget the jobs that are related because of our environment and how important it is to our economy.

In this particular picture, we are seeing the devastating impact and changes of this coral reef in just a very short period of time.

This upper picture taken in 1976 shows a very vibrant coral reef. I think this is an area where there has been a lot of discussion. I am not exactly sure where Carysfort Reef is, but I think there has been a lot of discussion here in the Senate about making sure people have access to it or what ways the public can enjoy this particular site. But when I look at this picture and I look at the devastating impact we see on this coral reef, I question what our strategy is to preserve what is an important recreational and commercial asset to Florida. What is our strategy?

When I think about an EPA Administrator, are they going to act now in balancing this issue and making sure that things like the Clean Power Plan, which is saying to polluters: You must reduce pollution—are they going to do that for the fishermen and recreationists and those who believe in the beauty of these coral reefs in Florida? Just like the Washingtonians in my State who go out and recreate on Puget Sound and want to fish salmon and want to make sure our fishing economy stays strong—are they going to have an Administrator who is going to do this?

I can tell you that next summer I guarantee you there are going to be unbelievable discussions about fishing in the Northwest. Why? Because there is going to be an impact on salmon, and everybody is going to want to fish—commercial fishermen, sports fishermen—everybody is going to want to fish, and unless we have an EPA Administrator and a NOAA Administrator and people who are implementing great conservation strategies, we are not going to be successful because this pollution is impacting our natural areas.

I can see here that it is impacting Florida's economy the same way.

During an interview, Scott Pruitt's predecessor, former Attorney General Drew Edmondson, who served as Oklahoma attorney general from 1995 to 2001, stated:

> ''Under his tenure as attorney general, I don't think environmental crimes have disappeared. It is just the filing of cases alleging environmental crimes that has largely disappeared.''

So I think that somebody knows something about this.

I have constituents who are also writing and communicating to me about these issues, about whether they think Mr. Pruitt is the right person to be EPA Administrator. It is not surprising that we have a quote here from one of my constituents from Poulsbo, WA. I just talked about the Puget Sound economy. I just talked about this economy. Puget Sound is town after town of communities with fishermen who go out and take advantage of that economy within our waters and also go as far away as Alaska to fish. So I am not surprised that somebody from Kitsap County has written to the Kitsap Sun and said: ''I voted for Trump, but I certainly did not vote for a government takedown of my State's most important asset, our water and our economy.''

It doesn't surprise me that that is what somebody in Kitsap County said—not somebody in Poulsbo. You should just go look it up, people who are listening. People listening, anybody listening tonight from other parts of the United States, go look up Poulsbo, WA. It is a beautiful community that is all about what Puget Sound can deliver for us, and they will be the first part of our State to tell you what ocean acidification is doing in Hood Canal to impact our fishermen. They will be the first people. They know because this has been part of their livelihood.

So I want to close tonight—this morning, I should say—by saying that I hope our colleagues will at least consider the fact that we are raising concerns, because we have great concerns about the economy of the future, and that economy of the future depends on clean air and clean water and an Administrator who is going to fight to implement the law.

We need an Administrator who is going to be there not on the side of the polluters but on the side of the people in dealing with some of the thorniest environmental problems because of the change in climate this country has seen. We want someone who is going to use that science and information to help provide the stewardship for future generations. I don't think that is Mr. Pruitt.

I ask my colleagues to help turn down his nomination and to move forward—at least give us the chance to look at his emails so we know exactly what we are dealing with and to make sure that our country is going to continue to be committed to these men and women who work in this resource economy that depends so much on clean water and air.

I thank the Presiding Officer, and 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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WHITEHOUSE. Thank you, Mr. President.

There is a lot we don't know about Scott Pruitt. We know that thousands of emails between this man and the industry that he is supposed to be regulating as EPA Administrator have been suppressed by him for years. We know that just yesterday a court found that suppression of his emails unreasonable, an abject failure of his duties under the law to disclose. Those ought to be alarm bells for the side of the aisle that is forcing, jamming this nomination through.

He told us he couldn't get these emails released for more than 2 years, and the court ordered him to release the first chunk Tuesday, just days from now; the second big chunk, 10

days from now. So clearly there has been some mischief here, when on the one hand this office pretends that it can't get the emails out for more than 2 years, and a court looks at the situation and says: No. You make them available Tuesday. That is not a sign of good things.

No. 2, this is a guy who, as part of his political money operation—a political money operation that is heavily funded by big fossil fuel industry players about whose carbon emissions he will be making vital decisions as EPA Administrator. So far, his relationship with them has been to take their money and to be their lawyer. That is not a good start, either, for an EPA Administrator.

Here is the other thing we don't know: We don't know about his dark money operation. The Rule of Law Defense Fund—the whole reason you set up something like that is to hide the source of money that you use in politics. That is why the entity exists. It is to take groups like this and launder their identities right off of them so that, when money shows up, for instance, at the Republican Attorneys General Association, it is not attached to Devon Energy; it is not attached to ExxonMobil; it is not attached to Murray Energy; it is not attached to the Koch brothers or to their front groups—Freedom Partners and Americans for Prosperity—it is not attached to the company whose billionaire president was his finance chairman for his campaign, Continental Resources; it is not attached to the Southern Company and to other big energy companies. It just comes out of the Rule of Law Defense Fund. The identity of the donor has been scrubbed away. It is an identity laundering machine.

These are the relationships that are forged when you are asking people for hundreds of thousands of dollars, and $1 million a year was the budget for the Rule of Law Defense Fund. If you are asking for that kind of money from these people, it is elementary that the Senate should know about that, but our colleagues on the other side of the aisle have completely stonewalled this—zero inquiry into the dark money operation that this individual was allowed.

Why is that? That is pretty unusual. Why were we not allowed to get these emails? Why were we told: Oh, you will have to line up behind everybody else in this FOIA line that I have maintained for 2 years. That was an adequate answer to the majority on the EPW Committee, but the judge who took a look at that same situation said: No, you get them Tuesday. If the chairman had said: No, you get them Tuesday, we wouldn't be having this problem. We would have seen them weeks and weeks and weeks ago.

All of the pressure from the majority on this nominee has been to cover up this stuff. Don't let it in. Nothing to see here, folks. Move along. Move along.

That is not right. That is not the way the Senate should behave. That is not consistent with our advice and consent responsibilities, and, frankly, it sets up Republican Senators. If and when it ultimately does come out that there is significant mischief exposed in those emails or if there are significant conflicts of interest created by that dark money operation, the Senate does not look great for having used its energy and effort in this nomination to cover that stuff up.

There is a doctrine called willful blindness, which is the wrongful intention to keep oneself deliberately unaware of something. It is a culpable state of mind in criminal and civil law. That is the state of mind that is being maintained by the majority with respect to this individual, and one has to wonder why. Why are there these big things that we don't know about Scott Pruitt?

It is not that we didn't ask. It is that we got told by the majority: Run along; it doesn't matter. You will have no support from us. We are going to clear this guy anyway. It doesn't matter if his answers to you make no sense. It doesn't matter if his answers aren't truthful. It doesn't matter if his answers put you at the end of a long FOIA line when this is the Senate's advice and consent process. None of that matters.

Just by one point of evaluation, the difference is that, when the Senate Committee on Environment and Public Works looked at this, they said: Run along; nothing here. We are not interested. Don't show us a single email.

And the judge looking at it said to get them out Tuesday—a local State judge.

Since when is the double standard in which Senators are deprived of seeing highly relevant evidence? What is being covered up and why? Who is pulling the strings around here so that these obvious questions don't get answered when you put it side by side with a State court proceeding that asks the same question and the questions get answered like that. Something is rotten in Denmark.

It hasn't fooled Rhode Islanders. My correspondence is running about 50 to 1 against Scott Pruitt. Over 1,000 Rhode Islanders have written in against him. Let me just read a couple of their communications with me.

This is from Amanda Tarzwell:

As a member of the Committee on Environment and Public Works, I urge you to do all you can—

''All you can,'' she says—

to block Mr. Pruitt's nomination as the head of the EPA. My grandfather, Clarence Tarzwell, worked for the EPA and opened the EPA lab in Narragansett.

Narragansett is a Rhode Island town.

It is located on Tarzwell Drive in his honor. He is now deceased, but I believe in the work he did and the necessity to protect our environment and continue to work on climate change. Please do everything you can to urge your fellow committee members on both sides of the aisle to do the same. Thank you.

On the next, her name is right in the letter. So I will read it:

I am a 23-year-old woman with a bachelor of science degree in wildlife and conservation biology from the University of Rhode Island.

I am writing to respectfully demand you vote ''no'' on the approval of Scott Pruitt for Administrator of the Environmental Protection Agency. It is extremely clear that Pruitt is the WRONG choice to head the EPA.

As someone with an extensive education in environmental sciences, conservation, wildlife and plant biology, chemistry, and physics, I am deeply concerned with Pruitt's capabilities. A climate change skeptic, with no formal science-based education, Pruitt has zero concept of what it takes to make informed decisions about the current and future stakes of our environment.

Rhode Island is leading the country in many environmental fields, such as renewable energy, environmental protection, and sustainable agriculture and aquaculture. We cannot allow a climate change skeptic, with a love affair with fossil fuels, to make important decisions regarding our precious environment and those working hard to protect it.

I urge you to vote no on the approval of Scott Pruitt for Administrator of the Environmental Protection Agency.

Catherine Hoyt wrote in:

I have a special concern for the upcoming vote on the EPA Director, Scott Pruitt. I know you are on the Committee for Environment and Public Works so you are more informed than most people—

Although, as I just explained, we are deliberately underinformed in some very telling ways—

and I trust that you are unlikely to vote contrary to the interests of our beautiful and environmentally unique coastal State.

Among other things I do, I am a sailing instructor in Edgewood, in Cranston.

Cranston is another one of our municipalities.

I have been sailing in the Upper Bay for about 10 years. Even in that amount of time, the bay is noticeably cleaner. The water is clearer, and there are more birds and fish and crabs and other creatures that signify, through my direct experience, that the environment is healthier in the Upper Bay.

My anecdotal evidence is also confirmed by scientific reports from URI—

The University of Rhode Island—

over the summer that Narragansett Bay is cleaner now than it has been in 150 years. Wonderful. I would be very sorry to see that trend reverse. I am old enough to remember what it was like before the EPA, and I do not want to go back to smog-filled skies, polluted waters, and tragedies like Love Canal and Woburn's poisoned well water.

I am sure that, if it were not for the EPA and groups like Save the Bay—which is a local environmental organization—that the Upper Bay would have become more toxic and polluted due to industrial use, sewage, rainwater runoff, pesticides, and road salt. What is more, I believe that the EPA regulations have been good for business. Because pollution is, ultimately, wasteful and counterproductive, and clean businesses often are efficient and, therefore, more successful businesses. Look at the careful reutilization of materials by companies like Apple, who are investing in the future and their profitability by going further than required. They are nearly cash neutral at this point.

Some of that is through buying carbon credit, but, clearly, they are not

afraid of being environmentally responsible.

As a concerned citizen of Rhode Island and America, regarding President Trump's nomination for head of the Environmental Protection Agency, Scott Pruitt, I believe deeply that this is not the person for the job, that there is nothing in his background that suggests he has any interest in protecting American citizens and their health and environment from harm. I have never written any of my congressional Representatives in my many, many years on this planet until today.

I remember the air quality in Rhode Island in the late sixties and through the seventies-plus. Those visible brown clouds, especially in the summer, as pollution and smog drifted from New York or Connecticut towards Rhode Island. I remember the pollution in our beautiful Narragansett Bay. I see the changes ocean rise has already effected.

Climate change is real, and it is scientifically accepted across the world. I am deeply troubled by Mr. Pruitt's statements and legal actions he has instigated against this Agency. I am asking you to take a stand for the health of the citizens of Rhode Island and the American people. Please vote no when the votes are called for Mr. Scott Pruitt's nomination.

Here is the last one I will read:

As a retired Federal scientist, meteorologist, I am deeply concerned that the EPA continue to be an agency that makes decisions about our environment that are based on the best science available.

Scott Pruitt has a record of supporting policies that are pro-business at the expense of the environment despite what the science shows. How can he possibly be considered as the voice that will fight for clean air and clean water? Despite excellent progress over my lifetime, pollution continues to be a major problem for the air we breathe and the water that sustains us.

Please join the voices on the Hill that block the appointment of Scott Pruitt as EPA Administrator. Thank you.

I wish we could block the appointment of Scott Pruitt as EPA Administrator. It is really rare to see a nominee for a Federal agency who is as unqualified—indeed, as disqualified by conflict of interest—as this individual. As for the idea that he is being jammed through just as thousands of emails are going to be released about him—between him and his big funders and the groups that they funded him through—something is wrong. This is not the way the Senate should behave.

The people on that side—in taking all of this mystery, all of this mischief, all of the emails, all of the dark money—who are being asked to vote are being told: Don't even look at that.

I can promise you that if the shoe were on the other foot, Republicans would be clamoring for emails.

This is a grim day for this Chamber—what we are doing here, knowing of this man's record, knowing of his record of shutting down the environmental agency in his home State while attacking the environmental agency of the Federal Government while pretending that his concern is federalism; right? He has pretended that he thinks that the enforcement responsibility shouldn't be at the Federal level, that it should be down at the State level. But if that were even remotely sincere, he wouldn't have shut down his own office's environmental enforcement unit as the attorney general of Oklahoma.

The common thread here is that he doesn't want any environmental enforcement at the Federal level and he doesn't want any environmental enforcement at the State level. He shut down the unit. He zeroed out the budget. He gave us a bunch of soft soap about how actually he moved the environmental unit into something called a federalism unit. But if you look at his own website for the federalism unit, the word ''environmentalism'' or ''environment'' doesn't appear. It is news that that is his environmental enforcement section, because it doesn't say so on his own website. That was an invention just for the hearing.

When you look at his own budget, the amount he budgets for environmental enforcement disappears. It has gone to zero. When you look at the Environmental Enforcement Task Force that his office's environmental unit had participated in under the previous attorney general, Drew Edmondson, that has disappeared too. He has gotten rid of every element of environmental enforcement that he controlled at the State level, while taking money from all of the big polluters, while having the CEO of Continental Resources—a billionaire—as his fundraising chair.

He took money from the fossil fuel industry through all of these different entities—through his leadership PAC, Liberty 2.0; through his campaign, Pruitt for Attorney General; through his super PAC, Oklahoma Strong PAC—sorry, that is his leadership PAC, and Liberty 2.0 is his super PAC—through the Rule of Law Defense Fund, which is his dark money operation. By the way, whatever the attorney general needs is a dark money operation. Really? Through the Republican Attorneys General Association, which he raised money for, and who knows what else.

This guy is fully fossil fuel funded. And in his entire career, he has dedicated himself to getting rid of and attacking environmental enforcement wherever he finds it—at the State or Federal level. You can't beat shutting down the environmental unit in your own office.

So that is what we are looking at. When you look at that combination and throw in the secrecy about the dark money operation and this mad rush to get this guy through before the week is out in which these emails come out, it stinks.

What we are doing here is a deliberate act of sabotage of the orderly and honest operation of an agency of our government. We are putting in a person who can demonstrably be shown to be incapable of and disqualified for those duties. I think that is actually not a bug in this program; that is the feature. That is the feature because these same forces that have been behind Scott Pruitt all his life, as he has fought all environmental enforcement—State and Federal—are awfully powerful in this Chamber as well, and they are obviously calling the shots at the White House, where a nominee like this would come from.

We are in the process of deliberately sabotaging the orderly and honest operation of an agency of the U.S. Government, not at the behest of a foreign power but after a special interest—the biggest and, in my view, the foulest special interest in the world today—the fossil fuel industry.

The fossil fuel industry has become so big and so powerful and so mercenary that it has decided its best investment is no longer in oil fields or coal seams or fossil fuel processing plants, but in acquiring a controlling interest in the Government of the United States. And it turns out we come pretty cheap.

According to the International Monetary Fund, we give the fossil fuel industry a subsidy every year in the United States alone of $700 billion. That is a more valuable prize than any drilling rights or any mining lease. To protect it—to protect $700 billion a year—acquiring a controlling interest in the U.S. Government is a bargain. One fossil fuel front group spent $750 million in the last election. That is a 1-to-1,000 payback—a 1,000 times ROI—each year that they keep the $700 billion subsidy if they keep plowing $700 million a year into politics to produce results like this nominee for EPA.

You get benefits once you have acquired that controlling interest.

Only one Republican has publicly taken a stand against Scott Pruitt, the most compromised and corrupted nominee in memory, with huge holes of secrecy still around his relationship with the industry he is supposed to regulate—nobody else, just the one. No Senators from States whose big cities are flooded by rising seas on sunny days, no Senator from States whose historic native villages are washing into the sea, no Senators from States who are losing ancient forests to pine beetles and wildfires, nor from States whose farmers see unprecedented extremes of flood and drought, and whose home State universities assign responsibility for those new extremes to climate change caused by carbon emissions from companies like these—none from the States whose fisheries are imperiled by warming and acidifying seas—no one. There is just that one Senator. How well this industry is succeeding.

This EPA nominee may be compromised and corrupted, but he is compromised and corrupted by the fossil fuel industry. So there is no talking about it on that side. Everybody just studies the ceiling tiles when the subject comes up. Nobody will help us find out about the thousands of stonewalled emails with his fossil fuel industry patrons. Nobody will help us inquire into the nominee's fossil-fuel-funded dark money operation. Nobody challenges

his nonsense answers in the confirmation process. He answered, he answered; let's move along, let's move along.

The dark hand of the fossil fuel industry is all over this nomination. This is the wolf being deliberately inserted into the lamb fold. It is from the fossil fuel money that fueled his politics—unknown fully because we refuse to shine the Senate's light into his dark money operation—to the thousands of emails between him and his fossil fuel industry patrons, only a fraction of which have been brought to light throughout our confirmation process, and which were only uncorked after his office was sued—not because of any effort on the other side in the confirmation process—to the fossil fuel front groups that have come out supporting this nominee and are spending millions to push him through. Think about that. These groups are funding ad campaigns to push this guy through. Obviously, they have expectations about how well they are going to be treated by him. Through all of that, the sting of this industry's influence is profound.

Just reflect on that last point. A dark money operation is being cranked up by polluters to ram the EPA nominee through.

Here is a headline:

> Energy executives, secretive nonprofit raise money to back Pruitt.
>
> New group warns that EPA nominee's confirmation ''is not a certainty'' and millions of dollars are needed for the fight.

There would have been a time when it would have been disqualifying when polluters were raising millions of dollars needed for a fight to ram through an EPA nominee. This is conflict of interest in plain day, but it is a conflict of interest with the right folks around here, I guess, and so we don't consider it conflict of interest any longer.

Whom do you suppose most of the dark money is? Well, we don't know, because it is dark money. But who is it usually? Well, the fossil fuel industry, the Koch brothers, and their front groups. And what do you suppose they want to spend millions of dollars for? What could be better for them, the biggest polluters on the planet, than a little minion to run the EPA as Every Polluter's Ally.''

In any sane world, the fact that all this dark and dirty money is being spent to ram through an EPA nominee would be disqualifying all by itself—but not here, not now, not in a Congress that is so compliant to the fossil fuel industry that this alarm bell doesn't even register.

Fossil fuel front groups sent a joint letter of support for their little minion Pruitt. Here is the letter with all of these various groups who I think are united in their dependence on fossil fuel money.

Here is the legendary Heartland Institute. They are that classy group that compared climate scientists to the Unibomber. That has been their contribution to the discussion about climate change.

Competitive Enterprise Institute, Americans For Tax Reform, groups from the State Policy Network—why don't these folks turn up somewhere else? They turn up in the research of academics who are actually studying the climate denial operation—because it is an operation. You can follow the money from the fossil fuel industry out into an array of front groups—front groups by the dozen—whose whole purpose in life is to make them look like they are not fossil fuel industry front groups. So they have names like the Heartland Institute or the George C. Marshall Institute, which, by the way, has nothing to do with George C. Marshall or his family. They just took the name because everybody knows what a respected individual George C. Marshall was. They just took the name and went to work phonying up the climate change debate under the name of George C. Marshall.

That is a pretty shameful act when you think what George C. Marshall did for this country, but these are not people for whom shame has much effect.

If you look at Dr. Brulle's analysis—he is one of the academics who looks at this array of front groups that are fossil fuel funded—this group of people, of entities that signed the letter for this guy—they show up here too—small world.

Well, I wonder whom they thought that letter would convince? I don't think they expected it would convince many Democrats. Many of us on the Democratic side have gone to the floor of the Senate to call out these fossil-fuel-funded, dark-money-driven front groups, as the fossil-fuel-funded, dark-money front groups that they are.

So I don't think Democrats are very plausible targets for that letter. So why the letter? Well, my view is that this was done because everyone in this building knows that the Koch brothers' political operation is behind all of these groups—many wiggly tentacles of the same fossil fuel polluter Hydra. Behind this letter is the same Koch brothers political operation that warned Republicans of the political peril—not my word, their word—that Republicans would be in if they crossed this industry, of ''how severely disadvantaged''—another quote from the industry books—''they would be if they dared to do anything on climate change.''

That is what this letter is. It is a signal. It is the political mailed fist of the Koch brothers in a front-group glove giving its marching orders. In any sane and normal world, this letter by itself from all these polluter front groups would be disqualifying, but it appears this body will obediently turn the Environmental Protection Agency of our government over to the minion of the polluters to join an administration dead-set to destroy science with politics. It is like everyone on the other side has been sworn to secrecy while this happens in plain view.

This is a heartbreaking speech for me. I perhaps need to start with a little personal background to explain.

Last year, we commemorated the 75th anniversary of the Pearl Harbor attack. After Pearl Harbor was attacked, boys across America rushed to sign up for the service of their country. My father and my uncle were two of those boys. Both became pilots in the Pacific theater. My dad was a Marine Corps dive bomber pilot; my uncle was a carrier-based Navy fighter pilot. My uncle was killed over the Philippines. Actually, he was under JOHN MCCAIN's grandfather's command—small world—but I doubt that Admiral McCain knew who Ensign Whitehouse was.

My father came home from the war, and he served our country all his life, first as a CIA officer and then as a decorated career diplomat. I believe he won every award the State Department has to offer, and he served in difficult, challenging, poor, and war-torn countries his whole life. At the end, he came out of retirement to set up Special Operations Command in the Pentagon for President Ronald Reagan.

I was raised in that life. We were often in dangerous and war-torn places, and we were surrounded by American families who faced the discomforts, the diseases, and the dangers of those faraway postings because to them something mattered. Something mattered to take your family to a place where, if your child was sick, there was no decent hospital. Something mattered to take your family to a place that if your child was bit by a dog, there was a good chance the dog was rabid. Something mattered to take your family to places where the electricity wasn't reliable, the water wasn't clean, the people weren't friendly, and diseases abounded.

These folks didn't talk about it a lot. Today, a lot of people wear their patriotism on their sleeve. It was not really a topic of conversation, but it was a thread through their lives that showed that in their choices something mattered. They didn't wear their patriotism on their sleeves; they lived it.

The American Government that they served and that my uncle died serving was, to them, an ideal. Did America sometimes fall short of that ideal? Sure. But I will tell you what: Every other country in the world knew the difference between America and everybody else. We stood out for what we stood for. Across our agencies of government, for decades, many Americans have worked quietly and honorably to advance that American ideal.

At the heart of that ideal is a duty, and the duty is to put country first, to put the American people first, even before your own families's comfort and safety. That honor and that duty running through the lives and service of millions of public servants are the core heartstrings of American democracy.

Into that government, this Trump administration has nominated as Administrator of the EPA, a tool of the

fossil fuel industry, a man who demonstrably will not take his government responsibilities seriously because he never has. He has never taken EPA's responsibility seriously. He has done nothing but sue them. He has never taken his State's environmental responsibility seriously. He has shut down the enforcement arm that his office had. He will represent with the biggest conflict of interest in history a polluting industry whose regulation is actually now the EPA's primary public duty. This isn't some fringe question of conflict of interest about some question that may emerge. This is the biggest stinking conflict of interest I think we have ever seen in this body about the issue that is at the center of the Environmental Protection Agency's responsibilities. With the most important task before the EPA being to control carbon emissions before we push this planet over the climate cliff, the industry in question will now rule the regulator.

Well, this hits home. I have fishermen in Rhode Island who need honest environmental policy to protect our seas. ''It is not my grandfather's ocean,'' they have told me. ''Things are getting weird out there,'' people who have fished since childhood have told me.

Moreover, Rhode Island is a downwind State from the midwestern smoke stacks and a downstream State from out-of-state water pollution. Rhode Island needs a strong EPA to enforce clean air and clean water laws from harm starting outside our boundaries. My attorney general has not shut down his environmental unit, and my department of environmental management is doing our best to keep Rhode Island clean and livable. But they can't do much about out-of-state polluters. That is where the EPA comes in. For a man who so plainly disbelieves in and deprecates the EPA's mission, it is an alarming picture for Rhode Island.

We are a coastal State, and a small one. We don't have a lot to give back to rising seas. I have to say, I am sick of having to comfort people whose homes have been washed away into the sea.

This is a picture I took not too long ago. Colleagues who have been here for a while might remember this individual. He was the Governor at the time, but he was my predecessor in my seat in the Senate, Lincoln Chafee. His father served here with enormous distinction for many, many years and was actually a Republican chairman of the Environmental and Public Works Committee who cared about the environment. He was an environmental Republican leader.

These are houses that have washed into the sea as the result of a storm. Sea level rise has raised the level of the ocean so that storms throw their water farther in, and they take little houses like these that have been beachfront houses for many years and they just pull them into the ocean.

I spoke to the lady who I think owned that house. She was, I would say, in her seventies. She had childhood memories of that house. It had been her grandparents', and she would come to visit as a little girl. What she remembers as a little girl is that she would come out of that house, and in front of the house was a little lawn big enough to put up a net and play volleyball or badminton. Across from their lawn was a little road, just a sand-and-gravel road, but it allowed cars to come down and park near the beach. On the other side of the road was a little parking area where the cars could pull in. Beyond the lawn and the road and the parking area was the beach. Her memories of the beach were of sunny days with the sun beating down on the sand, and she would get across the lawn and across the road and across the parking lot, and then she would just have to scamper as fast as she could on her little feet across the hot sand. She described to me remembering what a long run that felt like for her to rush down to the ocean where she could put her feet into the cool Atlantic waters and swim. That beach, that parking area, that road, that lawn, and now her house are all gone. These are the things that are happening in my State that the Republicans in this building could not care less about—could not care less about.

The math is obvious: When you add heat into the atmosphere, the ocean absorbs the heat. Indeed, the ocean has absorbed almost all of the heat of climate change. God bless the oceans because if it weren't for them, we wouldn't be worried about hitting 2 degrees' increase in temperature. We would be worried about hitting 30 degrees' increase in global temperature. Because of all the heat that has been piled up, it has gone into the oceans 93.4 percent. That is like setting off more than two Hiroshima nuclear bombs in the ocean every second. Every second.

Think of the heat of a nuclear explosion of the level that destroyed Hiroshima. Think of the—whatever it would be—terajoule of heat energy that gets set off by a nuclear explosion. Our oceans are absorbing heat. If we measure over the last 20 years how much heat they have absorbed, they are absorbing heat at the rate of multiple Hiroshima nuclear explosions happening in the ocean every second for 20 years.

We wonder why Senator CANTWELL was talking about strange things going on in the oceans. We wonder why my fishermen are saying it is getting weird out there. But when all that heat goes into the oceans, there is a law called the law of thermal expansion. That is not the kind of law we debate around here. That is one of nature's laws. That is one of God's laws. That is one of the laws of physics and chemistry that we so ignore around here because we are paying attention to the laws of politics and the ''golden rule'': Who has the gold, rules.

But these are laws that we don't get to repeal or amend. What they are doing is swelling the seas with that heat. On top of that, in comes the water from melting glaciers and there is your sea level rise, 10 inches of sea level rise that we have measured at Naval Station Newport, to the point where we face scenes like this: a man in a kayak going down in front of the Seamen's Church Institute in Newport, RI. This is not water in the ordinary course. This is a place where tourists walk. That is a storefront with water coming through the doorway. This was the storm surge, the tide, that came in with Sandy—which missed us, by the way.

We have a Coastal Resources Management Council that defends our shores, and our University of Rhode Island and Coastal Resources Management Council work together to see what is coming. They have developed new computer tools to determine which houses are going to be lost in what kind of storms, how often this scene is going to have to repeat itself in Rhode Island. We are anticipating 9 feet of sea level rise by the end of this century.

My colleagues may think that is funny, that this is all sort of an amusing hoax we can talk about, but any State whose coasts are threatened with 9 feet of sea level rise, any representative of that State has a responsibility to come here and fight to try to defend that State.

When the adversary is the big special interests that is causing that and that has mounted the vast campaign of lies I talked about earlier to try to cover it—it is $700 billion in subsidies every year—then that is an adversary worth going after because that is a dirty and wrongful adversary.

When their representative is going to run the EPA, that is a disgusting state of affairs. If Rhode Island had to suffer this to save our country for some great goal, if Rhode Islanders had to go off to war again like my father and uncle and Rhode Islanders have since the first battles in Portsmouth, RI, the Revolutionary War, we would saddle up—sign us up—to take on whatever we need to defend this great country, but don't ask us to take a hit like this to protect a big special interest.

The arrogance and the greed of the fossil fuel industry and the dirty things it is willing to do to advance its interests knows no bounds. It lobbies Congress mercilessly against any action on climate change, and it has for years.

It runs a massive political electioneering operation of dark money and false attacks to prevent any action on climate change, and it has for years. It operates that giant array of front groups, a multi-tentacled, science-denial apparatus to put out streams of calculated misinformation. It does this all to protect what that International Monetary Fund report identified as a $700 billion annual subsidy.

What would big corporations do to protect $700 billion? Well, we are finding out. For years, the fossil fuel industry has been deliberately sabotaging

the honest and orderly operation of the legislative branch of America's government to protect its subsidy. With this appointment, it would be able to corrupt and sabotage the EPA.

I use the word ''corrupt'' because this is indeed the very definition of corruption in government. This is government corruption in plain view. In the Supreme Court decision Austin v. Michigan State Chamber of Commerce, here is how the U.S. Supreme Court described corruption. The Court described it as ''the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas.''

Back we go to this network of false front operations, established by immense aggregations of wealth that are accumulated with the help of a corporate form and that have little or no correlation to the public support for the corporation's ideas.

We got some interesting polling recently. The George Mason University went out recently and conducted a poll of Trump voters. What did Trump voters think? It turns out that more than 6 in 10 Trump voters support taxing and/or regulating the pollution that causes global warming. In general, Trump voters were asked: Which of these two approaches to reducing the pollution that causes global warming do you prefer? Well, 16 percent said: I don't know; 21 percent said: Do nothing; but 13 percent of Trump voters said: Tax pollution; 18 percent said: Regulate pollution; and 31 percent said: Tax pollution and regulate pollution.

That adds up to more than 6 out of 10 Trump voters thinking that the pollution that causes climate change should be taxed or should be regulated or should be taxed and regulated.

When you go back to the Austin v. Michigan State Chamber of Commerce definition of corruption and look at the section that says that the policies pushed by the massive aggregations of wealth accumulated with the help of the corporate form want to go one way and the public wants to go another way and the corporate powers' views have little or no correlation to the public support for the corporation's political ideas, well, heck, we know Democrats support doing stuff about climate change.

It turns out Trump voters do too. The public is actually happy to get something done. It is this mess that is stopping us. It is groups that spend $700 million in a single election to influence Congress that is the problem, not the American public.

Teddy Roosevelt described corruption this way. He described corruption as a sinister alliance between crooked politics and crooked business, which he said has done more than anything else for the corruption of American life against the genuine rule of the people themselves.

If you look at the influence of Big Business—particularly the fossil fuel business—it has been something else around here. I was elected in 2006. I was sworn in, in the Senate, in 2007. When I was first here in those early years, there was a Republican climate bill floating around the Senate virtually all the time.

My recollection is that there were five Republican cosponsored climate bills during my time there. SUSAN COLLINS did a climate bill with Senator CANTWELL; Senator John Warner of Virginia, Republican, did a bill with Senator Lieberman; Senator GRAHAM worked on a bill with Senator Kerry; Senator LAMAR ALEXANDER had a bill of his own; and Senator MCCAIN supported climate legislation and ran for President of the United States on a strong climate change platform. And then came 2010. Then came a decision called Citizens United, which the fossil fuel industry asked for, expected, and immediately acted on when it came out, and it said to the big special interests: Go for it, boys; spend all you want in politics. We five Republican appointees to the Supreme Court are going to make the comically false finding that nothing you can do with unlimited money could possibly ever corrupt American democracy or could possibly even be seen as corrupting by the American public.

Of course, that is such hogwash that right now the Supreme Court is viewed by people who have been polled on this question as not likely to give a human being a fair shake against a corporation.

If I remember correctly, the numbers were 54 to 6. In a polling group of 100, 6 Americans believe they could get a fair shot in the Supreme Court against corporations and 54 believed they could not get, as human beings, a fair shot in the U.S. Supreme Court against a big corporation, but with the big corporations at the Supreme Court, the fix was in—not a great place for the Court to be when by 9-to-1 American human beings think they can't get a fair shot in front of that Court against a corporation.

They did deliver, and they delivered Citizens United and opened the floodgates. The next thing out there was groups like Americans for Prosperity, the front group for the Koch brothers, Donors Trust, which launders away the identity of big corporations like ExxonMobil, and all of these other front groups we looked at earlier, and they are spending immense amounts of money. The result is, if there was a heartbeat of activity on climate change with Republicans before Citizens United, it has been a flat line since. That has been the story behind this.

Not only has dark money poisoned our conversation about climate change, this guy actually ran his own dark money operation. His Rule of Law Defense Fund, a 501(c)4 organization that does not disclose its donors have been linked to the Koch brothers, who run one of the biggest polluting operations in the country, but we don't really know. We don't really know. It has been kept absolutely quiet.

There is a black hole of secrecy around this nominee's dark money operation; whom he raised it from, what the quid pro quo was, what he did with it. Not allowed to know. Move along. Move along. It doesn't matter.

This is a test. This is a test of the Senate. Will this nominee ever tell us exactly what his relationship with the fossil fuel industry is? Will we get these emails in time to make an informed decision before his nomination is rammed through one step ahead of the emails that the judge said had to be released?

I can't get over the fact that this guy covered up the emails for 750-plus days for more than 2 years and a judge said: No, get them out Tuesday. And they are going to get them out Tuesday. The second chunk, you have 10 days to get them out. He sat there in our committee and acted as if this was some huge terrible task that he couldn't possibly get done; that with 2 years to do it, he couldn't get a single email out. By the time of our hearing, zero of those thousands of emails had come out. A judge took a look the same situation and said: Do it Tuesday. And they are doing it.

We have been so deliberately stonewalled, and it has been so painfully and plainly made clear by what the judge has ordered. We are not passing this test of how a Senate should act.

President-Elect Trump promised to restore genuine rule of the people themselves. Remember, Teddy Roosevelt's quote that the sinister alliance between crooked politics and crooked business has done more than anything else for the corruption of American life against the genuine rule of the people themselves. President Trump promised to restore genuine rule to people and themselves, and yet it is looking more and more like shadowy and industry-funded groups will really run our government.

This is a test also for the rest of corporate America. A lot of corporate America has good climate policy. Most of corporate America has good climate policy, but when are they going to stand up about an EPA Administrator who is the minion of the fossil fuel industry? What will Coca-Cola say to the Georgia Senators? What will Walmart ask of its Arkansas Senators? What will VF Corporation urge its North Carolina Senators to do? How will Rio Tinto advise its Senators from Arizona? All these companies have taken important stands on global warming. Why not now?

Let's talk about the due diligence that a nomination like this should get, particularly the due diligence about climate change that the present urgency demands. I wondered what due diligence my colleagues have done to

assess the reality of climate change before making this fateful and foul vote. The fossil fuel fox is on its way to the henhouse now, and I challenge the colleagues who will have put him there: Have you gone to your home State university for a briefing on climate science to understand what your own universities are teaching?

This nominee, Mr. Pruitt, never had. When we met in my office, he didn't even know who Berrien Moore was. Berrien Moore is the dean of the College of Atmospheric and Geographic Sciences at the University of Oklahoma. He is a nationally renowned climate scientist. Before this nominee and I met in my office, for all this nominee's years of litigation against doing anything about climate change, he had never bothered to go to his own University of Oklahoma and find out from there, his home State expert, what climate change was, how it worked, and what it meant. Why not? The most logical answer is because he didn't care to know. He had already chosen sides and had been richly rewarded for doing so, although we don't know exactly how richly, since his dark money operation is still a secret, protected by the Senate Republicans who are shoving this nomination through.

Here is what Mr. Pruitt would have found out if he had bothered to go to the University of Oklahoma to ask the dean about climate change. The dean of the University of Oklahoma's College of Atmospheric and Geographic Sciences has said: ''On the increasing strength of earth sciences, we can now state that global warming is 'unequivocal.' ''

The fact that the planet's warming and the fact that CO_2 is a greenhouse gas and the fact that it is increasing in the atmosphere and that increases in the atmosphere due to humans—about those things? There is no debate.

He has said:

> We know precisely how fast CO_2 is going up in the atmosphere. We have made a daily measurement of it since 1957. We have ice-core data before that.

He continued:

> We know without any question, that it has increased almost 40 percent since the industrial revolution, and that increase is due to human activity primarily fossil-fuel burning.

Those are the words of the dean at the University of Oklahoma, who is the expert in this subject. And Mr. Pruitt had never bothered to actually ever ask him. The fossil fuel industry had told him all he needed to know, and that is going to be a continuing problem with him as EPA Administrator.

I thought to myself, have any of the Senators on the Environment and Public Works Committee, who voted for this nominee out of committee, done any better? Which Senator on that committee has been troubled to go for, say, half a day, to their own home State university and get a briefing on climate science? As I have said, this matters to Rhode Island because we are a downwind State. We have had bad air days where little kids and seniors and people with breathing difficulties are supposed to stay indoors in the air conditioning, not go outside. We are seeing warming rising, acidifying seas along our shores, hurting our fishermen, causing those families to lose those coastal homes I showed.

And the hits are just going to keep on coming. A child born today at Women & Infants Hospital in Providence, RI, can expect to see upward of 9 feet of sea level rise raging on Rhode Island shores in her lifetime, according to the University of Rhode Island and our State agencies.

Well, it seems to me the least a downwind State like Rhode Island might expect is some modicum of due diligence by colleagues who are blocking action on this subject. At the University of Rhode Island, the due diligence is very clear. URI is working with Rhode Island fishermen to help predict the harm from warming and acidifying seas and figure out what that means for our fisheries and our agriculture.

The Senator is from a State that has very distinguished fishing and agriculture himself, and I am sure his home State universities are doing similar research.

URI and our State agencies are drilling down to generate fine local data on sea level rise and storm surge, and we are starting to be able to predict, with specificity, which homes are likely to be lost in storms, which roads will become inaccessible in coming decades, what plan B is necessary to get emergency services to communities when flooding bars the way, and what water and sewer and other public infrastructure is at risk. These are all now the daily questions of Rhode Island coastal life, thanks to climate change, and our University of Rhode Island is at the forefront of studying that.

Of course, URI is not alone. You can go to every State university and find climate change concerns. They just understand this stuff. They are not actually just learning climate science, they are teaching about climate change. It is astonishing that Senators from those States will not listen to what their own universities teach.

Let's call the Republican roll of the Environment and Public Works Committee, all of whom voted to suspend the committee rules to jam this fossil fuel industry minion through to the Senate floor as Administrator of the EPA, notwithstanding the black hole of secrecy around his dark money dealings with the polluting fossil fuel industry, and notwithstanding his years of stonewalling dozens of Open Records Act requests, including the one that has just been ordered to be disclosed by the judge today—thousands of emails.

Let's see what our Environment and Public Works Committee colleagues, who cleared the way in committee for this nominee, would find at their home State universities, if they looked.

Chairman BARRASSO could go to the University of Wyoming, where he would find the University of Wyoming Center for Environmental Hydrology and Geophysics reporting: ''Many of the most pressing issues facing the western United States hinge on the fate and transport of water and its response to diverse disturbances, including climate change.''

He would find University of Wyoming scientists publishing articles on ''The effects of projected climate change on forest fires' sustainability'' and the University of Wyoming awarding university grants to study the effects of climate change on pollinators, on water flow, on beaver habitat, and on whitebark pine growth, all work being done sincerely at the University of Wyoming on climate change.

Next down the line, we come to Senator INHOFE of Oklahoma. The senior Senator from Oklahoma could also go, of course, and consult Dean Moore of the College of Atmospheric and Geographic Sciences at the University of Oklahoma. But if he really wanted to dig in, he could also go over to Oklahoma State and get an update from Oklahoma State Professor Riley Dunlap, who has written in a peer review and scientific journal: ''Climate science has now firmly established that global warming is occurring, that human activities contribute to this warming, and that current and future warming portend negative impacts on both ecological and social systems.''

''Portend negative impacts on both ecological and social systems''—that is science-ese for it is going to hurt people, as we Rhode Islanders already see all too plainly.

Oklahoma State's Professor Dunlap goes on to write something more. However, he goes on to say:

> There has been an organized ''disinformation'' campaign . . . to generate skepticism and denial . . . to ''manufacture uncertainty,'' . . . especially by attacking climate science and scientists.

Wow. Huh?

And he goes on:

> This campaign has been waged by a loose coalition of industrial (especially fossil fuels) interests and conservative foundations and think tanks—

Look at that. He seems to be agreeing with Dr. Brulle at Drexel University—

> that utilize a range of front groups and Astroturf operations [to manufacture that uncertainty].

That is the research that Senator INHOFE would find at Oklahoma State. That organized disinformation campaign that Professor Dunlap reports on and the massive political muscle operation that supports it explains a lot of what goes on around here. And if you cross-reference the entities that Professor Dunlap puts into that organized disinformation campaign, you will find them on the record supporting this nominee. He is the nominee of the organized disinformation campaign. And that is because, behind this whole mess

of a nomination, is the fossil fuel industry.

Let's go back to the Environment and Public Works Committee and continue down the row on the majority side. We come next to Senator CAPITO. Senator CAPITO from West Virginia could go to West Virginia University, where the Mountaineers could show her their mountain hydrology laboratory, which tells us, ''Climate change has important implications for management of fresh water resources.'' These include, ''that the highlands region in the central Appalachian Mtns. is expected to wet up.'' As warmer air, which carries more moisture, leads to what West Virginia University is calling ''intensification of the water cycle,'' the laboratory warns that, ''the implications of this intensification are immense.''

West Virginia University's Wildlife Conservation Lab publishes regularly on climate change effects, and one of West Virginia University's climate scientists, Professor Hessl, has been recognized by West Virginia University as West Virginia University's Benedum Distinguished Scholar. West Virginia University even sends people all the way to China to study climate change. Some hoax.

Onward. My friend, Senator BOOZMAN, is next in the line. His home State University of Arkansas has actually signed onto both the first and second university president's climate commitments. And the University of Arkansas has undertaken what it calls an aggressive and innovative Climate Action Plan to reduce greenhouse gas emissions and help prevent climate change. The University of Arkansas explains the need to reduce greenhouse gases, particularly including carbon dioxide and methane. It is because these gases' ''absorption of solar radiation is responsible for the greenhouse effect.''

Explaining further, the University of Arkansas describes that the greenhouse effect ''occurs as these gases are trapped and held in the Earth's atmosphere, gradually increasing the temperature of the Earth's surface and air in the lower atmosphere.''

A University of Arkansas scientist predicts ''that the spread of plant species in nearly half the world's land areas could be affected by global warming by the end of the century.''

On down the EPW row is my friend ROGER WICKER from Mississippi. Down in Mississippi, the University of Mississippi, Ole Miss, actually has an Office of Sustainability. The Ole Miss Office of Sustainability is there ''to further the university's efforts to combat global climate change.''

Believe it or not, Ole Miss is another signatory to that University Presidents' Climate Commitment just like Arkansas. It is moving toward net zero greenhouse gas emissions. By the way, so is the University of Southern Mississippi. The director of the University of Mississippi's Center for Hydroscience and Engineering explains why this matters.

> Human influence and greenhouse gasses are the dominant causes of the increase in global average temperature of the earth. The impacts are observed in rising sea levels, precipitation patterns, hydrologic regimes, floods and droughts, and environmental processes.

He continues.

> We must reduce our carbon footprint and take the necessary steps to reduce our vulnerability to future climate change impacts.

From the University of Mississippi. Also, at Ole Miss, anthropology professor Marcos Mendoza warns that ''climate change is the greatest environmental threat facing global society in the 21st century.'' Let me say that again—from Ole Miss. ''Climate change is the greatest environmental threat facing global society in the 21st century.'' But the fossil fuel machine is going to see to it that we put a climate denier into the EPA Administrator's seat.

So let's stay in Mississippi and go over to Mississippi State University, where several professors contributed to the American Society of Agronomy's report, ''Climate Change and Agriculture: Analysis of Potential International Impacts.'' The forward to that volume states that ''the threat of global climate change due to anthropogenic modification of the atmosphere—the so-called greenhouse effect—could potentially be one of the major environmental problems of our time.''

Down on the gulf, all three Mississippi universities are working together with Sea Grant, on what they call a climate team to assess ''the risk of environmental, economic, and societal impacts from rising sea levels and storm surges.'' My friend who is presiding knows well the effects in the gulf. When you are looking at the risk of environmental, economic, and societal impacts from rising sea levels and storm surges, you have something in common with Rhode Island as well.

Let's go on to Nebraska from where Senator FISCHER hails. The University of Nebraska has published extensive reports on what they call ''Climate Change Implications for Nebraska.'' One University of Nebraska report leads with this blunt sentence: ''Climate change poses significant risks to Nebraska's economy, environment, and citizens.'' Well, Nebraskans, it turns out, agree. The University of Nebraska has published research that ''most rural Nebraskans believe the state should develop a plan for adopting to climate change, as do 58 percent of Nebraskans 65 and older.''

So even the elder Nebraskans by 58 percent believe it, and nearly 70 percent of young Nebraskans, from 19 to 29 years old. On the science, the University of Nebraska reports the following:

> Is there debate within the scientific community with regard to observed changes in climate and human activities as the principal causal factor? The short answer here is no, at least certainly not among climate scientists; that is, scientists who have actual expertise in the study of climate and climate change.

Let me repeat that again from the University of Nebraska.

> Is there debate within the scientific community with regard to observed changes in climate and human activities as the principal causal factor? The short answer here is no, at least certainly not among climate scientists; that is, scientists who have actual expertise in the study of climate and climate change.

The University of Nebraska goes on.

> For more than a decade, there has been broad and overwhelming consensus within the climate science community that human-induced effects on climate change are both very real and very large.

As to scope of those effects, the University of Nebraska warns:

> The magnitude and rapidity of the projected changes in climate are unprecedented. The implications of these changes for the health of our planet and the legacy we will leave to our children, our grandchildren, and future generations are of vital concern.

The University of Nebraska has even published what it calls ''Key Climate Change Data for Nebraska.'' This is the list:

Temperatures have risen about 1 degree Fahrenheit since 1895; frost-free season has increased 5 to 25 days since 1895; very heavy precipitation events have increased 16 percent in the Great Plains Region; projected temperature increase of 4 to 5 degrees Fahrenheit, low-emissions scenario, or 8 to 9 degrees Fahrenheit, high-emissions scenario, by 2100; projected summer of 2100 will have 13 to 25 days over 100 degrees Fahrenheit; number of nights over 70 degrees Fahrenheit will increase by 20 to 40 by 2100; soil moisture is projected to decrease 5 to 10 percent by 2100; reduced snowpack in Rocky Mountains equals reduced streamflow in our rivers; increasing heavy precipitation events; increasing flood magnitude; increasing drought frequency and severity.

That is the University of Nebraska's list of coming attractions to Nebraska from climate change.

On to Kansas, where Senator MORAN would learn from Kansas State University about climate change's effects on agriculture in his home State. Kansas State University Professor Charles Rice, Distinguished Professor of Agronomy, working with the National Science Foundation is using ''climate modeling tactics to predict the effects of climate change in the Great Plains, and to develop adaptation and mitigation strategies for agriculture in the region,'' to help meet what Kansas State calls ''one of the grand challenges of the 21st century: evaluating and predicting the biological and ecological consequences of accelerating global climate change.''

Kansas State brought the executive director of agricultural giant Cargill to talk about climate change. News reports describe what the Cargill executive stated; that ''climate change is real and must be addressed head-on to prevent future food shortages.'' Specifically, the Cargill executive said that ''U.S. production of corn, soybeans, wheat, and cotton could decline

by 14 percent by mid-century and by as much as 42 percent by late century.'' This is a senior corporate executive in one of our leading agricultural companies, warning of a 14-percent decrease in these essential crops by midcentury, and as much as a 42-percent decrease by late century.

From an agricultural standpoint, the executive said, ''We have to prepare ourselves for a different climate than we have today.'' Maybe that is why Kansas State calls evaluating and predicting the biological and ecological consequences of accelerating global climate change one of the grand challenges of the 21st century.

Let's head out to South Dakota, where Senator MIKE ROUNDS would hear from South Dakota State University about climate change on the Dakota Plains. South Dakota State's Leffler Lab calls climate change ''the signature challenge of the 21st century.'' So let's bear in mind, we have the Kansas State University calling climate change ''one of the grand challenges of the 21st century.'' We have South Dakota State's Leffler Lab calling climate change the ''signature challenge of the 21st century.'' We have an EPA nominee who is a climate change denier, wrapped so tight with the fossil fuel industry, you can't tell where one ends and the other begins, and he has the support of the Senators from Kansas and South Dakota.

It is a riddle. South Dakota State scientists are not just saying that climate change is the signature challenge of the 21st century, they are out studying climate change around the globe. From the Upper Ghanaian forests of West Africa to the West Antarctica ice sheet. South Dakota State University Professor Mark Cochrane is working with the U.S. Forest Service to determine ''how a changing climate impacts forest ecosystems'' and reported that ''forest fire seasons worldwide increased by 18.7 percent due to more rain-free days and hotter temperatures.''

The South Dakota State University News Center has reported that season-shifting climate changes ''are all being affected by warming from an increase in greenhouse gases due to human activity''—''all being affected by warming from an increase in greenhouse gases due to human activity.''

South Dakota State University even brought in Harvard Professor and ''Merchants of Doubt'' author Naomi Oreskes, saying that her work ''has laid to rest the idea that there is significant disagreement in the scientific community about global warming.'' Somebody needs to translate between South Dakota State University and this EPA nominee.

So on we go to Iowa, continuing down the Environment and Public Works Republican roster, where Senator JONI ERNST could hear from an Iowa State University professor who told a United Nations conference not long ago that ''climate change was already affecting Iowa farmers. This is not just about the distant future,'' he said. Iowa State has published extensive reach and I will just quote the title of it. ''Global Warming: Impact of climate change on global agriculture.'' Iowa State's prestigious Leopold Center views climate change not merely as warming, but as a ''worsening destabilization of the planet's environmental systems.''

Climate change is not just warming, it is a ''worsening destabilization of the planet's environmental systems'' and yet the good Senator voted to move this climate-denying industry tool forward to be our EPA Administrator.

A worsening destabilization of the planet's environmental systems, they call it, that will create ''an aggravated and unpredictable risk that will challenge the security of our agricultural and biological systems''—''aggravated and unpredictable risk that will challenge the security of our agricultural and biological systems.''

That is Iowa State talking. They conclude: ''The scientific evidence is clear that the magnitude of the changes ahead are greater, the rate much faster, and [the] duration of climatic destabilization will last much longer than once thought.''

Now we come to the end of the row of the Republicans on the Environment and Public Works Committee.

As an Alaskan, Senator DAN SULLIVAN would get double barrels from the University of Alaska, first about climate change and second about ocean acidification.

''Alaska is already facing the impacts of climate change,'' the University of Alaska reports.

This question of ''facing the impacts of climate change'' matters enough to the University of Alaska that, on global warming, the university has stood up the Alaska Climate Science Center. The Alaska Climate Science Center has been established to help understand ''the response of Alaska's ecosystems to a changing climate.''

The Alaska Climate Science Center of the University of Alaska is charting the recordbreaking, year-over-year warming in Alaska, analyzing temperature trends, and receiving awards for ''modeling and evaluating climate change impacts in the Arctic.''

''One thing for sure,'' the center says, is that the climate ''will continue to change as a result of various natural and anthropogenic forcing mechanisms.''

Then there is the other climate change punch coming at Alaska, from the sea. In addition to its Alaska Climate Science Center, the University of Alaska is serious enough about this to have also stood up an Ocean Acidification Research Center to address what it calls ''growing concerns over increased acidity in the ocean and the impacts this phenomenon will have on Alaska's marine ecosystems''—''growing concerns over increased acidity in the ocean and the impacts this phenomenon will have on Alaska's marine ecosystems.''

Alaska's seafood industry is an enormous asset to Alaska's economy, and it depends on Alaska's marine ecosystems. Well, the University of Alaska's Ocean Acidification Research Center warns that ocean acidification ''has the potential to disrupt this industry from top to bottom''—''to disrupt this industry from top to bottom.''

The Ocean Acidification Research Center identifies the culprit of this phenomenon as ''the transport of CO_2 from the atmosphere into the ocean.''

Indeed, as we have loaded up the atmosphere with more and more CO_2 emissions from the burning of fossil fuels, the ocean has actually absorbed chemically about a third of that CO_2.

In addition to all that heat I mentioned earlier that the ocean had absorbed—more than 90 percent of the added heat—it actually absorbed one-third of the carbon dioxide. Of course, when carbon dioxide interacts with seawater, there is a change that takes place.

Indeed, why don't we see about doing a demonstration of that change. It will take a minute to get that organized. While we are getting that organized, let me continue.

Here is a description—thank you to the University of Maryland for the graphic—of how atmospheric carbon dioxide turns the ocean acidic.

When you add additional CO_2 to the atmosphere, at the surface, where it meets the sea, there is a chemical exchange, and the CO_2 can be absorbed by the ocean. As I said, one-third of it has been. That dissolved carbon dioxide joins with the water chemically, and it creates carbonic acid. The carbonic acid, in turn, creates bicarbonate ions, hydrogen ions, and carbonate ions, and those ions interfere with the makeup of marine creatures, which make their shells out of free carbon in the oceans, and some of those effects are pretty apparent.

This is the shell of an ocean creature called a pteropod. It is at the base of a great deal of the ocean food chain. There are studies off the northwest coast that show that more than 50 percent of this creature have experienced what the scientists who them caught them and studied them called severe shell damage. Here is what happens when you expose them to high concentrations of acidified seawater, higher than usual. That is what it looks like day 1. That is a healthy shell. Fifteen days later, it is starting to gray. Thirty days later, beyond just starting to gray, it is starting to actually come apart. And by 45 days, the shell is a wreck. That is not an animal that is capable of surviving.

So let's see how this works. This is a glass of water, and I have just put 20 drops of a pH test into it. That shows what the acidity is of the water. As you can see, it has turned the water rather blue, which matches roughly this level of pH.

Mr. President, I ask unanimous consent that I be permitted to continue with this little demonstration.

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

Mr. WHITEHOUSE. Mr. President, this is a very simple bubbler that anybody with an aquarium will recognize. All you simply do is you put the bubbler in. I produce carbon dioxide as I exhale. So I am exhaling one breath into this same glass. I will do one more. It was not even a full breath, but there it is.

It used to match that color; do you remember? Now look at what color it matches. Just breathing carbon dioxide through the water has changed its pH and has made it more acidic.

I can do that right here with a breath. It is happening on a global scale, as the interaction between the atmosphere and the oceans transports CO_2 into the oceans. When that happens, the same chemical effect that we modeled here takes place, and the oceans become more acidic, and the effects continue to be damaging.

The previous shell that I showed was the pteropod, a humble creature, but an important creature in the food chain. It is actually called the ocean butterfly by some because its snail foot has been transformed by God's law of evolution into an oceanic wing that allows it to fly in the seas.

This is an oyster. The Senator's State of Louisiana does a lot of work with oysters, as does Rhode Island. Again, exposing oyster larvae to ocean water with heightened levels of acidity—day 1, day 2, day 4, and then we see exposure to acidity. Here is what a healthy larva looks like; here is what one exposed looks like. Here is what the healthy one looks like; here is what the exposed one looks like. Here is a healthy one; here is one exposed.

You will see that the healthy larva is growing day after day. It is getting bigger. It is going to become an oyster. Somebody is going to have a great oyster stew some day with that oyster with any luck.

This one is shrinking and deforming, and the reason is that the little creature is trying to take the carbon out of the ocean to make its shell—the calcium. And because of those ions that I pointed out, it is bound up, and they can't get it. So they deform this way.

When you are at a point where more than 50 percent of ocean pteropods are experiencing severe shell damage, if you are not paying attention, you are going to take a big punch.

Now I know around here we don't give a darn about God's creatures as being God's creatures. I probably sound funny to some people talking about a funny little creature in the ocean called a pteropod. The things we care about here are things that we can monetize because this is Mammon Hall. This is the temple where gold rules.

These little creatures are a little bit away from the gold. But who cares about the pteropod? I will tell you who cares about the pteropod. Salmon care about the pteropod, and people care about the salmon, and Alaska has a pretty good salmon fishery. The Pacific Northwest has a pretty good salmon fishery. If you drop out the pteropod from the bottom of the oceanic food chain because it can't grow because the ocean has acidified, there is a big collapse to take place.

As scientists would say, the upper trophic levels fall as the lower trophic levels collapse. So this is serious.

As I went through all these different Republican Environment and Public Works Committee Senators' home State universities, maybe you could say that all those home State universities are part of the climate change hoax that our President is so pleased to tweet about.

If so, my colleagues really ought to call their home State universities out about that. If they think their home State universities are in on a hoax, I think it wouldn't be right, and they ought to call out their home State universities. If the home State universities are part of a big old hoax, say so. Say so. But if all of my Republican colleagues' home State universities right down the line on the Environment and Public Works committee aren't in on a hoax, if what they are doing is good science, why not listen to them? Why not listen to them? What is the dark star in this firmament that causes the real science from the home State universities of these Senators to warp and twist around as it comes to this body? What is the power? What is the force that is causing every single one of these home State universities to be ignored by their home State Senators?

Let me go back and review very briefly what they said. Home State universities of the Republican Senators on the Environment and Public Works Committee warn of ''pressing issues'' related to climate change. That is Wyoming—pressing issues.

Assert that the science of climate change is ''unequivocal,'' ''without any question.'' That is from Oklahoma.

Foresee ''immense'' implications related to climate change. That is West Virginia.

Making anti-greenhouse gas ''climate commitments'' to fight climate change. That is the University of Arkansas.

Warn that ''climate change is the greatest environmental threat facing global society.'' That is Mississippi.

Find the ''significant risks'' from climate change to be ''of vital concern.'' That is Nebraska. That is the one that had the hit list of coming attractions from Nebraska of climate change

Describe climate change as ''one of the grand challenges of the 21st century.'' That is Kansas.

Call climate change ''the signature challenge of the 21st century.'' South Dakota.

Predict ''aggravated and unpredictable risk'' from climate disruption. That is Iowa.

Prepare for fisheries risk that could shake the State's seafood industry ''from top to bottom.'' That is Alaska.

Right down the row of Republican Senators who voted for this climate denying nominee, you have home State universities that say the opposite, that say that it is real, that it is beyond scientific debate at this point, that its effects are here, that its effects are worsening, and that it is going to shake industries like the fishing industry from top to bottom and create significant risk and disturbances in agriculture. But not one of those Senators stood up against the nominee who is the shameless tool of the industry that is causing all that harm.

So I have to ask, how does that end? If you listen to what all your home State universities are saying, this is a pressing and immense grand challenge. This greatest environmental threat—it doesn't go away. This is truth measured by science, God's and nature's truth, and truth always demands a reckoning.

If we listen only to the fossil fuel industry as it lies and prevaricates and propagandizes and disassembles and does all its nonsense to protect its all-important right to pollute for free, how do we expect this turns out in the end? Do you think these acidifying shells give a red hot damn what a fossil fuel industry lobbyist says? They are responding to laws of chemistry and nature that we don't get to repeal or amend.

Let me make one last point in closing, as I saw Senator CARPER here, our distinguished ranking member, and I am sure he wants to speak.

Our Republican friends claim to support market economics. They are big on how you have to trust the market. You shouldn't regulate. Markets are the way to go. Market economics is the most efficient tool for allocating resources. Market economics are how we create wealth. Actually, I agree. So let's look at market economics.

What I believe and what economists say on all sides of the political spectrum is that it is market economics 101 that for the market to work, the harm of a product has to be built into the price of a product.

The fossil fuel industry, the dark star of our politics, absorbing and bending all of this home State information, absorbs and bends even conservative market principles so that they disappear here in Congress, at least wherever those principles conflict with what appears to be our first principle: the well-being and the power of the fossil fuel industry.

The fact that Senators do not hear or do not care about this science from their home State universities tells you all you need to know about the brute political force of the fossil fuel industry here in Congress.

(Mrs. ERNST assumed the Chair.)

Let me go back just a moment to something I said earlier, since we have been joined by the Senator from Iowa

at this fine early hour in the morning. Just before she arrived, I was talking about Iowa State. Since she is here, I will go back to those remarks and to the Iowa State University professor who told a United Nations conference not long ago that climate change is already affecting Iowa farmers. ''This isn't just about the distant future,'' the Iowa State scientist said.

I noted that Iowa State has published extensive research on, and I quote Iowa State University here, ''global warming, the impact of climate change on global agriculture.''

Iowa State has a center called the Leopold Center, which perhaps the Presiding Officer can confirm is a fairly prestigious institution within the University of Iowa. Iowa State's Leopold Center ''views climate change not merely as warming, but as a worsening destabilization of the planet's environmental system.''

I hope the distinguished Senator from Iowa will review Iowa State's view that this worsening destabilization of the planet's environmental system will create, and I quote Iowa State University again, ''aggravated and unpredictable risks that will challenge the security of our agricultural and biological systems'' and consider their conclusion: ''The scientific evidence is clear that the magnitude of the changes ahead are greater, the rate much faster, and the duration of the climatic destabilization will last much longer than once thought.''

Let me close, while we wait for Senator CARPER, who is nearby, with my final exhibit.

This is a page from the New York Times in 2009. It is a full-page ad that was taken out in the New York Times in 2009, and it reads:

Dear President Obama and the United States Congress, tomorrow leaders from 192 countries will gather at the U.N. Climate Change Conference in Copenhagen to determine the fate of our planet. As business leaders, we are optimistic that President Obama is attending Copenhagen with emissions targets. Additionally, we urge you, our government, to strengthen and pass U.S. legislation and lead the world by example. We support your effort to ensure meaningful and effective measures to control climate change, an immediate challenge facing the United States and the world today. Please don't postpone the earth. If we fail to act now, it is scientifically irrefutable that there will be catastrophic and irreversible consequences for humanity and our planet.

Please allow us, the United States of America, to serve in modeling the change necessary to protect humanity and our planet.

That is the text of this advertisement in the New York Times in 2009. And guess who signed it. Donald J. Trump, chairman and president; Donald J. Trump, Jr., executive vice president; Eric F. Trump, executive vice president; Ivanka M. Trump, executive vice president; and the Trump Organization.

I will close with the sentence from this New York Times advertisement, signed by Donald J. Trump, that ''the science of climate change is irrefutable and our failure to act will have consequences that are catastrophic and irreversible.'' President Trump's words, not mine.

I yield the floor.

Mr. CARPER. 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. Madam 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. Madam President, good morning to our pages and members of our staff, some of whom have been up all night.

I just walked over here from my office in the Hart Building and, along the way, I ran into the Capitol Police and others who are putting in a long day and a long night. I, on behalf of all of us, want to express my thanks to them.

I have said this on several occasions—that I take no joy in going through a chapter like we are going through tonight.

I come from a State on the east coast where we get along pretty well. Democrats and Republicans sort of like each other. They tend to be mainstream, both on the Democratic side and on the Republican side. We have something called the Delaware way, and it is sort of based on the three C's—communicate, compromise, and collaborate. This is what we do. We have done it for a long time, and it seems to work for us. Hopefully, when we get through this chapter—when we get through the nomination process—we will be able to get back to the three C's.

I have the privilege, as the Presiding Officer knows, that when I got out of the Navy I moved to Delaware, and I had an opportunity to serve in a couple of different roles—as the treasurer, as a Congressman, and then as the Governor for 8 years. In my time as Governor, according to laws and the constitution of Delaware, the Governor nominates people to serve as cabinet members, as members of the judiciary, and on a lot of boards and commissions.

During those 8 years that I was privileged to serve as Governor, the legislature was split—the House was Republican, and the Senate was Democrat. When it came time to nominate members of my cabinet, my predecessor was Governor Mike Castle, as the Senator from Rhode Island knows. He was a moderate Republican, and he had been our Governor, and before that our Lieutenant Governor. He was a State legislator and a very successful attorney. When I was elected Governor, he was elected Congressman. So we literally traded places. He took my job in Congress, in the House, and I took his job as Governor.

It was really a wonderful transition, where I tried to help him make that transition to be successful in the House of Representatives, and he tried very much to help me be successful as a new Governor.

I, actually, went to something called the New Governor's School, hosted by Roy Romer, who was then the chairman of the National Governors Association—a wonderful guy. We were in the New Governor's School out in Colorado, the newly elected Governors of 1992—Democrats and Republicans, including people like George W. Bush, Tom Ridge, and the list goes on. If I had had more sleep, I could remember every one of them. It was just wonderful. Mike Levin, who later became the head of the EPA, was one of them.

We learned a lot at the New Governor's School about how to set up and establish an administration, how to put together an administration. Mike Castle, Delaware's Governor, was part of the faculty, if you will, of current Governors who mentored us in the New Governor's School, and it was a blessing in my life.

I asked Governor Castle, as we were going through that transition, to sort of walk me through his own cabinet and to suggest who might want to stay, who might be interested in staying on in a new administration—in my administration—and who, maybe, who would not. It ended up, when I nominated people to serve in my cabinet, that there were several there who had actually served in his. We had mostly Democrats. I am a Democrat. But there were some Republicans as well. Below the cabinet level, we had division directors, and we kept almost all—not all but almost all of the division directors we asked to stay, too.

For 8 years as Governor of Delaware, I would nominate people to serve in either cabinet positions or on the judiciary or at other posts; but, for 8 years, we batted 1,000. The State executive committee was terrific in approving people, confirming people to serve in these roles. It was not like I just rushed things—here is who we are nominating. Go pass them.

That is not the way they worked. I asked them for their ideas. We solicited their ideas, not just for the cabinet but, also, for the judiciary.

At the end of the day, it was my role to actually nominate people, and it was their role to provide advice and consent, and they did—a little bit before but, certainly, throughout the nominating process. It worked pretty well. It worked pretty well for our State, and I am proud of the 8 years that our administration worked with the legislature and with nonprofit communities, the faith community, and the business community with what we accomplished.

I was trained as a leader from the age of 12, and our Presiding Officer was trained as a leader, probably, from about the same age. We both served in the military. She is a retired lieutenant colonel, and I am a retired Navy captain. But I was trained that leaders

are humble, not haughty. I was trained that leaders should have the hearts of servants, as our job is to serve and not be served. I was trained that we basically call on people not to do what we say but to do what we do. I believe in leadership by example. I was taught that leaders don't hold their fingers up to the wind and see which way the wind is going, but that we should have the courage to stay out of step when everyone else is marching to the wrong tune. I was trained that leaders do not lead by dividing folks but by uniting people—by building bridges, not walls. I was trained that leaders should be purveyors of hope—that we should appeal to people's better angels. I was trained that leaders ought to focus on doing what is right, not what is easy or expedient, that we should embrace the Golden Rule—really, embody the Golden Rule—by treating people the way we want to be treated, that we should focus on excellence in everything we do and surround ourselves with the best people we can find. When the team that we lead does well, they get the credit, and when the team that we lead does not do so well, the leader takes the blame. I was trained as a leader with the idea that, when you know you are right, be sure you are right. You just never give up. You never give up.

Those are the leadership skills that were infused into me by my family and my faith. I was in the military for 23 years, plus 4 years as a midshipman, and it helped make me who I am. Those are, really, the leadership blocks that I bring to my job here.

We have had some great leaders in this body. We could use a leadership like I have just described at the top of the food chain in this country, in this administration. We could use that. I, thus far, after about one month into this administration, I haven't seen that kind of leadership that I had hoped for, that we had seen not that long ago.

I want to commend everyone who has come to the floor in the last almost 20 hours on our side—the Democratic side—and on the Republican side to explain our points of view with respect to the nomination of Scott Pruitt to be Administrator for the EPA in this country.

When Donald Trump was running for President, he said pretty consistently that part of what he wanted to do as President was to degrade and, essentially, destroy the Environmental Protection Agency. He didn't just say it once or twice but again and again. When he won the nomination, he said the same thing—that, if elected President, part of his goal would be to degrade and, essentially, destroy the Environmental Protection Agency. When he was elected President—a couple of days after being elected—he repeated that pledge.

Sometimes people may not believe what we say, but they will believe what we do. For me, the first clear indication that what he said with respect to the Environmental Protection Agency was something that he intended to do was the selection of a person to lead the Environmental Protection Agency, and he chose the attorney general of Oklahoma Scott Pruitt.

Scott was introduced at his confirmation hearing before the Environment and Public Works Committee by the two Senators from Oklahoma—JAMES LANKFORD, with whom I serve on the Homeland Security and Governmental Affairs Committee—he is a great member—and JIM INHOFE, who is our senior Republican on the Environment and Public Works Committee.

They have very high regard for Scott Pruitt. They have spoken here on the floor with regard to him and to his service. When someone whose service and friendship I value as much as I do—JAMES LANKFORD and JIM INHOFE—speak so highly of a friend and a colleague from their State, it is not easy for me, and it is not easy for the rest of us to oppose that nominee—their friend. But we have done that. We have done that for weeks now, and we have done that now throughout this night.

I take no joy in doing this. Having said that, I take no joy in the fact that the levels of the seas around my little State of Delaware are rising, and we are the lowest lying State in America, and we see every day the vestiges of sea level rise.

I take no joy when I catch the train in the morning to come down here—I go back and forth every day—I take no joy in standing on the platform at the Wilmington train station and in looking at a beautiful riverfront, which we have worked on for 20 years so as to transform an industrial wasteland into something that is lovely, beautiful, and clean. Even now, with the fish that swim in the Christina River, we cannot eat them. In fact, from most of the bodies of water in my State, we cannot eat the fish, and that is because of the mercury that is contained in them. It is not just in my State, and it is not just in our neighbors' States—Maryland and New Jersey. It is in the States all up and down the east coast.

We live in what is called the end of America's tailpipe. A lot of emissions that are put up into the air come from coal-fired plants to our west—from Ohio, Indiana, Kentucky, West Virginia, which is my native State, and other States. They have, in many cases, really tall smokestacks, and they put their pollution—their air emissions—up through the smokestacks. They go up hundreds and hundreds of feet into the air. The air carries them out of their States. It carries the pollution out of their States, and where does it settle? It settles in ours. In States from Virginia on up into Maine. We live at the end of America's tailpipe.

I take no joy that, of the freshwater fish in our State and a lot of other places on the east coast and, frankly, in other places around the country, you cannot eat those fish anymore.

I want to take a few minutes and pivot from that as background to what we are going to look at—some charts—in a minute. Before we do, I want to talk about why we can't eat the fish in too many places around this country. And the reason why is because we get, I would say about 40 percent of our electricity from coal. Today it is maybe down to around 30, maybe 25 to 30 percent, and maybe 25 to 30 percent from natural gas. We get maybe 20 percent from nuclear, and the rest is from the renewable forms of energy, including wind and solar technology as it has gotten better and better and better.

One of the reasons my colleagues, particularly on this side, have great concerns about the nomination of Scott Pruitt has to do with mercury. As I have shared with the Senate, a review of Mr. Pruitt's record yields some troubling information about how he managed the unit within his own office in Oklahoma charged with responding to environmental matters. Upon taking office, Mr. Pruitt essentially gutted his own Environmental Protection Unit within the attorney general's office. It appears he abandoned his responsibilities to use his office to protect the public health of Oklahomans and declined to use his authority to hold polluters and bad actors accountable.

A review of Mr. Pruitt's record yields nothing that shows how he will change this behavior if he is confirmed to be EPA Administrator. In fact, the New York Times reported earlier this month, on February 5, that Mr. Pruitt is drawing up plans to move forward on the President's campaign promise to ''get rid of'' the EPA.

Just remember, the EPA does not just involve clean air and clean water and the cleanup of hazardous waste sites. The implementation of the Toxic Substances Control Act deals with hazardous materials and the products we use every day. The Environmental Protection Agency is a huge player in the public health of our country for not just adults like us but for young people like these pages, like my children, our grandchildren—all of us—our parents, grandparents. The EPA is in large part responsible for our being a healthier nation.

I am a big believer in going after root causes for illness and sickness, and if you have mercury in your fish, if you have bad stuff in your air, it degrades your health, and that is a big problem. It is a big problem for us in Delaware because we spend a whole lot of money. Ninety percent of the air pollution in my State doesn't come from Delaware. It isn't generated in Delaware. It is bad stuff. It is air emissions that come from other States. They are able to burn coal, get cheap electricity, and because they put stuff in the air in tall smokestacks, they send it over to us. They end up with cheap electricity, lower healthcare costs, and we end up with having to clean up our emissions dramatically, more so than we otherwise would. It is expensive. So we end

up with expensive electricity and also healthcare costs that are higher than the places where the pollution is coming from. That is just not right.

I said earlier that I get no joy from going through this nomination battle for Mr. Pruitt with my friends on the other side, but believe me I get no joy from the idea that we end up with expensive electricity in my State and higher health costs because other people in other parts of our country don't embrace the Golden Rule, to treat other people the way you want to be treated.

Going back to the New York Times article on February 5 that indicated that Mr. Pruitt is drawing up plans to move forward on the President's campaign promise to get rid of the EPA, they had these landing teams in the course of the transition to go through each of the agencies. The person who apparently was leading the administration's landing team into the EPA called for reducing the head count at EPA. They didn't say we are going to have a hiring freeze at the EPA. They didn't say we are going to have a 1- or 2- or 3-percent reduction. They didn't say we were going to reduce it by 5, 10, 15, 20, 25 percent. They said we are going to reduce the head count at the Environmental Protection Agency by two-thirds.

I guess it is possible that whoever this person is that heads up the landing team of the EPA, maybe they don't have pollution in their State. Maybe the air is pristine, and they can get all the fish they want from all the other rivers, lakes, and streams. They don't have to worry about toxic waste sites or any of that stuff. I doubt it.

I think part of our job is to make sure the EPA can do their job better, but the kind of draconian changes President Trump has talked about—and when you look at the record of the fellow they nominated to lead the EPA, you get the feeling that maybe they are not just talking.

There is an old saying that sometimes people may not believe what we say, they believe what we do so let's just take a look to see what Mr. Pruitt has done in his own State of Oklahoma. I would say there are two sides to every story, and we are hearing two sides to every story. What I am going to do here is just draw on his own words.

The New York Times story goes on to say that Mr. Pruitt ''has a blueprint to repeal climate change rules, cut staffing levels, close regional offices and permanently weaken the agency's regulatory authority.''

It continues:

> As much as anyone, Mr. Pruitt knows the legal intricacies of environmental regulation—and deregulation. As Oklahoma's attorney general over the last six years, he has led or taken part in 14 lawsuits against the EPA.
>
> His changes may not have the dramatic flair favored by Mr. Trump, but they could weaken the agency's authority even long after Mr. Trump has left office.

And how will he achieve this objective of weakening the Agency's authority? First, by diminishing the scientific basis by which the Agency makes decisions.

Mr. Pruitt does not seem to value or understand the science that is at the core of this Agency's actions to protect public health or the important role EPA plays ensuring all States are doing their fair share so every American can breathe clean air and drink clean water.

One area where his propensity to disregard science is especially evident is Mr. Pruitt's extreme views on mercury and other air toxic pollution from electric powerplants.

Much of our country's ongoing efforts to clean up air pollution hinges on every State playing by the rules and doing their fair share to reduce air pollution because the pollution generated in one State does not just stay in that State. The air carries it across State borders. Streams and rivers carry it across State borders as well.

As I said earlier, in my home State of Delaware, we have made real strides in cleaning up our own air pollution that we generate. Unfortunately, the other States to the west of us have not made the same kind of commitment.

As I said a few minutes ago, over 90 percent of Delaware's air pollution comes from our neighboring States. The air pollution is not only a danger to our hearts and lungs and brains, it also costs a lot in doctor bills and hospital bills and in our quality of life.

Not all, but some of this pollution is toxic. It comes across our borders. These toxins that are in the air get in the food we eat as well as the air we breathe and build up in our bodies without our knowledge. Those buildups can lead to cancer, mental impairment and, in some cases, even to death.

Delawareans depend on the EPA to ensure that our neighbors do their fair share so we can protect our citizens. It hasn't always moved as quickly as we would have liked, but without the EPA, our State of Delaware wouldn't have many other options at our disposal.

Mr. Pruitt, however, seems to have spent a good part of his career fighting to dismantle the Federal Environmental Protection Agency. In my State, our neighboring States, those of us who live especially at the end of America's tailpipe depend on it for cleaner air and cleaner water.

I have a poster here. Here is a fish, not one we would want to eat. The poster says: ''Why isn't Scott Pruitt convinced?'' The scientists and doctors tell us that mercury is a harmful toxin.

Mr. Pruitt has been a part of multiple lawsuits against the Federal environmental protections—protections that are offered by EPA. Many of these lawsuits again are against clean air protections. He has fought against a rule to reduce mercury and other air-toxic pollution in this country three separate times.

In 1990, Congress had enough scientific information to list mercury, as well as 188 other air toxics, such as lead and arsenic, as hazardous air pollutants in the Clean Air Act.

Lawmakers at the time, including me, serving in the House of Representatives, thought this action would ensure our largest emitters of mercury and air toxins would soon be required to clean up. Unfortunately, it took 22 years for the EPA to issue the mercury and air toxic rule, which reduced mercury and other air toxins from coal-fired powerplants, our largest source of mercury emissions in this country.

The EPA modeled this rule after what was being done in the States and required coal plants to install existing affordable technology that could reduce mercury and toxic emissions by 90 percent. The reason the EPA ended up having to go through all these processes over all these years in issuing this regulation is because Congress did not act in passing legislation, which we should have done. We could have, and we tried—a bipartisan effort—LAMAR ALEXANDER, a wonderful Senator from Tennessee, and myself, and others sought to get it done, and we were unable to get it done legislatively. We were opposed by the utilities, and in the end, the EPA said enough and we are going to issue this rule.

But for a lawmaker who supported the Clean Air Act amendments of 1990, and as someone who represents a downwind State, this rule is a long time in coming. You would not know this from the claims in these lawsuits, but since 1990, medical professionals and scientists have learned quite a bit about the environmental and health impacts of mercury.

The mercury emitted into the air deposits into our water. It then builds up in our lakes and rivers and streams and eventually makes its way into our food supply, through fish and fowl that we eat.

Children are most at risk, as many of us know. Pregnant mothers who eat the mercury-laden fish can transfer unhealthy doses to their unborn children, impacting neurological development of their babies.

Prior to EPA's mercury rule, the Centers for Disease Control estimated that 600,000 newborns were at risk a year from mercury poisoning—600,000.

In 2012, Dr. Jerome Paulson, from the American Academy of Pediatrics, testified before our EPW Committee, stating that ''there is no evidence demonstrating a safe level of mercury exposure.''

Dr. Jerome Paulson, American Academy of Pediatrics, testified before our committee in 2012. Again, he said: ''There is no evidence demonstrating a safe level of mercury exposure.''

Our Nation's most reputable pediatric organization, dedicated to the health and well-being of our children, has made clear that medical research shows there is no safe level of mercury exposure for our children—none.

Mr. Pruitt has come to his own conclusions about mercury.

The 2012 lawsuit that Mr. Pruitt joined with coal companies against the mercury and air toxics rule stated—this is what the lawsuit said: ''The record does not support EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants pose public health hazards.''

I have to read that again. In the 2012 lawsuit in which Mr. Pruitt joined with coal companies against the mercury and air toxics rule, which was like 20 years in the making, finally adopted because Congress refused to act, said these words: ''The record does not support EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants pose public health hazards.''

This is not the first time Mr. Pruitt contradicted the medical and scientific community on mercury and the threats it poses to public health.

As I said, EPA took 22 years to get the coal plants to clean up the mercury emissions. Every year that our country delayed the cleanup of the emissions, more and more mercury settled and accumulated in our rivers, streams, lakes, and fish.

I don't know how many lakes they have in Oklahoma, but I know that in 2010, there were fewer than 20 on which there were issued fish consumption advisories because of mercury. I know last year that number more than doubled.

Every State, including Oklahoma, has fish consumption advisories because of mercury. As we see here, the number under Mr. Pruitt's watch has seen the mercury-caused fish advisories to actually more than double in the last 6 years.

In 2012, Dr. Charles Driscoll from Syracuse University—one of the leading mercury scientists in the world—testified before our committee. Dr. Driscoll told us that because of the long-term emissions of mercury from coal plants, there are—his words—''hotspots and whole regions, such as the Adirondacks, the Great Lakes region of the Midwest and large portions of the Southeast, where the fish is contaminated with mercury.''

He went on to say: ''There are more fish consumption advisories in the U.S. for mercury than all contaminants combined.''

Instead of agreeing with leading scientists on this issue, Mr. Pruitt has come to a different conclusion.

I think we have a poster that speaks to this.

Mr. Pruitt's 2012 lawsuit with the coal companies against EPA's mercury protection stated:

> The record does not support EPA's finding that mercury . . . poses public health hazards. . . . Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small.

Mr. Pruitt argued that, despite the fact that every State has at least one mercury fish consumption advisory and despite there being 40 lakes in his own State of Oklahoma now that have mercury fish advisories, we shouldn't worry about mercury pollution from our country's largest source of emissions. That denial of facts makes no sense. Luckily, the courts rejected Mr. Pruitt's arguments that the mercury and air toxic rules should be vacated. Four years later, most coal plants are meeting the new standards, and we are already seeing the benefits.

Just a few weeks ago, some of my Environment and Public Works colleagues and I heard from Dr. Lynn Goldman, a pediatrician and former EPA Assistant Administrator for Toxic Substances, about this very issue when she said: ''U.S. efforts to reduce mercury emissions, including from power plants, are benefiting public health faster than could have been predicted in 1990.''

Great news. Dr. Goldman's comments stand in stark contrast to the ones made in Mr. Pruitt's latest mercury lawsuit, filed just 2 months before his confirmation hearing. In this most recent lawsuit, Mr. Pruitt argued that the benefits of cleaning powerplant mercury emissions are ''too speculative'' and—again, his words—''not supported by the scientific literature.'' Really? The lawsuit goes on to conclude that it is not ''appropriate and necessary'' for the EPA to regulate mercury and other air toxic emissions.

So Mr. Pruitt argued just 3 months ago that it is not appropriate or necessary for the EPA to regulate the largest source of mercury pollution—a pollutant that we know damages children's brains and could impact up to 600,000 newborns every year. Just 3 months ago, Mr. Pruitt listened to the industry instead of listening to our Nation's pediatricians when determining what is good for our children's health. Just 3 months ago, Mr. Pruitt sided with coal companies instead of our leading scientists. Just 3 months ago, Mr. Pruitt argued that States should be on their own when it comes to dealing with toxic pollution that crosses State borders.

In Mr. Pruitt's confirmation hearing, I asked about these lawsuits and his views on regulating mercury and air toxics from powerplants. He was evasive and misleading, I believe, in his answers and claimed his lawsuits were merely about process. Process.

Well, let's be perfectly clear. Mr. Pruitt's lawsuits are trying to undermine a rule that protects the health of our children and our grandchildren. His extreme views on mercury pollution clearly show Mr. Pruitt believes that Americans have to make a choice between having a strong economy and a safe, clean environment. I think this is a false choice. We can have both, and indeed we must have both.

His extreme views on mercury pollution also show that Mr. Pruitt will side with polluters over science and doctors—maybe not every time, but way too often.

Americans deserve an EPA Administrator who believes in sound science and who will listen to the medical experts when it comes to our health and be able to strike a balance between a strong environment and a strong economy. I don't believe Mr. Pruitt will be such an Administrator, which is why I am asking my colleagues to join me in voting against his confirmation.

I see we have been joined on the floor by the Senator from Indiana. I am prepared to hit the pause button for a few minutes and welcome my friend. I welcome him and thank him for his commitment, not just to the people of Indiana but to our country and embracing the Golden Rule, the idea that we have to look out for each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Madam President, it is an honor and a privilege to be here with my colleague from Delaware. I wish to take a few moments to talk about the nomination of Scott Pruitt to be the Administrator of the Environmental Protection Agency.

I have expressed my fair share of constructive criticism of the EPA over the years. I wish the Agency would work more effectively with States and stakeholders. Collaborative partnerships are the best way to ensure that our environmental policies meet our fundamental responsibility to be good stewards of the environment, while also being narrowly tailored to avoid overburdening Hoosier families and businesses.

Teamwork is what will give us the best chance at responding effectively to emergencies like the ones facing my friends in the East Chicago neighborhood of West Calumet. Cooperation with farmers, not overregulation, is how we keep nutrients and inputs in the field and improve water quality.

If confirmed, I hope Scott Pruitt will focus on improving the EPA's working relationship with State partners and all stakeholders as the Agency engages in its mission to protect our environment. That is an issue I have been working on for years, and I will continue to do so. I cannot, however, support Scott Pruitt's nomination to lead the EPA.

When I think of who should lead the EPA, given all the Hoosiers who are impacted by the rules and policies developed by this Agency, I think of how we are all dependent on clean air and water, but I also think of the last time an EPA Administrator visited my home State. It was in 2013, in a cold barn in Whiteland, IN, when then-Administrator Gina McCarthy visited with me and a number of my good friends—Hoosier farmers from across the State. It was the morning after the EPA had announced drastic cuts to the renewable fuel standard—not an ideal time to be Administrator of the EPA in a barn with a group of Hoosier farmers.

That morning, farmers told the story of how important the renewable fuel

standard is to rural economies and our national security. They told Administrator McCarthy how her Agency's decision had eliminated market opportunities for their products, for all of the things they had been growing, and it meant that we were putting our energy security at risk as well because less ethanol and biodiesel being used meant importing more foreign oil instead of growing our fuel on Hoosier farms.

A few days later, Scott Pruitt sent out a press release calling those RFS cuts ''good news'' and highlighting his earlier efforts suing the EPA in an attempt to block the regulatory approval of E15. I cannot support an EPA nominee who has sued the EPA to stop the sale of E15 and who praised the erosion of a policy designed to strengthen our energy security and to promote homegrown Hoosier biofuels.

If confirmed, however, I look forward to working with Scott Pruitt to develop a better and more collaborative approach to regulation by the EPA. We have very, very important work to do, including cleaning up environmental dangers in our communities, like those in East Chicago; ensuring the safety of drinking water systems; developing a better WOTUS rule; and finding a workable solution to address climate change.

That work in East Chicago is going to prevent me from being able to be here to vote against the Pruitt nomination. The Governor of our State has called a working meeting today in East Chicago with the mayor, State and local elected officials, representatives from HUD and EPA, and other neighborhood stakeholders. It is of utmost importance for me to be on the ground with the community to let them know we are listening and we are working to get the resolution they deserve and to protect their health and safety.

As I will be heading back home to Indiana before the vote on the Scott Pruitt nomination, I would like the record to state that, if here, I would have voted against the nomination of Scott Pruitt for the EPA.

I wish to recognize my colleague and friend from Delaware, who has done such an extraordinary job in protecting the resources of this country and in protecting the security of this country as well—his love for his home State, with the beautiful beaches, beautiful oceans. And my home State—we have the Great Lakes, which are an extraordinary resource, which we are so blessed to have, and which are a trust we keep for one generation after another. I have always felt it my obligation to make sure I turn over those lakes and, in fact, the oceans in better condition than we receive.

I yield to my colleague from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank my friend for those kind and generous remarks. I thank him for coming to Delaware. I have been privileged to visit the Hoosier State any number of times. I have a basketball in my office from Notre Dame, and I know our friend from Indiana is a huge Notre Dame fan. Their basketball coach, Mike Brey, is the former basketball coach of the University of Delaware. Just like air pollution and water pollution can move across borders, so can head coaches of great basketball teams.

Tomorrow night, God willing, I will be at the Bob Carpenter Center at the University of Delaware to watch the University of Delaware's men's basketball team play. Our new head coach is one of Mike Brey's assistants who has come to our State to head us up. We look forward to seeing how he and our Fightin' Blue Hens do.

I thank the Senator for sharing—a whole lot less air pollution—after stealing our basketball coach, a very good replacement; I guess not the player to be named later but the coach to be named later.

Mr. DONNELLY. Madam President, the Senator's efforts on this have been extraordinary. To see the depth of concern the Senator has for our oceans, for our lands—we have both worked so hard to make sure we can work together with our farm communities to keep inputs on the farm, to protect our rivers, to protect our streams. We know how hard our farmers are working on that as well. I know the Senator has a tremendous and strong farm community in Delaware. It was a privilege to sit and listen while the Senator was speaking before.

I will note, as he said, you may have sent us a basketball coach, but in return, we sent you one as well.

I turn the floor over to my colleague from Delaware.

Mr. CARPER. Madam President, one of the things I love about the Senator from Indiana is he understands there is a Golden Rule. We are one another's neighbors, and we need to treat others the way we want to be treated. States need to treat other States the way they would want to be treated.

He also understands a very valuable principle: that it is actually possible to have cleaner air, cleaner water, and strengthen our economy.

When I was an undergrad at Ohio State, a midshipman there, I remember a time up north of us in Cleveland, OH, when the Cuyahoga River caught on fire. The kind of smog we have now in parts of the country, running in places in California, when I was stationed in California in the Navy for a while—there are days when I ran that I knew I wasn't doing a good thing for my lungs.

We have done a lot better than that. While we cleaned up rivers like the Cuyahoga River and we cleaned up the air in a lot of places in the country, we still have work to do. We have made those changes and those improvements and developed technology that we have been able to sell all over the world. That is a good thing.

I thank my friend for getting up at this hour of the day and joining us here and for his leadership, not just in Indiana but here in the Senate. It has been a joy. Thank you.

I want to go back to what I was talking about earlier—Scott Pruitt's views. I think they are extreme, uninformed views on mercury regulation. Mr. Pruitt's views on core clean air and clean water laws and the somewhat misleading and oftentimes evasive answers he has given to Members of this body, including myself, ought to be reason enough for Members of this body to reject his nomination.

Two months prior to his confirmation hearing, Mr. Pruitt filed his third major legal action against the EPA's mercury and air toxics rule. This case is still pending before the courts.

For those who don't know the EPA's mercury and air toxics rule, it requires our Nation's largest source of mercury pollution—coal-fired plants—to reduce mercury in a wider range of air toxins.

The EPA issued this rule in 2012, and because of the low cost of compliance, most utilities are already meeting the standards. We made more progress at a faster time, at a lower cost than was actually anticipated. The same thing is true with the elimination of acid rain in New England. The deal that was worked out was a cap-and-trade approach, but the idea was developed when George Herbert Walker Bush was President. We ended up with better results for less money and faster time than was anticipated. We can do this.

Mr. Pruitt filed his latest lawsuit alongside with one of the Nation's largest coal companies, Murray Energy Corporation, arguing that the benefits of cleaning up powerplant and mercury and air toxic emissions are ''too speculative'' and not necessary.

Mr. Pruitt goes on to argue that there are only ''hypothetically exposed persons'' from mercury and air toxic emissions from powerplants. Imagine that—''hypothetically exposed persons.'' Again, I would say: Really?

Finally, Mr. Pruitt argues: ''The EPA cannot properly conclude it is appropriate and necessary to regulate hazardous air pollutants under Section 112.''

His boiled-down arguments before the U.S. Court of Appeals for the DC Circuit is basically this: If the EPA cannot quantify benefits in dollars, then those benefits don't count. Never mind that we know the real-world health threats to people this kind of air pollution poses.

The idea of looking at public health protection only through the lens of dollars and cents is not a new one, but it can be a dangerous one. The tools we have for projecting costs and putting a dollar value on the health benefits are not gospel and are not the only way of analyzing the economic impacts of reducing pollution on a community. With toxic substances, such as lead, arsenic, and mercury, health benefits are sometimes difficult to quantify.

Meanwhile, the EPA is chock-full of examples where benefits are underestimated and costs overestimated once programs are implemented and businesses find efficient ways of cutting pollution. In my part of the country, we call that Yankee intuition.

Mr. Pruitt's argument ignores that it is difficult, if not impossible, to quantify the loss of IQ, increased risk of cancer, or other long-term health effects known to occur when exposed to mercury and air toxic emissions.

In Mr. Pruitt's world, if we can't accurately translate loss of IQ into dollars lost, the benefits of cleaning up mercury for other children is ''too speculative'' for it to be ''necessary and appropriate'' for EPA to act. As a father of three sons, I find this way of thinking alarming.

I have a poster here with a message from a woman in Wilmington, DE. Wilmington is in the northern part of the State, where our congressional delegation and Governor and his family live.

This is from Sarah. I would ask Mr. Pruitt this: How much does it cost to lose an organ like I have, to lose a parent or child from cancer? How much do sick days and inhalers cost? Families are struggling to make ends meet. Many of these costs are not in dollars alone.

Thank you, Sarah.

Sarah is a mother and a registered nurse. She wrote to me earlier this month to express her concerns regarding Mr. Pruitt's nomination. In her letter, she explained to me that she was born in 1978, in Western New York State. It is miles away from the Love Canal neighborhood. It is the site of one of the most appalling environmental disasters in American history.

For those who don't know or don't recall, Love Canal was a planned community that eventually had to be evacuated after 22,000 barrels of toxic waste were dumped into the nearby canal—22,000 barrels. Families whose homes were contaminated with chemicals and toxic waste had to leave. Many faced serious health challenges later in their lives. These were the real threats we faced before we had the EPA or laws on the books that held polluters accountable for dumping hazardous chemicals in our waters.

Sarah's mother was pregnant with her while Love Canal was being evacuated, just 7 miles away from their home. Fast forward a few decades. When Sarah was 30, she found out that she had thyroid cancer. Doctors told her that exposure to radiation, perhaps from the radioactive hotspots near her hometown, is a proven risk factor for thyroid cancer.

Sarah now has a daughter of her own who, unfortunately, suffers from reactive airway disease that causes her trouble breathing, and symptoms can last anywhere from a few minutes to hours at a time.

Sarah, in her letter, said to me:

> Mr. Pruitt believes that the EPA places economic hardships on businesses through unnecessary regulation. True economic hardship is experienced by those who are often least protected by environmental laws.

She went on to say:

> I would ask Mr. Pruitt: How much does it ''cost'' to lose an organ like I have? To lose a parent or child to cancer? How much do sick days and inhalers cost families already struggling to make ends meet? What is the life path of a person who starts out with compromised lungs? Many of these costs are not in dollars alone.

Sarah couldn't be more right. An EPA Administrator must be able to understand the true human cost of rolling back or eliminating critical environmental regulations.

Mr. Pruitt's persistent and extreme views—or at least extreme views in my mind—on the mercury and air toxics rule are some of the reasons I have grave concerns about his nomination to be EPA Administrator.

I can't help but wonder if Mr. Pruitt will continue to fight this rule—not from outside the Agency, but from inside the Agency.

I wonder if Mr. Pruitt would uphold the clean air protection that has bipartisan support or if he would kill the rule and take his extreme views of cost-benefit analysis broader, to other issues such as cleaning up lead in our water or addressing climate change.

That is why I asked him not once, not twice, but three times about his views on the mercury and air toxics rule. I asked him directly three times if EPA should move forward with the rule and if EPA should be regulating mercury and air toxic emissions from powerplants. Each time I asked, the more evasive and misleading the answers became.

In our three exchanges, I was very clear that I was asking about EPA's regulations and the authority to address mercury emissions from powerplants.

However, in Mr. Pruitt's answers, he was very careful to mention that mercury pollution should be regulated under the Clean Air Act but never said that mercury and other air toxic emissions from powerplants should be or must be regulated.

Mercury, as it turns out, is emitted by many sources. Coal-fired powerplants happen to be the largest emitter in this country. Under section 112 of the Clean Air Act, Congress listed mercury as a hazardous air pollutant and required the EPA to regulate all major emissions sources.

It seems that Mr. Pruitt tried to avoid the questions I asked him about controlling mercury and air toxic powerplant emissions. He, instead, answered about regulating mercury more broadly.

While he was trying to evade the questions, what he did say was very misleading to the committee.

In our second exchange, I mentioned his three lawsuits against the mercury and air toxics rule. I asked Mr. Pruitt if he believed the EPA should not move forward with this rule and, if there were no rule, how would States clean up mercury?

Mr. Pruitt answered: ''I actually have not stated that I believe the EPA should not move forward on regulating mercury or adopting rulemaking in that regard.''

He went on to say: ''There is not a statement—or belief—that I have that mercury is something that shouldn't be regulated under Section 112 as a Hazardous Air Pollutant.''

Well, anyone who supports the mercury and air toxics rule and heard that might be very encouraged by these comments.

Sadly, Mr. Pruitt is on record many times stating that the EPA should not move forward regulating mercury and air toxic powerplant emissions.

Here are a few quotes from the legal briefs that Mr. Pruitt filed in his many lawsuits against this rule that directly contradict his statements in our hearing.

In his first lawsuit against the mercury and air toxics rule, called White Stallion v. EPA, Mr. Pruitt argued: ''Finally, the record does not support EPA's findings that mercury, non-mercury Hazardous Air Pollutant metals, and acid gas Hazardous Air Pollutants pose public health hazards.''

In his most recent case with Murray Energy, he argues that, with respect to powerplant mercury emissions, the ''EPA cannot properly conclude that it is appropriate and necessary to regulate Hazardous Air Pollutants under Section 112.''

These statements go well beyond questioning the ''process.'' Instead, they suggest the EPA should not be regulating mercury and toxic air emissions from powerplants.

This is not what even Trump voters voted for in November. They did not go to the polls hoping that the new President would make their air dirtier or their water more polluted.

This is another case of this nominee trying to mislead, or at least obscure, the truth before Congress. It is a troublesome pattern that I fear will only get worse if Mr. Pruitt is confirmed as EPA Administrator.

With that, I reserve the remainder of my time.

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

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

Mr. CARPER. Mr. President, I want to continue to share with you and my colleagues the reasons I am opposed to the nomination of Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency.

What we do know about Mr. Pruitt's past record—and there is still a good deal we don't know and are not able to learn in committee. We know Mr. Pruitt abandoned his responsibilities to

protect Oklahomans from harmful pollution. Instead of holding polluters and bad actors in the State accountable, Mr. Pruitt spent a lot of his time as attorney general in Oklahoma suing the Environmental Protection Agency.

These days, going after the EPA public health protection seems like a popular thing to do. In fact, the EPA is often a target of nasty tweets from our current President.

Without the burning rivers or thick smog and soot in the air, which used to be all too common, some may presume that there is not much more for the EPA to do to protect the public health of our country from pollution. People may presume that our environmental protection problems are behind us, and States can take care of themselves when it comes to clean air and clean water, as Mr. Pruitt has suggested time and again.

I am a recovering Governor, a former Governor for 8 years. I have huge regard for what Governors can do, States can do. There is a lot we can do, but not everything. That is not the idea—that States can simply take care of themselves when it comes to clean air and water, and there is no need for Federal oversight. It is just wrong. I think it is untrue. The EPA continues to play a critical role in protecting our health, especially for the most vulnerable, including the very young and the elderly. The environmental threats we face today are real and do not respect State borders.

One such threat is ozone, known to some as smog pollution. Five times, Mr. Pruitt has sued the EPA over regulations to require new ozone, smog protections. Several of these lawsuits are still pending before the courts.

Mr. Pruitt's actions against ozone health protection are deeply concerning to me, as I represent a State at the end of what many of us on the east coast call America's tailpipe. Emissions come up from the Midwest, largely, and blow from west to east and end up in our air and in our water. Ninety percent of the smog and air pollution in Delaware comes from outside of our State, partly from hundreds of miles away—places like Kentucky, Ohio, Indiana, and across the Midwest.

I said many times as Governor of Delaware that I could have eliminated every source of pollution within my State—shut down the factories, cleared every car off the road, stopped trains and transit or boats. Delaware would still face the deadly doses of air pollution, not from our own emissions, but from those blowing in our State from hundreds of miles away.

We have a chart here to my left that we call the Ozone Report Card. Ozone is smog pollution. It deals not with quality of air pollution in Delaware, but it is a report card for Oklahoma. Cross-state ozone air pollution continues to be a major problem for our State, but it also is for many States across the country.

In Mr. Pruitt's own home State of Oklahoma, every county with an air quality monitor—16 counties; they have more than 16 counties, but 16 have air quality monitors—has an unhealthy level of ozone pollution, according to the American Lung Association. The American Lung Association assigns grades in subjects, just as for our pages here in school. My home State has A's and B's. The Oklahoma Lung Association assigns a grade for ozone pollution. In these 16 counties, they assigned a grade of F, not just in 1, 2, 3, 4, 5 or 10—all 16.

For decades, we have known that air pollution is linked to serious health problems like asthma attacks, strokes, heart attacks, and other respiratory illnesses. Most recently, ozone has been linked to early deaths.

We have another chart that refers to Oklahoma's asthma rate. According to the Centers for Disease Control and Prevention, 6.3 million children in this country have been diagnosed with asthma—6.3 million children diagnosed with asthma. In Mr. Pruitt's home State of Oklahoma, 1 in 10 children have asthma, which is higher than the national average. That is 6.3 million children nationwide, and more than 112,000 in Oklahoma who have to worry, during the high ozone days, if they are going to have an asthma attack.

Recognizing the very real dangers of ozone pollution, Congress passed the EPA to provide our country with the ozone air quality standards based on the best science available, and they review that standard every 5 years. After reviewing more than 1,000 medical and scientific studies, the EPA concluded about 2 years ago, in 2015, that the 2008 ozone health standard was too weak and no longer adequately protected public health.

The EPA's 2015 rule was purely a statement of fact to protect our health. To protect the 6.3 million children with asthma, we need less ozone pollution in our air. To protect 112,000 children with asthma in Oklahoma, we need a stronger air quality standard.

Fortunately, many of today's biggest emitters of ozone pollution, such as older coal plants, are already scheduled to be cleaned up. This means the costs of compliance are not as high as they might have been 2, 4, or 6 years ago.

As attorney general, Mr. Pruitt had a choice between two paths. If he had taken the first path, Mr. Pruitt could have worked with his Department of Environmental Quality and the business community to ensure ozone polluters in his own State cleaned up. He could have worked with the EPA, not against it. By doing so, he would have protected Oklahomans and citizens living in downwind States from ozone pollution and helped economic growth and the State at the same time. It is important to note that many attorneys general in this country decided to take this path, including our own attorney general, Matt Denn, in Delaware.

Instead, Mr. Pruitt took a second path, the one that led to suing the Agency, the EPA, in an attempt to weaken protections. It is no surprise that Mr. Pruitt chose to sue the EPA, based on his clear record.

I have a poster here with some of his own words. After all, it was Mr. Pruitt who just last summer explicitly said it bothers him that Congress and the EPA work together to ensure Americans have clean air to breathe—or appears to say that. Specifically, here is what he said:

> Legislation should not be ''we like clean air, so go make clean air.'' That's something that bothers me, that then Congress gives to EPA this general grant of authority.

That was at Hillsdale College in July of 2016. I would just ask, What then does Mr. Pruitt think the role of EPA is? It is hardly some kind of extreme overreach to keep deadly pollutants out of the air we breathe. I think most people think that. Mr. Pruitt chose to sue the EPA over the science used to justify in writing the regulations, citing the polluters over the medical and scientific experts who have published over 1,000 scientific studies that the EPA has reviewed.

Mr. Pruitt did not stop there. He also sued the EPA over protections for downwind States. Delaware is one of them. Let me repeat that. Mr. Pruitt not only sued the EPA over science used in the 2015 ozone rule, but he also sued the EPA over the good neighbor rule to make sure all States do their fair share to clean up the air. Without the good neighbor rule, Delawareans, and all Americans living in downwind States, will be forced to live with the consequences of decisions made by polluters hundreds or thousands of miles from them. Mr. Pruitt took the stance that every citizen in this country does not have the right to breathe clean air. Mr. Pruitt took the stance that the lawyers and polluters know better than scientists and medical experts when it comes to ozone pollution and health.

The President is asking us in this body to confirm Mr. Pruitt as our EPA Administrator. As Senators, we can also choose between two paths. The first path is protecting public health and ensuring that those who elected us have clean air to breathe. The second path is protecting polluters. I will be taking the path that protects the health of my constituents. I urge my colleagues to do the same for theirs.

In just a moment, I am going to pause. Before I do, I mention this good neighbor rule. Some people call it the cross-border rule. The idea behind it is that we ought to treat one another as neighbors.

Where does the good neighbor rule come from? It actually comes from the Bible. And it comes not just from the Bible, it comes from almost every major religion in the world—the idea that we ought to treat other people the way we want to be treated. If you look at every major religion in the world, it pretty much says that.

In the New Testament, some will recall, there is a passage where the Pharisees were after this young Rabbi,

a couple thousand years ago, trying to put Him on the spot. They said: You are so smart, young Rabbi, why don't You tell us what is the greatest rule of law, the greatest commandment of all? He said: Not one, there are two. He mentioned the first. Then He said: The second is love thy neighbor as thyself.

One of the pharisees said to Him: Who is our neighbor? And He went on to tell them the parable of the good Samaritan. A man traveling through the country was attacked, left for dead in a ditch. Later in the day, three people walked by, one from a part of the country where this guy was sort of his neighbor. He walked on by. Next, a person of the cloth, a rabbi, walked on by. He didn't stop. The third guy that came through was from a place called Samaria. They are like at enmity, at odds with one another. They are not friendly; they are at odds with one another.

He saw the fellow had been beaten and left for dead. He ministered to him and put him on his animal and took him to an inn. For a day and a night, he tried to help him get better. After the second day, the guy from Samaria had to leave and had to go someplace else. He said to the innkeeper: This fellow still isn't well enough to travel, but here is some money to help pay for his care here for another day or two. When I come back through, if you need more money or it costs more, I will even up with you. He left, but he left the guy who had been beaten in a lot better shape.

After telling His story, the young Rabbi turned to the pharisee and he said: Who was the good neighbor?

Well, there was the one—the first fellow who came by who took pity on the guy who had been beaten and left for dead and treated him the way he would have wanted to be treated.

That is really the foundation of the good neighbor rule that the EPA has promulgated. It is the foundation of the idea that pollution does cross borders and because of that, we need to have—if we can't pass a law, we need some kind of rule or regulation to ensure that everybody is being a good neighbor because it is not fair that my State—that we can pretty much close down my State's economy, transportation systems, powerplants, and still have a problem with air quality. That is just not fair.

I think next we are going to look at some editorial statements that are in opposition to Mr. Pruitt. I know there are editorial statements that support him. I don't have any of those today, not surprisingly. But I do want to go through a couple from newspapers around the country: New York Times, Bangor News up in Maine, L.A. Times, Denver Post, Chicago Sun Times, Dallas Morning News.

I have received a number of letters from Delawareans about the nomination of Mr. Pruitt to lead the EPA. For the record, as of I guess last night, my office had received a total of seven letters, emails, or faxes supporting Mr. Pruitt's nomination. I guess this is from all sources, not just Delaware. But we have gotten seven letters supporting Mr. Pruitt's nomination. I received 1,880 letters opposing his nomination. That is pretty amazing. We don't get this kind of volume of letters, emails, or faxes, but 1,880 opposed, 7 letters supporting.

But it is not just Delawareans who are worried about the idea of Mr. Pruitt at the helm of EPA; over the past 3 months, editorial boards across our country have expressed their own serious concerns about this nominee as well.

I want to share a few of those with my colleagues and the world this morning. Back in December, the New York Times wrote these words. I will read them. This is from December, a couple of months ago:

> Had Donald Trump spent an entire year scouring the country for someone to weaken clean air and clean water laws and repudiate America's leadership role in the global battle against climate change, he could not have found a more suitable candidate than Scott Pruitt, the Oklahoma Attorney General.

That is a pretty bold charge. The editorial describes Mr. Pruitt's nomination—it goes on to say ''an aggressively bad choice''; ''a poke in the eye to a long history of bipartisan cooperation on environmental issues.''

Again, the EPA was not created in a law signed by a Democrat, it was by a Republican.

The Times goes on to say ''bad choice''; ''a poke in the eye . . . to a nation that has come to depend on an agency for healthy air and drinkable water.''

And to the 195 countries that agreed in Paris last year to reduce their emissions, climate-changing greenhouse gas, in the belief that the United States should show the way, the Times concludes with these words: ''Mr. Pruitt is the wrong person to lead an agency charged with the custody of the nation's environment.''

The Senate cares about public good and needs to send his nomination to the dustbin.

But I know that not everyone is a huge fan of the New York Times these days, so let's move a little further north. Let's go up to Maine. They have a paper up there called the Bangor Daily News. I have a poster from them as well. Last month, the Bangor Daily News Editorial Board wrote these words. Again, this is last month:

> As attorney general of Oklahoma, Mr. Pruitt has been openly hostile to the EPA's mission of protecting human health by regulating dangerous pollutants, such as mercury and carbon dioxide. Someone who has repeatedly tried to prevent the EPA from doing its job surely should be disqualified from overseeing the agency.

You know, we generally believe that Presidents have wide latitude in choosing the members of their Cabinet. I think Governors should have wide latitude. As a former Governor, I said to our Delaware Legislature: I have been elected; give me the opportunity to put together my own team and judge us on our performance.

However, some nominees of some Presidents are so—probably Democrats and Republicans, but especially in this case, with this President—some nominees are so unqualified or philosophically unfit that Senators should use their constitutional powers to reject them. Scott Pruitt, President Donald Trump's pick to head the EPA, is one of those nominees.

I voted for more of the nominees of this President than against. Several of them are quite good. I serve on a committee called Homeland Security and Governmental Affairs. To succeed Secretary Jeh Johnson, the President nominated retired Marine general John Francis Kelly, who was a terrific soldier, marine, leader for our country, and will be a great Secretary. I wish they were all of his caliber. I wish they were.

The Bangor paper went on to write:

> Critics of the EPA tend to focus on rules and laws that the agency is involved in writing that protect little-known animals or landscapes, such as wetlands. But, the agency's primary mission is to safeguard the health of Americans through landmark laws such as Clean Water Act and Clean Air Act.

Finally at the Bangor paper, they got to what is really at stake with Scott Pruitt at the head of EPA when we have a President who has repeatedly said he would like to get rid of the EPA in almost every forum. This is what they said at the Bangor News:

> We are under no illusions that Mr. Trump is suddenly going to become a champion of environmental protection, even if that is synonymous with protecting human life. But Pruitt is so hostile to the EPA's core mission that putting him in charge would move the United States dangerously backwards.

But it is not just the east coast editorial boards that are worried about Scott Pruitt's nomination. Let's go to the west coast, the L.A. Times in California, the State that has led the way in environmental protection. The L.A. Times Editorial Board wrote—let's see if we have a date. It is February 4, this month. This is what they wrote:

> Yes, Trump won the election, and as president, he's entitled to appoint people who reflect his political views. But when the president's policies and appointees pose such a fundamental threat to the nation, even a Senate controlled by his fellow Republicans—whose first loyalty should be to the people of the United States—must put the nation's best interests ahead of party loyalty.

They continue at the L.A. Times and say:

> Pruitt wouldn't run the agency as just another small-government Republican interested in paring excessive limitations on business. He actually disagrees with the fundamental mission of the EPA. He has argued that the federal government should play a lesser role in environmental protection, and that primary control should be given to the states.

That is wrongheaded. Putting West Virginia, my native State, in charge of

its coal industry or Texas in charge of its oil industry would lead to horrific environmental damage, not just there but in the neighboring States downwind and downstream, according to the L.A. Times Editorial Board.

The L.A. Times Editorial concludes by saying:

Putting Pruitt in charge of the EPA, however, poses an irreversible risk to the planet, and the Senate needs to ensure that doesn't happen.

It is not just the coastal editorial boards that have opposed Mr. Pruitt. The Denver Post noted that—these are their words from 2 months ago, December 8, 2016:

It looks like Trump truly does wish to dismantle the EPA. His pick of Scott Pruitt to lead it strikes us as unnecessarily reckless, and we urge the Senate to deny confirmation and to demand a better way forward.

It is not on the poster, but the Denver paper went on to add: Does the Nation really want a Big Oil mouthpiece running the agency that's charged with the laudable task of keeping our air and water safe?

Let's head up to Chicago, where the Sun Times was editorializing in the great State of Illinois. The Chicago Sun Times Editorial Board—let's see what we have for a date. It looks like December 8, a couple of months ago. This is what they said:

We are living in a time that calls for stepping up efforts across the board to protect our environment for future generations.

Unfortunately, President-elect Donald Trump has appointed Scott Pruitt, an open foe of environmental initiatives, to head the U.S. Environmental Protection Agency. That demonstrates a callous disregard for the health of our nation and planet just as rapid technological advances hold out hope for avoiding the worst effects of climate change.

It went on to say:

During his campaign, Trump said he would dismantle President Barrack Obama's environmental policies and pull the United States out of the 195-nation Paris accord to reduce greenhouse gases and climate change. After the election, Trump moderated his tone, saying he has an open mind about climate change. His appointment of Pruitt, however, suggests that if he's open to anything, it's strictly more pollution.

They concluded with these words:

At a time when serious scientists worry about cataclysmic disasters threatened by climate change, we can't afford to put our future in the hands of an apologist for the fossil fuel industry. America needs an EPA chief who understands the value of environmental successes we have achieved and the critical importance of building on them.

But perhaps these aren't convincing enough. Travel with me down to Texas because they have a problem even in Texas, in the Lone Star State. One of the newspapers there, the Dallas Morning News, wrote just last week:

Oklahoma Attorney General Scott Pruitt, a veteran of a years-long courthouse campaign to undermine the Environmental Protection Agency, is the wrong choice to lead the agency under President Donald Trump. It's hard to imagine a worse choice.

They highlighted the long-term impact of putting Mr. Pruitt in charge of the EPA. Here is what they said:

The post of EPA administrator is a critical one, and nowhere is that more tangible than here in energy-rich Texas.

Again, this is the Dallas Morning News:

Many industry voices have already raised toasts to Pruitt's nomination, concluding that his plans to eviscerate the EPA's regulatory oversight of oil and gas companies, and other polluters, will strengthen the state's economic fortunes.

The Morning News went on to write that the Senators from Texas must ''look beyond the short-sighted calculus and vote in the long-term interests of Texas. Put simply, Texas' economy will be stronger over time if its environment is cleaner and if its people are healthier.''

This is just one of a handful of the editorial boards that have raised serious and substantive objections to Mr. Pruitt's nomination, and for very good reason. They don't just come from the Northeast or from the east coast, they don't just come from the Southeast or the Midwest; they come from the west coast and even Texas itself. We ought to listen to them. We ought to listen to them. They are not all wrong. In fact, I fear they are right.

With that, I see we have been joined on the floor by a young man from Connecticut who came to share some of his own thoughts with us on these important topics.

I just want to thank him for the good work he does in so many areas. He and I have been partners together on trying to make sure the people of this country have access to affordable healthcare, and we get better results for less money, and I applaud him for those efforts, as he knows probably better than I, to try to ensure that people are healthy. It is not enough just to provide healthcare for them when they get sick. We call that sick care. We try to make sure we are doing things up front to prevent people from getting sick, to enable them to stay healthy. A lot of that really leads right to the work of the Environmental Protection Agency.

Leadership is so important in everything we do. It is the most critical factor in everything. Leadership is the key to the success of any organization, large or small, that I have ever been a part of or observed. I don't care if it is a business, I don't care if it is a church, I don't care if it is a school, I don't care if it is a military unit, a sports team, or the U.S. Senate, leadership is key. The EPA is key.

Show me enlightened, well-qualified leadership, and I will show you a successful operation. We need to be real careful in making sure the EPA has the kind of leadership that will lead them and our Nation well into the future.

With that, I yield the floor.

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

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

Mr. MURPHY. Thank you, Mr. President.

Once again, let me extend my gratitude to all of the staff who are pulling yet another overnight. I know this isn't easy, and I feel like every time we have done one of these I have been on the floor during the late night or very early morning hours to express my gratitude to those who are making this possible.

While I am grateful for those who are here, I think it is also incredibly important and vital that we are here. This is exceptional to have so many late nights, to have pushed through the evenings, to stay in session 24 hours and 48 hours at a time. I understand that last week we engaged in the longest session—second longest continuous session in the history of the Chamber, and I think we are doing so because we are living through truly exceptional times today.

We are living through a moment where this administration is simply not prepared to govern, and many of the individuals who are being appointed to Cabinet positions, being selected to serve in this administration simply aren't ready to get the job done.

We saw that with respect to Michael Flynn, who was named to quite possibly the most important position in the national security Cabinet. The National Security Advisor is, on most days, the first person and the last person the President talks to about national security, about protecting the Nation. Many of us raised alarm bells when Mr. Flynn was selected for the job because of his radical statements on Islam, his questionable connections to Russia, having sat next to Vladimir Putin in a celebration of Russian propaganda didn't seem right to us, something didn't smell right to many of us. We expressed those objections when Mr. Flynn was chosen. Our objections did not prevail, and within 30 days Mr. Flynn was fired from his position. It is still unclear as to why he was fired. The President was out in front of the cameras, bizarrely defending Mr. Flynn to the cameras having just fired him 30 days into the job, but it seems that it was some combination of undermining a sitting President by attempting to coordinate with the Russian Ambassador right after President Obama had levied sanctions on Russia, potentially making some promises to the Russians that they didn't have to worry about it because once the Trump administration got into office, they would modify or lift those sanctions or perhaps it was lying to the Vice President and others in the White House about what the substance of those conversations were.

Regardless, within 30 days, maybe the most important person in the security Cabinet, who many of us thought

was unqualified, was fired from his position in the shortest tenure that anybody could discover for National Security Advisors.

More news in the last 48 hours is that there were a host of other White House officials who were unceremoniously ushered out of the White House because they couldn't pass their criminal background checks. Why on earth they were in the White House working in positions if they hadn't already taken criminal background checks, that is a very important question we should get answers to, but yet another example of selection of people to serve in sensitive posts who weren't ready for the job.

Betsy DeVos wasn't ready for her confirmation hearing. She came to the Health, Education, Labor, and Pensions Committee and didn't know the basic facts about Federal education law. She couldn't tell the difference between measuring proficiency and measuring growth, and maybe for most people you don't know the difference either, but if you are going to be the Secretary of Education, you have to know the difference between measuring for proficiency and measuring for growth. She was confused about the Federal law that guarantees children with disabilities an equal education. She told Senator KAINE and Senator HASSAN it would be OK for States to ignore that law or ignore that protection. That actually is not the case. Every State has to observe the individuals with disabilities law as it pertains to students.

Just this week, we had a nominee withdraw after a drip, drip, drip of allegations regarding his personal conduct and his business practices made it pretty clear that somebody whose restaurants are half the time in violation of Federal labor laws, somebody who has employed undocumented workers probably isn't suitable to be the chief protector of workers in this country as the Secretary of the Department of Labor. It just doesn't seem that a lot of thought has been put into some of these selections.

So we are taking our time. We are using our prerogative as Members of the minority party to make sure there is a full, complete debate on all these nominees to make sure, at the very least, the American public knows what they are getting.

Our worry is not just that these nominees are often woefully unprepared for the job, it is that many of them appear to be fatally compromised. I listened to a lot of what President Trump said on the campaign trail, and I heard him spending a lot of time attacking the way business had historically been done in Washington, DC. Maybe some of us privately cheered him on when we heard him say that because we have watched corporate America own this town for a long time.

I watched the drug industry essentially have veto power over health policy in this town. I have watched the oil and gas industry run the show. From a personal basis, nothing aggrieves me more than seeing the gun industry get whatever they want from this Congress. If you have a couple hundred million dollars of market capitalization and a good lobbyist and a political action committee you can get a lot done in Washington.

So maybe when I tried to think of that silver lining to the election of Donald Trump to the Presidency of the United States, something that was deeply morally objectionable to me, it was that maybe there is a possibility to take on some of these special interests, to say enough is enough, the size of your wallet shouldn't have anything to do with the amount of influence you command here, but then those hopes were dashed as we watched who President Trump decided to nominate for the Cabinet.

Over and over again, billionaires, sometimes millionaires, but more often than not billionaires were selected for this Cabinet, many of whom had ties to the very special interests or were members of the very special interests that Donald Trump told people he was going to take on when he became President of the United States.

So we had one of the biggest fast food operators being installed in the Department of Labor—somebody who attacked workers and said that break time was a nuisance, that robots should replace his employees, we had an oil executive nominated to serve as our chief diplomat, and now we have an individual who has very publicly and unapologetically done the bidding of big energy companies being enlisted to be the chief environmental protector in this country.

So we are here tonight because the nomination and selection of Scott Pruitt to be the next Administrator of the EPA fits neatly into a pattern of behavior by this administration in which very, very rich people or people who have very close ties to powerful interests are being put in the government, and our worry is that they are being put there not to serve the American people but to serve those interests.

Scott Pruitt has a very interesting history of defending the oil and gas industry, which I admit is important to his State of Oklahoma—more important than it is in my State of Connecticut—but he has a very interesting history of defending that industry against the EPA. Scott Pruitt has sued the EPA to overturn standards to curb mercury and other toxic air pollutants, standards that would prevent 11,000 premature deaths and up to 130,000 asthma attacks per year.

He sued to void standards to reduce soot and smog pollution, projecting to prevent up to 15,000 nonfatal heart attacks, to prevent 34,000 premature deaths, and almost 400,000 asthma attacks every year.

He sued unsuccessfully to overturn the EPA's scientific danger determination that carbon dioxide and other heat-trapping air pollutants are harmful, and he even sued to block water pollution into the Chesapeake Bay which has no connection to Oklahoma.

Scott Pruitt has been a crusader. He has been a crusader on behalf of the energy industry against environmental protection, and he would probably tell you there is a choice to be made between protecting our environment and protecting our economy. That is ridiculous. That is patently ridiculous.

If we don't protect our planet, if we don't protect the quality of our air and the quality of our water, there will be no planet for businesses to grow in, and every kid who suffers through a lifetime of asthma is a fundamentally less productive worker to be able to add value to the American economy. When you are attacking health standards that would reduce asthma attacks by over 500,000 a year, you are attacking the economy, not just the environment.

It is really hard for a kid to learn and become an entrepreneur or a business creator if they are not healthy. Frankly, it is really hard for a family to be able to manage their own economic affairs when they have kids who are that unhealthy. So Scott Pruitt, in continuing to attack the EPA, continuing to stand up for the oil and gas industry, is weakening our economy.

Maybe even more importantly, when you are standing up for only one segment of the energy industry, you are ignoring all the potential jobs that come through a true energy transformation. I get it that today there are a lot of oil jobs in Oklahoma, but there could also be a lot of wind and solar and advanced battery and fuel cell jobs in his State as well. Frankly, as you look at the jobs that will be created over the next 50 to 100 years, not just in this country but across the globe, the real job growth in the energy sector is not just going to be in the oil and gas sector, it is going to be in this broader renewable energy sector.

I don't know if these statistics are up to date, but a few years ago, I read that, of the top 10 solar companies in the world, the United States has one of them; of the top 10 wind turbine companies in the world, the United States has one; and of the top 10 advanced battery companies in the world, the United States has two. There are going to be millions and millions of jobs to be had all across the world in the renewable energy economy.

So long as our energy policy is only about protecting oil and gas and coal and not about truly advancing renewable energy, we are hurting our economy; we are preventing massive job creation from happening; and we are letting other countries eat our lunch because 9 out of those 10 top wind turbine companies and top solar companies and 8 out of those top 10 advanced battery companies are in other countries—other countries that have decided to have policies that create internal markets for those new renewable technologies, unlike here in the United States.

Germany is pumping out wind turbines and is selling them all over the globe, not because Germany has any more wind than the United States but because they have decided to pursue a policy in which they give advantage to those renewable energy companies. The United States has decided to pursue policies, by and large, through giving advantage to fossil fuel companies.

In making his name as a crusader against the EPA, not only is Scott Pruitt endangering the health of our kids, but he is endangering the health of our economy as well. It is not guesswork when it comes to the connection of Scott Pruitt to the industry. If he had really studied the facts and if he had sat down and sort of weighed the benefits of the industry's claims against the benefits of the claims of 99 percent of the scientists in this country, it would be worth a listen.

But, as attorney general of Oklahoma, he sent a letter to the EPA, skewering its efforts to limit methane leaks from oil and gas companies. He didn't write the letter. Nobody on his staff wrote the letter. Oklahoma's Devon Energy Corporation wrote the letter. Pruitt's office changed a few words and sent it on to the EPA on the attorney general's stationery. That is how close the relationship is between Scott Pruitt and these energy companies. He just takes what they write—what they say—and forwards it on under his own signature. If you were to do that in a classroom, that would be plagiarism, and you would get kicked out of school; but if you were to do that as the attorney general of Oklahoma, you would get nominated to be the Administrator of the EPA.

It might get a lot worse. You might find out that it is a lot worse on Tuesday of next week because, for some reason, Scott Pruitt has been hiding email correspondence between his office and these energy companies. He has put up roadblock after roadblock to try to stop freedom of information requests to get these emails, this correspondence.

Finally, yesterday, a judge ruled that you cannot stop that information from coming out—they are public documents—and on Tuesday of next week, they are going to be made public. I don't know what they were going to say, but as I suspect with Donald Trump's tax returns, when you are expending great effort to hide something from the American public, there is probably a reason you are hiding those things. There is something incredibly damaging, embarrassing, or illegal in those tax returns, and there is, probably, something very damaging, embarrassing, or illegal in those emails.

So we are rushing through a nomination of Scott Pruitt tomorrow, which will not allow us to see this email correspondence that is going to come out next week. That is a shame because it, likely, will show us how close that connection has been between the next Administrator of the EPA and the energy companies that he has been regulating and will be charged to regulate.

I get really concerned about Scott Pruitt when I think about the kids in my State. I will tell you about one very specific way in which I think about it, and then I will talk a little bit more broadly.

We have talked a lot about lead, mostly in the context of this tragedy that has played out in Flint, MI, but, in Connecticut, the tragedy of lead poisoning plays out every single day. Why? Because we have really old housing stock; we have old infrastructure; we have lead that is in paint; we have lead that is in pipes; we have lead that is in fixtures that exist in old homes.

While our State has been just plugging along, trying to do better to remediate these old homes and clean up lead and test kids earlier, lead poisoning has been a reality for us in Connecticut for a very, very long time. Boy, there are a lot of awful things that can happen to you as a kid in this country, but lead poisoning is at the top of the list. Watching a family go through the horror of serious lead poisoning is nothing that you want to witness because, once lead gets into your system—once it gets trapped inside your brain—it is impossible to reverse.

In his confirmation hearing, Mr. Pruitt was asked whether there was any safe level of lead in drinking water. If you are going to be the Administrator of the EPA, you should probably know the answer to that question. The answer is, no, there is no safe level of lead in drinking water. Given all of the tumult and attention over what happened in Flint, you would think that would be something he would be prepared for. His response was: ''That's something I have not reviewed nor know about.''

Lead is a neurotoxin that can have devastating, long-term effects on the lives of children. The correct answer, of course, is that there is no level of lead that is safe in drinking water.

I don't want to be too tough on him because I don't expect somebody who hasn't spent his lifetime in the field to know every answer about environmental standards, but this one was a pretty important one. For those of us who do think he is, ultimately, going to do the bidding of industry rather than the bidding of kids, not having an awareness about something as simple as acceptable lead levels in water makes us wonder whether he is really prepared to do his homework because on the other side of the lead fight are special interests. This is one that has special interests too. Whether it be the home builders or other folks who might have to pay a little bit of money out of their pockets to fix up old homes, there are people who are not always with us on this.

More broadly, I worry about my kids. My kids are not going to suffer from lead poisoning, but if we don't get serious about the pace of climate change now—in the next 5 to 10 years—the problem may not be available to solve for my kids. It may be too late, once they become of age, to try to do something about it as a public servant, as a scientist, as an activist. Any scientist can explain the reason for that.

The reason is that, for many greenhouse pollutants—carbon dioxide, in particular—as they get released into the atmosphere, they stay, and they continue to warm—heat up—as time goes on. There are some pollutants that don't act that way. There are these things called fast-acting climate pollutants, like methane, frankly, that are released into the atmosphere, that are powerful heaters for a short period of time, but then they dissipate. Carbon dioxide is different. That one sticks around forever and ever—a long, long time—and continues to heat and continues to heat and continues to heat. So, if you don't reverse the trajectory of the human contribution to climate change soon, it may be too late.

As folks have read, just in the last 60 days, that phenomenon is playing out in parts of the globe that are already at a pace that was unimaginable just 5 years ago. In the Arctic, we are seeing just unthinkable warming.

I don't make policy by anecdote, but about a year ago, I was in the Arctic. I was on a submarine, doing an exploration under the ice—a truly amazing thing to be a part of. I was on the USS *Hartford*, which was a ship that was made in Connecticut, and the port is in Connecticut. We were up there as part of an exercise called ICEX, which was an exercise to try to understand what is happening in the Arctic so as to try to understand what the implications are for humans of this massive melting of arctic ice.

There were supposed to be two weekends of exercises in which there was a camp on a very stable piece of ice. Experiments were happening at the camp, and a submarine was helping to engage in those experiments. We were part of the first weekend's exercise. Then, the next weekend, another group of Congressmen was going up to witness that second weekend's exercise. The second group of Congressmen did not make it. They were literally on a van to the plane when they were told there was an emergency evacuation of the camp because the ice was melting underneath the camp. This was a spot that was picked because of how stable they thought it was. In the short period of time in which the camp had existed on the ice that March, it had started to break up and melt underneath them, and they had to engage in an emergency evacuation.

That is just one story. I understand we don't legislate or regulate by anecdote, but when you piece it together with all of the other evidence that tells you that every single year is the warmest on record, that shows you this massive trend line of melting in the Arctic. Even scientists who were of that 1 percent, who were sort of judged or deemed to be climate skeptics, are now

saying: Whoa, there is clearly something nonnatural happening in the Arctic, resulting in this massive melt that happens season after season.

If that melt that is being mirrored in Antarctica continues at this pace, it will be too late for my kids to do something about it. In my State of Connecticut, a coastal State—a State in which the majority of our economic assets are buffered right up against the water of the Long Island Sound—we cannot survive in a world in which sea level rise doubles compared to what it has been over the last 1,000 years.

We cannot survive in a world in which, by the end of this century, the average temperatures will be 8 degrees higher than they are today. When I came to Congress in 2007, the worst case estimates were that, by the end of this century, the global temperature rise would be 6 to 8 degrees beyond what it is today. Those are now mainstream estimates. It is not politicians, and it is not activists. Those are scientists—mainstream scientists—who are making those estimates. Yet, we are going to put somebody into the EPA who proudly has been a mouthpiece for the idea that climate change is a hoax—a hoax.

There is this tiny group of scientists who say: Well, it is not really clear whether human activity is leading to climate change. There is a tiny group of scientists who say that. Ninety percent of scientists agree that humans are contributing to climate change.

But Scott Pruitt goes further than that. Scott Pruitt has said that climate change—he has said it over and over again—that climate change is a hoax. What does that mean? Does that mean it is an intentional campaign by people to try to fool people into believing that climate change is happening? That is an extreme position. I don't even know how you explain what the genesis of the hoax is. What benefit do people get from trying to create this fiction? And of all the people out there who could possibly be the EPA Administrator, President Trump chose someone who calls climate change a hoax.

He had a confirmation conversion. He backtracked on that and said something before the committee about not being completely sure about the human contribution to climate change, but acknowledging that it probably exists. It is not the first confirmation conversion we have had. The Presiding Officer and I were at a very interesting hearing yesterday in which the nominee to be Ambassador to Israel essentially recanted everything he had ever said that was strong in tone about people he disagreed with on the position of U.S.-Israel relations.

So Scott Pruitt has changed his rhetoric in order to get confirmed. But he said that climate change is a hoax enough times to understand that likely, in his gut, that is what he still believes. It was a convenient position to have if you were an attorney general concerned with doing the bidding of big energy companies and special interests, which fed into their narrative as well.

These are exceptional times. I am sorry that we are back on the floor overnight again. But we are deeply concerned that this special interest Cabinet—this billionaire Cabinet—is not being put in place to do right for the American people. It is being put in place to do right for big corporations that don't need any more allies here in Washington. For all the rhetoric about upsetting the way things are done in Washington, President Trump is doubling down on special interest influence by handing them the keys to the Secretary's offices and major Departments, now including the Environmental Protection Agency.

That was not a President at that press conference yesterday. That was hard to watch, I imagine for both Democrats and Republicans. It was not a higher calling to public service for anybody in this country. Maybe there was 20 percent of the President's base that the press conference played to, but that was not an advertisement for America.

These are exceptional times, and they do command those of us who are worried about the direction of this country to use all the power we have to try to get the facts out there and on the record.

I was standing next to Senator ANGUS KING at a press conference shortly after we were sworn in, talking about this issue of climate change and our responsibility as public servants to protect the quality of our air and the quality of our water. We were recalling how this wasn't as partisan an issue 40 years ago as it is today.

The EPA was established under a Republican President. The Clean Water Act and the Clean Air Act had bipartisan support. There was a time in which Republicans were for environmental protection, and now we are nominating somebody to be the Administrator of the Environmental Protection Agency who made his name fighting environmental protection, who made his name suing the Agency that was established by a Republican President, who has called the global climate change phenomenon, supported by 99 percent of scientists, a hoax.

It is disturbing to many of us how deeply politicized this issue is because it used to be relatively nonpartisan. It used to be that for all of the things we disagreed on, we at least recognized that one of our responsibilities as stewards of this sphere that we live on is to make sure that it exists in the same shape that it is today for our kids.

What ANGUS KING said that day in that press conference, as always, stayed with me. Senator KING said that in Maine they have the rototiller rule. If you borrow a rototiller or, frankly, any piece of equipment from your neighbor, you have an obligation when you are done with it to return that piece of equipment to your neighbor, or return that rototiller to your neighbor, in at least as good a condition as you found it. That makes sense. You borrowed the rototiller. If you break it you probably should fix it before you hand it back or you just use it in a way so that you are careful with it so that you don't break it, so that when you give it back to your neighbor, it is in that same condition. Senator KING applied that standard to the standard that we should hold ourselves to when it comes to protecting this planet.

My kids are going to inherit this planet. My grandkids, hopefully, will inherent it from them. Our charge should be to hand this planet to our kids in at least as good a shape as we found it. If we break it, if we damage it, we should fix it before we hand it over.

We are breaking this planet right now. We are releasing so much pollution into the atmosphere to have compromised its integrity for the next generation. We have broken the rototiller, and the rototiller rule tells you that before you give it back to your neighbor, you should fix it. And we have it in our power to do it.

When we damaged the ozone layer through the release of CFCs, we got together and fixed that problem. We engaged in a global conversation to regulate CFCs through something called the Montreal protocol. We were able to attack that problem, fix it at no significant cost to the economy, and show that if we really do care about the quality of this globe, there is nothing that is outside of our power. There is no choice to be made between observing the rototiller rule—protecting our planet—and growing our economy.

But if Scott Pruitt becomes the next Administrator of EPA and the oil companies and the gas companies essentially get whatever they want, well, their bottom lines probably will be improved, shareholders in those companies will probably do a little bit better, but our kids' health, our larger economy's future will be compromised.

So that is why we are here on the floor objecting to Mr. Pruitt's nomination. That is why we have asked for this nomination to be delayed until later next week so that we can see what is in these emails, where we already have some pretty concerning evidence of this deep connection between Mr. Pruitt and the companies he will regulate at EPA—a letter that they wrote for him that he sent under his name. What if there is more information like that in this correspondence?

What if there is more evidence that he, as attorney general, was just a mouthpiece for industry rather than a mouthpiece for consumers? What if that is predictive of his behavior at EPA? I think that would be something that both Democrats and Republicans would be concerned with because I think I know my colleagues, and while my colleagues have certainly been more protective of industries' interests than Democrats have been, we both agree that the industry shouldn't have

an unnatural advantage in these agencies above the public interest. I am pretty sure we agree on that. And in just 4 short days, we will get a better understanding as to whether that is definitively the case for Scott Pruitt.

So I would urge my colleagues to either delay this vote that is happening later today or to vote against the nomination.

I appreciate, again, everyone who has been part of facilitating another very late night on the floor.

Mr. President, 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.

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.

Ms. HARRIS. Mr. President, I come to the floor to convey my wholehearted opposition to the nomination of Scott Pruitt as Administrator of the U.S. Environmental Protection Agency, the EPA.

The EPA, at its core, is an Agency established to protect the environment and the public health of our Nation. This Agency looks to establish policies and guidelines that would benefit all Americans—and in essence is not an Agency of partisanship. In fact, the EPA was created through legislation led by a Republican President, Richard M. Nixon, and enacted by a bipartisan Congress in 1970.

The EPA has a duty to protect the air we breathe, the water we drink, and the environment we hope to pass on to future generations. In accomplishing this mission, it enforces some of our most valued laws like the Clean Air Act and Clean Water Act, which have been in effect for more than 30 years.

Unfortunately, this President asked the U.S. Senate to confirm a nominee who has dedicated his career to undermining the very Agency he is asked to lead. Mr. Pruitt's record and consistent failure to commit to being a fair Administrator of the EPA further demonstrates that the Trump administration's agenda is to weaken protections that guarantee every American access to clean air and clean water. From his actions as attorney general of Oklahoma up to his testimony at his hearing before the Environment and Public Works Committee, it is clear Mr. Pruitt is simply unqualified.

I express my strong concerns, as a Senator from California, a global leader in environmental protections that allow our 39 million residents to live healthy lives. It is my hope that with similar smart Federal regulations, which are led by the EPA, our Nation can enjoy these same benefits that I have seen Californians experience firsthand.

Californians have always been and will continue to be proud of our environmental leadership. In 1977, California passed the first energy efficiency standards in the country. Our friends from the States of Florida, Massachusetts, Connecticut, and New York quickly followed suit. This set a precedent. Federal officials agreed that having responsible renewable energy guidelines should be a priority.

Ten years later, the EPA implemented national standards across the United States, saving a tremendous amount of energy, sustaining our precious environment and resources for future generations, and providing financial benefits for families and households across the country.

To put it into perspective, one of the national energy standards for refrigerators—that was the result of a policy initially enacted in California—has saved more than 130,000 megawatts of electricity to date. This is equivalent to the production of energy that roughly 250 powerplants might produce. This example is not a rare occurrence. Energy policies have continued to be adopted from smart initiatives started in various States.

Starting as early as 1978, California passed an energy efficiency standard for newly constructed buildings. This standard is now adopted not only in our Nation but worldwide. The State legislature listened to the objective and factual data from scientists on the dangers of climate change and, as a result, passed the California Global Warming Solutions Act of 2006, which requires California to reduce its total greenhouse gas emissions by 2020. We created the California Cap-and-Trade Program, which implemented an innovative, market-based system to allow companies to continue to produce while also helping to reduce emissions; instituted a low-carbon fuel standard, which reduced the carbon intensity of all transportation fuels in California. We passed the Sustainable Communities and Climate Protection Act of 2008, which urged local transportation planning agencies to consider the statewide greenhouse reduction standards and goals in their long-term transportation plan, and we set a renewable portfolio standard, which implored retail sellers of electricity to provide 33 percent of their electricity from renewable resources by 2020 and 50 percent by 2030.

We are proud indeed of what we have accomplished in California, but the importance of this issue goes beyond just the environment. It is an economic issue, and it has been undeniable in helping California grow to be the sixth largest economy in the world. California shows that a healthy environment and a healthy economy and the choice between the two is a false choice. We can have both. From 1990 to 2014, California's population and economy grew while achieving a 36-percent drop in emissions per gross domestic product. This clearly demonstrates that you can successfully have economic growth and reduce carbon intensity. The State has done a great job of creating employment through the promotion of clean energy technology and green economies. A report by the University of California Labor Center found that the California renewable portfolio standards contributed to the creation of 25,500 hours for what was referred to as ''blue-collar'' job opportunities and 7,200 hours of what was referred to as ''white-collar'' jobs.

Most importantly, the environmental laws that the EPA enforces protects the health of future generations. Science has shown that children living in communities with a higher concentration of particulate matter developed respiratory difficulties and those children living in regions with higher ozone levels were more likely to develop asthma and miss school.

This is only a small part of the impact that ignoring the protections of our environment can cause to the ones we love most. On that point, of children missing school because of health concerns, there is a significance to this because of a connection between what we need to do to educate our population and also what we see in the criminal justice system.

For example, it is well known and established the significance of a third grade reading level. By the end of the third grade, if the child is not at the third grade reading level, they literally drop off because, when we think about it, we know before third grade a child is learning how to read, and then comprehension kicks in, and they are reading to learn. If they have not learned how to read, they cannot read to learn and they drop off.

What is the connection between that and the concern we have about pollution in the air and water? Well, there is a connection between pollution in the air and asthma rates. Asthma causes children to miss school. What we know is that we have seen that an elementary school truant is three to four times more likely to be a high school dropout; 82 percent of the prisoners in the United States are high school dropouts; African-American men between the ages of 30 and 34, if he is a high school dropout, is two-thirds likely to be in jail, have been in jail, or dead. There is a real connection between elementary school truancy and what we see in public safety systems. What we also know is that it costs money when children miss school. It costs us money in terms of the money that schools miss out on because they are not being reimbursed for attendance every day. All of these issues are connected.

As a former attorney general, I have worked to enforce California's cutting-edge environmental laws. This is what an attorney general should do and is obligated to do as a representative of her State. Without reservation, I can say I am proud of the work of my office—of my former office, the California Department of Justice, and the work that is happening and has happened throughout the years doing the right thing for the people of the State and for the environment.

In February of 2011, I filed an amicus brief in the Ninth Circuit Court to support the efforts of the Port of Los Angeles to reduce air pollution through its Clean Trucks Program. In 2011, I had the pleasure of being a voice to protect an area of Southern California known as Mira Loma Village, a town of hard-working people, by representing them in a lawsuit to assure that a project would not significantly deteriorate the air quality in their community.

I had been hearing stories of the grandmothers in that community for years asking that they would be heard. I had been hearing for years, before I visited Mira Loma, about the fact that studies showed the children of that community had the lowest rate of lung development of any region in that part of California. There was a serious concern about the pollution in the air and the children of that community and their ability to be healthy.

So this is what we did and what I was able to do as the attorney general of the State that year. We met them with the developers in that community, we sat down, and we had some tough discussions, but we agreed that there had to be mitigation. They had to reduce the emissions in that community that resulted in the public health problems for that community. Two years later, that resulted in the city and the developer moving forward with the project while implementing measures to protect the residents from being exposed to diesel contamination. Litigation was critical. The role of the attorney general to be able to intervene and be a voice for that community and so many voiceless and vulnerable people was critical.

In June of 2014, as attorney general of California, I publicly opposed the lack of environmental review for the expansion of a Chevron refinery project in a place called Richmond, CA, and demanded they consider the public health of the nearby residents.

These are examples of the role and responsibility of a State attorney general to take seriously their oath in terms of protecting the health and welfare of the residents of their State. I offer these examples to further support the concerns we have that this nominee—when he has held such an important position and has taken an oath to represent the people—has failed to perform his duties. I would suggest that his past is prologue for the future. His past is an indication of what he will do if he is confirmed as the next head of the EPA.

I would hope that instead we would have a nominee—someone who would head these most important agencies in our government—who could say the same thing about their record as I am proud to say about the record of the California Department of Justice.

In my opinion, our current nominee cannot in good conscience speak to the same type of record. Instead, Mr. Pruitt has talked about how he wants to protect States from what he believes is ''overreach'' of the Federal Government. His commitment to what he would call States' rights is so strident that a December 6, 2014, New York Times article reported that Mr. Pruitt has a painting in his office ''that shows local authorities with rifles at the ready confronting outsiders during the land rush era.'' He also established what he described and named as a Federalism Unit in the Oklahoma attorney general's office that was committed to fighting against Federal regulations. When he came before the Environment and Public Works Committee for his confirmation hearing, of which I am a Member, Mr. Pruitt stated that ''it is our state regulators who oftentimes best understand the local needs and uniqueness of our environmental challenges.'' He then went on to speak about how States ''possess the resources and the uniqueness of our environmental challenges.''

These statements might lead one to believe that Mr. Pruitt would be in support of any opportunity possible to give power back to the States to create environmental regulations. However, when I asked Mr. Pruitt at the committee, when he came before us, if he would commit then to upholding California's right to set its own vehicle emission standards, he would not commit to doing so.

I will remind this body that the EPA has a long tradition of respecting California's and other States' ability to set higher standards where they can control the emissions and the greenhouse gas emissions that as we have mentioned before, directly have an impact on the health and well-being of the residents of our State and particularly the children and the elderly of our States.

Under the Clean Air Act, California has set its own standards for how it wants to regulate vehicle emissions. We have done this for decades now, and previous EPA Administrators have upheld California's right to set them.

Although there is precedence for doing so, Mr. Pruitt would not commit to granting California the waiver to allow my State to continue to set its own vehicle emissions standards. This is simply unacceptable.

This is a blatant double standard for someone who claims to be committed to breaking down regulations at the Federal level and giving power back to the States. In fact, it makes me wonder how truly committed Mr. Pruitt is to States' rights or if States' rights are just a convenient argument for him in order to pursue actions that are beneficial to industries that pollute instead of the residents and the people of his State and, by extension, our country.

Just look at his record as attorney general of Oklahoma, a position he used to challenge the laws of other States. As attorney general, he challenged a California law when he joined a lawsuit that targeted a referendum that California's voters approved in 2008 to require more space in cages for egg-laying hens. That measure, California proposition 2, prohibited the confinement of hens used to produce eggs in California in any manner that does not allow them to turn around freely, lie down, stand up, and fully extend their limbs. The law is popular, and it was passed by the voters in my State by 63.5 percent. In 2010, the California Legislature expanded that law to make it so that it applied to all eggs sold in California.

Mr. Pruitt joined a lawsuit suing California over this law, presumably because he did not like that a regulation approved by our voters and affirmed by our State legislature would do a good job. He just didn't like it. Mr. Pruitt's case was ultimately rejected by the Federal appellate court because his lawsuit failed to demonstrate how the California law presented a harm to his State. You would think that a States' rights proponent would appreciate that one State passes a law and it should be respected, especially when it doesn't create any harm to his own State, but that was not the case.

Mr. Pruitt has filed seven lawsuits against the EPA that have since been settled. In those lawsuits, he opposed the Clean Power Plan and the Clean Water Act. He sued over regulations to make electricity-generating powerplants install technology to curb air pollution. He sued over a plan to reduce pollution from coal-fired powerplants and a regulation aimed at reducing greenhouse gases. He sued and filed a lawsuit that claimed that the EPA encourages environmental nonprofits to bring lawsuits.

It is important to know that Mr. Pruitt lost six out of those seven lawsuits. Mr. Pruitt is a baseball fan, as am I. I love my Giants. I find it hard to believe that my San Francisco Giants would look at a hitter who slogged through spring training with a .142 batting average and have no concerns whatsoever calling him up to the big league roster. Why does the U.S. Senate have a lower standard for reviewing a nominee who would be charged with safeguarding human health and our environment?

What about the opportunities Mr. Pruitt has had to defend the interests of the people he was elected to represent? What about issues that directly impact the people of Oklahoma?

In 2011, 49 States signed on to a $25 billion mortgage settlement. There was only one State's attorney general who decided not to sign on. I think you know where I am heading. That one attorney general was Scott Pruitt. Mr. Pruitt said he didn't think it was the appropriate role of the State attorney general to advocate for the homeowners of their States but wanted to be sure to protect the banks instead.

As a former State's attorney general, I am here to say that the role of an attorney general is to represent the people of your State. When an injustice is committed to one person, an injustice is committed to all of the residents of

your State. In fact, after doing the work of an attorney general over the course of 7 years in California, I will tell you that every time we filed a suit, that document, that complaint never read the name of the victim versus the name of the offender. It always read the people versus the offender because in our system of democracy and in our system of justice as a country, we have rightly said that a harm against any one of us is a harm against all of us. Mr. Pruitt has failed to appreciate the significance of that point.

He has developed a long list of lawsuits filed. Through all of that litigation, he has delivered very little for the people of Oklahoma—the very people who elected him to represent them. Why should we expect that he will protect the interests of all Americans and the environment we all share?

During his 6-year tenure as attorney general of Oklahoma, Scott Pruitt stated only in one instance—a lawsuit against Mahard Egg Farm—could he recall initiating an independent lawsuit as attorney general against private air polluters. It was later revealed that even this claim was misleading, and it turned out it was his predecessor who had done the legwork and initiated the proceedings, along with the assistance of the EPA.

In the 2014 New York Times article, it was reported that Mr. Pruitt used his official position as Oklahoma attorney general to protect the interests of a private gas and petroleum company, Devon Energy, not the people of Oklahoma. Using his official government position, Mr. Pruitt sent a three-page letter to the EPA stating that Devon Energy did not cause as much air pollution as was calculated by Federal regulators.

In open records of exchanged emails between Devon Energy and the Oklahoma attorney general's office, it was discovered that the lawyers at Devon Energy were the ones who actually drafted the letter and that Mr. Pruitt used a nearly identical letter to express it as his State's position. Following the letter, Devon Energy wrote to his office:

> Outstanding! The timing of this letter is great given our meeting with both the EPA and the White House.

''Outstanding,'' the energy company said—not the people of the State of Oklahoma.

It is also unclear how far this abuse of power has gone. A lawsuit by the Center for Media and Democracy has been filed in an Oklahoma district court to release information on Mr. Pruitt's dealings as attorney general. It is with great concern that we would try to rush this nomination without these records coming to light. Senators should have all the facts before us before we vote.

Should Mr. Pruitt be confirmed as EPA Administrator, I am deeply concerned that he has refused to use his discretion to recuse himself from litigation he was involved with in his role as Oklahoma attorney general unless required to do so by the Ethics Commission.

I asked him about this during our hearing at the Environment and Public Works Committee. I asked him if he would be willing to recuse himself notwithstanding a finding by the Ethics Commission but based on what is right and an appearance of conflict. He agreed, after many questions, that he has the discretion—regardless of action, regardless of waiting until the Ethics Commission rules—to recuse himself from those lawsuits that he as attorney general of Oklahoma brought against the Agency he wants to lead. He agreed he had the discretion and yet failed to agree that he would exercise that discretion and recuse himself because of an appearance of a conflict. That is simply unacceptable.

It is so important that in our government, the public has confidence in us, that they trust we will do the right thing, that they trust we will use our discretion in an appropriate way. But this is a nominee who has asked us to trust him to lead the EPA, the people's Agency that has been charged with protecting the resources that are vital for all human life. A nominee who has failed to represent his own constituents' interests by making a career of partisanship is not the right nominee for this office, period. He is a nominee who has lobbied for corporations instead of the people he was charged with representing. He is a nominee who has a clear record of using his position in a way that has not been in the best interest of the people he serves.

There is evidence, unfortunately, of his record that is before us as a body. We should take heed of this evidence. We should pay attention to it, and we should not confirm this nominee to be the next head of the EPA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I lived in Palo Alto Park, that part of the State. The Naval Air Station was there. It used to be called Moffett Field. It is still there. I remember the hangars that we used during the time we served on Active Duty.

I had the privilege of knowing a number of attorneys general from California, and we are very pleased to be able to welcome Senator HARRIS to our floor. Yesterday she gave her maiden address on the Senate floor.

Thank you.

She is pretty good.

I would say that you are even better than I thought. That was wonderful. Those were wonderful comments. I know our Presiding Offerer is also the chairman of our committee and probably is not enjoying your comments as much as I am, but I thought you were evenhanded and fair in sharing that.

The Presiding Officer is a pretty good friend of mine, and I don't know if he is a big baseball fan. I am. I love sports. I am a huge Detroit Tigers fan. You are a Giants fan. The leadership in baseball is critically important. It is important to have good infielders, good outfielders, good pitchers, catchers, and so forth. What is really important is to have great leadership and great leadership in terms of the coaching staff. Leadership is always the most important ingredient in every organization I have ever been a part of.

The Tigers just lost their owner, Mike Ilitch. He was a legendary figure in Detroit in baseball. He passed away earlier this week at the tender age of 86. It is a big loss for Motown and, frankly, for baseball.

In terms of leadership, we wouldn't want to hire somebody to coach a baseball team who was a football coach or someone who is great with a basketball team. I don't doubt that Scott Pruitt a skillful lawyer. I met his family. I like him. I think he is arguably a good dad and a good husband. But it is a little bit like asking a pacifist to lead something like the Department of Defense—may be a skillful person but maybe just not the right person to do a particular job.

I thought you outlined that very well. I wanted to say welcome to the big leagues. We are going to learn a lot from you.

I yield back.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I come to the floor today to speak on the nomination of Scott Pruitt to be Administrator of the Environmental Protection Agency, whom I intend to support.

Over the past several weeks, we heard a number of Senators come to the floor hour after hour, 24-hour sessions through the night—1 o'clock, 2 o'clock, 3 o'clock, 4 o'clock—in the morning and beyond, to complain about this nominee or that nominee, to express their concern about this nominee or that nominee. In fact, many times I think the only reason there is opposition to a nominee is that they disagree with a nominee because it wasn't Hillary Clinton who made the nomination.

We have heard countless people come to the floor today to talk about their opposition to the Trump administration EPA. I have a picture on the floor that shows the Obama EPA. This is a river in Colorado, enjoyed by thousands of people each and every summer. This is a picture of that same river under the Obama EPA. This was caused by 800,000 pounds of mineral and other waste going into the river because of a mishandled EPA project. This wasn't Scott Pruitt. This wasn't Donald Trump. This was the Obama EPA that did this. I only wish that my colleagues who have come to the floor for the past several hours had shown similar outrage when the Obama EPA did this to Colorado—inflicted this kind of damage on people in Southwestern Colorado in the Gold King

Mine spill. You want to talk about protecting States? Why didn't we stand up and protect this river?

On August 5, 2015, the EPA caused this spill. They admit they caused this spill, dumping 3 million gallons of toxic waste into Cement Creek and into the Animas River. Most Americans remember seeing this river. Most Americans remember seeing pictures of what this river looked like across newspapers, across television stations in August of 2015. When I visited South Korea, the President of South Korea asked me: How is the river in Colorado that the EPA dumped toxic sludge into?

In fact, I saw this picture on the news just a couple of days ago. Somebody was using it to complain about the Trump EPA administration. Somebody was using it to attack Scott Pruitt. This picture had nothing to do with Scott Pruitt. This was the EPA led by Gina McCarthy. My response to the spill was that the EPA should be held accountable to the same level at which the EPA holds private businesses accountable. I think that is a pretty good standard. But if the EPA is going to make sure that somebody lives up to a standard, then the EPA should live up to the same standard—that basic standard for the EPA, because the Agency caused this spill, and it simply must apply the same requirements to itself that it does to a private company.

So it was with great disappointment, but very little surprise, that, when the EPA decided to not subject itself to those same standards, they walked away from the promises they made. Sure, the EPA had standards under Barack Obama. They were double standards. The Obama administration EPA's refusal to not receive and process the personal injury or economic loss claims arising out of this spill of the Gold King Mine in Southwest Colorado is appalling. I simply wish the outrage was there when the EPA walked away from the people that it had injured in Colorado. We haven't heard talk about it here.

We have heard a lot of complaints here, but nobody is saying they should be paying for the damage in Colorado they created. After all, we are discussing the EPA, which with the strike of a pen, and oftentimes with very little input from those people who would be affected, uses overly burdensome regulations and a heavyhanded enforcement to punish private businesses.

Despite the assurances and promises of the then-EPA Administrator Gina McCarthy that the Agency takes full responsibility of the Gold King Mine spill, the Agency in 2017—weeks ago—turned its back on the promises it made and denied paying claims for the harm they caused Coloradans. Promises were broken to our neighbors downstream in New Mexico and Utah, including the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, and the Navajo Nation.

Administrator McCarthy called me last month, just before the news broke that the EPA would not be processing the claims of dozens of individuals and businesses in Southwest Colorado under the Federal Tort Claims Act against the Federal Government. The spill occurred in August 2015. Over a year later, and in the waning days of the Obama administration, they turned their backs on their promises they made to Colorado and notified us in the waning hours of an administration saying: I am sorry. We are not going to help the individuals who are harmed. This refusal to compensate for the spill is unacceptable and wholly inconsistent with the EPA's commitment to take full responsibility with the States, local and tribal governments and communities.

This past election, voters said they wanted something different from the last 8 years in Washington because what they experienced was not working for the people—broken promise after broken promise. A year and a half ago, the EPA caused the Gold King Mine spill, and the past administration refused to make it right for Colorado. The status quo at the EPA is not acceptable because broken promises are the status quo.

I have had earnest conversations with Mr. Pruitt over the past several weeks about my sincere disappointment about those broken promises, what we had to go through in Colorado, and what businesses had to go through in Colorado as a result of the EPA spill.

You can imagine that in an area that is reliant on tourism, what photographs of this in headlines across the country and in nightly news stories can do to a tourism-based economy. Those kayakers we saw in this chart had to shut the river down. Outfitters weren't allowed to be on the river. Dollars were lost because guides couldn't get out there. Booked trips that had already been paid for had been canceled. People didn't go because of the EPA's spill. The EPA's refusal to pay for lost property, lost economic opportunity, and lost business opportunity is simply unacceptable.

In the earnest conversations I have had with Scott Pruitt, he has promised to make it right. He has promised to stand up for the people in Colorado. He has promised that he will make amends and pay for the damages that the Obama administration refused to pay for. He assured me that he is going to make it right, that he is going to work with the people the EPA injured and those who experienced economic losses and make sure that they are fully compensated. He agreed to come to Colorado shortly after his confirmation to make sure that the people of Colorado know that he will fulfill the promises that were failed under the Obama administration.

I would also like to talk about another top legislative priority of mine—passing Good Samaritan legislation. Good Samaritan legislation would allow Good Samaritans, like the mining industry, State agencies, local governments, nonprofits, and other groups the ability to clean up the environment and improve water quality conditions around abandoned mines. According to the Government Accountability Office, or the GAO, it is estimated that there are more than 160,000 abandoned hardrock mines that exist across the United States, and at least 33,000 of these mines pose environmental or safety concerns.

One of the immediate actions we can do in Congress to address this toxic waste and improve our environment is to pass Good Samaritan legislation. It has been decades that this Congress has tried. It has been decades that this Congress has failed. It is time to start succeeding and time to start cleaning up the environment.

The last time the Environment and Public Works Committee was able to advance legislation on Good Samaritan was in 2006, from my predecessors, Senators Wayne Allard and Ken Salazar. Unfortunately, since 2006, this concept has been unsuccessful and caught in partisan politics.

It is time to take steps forward for facilitating cleanup of the Nation's abandoned mines to prevent more spills like the Gold King Mine.

I have secured the commitment from Scott Pruitt to work with me on this legislation at the EPA to get this done, to work with both sides of the aisle to accomplish something, so that we can prevent this from happening. I am not going to stop working until our constituents are made whole from the EPA-caused spill at the Gold King Mine. I am not going to stop working until we pass—and we have to continue working to pass—the Good Samaritan legislation.

The 33,000 mines that pose a risk to the West is unacceptable. Our citizens, our pristine environment, our waterways, our children—this wasn't Scott Pruitt. This wasn't Donald Trump. This was an EPA under the previous administration, led by Gina McCarthy and President Obama, that walked away from the people of Colorado and the promises made. And it heartens me greatly to know, at least, that we have an administration that will move away from every promise abandoned to fulfilling the promises of protecting our environment.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Illinois.

Mr. DURBIN. Mr. President, before I make a statement on Scott Pruitt, to my colleague and friend from Colorado, I couldn't agree with you more. What happened in Colorado was an environmental tragedy, and we saw the photos. It is horrible. I don't know who is responsible for it, but it appears to be a government agency, and they should be held accountable. I will join you in that effort. I don't think there is any Member who wouldn't join you in saying there ought to be justice done here.

We shouldn't let them off the hook because they are EPA employees or employees of the Federal government.

But I don't understand the leap in logic from that position to Scott Pruitt. Scott Pruitt is a man who, as attorney general of Oklahoma, has filed more than 14 lawsuits to restrict the authority of the EPA to clean up rivers.

Mr. GARDNER. Will the Senator yield?

Mr. DURBIN. I am happy to yield for the purpose of a question.

Mr. GARDNER. To the Senator from Illinois, the EPA admits they caused this spill. Does the Senator from Illinois realize that the EPA then failed to live up to that promise?

Mr. DURBIN. I said to the Senator from Colorado that I will join you. If the EPA is responsible for this spill, then I will stand with you. Justice should be done.

The point I am making to you is that this leap of logic then—to put Scott Pruitt in charge of the EPA—is really taking away the power of this Agency to avoid that kind of environmental disaster.

Mr. GARDNER. Will the Senator yield for a question?

Mr. DURBIN. I will be glad to yield for a question.

Mr. GARDNER. To the Senator from Illinois, the EPA stated that they caused this spill. Dozens upon dozens of individuals and businesses filed a claim against the EPA for damages caused by a spill that the EPA admits. Scott Pruitt has said that he will fulfill the promise of paying for those claims the Obama administration denied.

Will the Senator agree that the EPA, under the last administration, failed to deliver on the promises made of paying these claims?

Mr. DURBIN. I reclaim my time and just say this. I do not know the particulars. I understand that what you said is what I read, that it was the fault of some government employee—perhaps of the EPA. I don't dispute that fact. If that is the case, then we have a responsibility to your State to make it whole again. And whoever the EPA Administrator is should face that responsibility. I will join you in that effort.

But to go from there to say Scott Pruitt is the man to head the EPA because he is going to acknowledge this one fact, is to ignore his record, to ignore his position on the environment.

The Senator from Colorado, I know has to leave the floor, but I want to continue on this vein. Yesterday, the President of the United States decided to sign a resolution. He had a big gathering. He had Senator MCCONNELL, the Republican leader and other Members of the Senate and the House. It was a big celebration. Representatives of mining companies, coal companies, even mine workers were there celebrating the repeal of an EPA rule. What was the repeal of that rule? The repeal of that rule related to what the mining companies could dump into rivers and streams from their mining operations. What was the fear? The debris in toxic waste that they would dump in the rivers would end up killing rivers, just like the river that the Senator from Colorado has given a speech on.

I might add that he voted to repeal that rule. So now we have the President of the United States saying we are going to revitalize the mining economy by eliminating a rule that restricts mining companies from dumping debris and toxic waste into rivers and streams. Now, that doesn't follow.

If you are dedicated to keeping our rivers and streams healthy and pure and reliable sources for safe drinking water, you don't do what President Trump did yesterday. You don't do what the Republicans in the Senate did just a few days ago and remove this rule. I struggled to understand.

I see my friend from Delaware is here. The Senator and I have been in this business for a long time together. I won't say how many years.

He knows, I know, and some others know, but most people would be surprised of the following: Which President of the United States created the Environmental Protection Agency? Richard Milhous Nixon, 1970. A Republican President created this Agency which has become the bete noire for the Republicans—the most hated Federal agency, created by a Republican President.

Why? Because at that moment in time, America was awakening to Rachel Carson's ''Silent Spring'' and to so many other factors, when we finally concluded there was something we were doing to the environment that was harmful, not just to the environment but to the Earth, which we hoped to leave our children.

We joined together on a bipartisan basis—this is before I was in Congress—to create this Agency which Scott Pruitt seeks to lead. Now, what has happened? What has happened is there has been a role reversal here. The Republicans, who used to be part of environmental protection and safety, have now abandoned it.

In fact, that is the drum they beat on most often, when they talk about overregulation, the Environmental Protection Agency. Yesterday, this President—28 days into his Presidency—could not wait to sign a rule that allows mining companies to dump toxic waste and debris into rivers and streams. You know the argument: It is just too expensive not to. If we are going to make a profit, if we are going to employ people, then you have to let us dump this into the rivers and streams.

I don't buy it. The reason I don't buy it is that I can remember many years ago, the first time I went across my State of Illinois and took a look at abandoned mine lands. These were lands that were strip mined, which means they brought in bulldozers and really just found the coal deposits, not just that for below the surface of the land. They ripped out the coal and left the mess behind for future generations.

It was horrible—a horrible environmental disaster. They walked away from them after they made the money. They went out of business and left that mess behind for the next generation or the one beyond it.

I am all in favor of mining. Fundamentally, there is nothing wrong with it at all. But responsible mining means that you are responsible when it comes to the environment. You just don't make your money and leave, you accept the responsibility to leave behind something that is as good as or better than the way you found it. It is known as stewardship. It is Biblical.

This is kind of a moral responsibility which we accept on this Earth that we live on, to leave it better than we found it. The Environmental Protection Agency is there for that purpose.

I would say to the Senator from Delaware, they did a survey in Chicago a few years ago. They asked the people of Chicago: What is the one thing unique and defining about that city? Overwhelmingly, the response was Lake Michigan, as it should be—this magnificent great lake which borders the city of Chicago.

It is a source of so much fun and joy and aesthetic beauty. We look at it and thank the good Lord that we have the good fortune of living, as many of us do, part time, full time, right there on the banks of Lake Michigan.

It was about 5 or 6 years ago that I heard a story about a ship on Lake Michigan. It was an auto ferry. It took passengers and automobiles across that beautiful great lake. It moved them from Wisconsin to Michigan. The name of the ship was the SS *Badger*. It had been around for decades. It was kind of an institution.

Come the summer months when people would cross that lake to head over to Michigan or back over to Wisconsin, they would pile on and bring on their automobiles and families. It was a great excursion. But we came to learn that there was another side to the story. The SS *Badger* was the last coal-fired auto ferry on the Great Lakes. It burned coal to run the engine to move the ship across Lake Michigan.

That, in and of itself, raises some interesting questions about pollution coming off the smokestack of the SS *Badger*. It turned out that wasn't the worst part. The worst part is that for decades, as the SS *Badger* trekked across Lake Michigan, it not only burned coal, it dumped the coal ash overboard while it was going across the lake.

This potentially dangerous and toxic coal ash was being dumped into Lake Michigan day after day after day. The Environmental Protection Agency came in and gave us the facts. It turned out that the auto ferry, that one ship, was the dirtiest ship on the Great Lakes. It created more pollution, more damage to the Great Lakes and

its environment, than any other ship. Believe me, there are plenty of ships that traverse the Great Lakes. This was the filthiest, dirtiest ship.

The EPA said to the SS *Badger*: We know you employ people. We know you perform an important function. But clean up your act. So what did the SS Badger do, in light of this EPA finding? Well, they fought them all the way. They came to Congress and asked that Congress designate the SS *Badger* as a historical monument. A historical monument? Well, it was an old ship. There is no doubt about it. But the notion that came from the Congressmen from Michigan and Wisconsin was, by designating it a historical monument, it would be exempt from environmental protection laws.

So the dirtiest ship—the SS *Badger*—on the Great Lakes would somehow have historical status and continue to pollute Lake Michigan. I thought it was outrageous. A number of us joined in stopping that effort. Instead, we said to the EPA: You have given them years to clean it up. Now do something about it.

Next thing, surprisingly, the owner of the SS *Badger* asked to meet with me in my office. I said sure. He came in and he said: Senator, we employ 100 people. We have been doing this for years. We cannot technologically clean up the SS *Badger*. It just can't be done. We would lose too much money.

I said: I am sorry, but that is unacceptable. You cannot tell me that because of profitability you need to continue to create a bigger mess in the Great Lakes than any other ship on the Great Lakes.

So he went back and lawyered up and decided he would fight the EPA. I stood with the EPA, the regional office out of Chicago. We had a battle on our hands. A rule was issued by the EPA.

I hear so many Republicans come to the floor bemoaning rules and regulations. Let me join that chorus. Are there too many rules and regs in some areas? Yes. Are there some rules and regs which I could never explain or even try to defend? Certainly.

But the rules and regulations of the EPA many times are critically important. In this case, that was exactly what we found. So the EPA issued a rule and regulation that said to the SS *Badger*: You have been given years to clean up, and you will not do it. So now the clock is ticking. There will come a moment when you will be subject to a substantial fine if you don't clean up your act.

Do you know what happened because of this onerous EPA regulation? Do you know what happened to the SS *Badger*, whose owner said that it was technologically impossible for them to clean up this mess? They came up with the most basic, simple solution. You wonder why they waited so long. They now hold the coal ash on the SS *Badger* as they go back and forth across Lake Michigan. They remove it once they get to shore and put it into an environmentally acceptable waste disposal.

This was an obvious answer for decades, but they would not do it. It took the Environmental Protection Agency to step up and threaten it with a rule and a fine. Now they are finally doing it.

So I say to those who loathe government rules and regulations: This was a good one. For the health of the Great lakes, for God's gift to us of that beautiful body of water, we did the right thing and the EPA was there to do it.

Yesterday, when President Trump signed this new resolution that repealed the rule, he was reversing what I just described to you. He was saying to mining companies across the United States: Be my guest. Dump toxic waste and debris in our rivers and streams.

He did it in the name of job creation. We all want to create jobs, but if we are creating jobs at the expense of the health of rivers and lakes, if we are creating jobs at the expense of safe drinking water, that is a bargain I will not be part of.

Many times I have had a conversation with my wife and friends. I guess it reflects the fact that we have been on this Earth a little longer than some. You wonder out loud. You say: Why in the world do we have more autism today than we once had? Why do we have more cancers than we once had? People have a lot of theories. Some of them are wild and unfounded. But many times people say: Could it possibly be the chemicals in our drinking water? I do not know.

I am a liberal arts lawyer. Don't get me near a laboratory; I would not know what to do with it. But it is a legitimate question, whether there is some contamination in our drinking water, which has a public health impact. Someday we may discover that.

Isn't it best for us to err on the side of keeping our drinking water as safe and clean as possible? I think so. I don't want to turn on the tap and drink the water and think that I am making myself sicker or more susceptible to a disease. I sure as heck don't want to do it for my kids and grandkids. What Agency is responsible for that? It turns out to be the Environmental Protection Agency. That is the Agency that Scott Pruitt seeks to head.

He is a terrible choice. I am sorry to say that. I shook hands with him once. I don't know him very well. But when you look at what he has done—I think of a letter I received from Dale Bryson in Illinois. I don't know him personally. He wrote to me and he said:

> Having served under both Republican and Democratic Presidents, we recognize each new administration's right to pursue different policies or ask that Congress change the laws that protect our environment. But EPA's administrator must act in the public's interest and not simply advance the agenda of any specific industry that EPA regulates.

Mr. Bryson goes on to say:

> The agency is lucky to have had EPA administrators, Republicans and Democrats, with the patience, skill and commitment to public service that is needed to steer through these challenges and deliver the clean and healthy environment that Americans want at a price they are willing to pay. We do not believe Scott Pruitt has demonstrated that he has the qualities needed to lead the Environmental Protection Agency.

He was not the only one who wrote to me. I have heard from constituents who believe that sensible environmental regulation is critical for us to have a clean planet to live on and leave to our kids. Tim Hoellein, a professor at Loyola University in Chicago, conducts research on water pollution in city environments. He wrote to me and said:

> I note our city, State and county have made some major advances toward better infrastructure and policy for clean water. However, we are still not meeting our obligations to our neighbors and future generations by rising to the best standards of water stewardship. Those gains are at eminent risk with the appointment of Mr. Pruitt to the EPA.

Finally, I want to read a letter from a Chicago resident, Ms. Maureen Keane. She wrote to me and she said:

> I love my country. I love our beautiful environment and my family. We need a strong advocate for our land and people to head the EPA. That person is not Scott Pruitt. Hundreds of former employees of the EPA agree with me. That must mean something. Pruitt has a record of doing everything he can to shut down and dismantle the EPA. We need a strong advocate who has the ability to create a balance between business and our land and people resources, one who can create strong laws for which businesses can agree on and adhere to while protecting our most precious assets, people, wildlife, and our land.

She says:

> As someone who grew up surrounded by dirty water in the Little Calumet River, next to a train yard, and surrounded by onion fields with pesticides, I have seen first hand family and neighbors die young from cancer. Please oppose Pruitt if you love America and your family. This is a decision that can be costly for future generations.

These letters really are just a handful of those that I have received on the subject. Scott Pruitt has alarming conflicts of interest with the oil and gas industry.

My friend and colleague, Senator CARPER of Delaware, has taken on this nomination professionally and in the right way. He has helped us reach a point now where we have to say to our friends on the Republican side of the aisle: Be careful about the vote that you cast at 1 o'clock today, because by 1 o'clock on Tuesday or Wednesday, in the following week, you may regret that vote.

The reason I say it is that Senator CARPER has been working with groups trying to get a disclosure of the emails that Scott Pruitt, attorney general of Oklahoma, had during the course of serving as attorney general, while he was filing some 14 different lawsuits against the Environmental Protection Agency. He was caught red-handed taking a letter written by one of these energy companies and changing the letterhead and calling it an official statement from his own attorney general's office. So he clearly has a comfortable,

if not cozy, relationship with the energy companies. That, in and of itself, is not condemning or damning, but if it ends up that he is seeking this position to advocate their political position, rather than to protect America's environment, that is a relevant issue.

Senator CARPER has been working with groups night and day to get disclosure of emails that were sent to Scott Pruitt and sent by him between oil and gas companies and other energy companies to determine whether there are any conflicts we should know about before giving him this job.

I understand that late this morning, our Senator from Oregon, Mr. MERKLEY, may be coming and asking for us to postpone this vote until these emails are publicly disclosed. Is it 5, 6, 10 emails? I think it is thousands, isn't it? Some 3,000 emails.

The Republican Senators and Senator MCCONNELL have said: We don't want to read them. We don't care what is in them. It doesn't make any difference if there is a conflict of interest. This is Scott Pruitt. He is our man. President Trump wanted him. We don't want to read the facts. We don't want to know the evidence. We just want to give a good, loyal vote to our President.

I don't think that is the way we should meet our responsibilities in the Senate. This thoughtful and sensible thing to do is to postpone this vote until we return. We are going to be gone next week because of the President's recess. Scott Pruitt can wait 10 days, and we can wait for the truth, can't we?

The Environmental Protection Agency will continue to do its business with its professionals, but before we put him in the job—which we may come to regret in just a few days—shouldn't we take the time to do this and do it thoughtfully?

As Oklahoma attorney general, he sued the EPA 14 times. He was often partnering with the very industries he is now being called on to regulate. Though some of these lawsuits are still ongoing, he will not even commit to recuse himself.

He was asked during the course of his hearing: As attorney general of Oklahoma, you sued the EPA. The EPA, as an Agency, has the first level of administrative hearing on those lawsuits. Will you, if you become Administrator and Secretary of the EPA, commit to recuse yourself from those lawsuits you filed?

He said: No.

That means he could have a very interesting position when those lawsuits come up for consideration. He will be the petitioner and the plaintiff; Scott Pruitt, attorney general of Oklahoma. He will be the defendant; Environmental Protection Agency, Scott Pruitt, Administrator, and Secretary. He will also be the jury; the Environmental Protection Agency, headed up by Scott Pruitt in his administrative capacity.

What a sweetheart deal. I used to be a trial lawyer. This would be the answer to a prayer. I get to be the plaintiff and the defendant and the judge?

Scott Pruitt wants to protect his right to do that so he can continue to protect the special interests he represented as attorney general of Oklahoma.

Common sense suggests to any lawyer licensed to practice in America that this is a conflict of interest which needs to be avoided, but Scott Pruitt says: No, they have to go forward, and I have to win this lawsuit.

You know what, I think he is going to win the lawsuit if he doesn't recuses himself.

We need to ensure that the EPA has strong leadership, that it is dedicated not to energy companies, not to oil companies, not to gas companies but to protecting all Americans. Literally, lives depend on it.

President Donald Trump has chosen not just a man with an extraordinary amount of conflicts of interest but a person who is a climate-denier. He said some things that are nothing short of amazing.

Look at this quote by Scott Pruitt, candidate for Administrator of the EPA:

> The debate about climate change is just that, a debate. There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point.

Really? So 98 percent of scientists—98 percent—have said that something is happening to this world, and human activity is the reason, 98 percent of them. Greenhouse gas emissions, carbon in our atmosphere, obvious changes, glacial melts, the rising of the oceans, extreme weather conditions that we are facing—just a casual observer would understand that is a reality, but not this man, not the man who seeks to head the Environmental Protection Agency. To him, it is still being debated.

He is in this rarified group with blinders. You see him here with his glasses. He wants to put on blinders when it comes to climate change. And this is the man President Trump has chosen to head up the Environmental Protection Agency?

The Chicago Sun Times, on December 8, had an editorial entitled ''Foe of EPA is wrong person to lead it.'' Here is what they said:

> Unfortunately, President-elect Donald Trump has appointed Scott Pruitt, an open foe of environmental initiatives, to head the U.S. Environmental Protection Agency. That demonstrates a callous disregard for the health of our nation and planet just as rapid technological advances hold out hope for avoiding the worst effects of climate change.
>
> The U.S. Senate should reject Pruitt.

They go on to say:

> During his campaign, Trump said he would dismantle President Barack Obama's environmental policies and pull the United States out of the 195-nation Paris accord to reduce greenhouse gases and climate change. After the election, Trump moderated his tone, saying he has an open mind about climate change. His appointment of Pruitt, however, suggests that if he's open to anything, it's strictly more pollution.

They go on to say:

> The EPA is all about science. Someone who doesn't believe in science can't do the job.

His appointment would send a message to the rest of the world that the United States is not a partner in efforts to reduce emissions of greenhouse gases. The damage could be incalculable.

If a house divided against itself could not stand, neither can a government agency.

When you listen to what Scott Pruitt has said about science, you realize this man has no business heading up the Environmental Protection Agency.

Listen to what he said in February 2012: The amount of human exposure to mercury from U.S. powerplants is small. ''Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small.''

Here is what the scientists say:

> As a result of these long-term mercury inputs [from coal-fired electric utilities], 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 U.S. for mercury than all other contaminants combined.

The source of this scientific statement: Dr. Charles Driscoll from Syracuse University.

Here is what Mr. Pruitt said about mercury and air toxic emissions from power plants: ''Finally, the record does not support EPA's findings that mercury, non-mercury HAP metals, and acid gas HAPs pose public health hazards.''

Here is what the scientists say: ''There is no evidence demonstrating a 'safe' level of mercury exposure.'' Source of that statement: Dr. Jerome Paulson from the Council on Environmental Health, American Academy of Pediatrics, before the Senate EPW Committee.

Scott Pruitt isn't quite sure if mercury is really that dangerous. Scientists disagree.

Mr. Pruitt, when talking about the benefits from cleaning up powerplant mercury emissions: The benefits of cleaning up powerplant mercury are ''too speculative,'' said Mr. Pruitt, and ''not supported by the scientific literature.'' Concluding, ''EPA cannot properly conclude that it is 'appropriate and necessary' to regulate hazardous air pollutants under section 112.''

That is a statement from Scott Pruitt's legal brief in Murray Energy Corporation v. EPA, November 2016.

What do the scientists say about Mr. Pruitt's observations? ''U.S. efforts to reduce mercury emissions, including from power plants, are benefiting public health much faster than could have been predicted in 1990.'' Source of that

statement: Dr. Lynn Goldman, dean of Milken Institute School of Public Health, George Washington University, January of this year.

Here is what Mr. Pruitt had to say about the debate over whether climate change is real:

> 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 connection to the actions of mankind. That debate should be encouraged—in classrooms, public forums, and the halls of Congress.

That quote is from an article in the National Review, May of 2016.

What do scientists say about Mr. Pruitt's observation? ''The scientific understanding of climate change is now sufficiently clear to justify taking steps to reduce the amount of greenhouse gases in the atmosphere.''

That was a statement from the U.S. National Academy of Sciences in 2005—12 years ago. Twelve years later, Scott Pruitt is still wrestling with whether this is a problem.

How about Mr. Pruitt, when it comes to the extent of the human activity on climate change? He said:

> We've had ebb and flow, we've had obviously climate conditions change throughout our history, and that is scientific fact. It gets cooler. It gets hotter. And we do not know the trajectory is on an unsustainable course. Nor do we know, the extent by which the burning of fossil fuels, and man's contribution to that, is making it far worse than it is.

That was a statement he made on the ''Exploring Energy'' radio program in May of 2016.

What do the scientists say about that? ''The scientific evidence is clear: global climate change caused by human activities is occurring now, and it is a growing threat to society.'' Source: American Association for the Advancement of Science, 2006—11 years ago.

They said this unequivocally. Scott Pruitt still doesn't buy it.

What did he say about climate change being a natural occurrence? I will quote him.

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

Again, this is from that radio program ''Exploring Energy.'' This was in October of 2016.

What do the scientists say about Mr. Pruitt's observation?

> Human-induced climate change requires urgent action. Humanity is the major influence on the global climate change observed over the past 50 years. Rapid societal responses can significantly lessen negative outcomes.

The source: The American Geophysical Union; the date, 2003—14 years ago.

Here is Scott Pruitt, this man who wants to head up our Environmental Protection Agency, still at war with scientific fact. What has he said about the debate over climate change? He said:

> The debate about climate change is just that, a debate. There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point.

Again, this is from the ''Exploring Energy'' radio program show in May of 2016.

What do the scientists have to say about that?

> It is clear from extensive scientific evidence that the dominant cause of the rapid change in climate of the past half century is human-induced increases in the amount of atmospheric greenhouse gases, including carbon dioxide (CO_2), chlorofluorocarbons, methane, and nitrous oxide.

The source of that statement: The American Meteorological Society, 2012—5 years ago.

What Mr. Pruitt says about how reasonable minds can disagree on climate:

> How [climate change] is happening, if it is, clearly is subject for reasonable minds to disagree. Whether man is contributing to it or not.

Again, this is from his ''Exploring Energy'' radio program, April 2016. I am sorry I missed that one too.

Here is what the scientists say in response:

> The evidence is incontrovertible: Global warming is occurring. If no mitigating actions are taken, significant disruptions in the Earth's physical and ecological systems, social systems, security and human health are likely to occur. We must reduce emissions of greenhouse gases beginning now.

The source of that scientific statement: The American Physical Society, 2007—10 years ago.

Now we know what this man is all about. He denies science. He is an advocate for those special interest groups who make money off of pollution. He doesn't believe the Environmental Protection Agency should have the authority it has today. He has challenged it 14 times in court. He won't recuse himself from even the petitions he has personally filed as attorney general of Oklahoma, and he is anxious to be approved by the Senate before we get a chance next Tuesday or Wednesday to read 3,000 emails he received and sent as attorney general of Oklahoma, including emails between Mr. Pruitt and energy, gas, and oil companies.

I think it is pretty clear what this is all about. This is an effort by special interests in America to put their best friend on the job at the Environmental Protection Agency. They want to make sure he is there to look the other way when we should be regulating to keep this planet we live on safe and in good shape for future generations. That makes it a clear choice for all of us. I am going to vote against Scott Pruitt.

I am sorry, I say to Donald Trump. You have a right to have your point of view, but you don't have a right to put a man in this job who denies basic science that has been agreed upon for over a decade. You certainly don't have a right in this circumstance to put a man in charge of the EPA who is going to add to the climate change problem in our world, who is going to diminish the reputation in the United States on fighting this on an international basis, and who is going to kowtow to special interest groups, which has been shown over and over again when it comes to his service as the attorney general in the State of Oklahoma.

Mr. President, I ask unanimous consent to have 5 minutes to make a statement on a separate topic.

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

INVESTIGATION INTO RUSSIAN INVOLVEMENT IN U.S. ELECTION

Mr. DURBIN. Mr. President, yesterday the President of the United States had a long and eventful press conference—77 minutes—talking about the issues before us in this country and his administration. He referred to his administration as ''a fine tuned machine.'' That was his 28th day in office.

I will observe the following: This so-called fine-tuned machine was forced to dismiss the Acting Attorney General of the United States in the first 3 weeks. This fine-tuned machine was reprimanded by three different Federal courts for an Executive order on immigration and refugees which they found to be inconsistent with the law and the Constitution of the United States. This so-called fine-tuned machine had to accept the resignation in the first 24 days of the National Security Advisor to the President of the United States. Mr. Trump is making history. No President has been through those experiences. None. I wouldn't say it is a fine-tuned machine; I would say it is a history-making machine. And sadly this fine-tuned machine, as he calls it, has had some rough spots. That is not all.

This issue about the Russian connection in President Trump's campaign is not going away. Seventeen different intelligence agencies have verified the fact that Vladimir Putin and the Russians expressly tried to invade on a cyber basis the United States of America and to influence the outcome of an election. And it wasn't an equal opportunity effort—they were there to elect Donald Trump and defeat Hillary Clinton.

To make the record perfectly clear, as they say, there is no evidence that the Russians had any actual impact on the actual casting or counting of votes, but they did everything else they could dream of. They tried to invade and hack sources of files and information and to disclose and release them in a timely fashion.

There was that horrible episode involving ''Entertainment Weekly,'' or whatever the name of that operation was, where they had a recording of then-candidate Donald Trump saying some awful things. It was no coincidence that 2 hours after that recording was released, they started releasing John Podesta's emails and files—the Russians did—to try to resurrect the Trump campaign that hit some pretty

rocky shoals. So we know that happened.

We also know there was contact with General Flynn, the National Security Advisor to Donald Trump, prior to the President being sworn in. The extent of the contact, we don't know. The number of people in the Trump campaign who may or may not have had contact with the Russians, we don't know, but we do know this: The Federal Bureau of Investigation has an investigation underway into this very question because it raises some big issues.

This is the first time we know in the history of the United States that a foreign power has tried to invade our electoral process. And it isn't just a benign invasion; this is one of our major enemies when it comes to national security, and the reason is obvious. Travel to the Baltics, travel to Poland, travel to Ukraine, and talk to them about Vladimir Putin. He isn't this great hero, as President Trump has characterized him, from their point of view; he is a threat to their existence. They know what happened when the Soviet Union had the power. It controlled the Baltics. It controlled Poland. It controlled Ukraine. They don't want to see that day return. They want the United States and NATO to stand up and help make sure they have a way to continue their democracy and continue making their own sovereign decisions. Meanwhile, our President of the United States, Donald Trump, is tossing political bouquets and sweet little kisses to Vladimir Putin and his Russian regime. Is this worth looking into? You bet it is.

This week we made a leap of faith right here in the Senate. We have decided to give to the Intelligence Committee of the Senate the authority to move forward on this investigation. I reluctantly agreed to that approach. I am skeptical. I will tell you why I am skeptical. I served on the Intelligence Committee. It is a critically important committee, but the Intelligence Committee, 95 percent of the time, meets behind closed doors in a secret space without a sign on the door, and the proceedings of the Intelligence Committee necessarily are secret. This is not an issue that should be kept secret. We need to make sure the American public understands in an independent and transparent way exactly what happened when it came to the Russian involvement in America's election, who was involved in the Trump campaign, if anyone. We need names, and we need people to be held responsible.

The second thing is, the Intelligence Committee—if and when it finally issues a report, that report is going to be classified to some extent. We have seen pages, I am sure, of redacted materials, big black lines and maybe one or two words emerging from a single page. Who decides to take away the black lines and tell the American people exactly what they found? The ultimate decision on declassifying documents in the Intelligence Committee is made by the White House.

So here is the White House, President Trump and his people under investigation by the Intelligence Committee, and they have the last word about what the American people will see. Isn't it interesting—when it came to the investigation of Benghazi with Hillary Clinton, when it came to the investigation of emails with Hillary Clinton, the Republicans couldn't wait to have week after week and month after month of public hearings. Now they want a secret hearing in the Senate Intelligence Committee and no hearing in the House Intelligence Committee. It is a big ''shrug your shoulders; boys will be boys'' moment for the Republicans in control of the Congress. It shouldn't be for the American people. The American people have a right to know what the Russians did, and they have a right to know if and when members of the Trump campaign or his close associates were engaged and involved in what he has dismissed as a ruse. Seventeen intelligence agencies don't dismiss it.

We need an independent, transparent investigation of what happened. The American people have a right to know. And we ought to say to this President: You may conceal your income tax returns, unlike any other Presidential candidate in modern memory, but you cannot conceal from the American people the facts as to whether the Russians were attempting a cyber attack on the United States during the course of our last election. That is too critical a question to ignore.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. CAPITO). The Senator from Maine.

Mr. KING. Madam President, I rise today in one sense as a former Governor. In looking at nominations of Cabinet members by the Executive, I start with a position of deference to the Executive because I think he or she should be able to choose the people who surround them and give them advice. I understand that. I did that as a Governor, and I understand that principle. Indeed, in the proceedings before this body thus far, I think I voted for 7 or 8 or perhaps 10 of the nominees for Cabinet members who advise the President.

But today we are considering a nominee who is hostile to the fundamental purpose of the Agency to which he is being appointed. We are appointing a person to be the head of an Agency that is called the Environmental Protection Agency. All you need to know about the mission of that Agency is contained in the name, the Environmental Protection Agency, and we are considering a nominee who has no record that I have been able to discover of protection of the environment. None. Zero. No history of actions on behalf of the environment, on behalf of the health and welfare and well-being of the citizens of his State or of the United States.

It is bizarre, to me, to be appointing people to an office where they are hostile to the mission of the office to which they are being appointed. In fact, not only has he no record of positive environment activity, his record is completely to the contrary where he has opposed activities of the Environmental Protection Agency.

As everybody knows, as attorney general of Oklahoma and leading other attorneys general around the country, he sued the Environmental Protection Agency numerous times; I think something like 20 times. And some of those rules—all of those rules were put into place to protect the health and well-being of the American people. There are several of them that I am particularly sensitive to.

When I was the Governor of Maine, we had an issue of air quality. We still do. The reason we have an air quality issue in Maine is because of the air that is coming in on the prevailing westerly winds from the rest of the country. At one point, we had a time where we did the calculations, and we could have taken every car off our highways, closed every one of our factories, and we still would have had air quality violations on the coast of Maine. Pollution doesn't respect borders. It doesn't respect State borders, and it doesn't respect international borders. That is why it has to be a national responsibility.

Of course, each State can also have, as we do in Maine, its own department of environmental quality, its own department of environmental protection. Each State could and should and will do that and has done that, but we also need to have national standards because otherwise the States will race to the bottom: How friendly are you to business? Come on in; we have no rules. This was realized almost 50 years ago by a Senator from Maine, a Senator whose seat I occupy, a Senator whose desk I have in my office, Edmund Muskie. Edmund Muskie was the father of the Clean Air Act and the Clean Water Act, and he came from a State where this was not politically easy. The rivers in Maine had been grossly polluted by industrial waste. Yet he took the lead on this important issue.

Here is something extraordinary: The Clean Air Act, one of the most important environmental laws of the 20th century and very controversial, widespread impact around the country, passed this body unanimously. It is unbelievable looking back to that day. We couldn't pass the time of day unanimously in this body today, but there was bipartisan consensus that protecting the environment for ourselves and for the future of our citizens was not a political issue. It was an issue of responsibility. It was an ethical issue. And Ed Muskie, a giant in this body, created the groundwork and the legislative basis for the work we are still doing today.

In Muskie's time, the pollution was obvious. You could see it, and you could breathe it. I live on the Androscoggin River in Brunswick, and when I first went there 35 years ago,

you could smell the river in the spring. You could smell it. You knew it was spring; you could smell the foam and waste that was coming down the river. That is gone today because of the work of people like Ed Muskie.

By the way, people like Howard Baker, Republicans—and in our State of Maine, the environmental movement was led by Republicans in those days. Hoddy Hildreth, David Huber, Ken McCloud, Harry Richardson—those are all prominent Republican leaders in our State who also led the environmental protection movement in our State.

As I said, it was easy. You could smell it; you could see it. The smog in Los Angeles was so bad that it was ridiculous, and it was unhealthful, so we took some steps that dealt with that.

We are facing an environmental threat today that is somewhat less visible—although I will argue that it is actually quite visible—but it is no less profound. In fact, I believe it is more dangerous, more threatening, more important to the future of this planet and our country and our people than those obvious threats that were faced back in 1970 and beyond.

Environmental protection, in my view, is a moral and an ethical issue; it is an intergenerational ethical issue; and it can all be summarized by what I call the main rototiller rule. The main rototiller rule goes like this: If you borrow your neighbor's rototiller in the spring in order to plow up your garden and get ready to plant, you have an obligation to return it to him in as good of shape as you got it and with a good tank of gas. That is all you need to know about environmental stewardship, because we have the planet on loan. We don't own it. We own it temporarily. We own plots of land temporarily, but we don't own the planet. We have it on loan from future generations—from our children and our grandchildren and seven generations hence. Yet our age, our generation, is acting like it is all ours, like everything is ours.

It took millions of years, for example, to create the fossil fuels that are underneath the Earth. The word ''fossil'' has a meaning. They are there because they are from fossils. It goes back literally millions of years for the Earth to distill the plant and animal matter into this miraculous substance called oil—millions of years. Yet we are using it up. Forget about the pollution for a moment; just think about the idea that we are using an asset that the Earth produced over millions of years, and in a matter of—I don't know—200 to 300 years, we are going to use it all. It is as if on Thanksgiving the turkey comes to the table, all of the family is sitting around, and Dad says: OK, I am going to eat this whole turkey. You don't get any.

What do we tell people when they look back on us in 20, 50, 100, 200 years? What are they going to think of our generation? What is our defense going to be?

We know it is not infinite. There is argument about how much is there, but it is not infinite. There is no machine in the center of the Earth that is creating these substances; therefore, we have a responsibility to future generations, as my friends in Maine would say, not to pig out on what we have and just forget about who comes next. Of course, as it becomes more rare, it will become more expensive, so we are passing those costs off as well. Beyond that is the environmental cost.

I mentioned the obvious environmental problems back in the seventies and eighties of when you could see the air, when you could smell the rivers, but today the problem is what we are doing to the planet, which is climate.

What bothers me about this nominee is he basically says: Well, it is a controversial issue. The sciences differ.

No. The science is clear.

Before I get to that, I have one more point about the ethical and moral responsibility.

Last year, we had Pope Francis here. Pope Francis has talked a great deal about this issue and the ethical and moral and, indeed, religious obligation we have to be good stewards of our environment and of our planet. People criticized the Pope. They said: Let the Pope stick to religion and stay away from science.

It turns out that the Pope is a chemist. That is an unfortunate fact.

When the Pope was here, I did a little act of Jesus in the Good Book and found a number of references to the responsibility we have to protect the environment and the land. Indeed, in the Old Testament—and we all know about the Sabbath, that on the seventh day, He rested. There is a provision in the Old Testament whereby every 7 years the people were instructed to let the land lie fallow for a year—a Sabbath for the land in order to preserve its productivity.

I believe this is fundamentally an ethical issue. What do we owe our children—to just forge ahead in the face of overwhelming science and all of the predictions? What is happening in the world around us is selfishness. It is unethical. It is wrong. It is unfair.

As I said, we are talking about a nominee for this body who says the debate about climate change is just that—it is a debate.

There are scientists that agree, and there are scientists that don't agree to the extent of man's contribution and whether it is even harmful at this point.

Give me a break. The scientific community is virtually unanimous, and, indeed, the data is unanimous.

I carry a little card around with me. This is a blowup of it. I am a visual person—I like to see things, and I understand them better. To me, this is what you need to know about what is going on.

By the way, what this is, is CO_2 in the atmosphere, parts per million, for 800,000 years. People say: Well, it has varied over time. It goes up and down. It is just a natural cycle.

It does vary over time. Here is 850,000 years, and you can see that it varies from a low of about 180 parts per million up close to 300 parts per million, and that is the variation. Absolutely true. That is the variation until you get to about 1860, and that is when it starts to go up. Now we are at 400 parts per million, which is 25 percent higher than it has been in 5 million years. Was it a coincidence that it started to happen when we started to burn fossil fuels in such vast quantities? Of course not. Was there a big outburst of volcanos in the mid-1800s? Of course not.

This is not debatable. These are measurements. These are scientific measurements. Debating this is like debating that water boils at 212 degrees: Oh, no. I think it boils at 214 degrees.

No. It is 210.

It is 212.

Light travels at 186,000 miles a second. That is not debatable. Neither is this.

We are in a very dangerous place. Scott Pruitt calls it an argument and doesn't want to do anything about it. Not only does he not want to do anything about it, he wants to undo the things that have been done to try to protect us.

You can look at this chart and say CO_2 is going up. It is invisible gas. You cannot taste it. You cannot smell it. It does not poison us. It is in the atmosphere anyway. Who cares? What difference does it make?

Here is what difference it makes. This is the other side of my little card. This is the correlation of over 800,000 years between temperature and CO_2. Of what you can see, the blue is the CO_2, and the temperature is red, and what you see is an almost exact correlation. It is beyond coincidence. When CO_2 goes up, the temperature goes up. When CO_2 goes down, the temperature goes down. You can see it over the time. Do you know where we are now in CO_2? Here. The correlation is unmistakable, it is powerful, and it is dangerous.

The nominee for the Environmental Protection Agency denies this. He says it is a debate. Just for a moment, let's take him at his word. Let's say it is a debate. Let's say it is not entirely settled. If the risk is so catastrophic, wouldn't it be prudent to try to take some measures to prevent it even if you are not sure? By the time we are sure—by the way, we are sure now. By the time Scott Pruitt is sure, it will be too late. It may already be too late. We may be beyond the tipping point, and all we can do is mitigate the danger, not stop it altogether, because we have been heedless of the consequences of the results that will impact the next generation of Americans and of people around the world.

What are the consequences going to be? What if it gets a little bit warmer? We will be able to play golf longer in Maine—hey, not bad—but the consequences in many cases are going to

be catastrophic. There are many already affecting Maine in terms of where our lobster population is moving.

I had a sea farmer in my office 2 days ago, a fellow who has a great business. He has grown it for years. It is really a serious business of growing oysters, and he has always grown them in the Damariscotta River. In fact, if you go to a fancy restaurant and ask for Damariscotta River oysters there, they are the top-level oysters in the world. He has always grown them in the river. He puts in the little seed. They start in little, tiny shells, and then they grow out. He can no longer grow them initially in the river because the water is so acidic from carbon dioxide in the atmosphere, which is absorbed by the ocean, that the shells don't grow. He had to move the incubation part of his business onshore and treat the water to lower the acidity so that the shells will grow, and then when they get a certain size, he puts them back in the river.

This is a real, direct, obvious, observable effect of global climate change and of too much CO_2 in the atmosphere. It is not theoretical. It is not debatable. It is not that scientists differ. This guy is trying to make a living, and he can only do it by treating the water because the acid that has been created by the ocean in its absorbing the CO_2 is making it impossible for the oysters to develop. That is a direct impact. Probably the most direct impact we are going to be able to see and identify and not avoid is sea level rise.

Last summer—as a matter of fact, in August—I went to Greenland. Let me just put that in context. It is the continent of Greenland. The ice on Greenland, if and when it melts—and I think it is when, not if—will add 61 feet to the ocean depth. The ice in Antarctica has 212 feet of sea level rise contained in it. Just think about that for a minute. Greenland is melting at a rate no one has seen before. I saw it with my own eyes. I saw these big things in the ice. We helicoptered out over the ice sheet, and you could see these big holes in the ice called moulins. Into those moulins are flowing, rushing rivers of meltwater. You can see them. They are blue, and they run across the ice and down into the hole, and they go all the way down to the bottom, 2 miles thick, where they lubricate the space between the ice and the land and accelerate the ice in its moving toward the ocean. ''Accelerate.'' That is an important term. That is a term I heard at the University of Maine from their climate scientists. That is a term I have heard from scientists in other parts of the country. ''Accelerate.'' ''Abrupt.''

We all think of things changing very slowly; as a matter of fact, the very term glacial means ''moving slowly.'' Not anymore. We went to the Jakobshavn Glacier, the largest glacier that is draining the ice sheet of Greenland, and it has retreated as much in the past 10 years as in the prior 100 years. It has retreated as much in the past 10 years as in the prior 100 years. Do the math, and that is 10 times the rate that the ice is flowing off the Greenland ice sheet into the ocean and raising sea levels.

One of the problems with what is going on now is the process of acceleration. For example, everybody knows that the ice in the Arctic Ocean is disappearing at an unprecedented rate. A cruise ship went through the Arctic Ocean last summer. The Arctic Ocean has been closed throughout human history. It has been unavailable for commerce. You couldn't get through. It was always covered with ice. In the summer it would clear a little bit. Now we are talking about international trade through the Arctic Ocean.

What happens, though, scientifically, when the sun's rays hit the ice and the snow, 85 percent of the energy of the sun is bounced back. That is science. When the ice is gone and the dark ocean is available, 85 percent of the sun's energy is absorbed into the ocean. That is called a feedback loop. That accelerates. The more it melts, the more it gets melted, and that is the kind of thing that is happening in Greenland, in Antarctica, and, indeed, all over the world.

Here is something I learned on my trip to Greenland that I really hadn't absorbed. If there is anything we think of as a constant, it is the ocean. You walk down to the beach in Maine or on to the dock in Portland, you look out, and you see it. There it is. It is the way it has always been. It turns out it has always been that way for only 8,000 years. It happens to have always been that way when people have been around and keeping records and taking pictures, but it hasn't always been that way.

Here is an amazing bit of science that, frankly, I wasn't aware of. This is the ocean depth 24,000 years ago. This is the ocean depth today. So 24,000 years ago, it was 390 feet shallower than it is today. It was 390 feet shallower 24,000 years ago. Why 24,000 years ago? Because all the water was locked up in the glaciers. In one sense, Greenland and Antarctica are the last remnants of the glaciers, and they are now melting.

This period, 24,000 years up to today, is how the oceans have risen. You can see coincidentally, it has been pretty fixed for 8,000 years, and that is why we think it is going to always be that way. I used to teach about the recency effect. All human beings tend to think that what happened last week is going to happen next week. But this tells us that the ocean level is variable.

Here is the amazing spot, right here. It is called the meltwater pulse 1A; all geologists know about this. And if you do the calculation on this period, the ocean gained about a foot a decade. It got deeper. The sea level rose about a foot a decade during this period, and this is what we are facing right now.

The best estimates I have been able to obtain are that we are facing about a foot to a foot and a half of sea level rise in the next 15 years, and a foot a decade thereafter for the rest of the century. If you do the math, that is an additional 6 to 8 feet.

In fact, there was an estimate just released last week that says it is more like 9 feet, 3 meters. Nine feet? Miami is gone; New Orleans, gone; New York, under deep threat; Bangladesh—we are talking about national security here because the people who are going to be pressed into migration because of this are going to create a national security and a migration crisis, the likes of which this country and the world has never seen. We are talking about 1 million or 2 million people out of Syria, and it has caused great uproar here and in Europe. The estimates are for the migration from climate change in the reasonably foreseeable future to be 200 million to 500 million people. Think of the national security implications of that.

And here we are debating a nominee for the Environmental Protection Agency who says: Well, it is debatable; maybe it is, maybe it isn't.

It is not debatable. This is happening. And for us to ignore it and to approve this nominee who is hostile, who has sued the Agency, and who has never done a thing in his life to protect the environment, is just outrageous. It is a dereliction of our responsibility, and we are going to look back on this moment and say: What were we thinking?

I understand that the President won. Elections have results. He can move in the direction he wants to on policy, but this is beyond policy. This is just fundamentally irresponsible to our children, to their children, and the future of this country.

So I hope, after this debate and after this discussion, the people of this body will come together—just as they did with the Secretary of Labor nominee, who really wasn't appropriate—and say the same thing.

Plus, finally—I will just note this as a parenthetical—there is the issue of the emails in and out of this fellow's office when he was attorney general that they have been hiding for 2½ years or 3 years that may well become available in a week. If I were someone contemplating voting for this fellow, I sure as heck would want to wait until I saw these emails because there may be things there that are going to be profoundly embarrassing, if not worse.

So there is no reason to move this nomination today, and there is no reason, in my view, to move this nomination at all.

I understand that the EPA can overreach—any agency can overreach—and there should be control on regulations. I have worked on regulatory reform since I have been here, but there is a difference between regulatory reform and a wrecking ball to the fundamental protections that have made so much difference to the people of this country.

So I hope we will consider the future in our vote today—not just ourselves,

not just the regulations, not just a few people who may be profiting by the exploitation of these resources, but think about our kids, our grandchildren, and our ultimate responsibility to this country.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Madam President, I wish to start where the Senator from Maine left off, and that is with respect to the approximately 3,000 emails that Scott Pruitt, the nominee to lead the Environmental Protection Agency, has been hiding from public view. I hope all Senators know now that last night, a judge, Judge Timmons, ordered that those emails be released so the American public can see exactly what is going on.

Here is what the judge said: ''There was an abject failure to provide prompt and reasonable access to the documents that had been requested.''

Willful ignorance is always a bad policy, and I really hope that the Senate will not engage in willful ignorance when it comes to the nomination of Scott Pruitt. Why not wait a few days to see what is in the emails that were so deliberately hidden from public view? That should worry every Senator, Republican and Democrat alike.

In addition to all of the concerns that have been raised by my colleagues on this floor with respect to having Scott Pruitt at the helm of EPA, Marylanders have a special concern. In fact, those who are part of the Chesapeake Bay States have a very, very special concern.

The Chesapeake Bay is a natural treasure, and it is a national treasure. It is the Nation's largest estuary. It is beloved by Marylanders and beloved by all who benefit from its great bounty.

Marylanders get up in the morning and go crabbing on the bay. It has also been a source of income for our State and the other bay States.

The reality is that our tourism industry depends on a healthy bay. Our watermen depend on a healthy bay. Our boating industry depends on a healthy bay. So it is not only an environmental imperative, it is an economic imperative in the State of Maryland. And the Chesapeake Bay is threatened more than almost any other water body in the United States by pollution. That is because its tidal tributaries have a shoreline more than the whole west coast of the United States. In other words, if you look at the water surface of the bay and you look at the surface area of the rivers and streams feeding into the bay and you look at all the shoreline there, it is greater than the west coast.

The surface water area, including the 150 major rivers and streams and more than 100,000 smaller tributaries, is 4,500 square miles. But the watershed—the landmass that drains into that area—is 64,000 square miles, from six States and the District of Columbia, everywhere from Virginia to parts of New York State. And because the bay is threatened by pollution coming from throughout that great area—those six States and the District of Columbia—back in the 1960s, people recognized we had to do something about it because we had combined sewer water overflows, we had fertilizer runoff, we had stormwater runoff from six States and the District of Columbia bordering the Chesapeake Bay and threatening its livelihood and threatening the economy of the State of Maryland.

That is when a number of States got together and said: We have to do something about it. Senator Mathias, who was a Republican Senator from the State of Maryland, brought people together and said: We need to do a national study funded by the Federal Government because, in a situation where you have so many States contributing to the pollution of the bay, obviously, it is not within the power of only one State to do something about it.

And over nearly three decades from those early days back in the 1960s and beyond, we entered into a number of bay agreements with the three States immediately around the bay: Pennsylvania, Virginia, Delaware, and the District of Columbia, and then it got expanded over time. But despite all of the efforts in those States, it was as if we were on a treadmill.

The good news is the actions taken by the States, with the help of the EPA, meant that we were not going backward. It was a little bit as if we were trying to run up a down escalator. If we hadn't been taking any action, we would be going down fast. The bay would get more and more polluted, become less and less healthy. But even with all the measures we were taking, it was as if we were running in place on that escalator that was going down.

So in 2009, the bay States decided that they needed to put more teeth in the enforcement mechanisms to make sure that everybody was being held accountable for their share of cleaning up this precious natural resource and natural treasure.

That is when we entered into an agreement with the Environmental Protection Agency, giving the EPA the authority to help enforce the provisions of that agreement if any State strayed. And the results have been very important and very encouraging. Just this January, the Chesapeake Bay Foundation, in its biannual ''State of the Bay Report,'' gave the Chesapeake Bay its highest, its healthiest score since the report began in 1987.

I want to be clear. We are still a long way from a healthy Chesapeake Bay, but we have gone from running in place to actually making a few steps forward, and that is largely as a result of the efforts of the bay agreement and the new leverage that the Environmental Protection Agency has to enforce compliance with that agreement.

Here is where the story of the President's nominee to be the head of EPA intersects with the Chesapeake Bay. As attorney general of the landlocked State of Oklahoma, Scott Pruitt decided to join in a court case to try to blow up this Chesapeake Bay agreement. He decided from Oklahoma that he wanted to get in the business—the bipartisan business that had been supported by Republican and Democratic Governors alike, Republican and Democratic Senators alike, over a long period of time. He sued, along with others, the EPA to try to prevent the EPA from playing this important role that helped give us a boost.

Now, the good news is Scott Pruitt and the others failed. The judge said: Sorry, you are wrong; this does not exceed the EPA's authority. The good news is that we are going to continue to proceed. But what are we going to do when Scott Pruitt, who brought that lawsuit against the Chesapeake Bay agreement, is the Administrator of the EPA?

Senator CARDIN, my friend and colleague from the State of Maryland, asked him about this at the hearing. At the hearing, Scott Pruitt made some positive statements about this agreement. Then Senator CARDIN wanted to follow up and make sure he heard it straight, and so he followed up with some questions in writing. What came back were a series of statements that showed that Scott Pruitt was backtracking on the commitment he had made—backtracking on his promise to lead a strong EPA and have an important EPA role in enforcing this Chesapeake Bay agreement.

In addition to the fact that he has shown willful ignorance about the dangers of climate change, which are all so very real to the State of Maryland—just go down to the Naval Academy and ask the superintendent there, and he will tell you they have many more storm surges right there in Annapolis as a result of climate change—and so many other areas where Scott Pruitt has sided with big money, special interests, polluting special interests, he clearly is somebody whom we worry about in the State of Maryland with respect to protecting the Chesapeake Bay.

So I ask all my colleagues to join with us in at least demanding now that we have an opportunity to see the 3,000 emails, which a judge has required be provided to the public next week.

I hope all Senators don't want to be embarrassed by voting for somebody today, only to find very compromising emails next week. I really believe we have an obligation to the American people to ensure that we have an opportunity to view those emails. I certainly know the people of Maryland, when it comes to protecting our beautiful Chesapeake Bay—both because of its natural beauty but also because it is essential to our economy—join me in encouraging my colleagues to ask for a delay and, at the very least, vote no on the nomination of Scott Pruitt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, as everyone in this Chamber knows, we are currently debating and preparing to vote on the nomination of Scott Pruitt to be the next Administrator of the Environmental Protection Agency.

The truth is that we don't have all the information we need to make this important decision. We don't have all the facts we ought to have. That is because the nominee, in his role as attorney general of Oklahoma, worked very hard to keep the information contained, controlled, and unavailable to the Senators in this Chamber and unavailable to the citizens of the United States of America.

For 2 years now, his office has stonewalled attempts to make public the records of over 3,000 email communications with members of the fossil fuel industry. Two years ago, the Center for Media and Democracy requested these emails through the Oklahoma Open Records Act. Who is the person who decides whether to release those records? The attorney general of Oklahoma. Who is the nominee before us? The attorney general of Oklahoma.

When Democrats on the Environment and Public Works Committee requested these records from Mr. Pruitt during the confirmation process, the answer we got back was this: ''I would direct you to make a request of the Oklahoma Attorney General's Office under the Oklahoma Open Records Act.'' Now, when he encouraged us to make that request, he knew—and we shortly knew—that he had no intention of actually granting access. He was telling us to get in line behind more than 50 other requests for that information, and that request has not yet been answered. In fact, Senator WHITEHOUSE did put in a request directly to the Oklahoma attorney general's office using the Oklahoma Open Records Act. Imagine what the result was. Did the attorney general of Oklahoma immediately release these records? He did not. Have we those records today? We do not.

But yesterday, Oklahoma County District Judge Aletia Haynes Timmons ruled on whether or not the public deserves access to these emails and deserves access to these records, and she ordered the attorney general to do his job—to release the records so that we here in the Chamber will have that information, so that the American public will have that information. Judge Timmons said there was ''an abject failure to provide prompt and reasonable access to documents requested.''

On Tuesday, the first batch of emails is going to be released to the public. That is just a few days from now. But if we vote today, we won't have that information before us. It will be too late for us to have all the facts and information we need to make a qualified decision on whether Mr. Pruitt is a fit character or unfit character to be a member of the President's Cabinet. That is exactly what the Founders of our Nation charged us with doing in the advice and consent responsibility—to determine whether a nominee is a fit character or unfit character.

So we here in the Senate are not doing our job. Under our responsibility under the Constitution, if we vote today, not having yet reviewed the information in those emails that the judge has just said must be released, we are being asked—or, more pointedly, forced—by the majority leader to rush through the confirmation of Mr. Pruitt without having this vital information.

This is a question of transparency. This is a question of exercising our authority in a responsible fashion. This is about the right of the Members of the Senate to have the information needed to fulfill their responsibility under the Constitution. This is about the right of the citizens of the United States to know Members here are doing their job and to weigh in—to weigh in with us on what they consider to be fit character and unfit character. We should not deny Americans the right to know.

That is why I will ask unanimous consent of this Chamber in a moment to postpone the vote until 10 a.m. on March 3, because that would give us the full ability to get both sets of emails and have 3 days to review them, which I think is most reasonable.

Madam President, I ask unanimous consent that the confirmation vote on Calendar No. 15, the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency, be postponed until 10 a.m. on March 3.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I am disappointed with the majority leader's objection. I know all of us who serve in this Chamber want to do our job in a fashion in which we thoroughly and responsibly execute the responsibilities of our office. We can't do that without these emails. These emails have been stonewalled for 2 years. I know that if the shoe were on the other foot, there is a very good chance the advocacy for transparency would be coming from multiple Members across the aisle.

So I am disappointed the decision has been made to object to holding the vote after the time that both sets of emails have been released. But I do understand the majority leader has responsibility for the schedule for the Senate. So I am going to tailor back my request and ask that the vote be held after the first batch of emails is released. They are going to be held next Tuesday and we are going to be out next week. So under this request, no time is lost in the Chamber in considering the nomination. It does not delay any other work of this Chamber. It does not stand in the way of anything else we might do. It just means that we hold the vote when we get back, instead of holding it this afternoon before we leave.

Madam President, I ask unanimous consent that the confirmation vote on Calendar No. 15, the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency, be postponed until 9 p.m. on February 27.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. MERKLEY. Madam President, both of my unanimous consent requests have been rejected, as is the right of any Member. But still, there is a principle here—a principle of executing our responsibilities and a principle of transparency, a principle of understanding whether or not the individual before us is a fit character to serve in the office.

So I am going to make a formal motion, which is allowed under the rules, to extend this debate. The rules call for 30 hours of debate but provide a clause that, by a vote, we can extend that debate. I propose we extend that debate for an additional 248 hours. That 248 hours would take us until Monday evening, on the evening we return. So again, no time is lost with the agenda before this body, but we would all have the chance to review those 3,000—or at least the first batch of those emails—to determine if there is information that is related to whether the nominee is fit or unfit to hold this office.

MOTION TO EXTEND DEBATE

Therefore, I move to extend postcloture debate on Calendar No. 15, the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency, for an additional 248 hours.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, a vote in relation to the motion to extend debate on the Pruitt nomination occur at 12:30 p.m. today, and that following disposition of that motion, there be 4 minutes of debate equally divided in the usual form prior to a vote on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I ask unanimous consent that following disposition of the Pruitt nomination, the Senate resume consideration of the following nominations en bloc: Wilbur Ross to be Secretary of Commerce, RYAN ZINKE to be Secretary of Interior, Ben Carson to be Secretary of Housing and Urban Development, and Rick Perry to be Secretary of Energy.

I further ask unanimous consent that there be 30 minutes of debate on the

nominations, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on the nominations in the order listed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Madam President, over the past several weeks, we have seen a historic level of obstruction from our Democratic colleagues on the President's Cabinet. Let me say that again—truly historic, unprecedented, harmful, and pointless obstruction. It is one thing to obstruct to get some outcome. Really, these are a collection of futile gestures not changing the outcome on any of these nominations.

They have postponed committee meetings as long as they possibly could. They forced unnecessary procedural hurdles, and they have even boycotted markups altogether.

So as I indicated, to what end? It hasn't prevented the Senate from moving forward with the confirmation of these nominees. And, by the way, it hasn't—and it won't—change the outcome of the election, either, which was back in November. I think it is pretty clear that that is what this is all about.

Instead, this Democratic obstruction has just kept many of our Nation's most critical agencies without a leader for too long—needlessly delaying the President from fully standing up this new administration. It has led to what is now the longest it has taken to confirm most of the President's Cabinet since George Washington—what a record for our Democratic colleagues to hold.

Enough is enough. We need to put the rest of the President's Cabinet into place without further delay. Confirming these well-qualified nominees is what is best for our country. My goodness, isn't that what we should all want?

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I speak in opposition to Scott Pruitt, and I thank Senator CARPER for the good work he has done in leading the opposition to someone who is a climate change denier and will not release information that the public should see.

I want to say a few comments about the majority leader's comments. I am incredulous that he thinks this has been unfair to the Trump administration and Republicans; that we have not moved faster. We know a bunch of things. We know President Trump didn't begin his vetting process, as most Presidential candidates do, in August.

We then know right after the election he fired his person in charge of vetting and of the transition. We know then he appointed people without vetting them because he wanted to speed it up, and we also know that a number of people who President Trump nominated were billionaires and Wall Street bankers, and they had very complicated financial backgrounds and holdings, and because the Trump administration didn't do it, the Senate had to do it, and the media had to do it—to look at the backgrounds of some of these nominees.

Then, on top of that, we saw a level of corruption we had never seen in Presidential nominations. We saw a Secretary of Health and Human Services—passed by being voted for by every Republican—who bought and sold healthcare stocks while a Member of Congress, voting on and sponsoring healthcare amendments and bills.

We saw other nominees. We saw Secretary Mnuchin, and Senator CARPER played a role in this, now-Secretary Mnuchin, who forgot to disclose a $100 million investment he had and then lied to the Senate committee, as pointed out by the Columbus Dispatch—the most conservative paper in my State—about robo-signing, sending hundreds of people in my State into foreclosure.

The ethics of these nominees are such, and then you have Scott Pruitt to be Administrator of the EPA, and he will not disclose 2,600 emails that we know how—as Senator CARPER has done such a good job on—we know how a number of these emails point to—I am not a lawyer—if not the word ''collusion,'' certainly doing the bidding of the fossil fuel industry that he might occasionally want to regulate instead of the EPA. That is the story.

I want an Administrator of the EPA who wants to protect the country's great natural resources, not someone hell-bent on undermining the Agency he will lead. The environmental challenges we face in my State are too great to put the EPA in the hands of someone with a track record of putting polluters before public health, of choosing companies that pollute over communities that are victimized by that pollution, and too often he is doing the work of campaign donors instead of the public.

I know what the Clean Air and Clean Water Acts have meant to my State. I know what Lake Erie looks like. When I was a kid, I lived about an hour and a half away. Lake Erie was an environmental disaster. The counties of Cuyahoga, Erie, and Lorain couldn't clean it up. The State of Ohio didn't have the resources to clean it up.

It was only that terrible fire in Cleveland where bridge trestles on the Cuyahoga River caught on fire that got the Nixon administration to move and create the EPA, and then we cleaned up Lake Erie. That was one of the great accomplishments in our country's history—environmental and otherwise, one of the great accomplishments.

It was a Republican administration with the Democratic Congress, when good environmental policy was bipartisan, when Republicans as well as Democrats believed in being stewards of the Earth in following a number of the teachings of the New Testament about being stewards of the Earth.

It was a sustained effort by citizens and by their elected officials in both parties to protect our public health. The EPA affects the water that comes into our children's drinking fountains. It affects our small businesses that rely on tourists at our lakes and beaches. It affects farmers who feed the Nation. According to Dr. Aparna Bole—a pediatric specialist at Cleveland's University Hospital in Cleveland—asthma rates in my part of Ohio are above the national average because of the region's poor air quality.

Climate change is not some distant problem. We tend to think about wildfires in the West or devastation faced by coastal communities, like those affected by Hurricane Sandy. The Midwest is affected too.

In August, 2014, a harmful algae bloom left 500,000 Ohioans in Greater Toledo, in Northwest Ohio, without safe drinking water for nearly 3 days. This is Lake Erie. This is more or less the natural color of Lake Erie. This is the algal bloom. It is a stunning, beautiful picture if you don't know what it is, but when you see a boat cutting through these algal blooms and seeing what this meant, as the algae chokes Lake Erie—Lake Erie right here is about 30 feet deep. Contrast that with Lake Superior, 600 feet, and you will see why Lake Erie is more vulnerable.

Lake Erie is 2 percent of the water in all the Great Lakes. Lake Erie has 50 percent of the fish of all the Great Lakes. The fish like shallower and warmer water, but they don't like these kinds of algal blooms and what they do to this community. Because it is the shallowest of the Great Lakes, and this is the shallowest part of this great lake, it is uniquely vulnerable to these harmful algal blooms.

We know these blooms are caused by excess nutrients in our water—untreated sewage, urban runoff, and runoff from farm fields. This Maumee River Basin going into the lake from the south, going into the lake just north of Toledo, drains the largest 2 million acres, the largest basin of any tributary going into any of the Great Lakes.

On Wednesday, I met with David Spangler, a charter boat captain on Lake Erie. We talked about how the Great Lakes region has seen a 37-percent increase in heavy rain events. We have seen that hotter summers make the blooms worse. We talked about protecting the lake as one of the great environmental challenges, not just for Ohio or even the industrial Midwest but protecting Lake Erie and the Great Lakes, the greatest source of freshwater in the world, by most measurements—how important that is.

Dave has been fishing on this lake and its tributaries for decades. He bragged about the improvements we

have seen over the year—how water quality has improved, how walleye and yellow perch populations have rebounded, how he leads fishing expeditions on the Great Lakes, on Lake Erie. You know what, look at what these algal blooms have done. You can guess what they have done. Nobody will go fishing in these kinds of waters.

If the algal bloom is there too long, lots of fish die in addition to that. We need an EPA Administrator who understands that the contamination hurts everything from our children's health to our small businesses. He told me he doesn't think Scott Pruitt is the right person for this job. He believes that with Scott Pruitt at the helm of the EPA, we would likely lose the gains we made in the lake.

Of particular concern to both Mr. Spangler and me is that Mr. Pruitt said mercury does not cause a threat to human health. Really? Mercury doesn't cause a threat to human health? If Mr. Pruitt doesn't believe that, I would like him to explain to me why the Ohio EPA, the Ohio Department of Health—both with Republican administrators—have a statewide mercury advisory stating that women of childbearing age and children under 15 are advised to eat no more than one meal per week of fish from any Ohio water body. Think about that. You shouldn't eat more than one meal a week of fish taken out of any of the Ohio aqua system—limit the amount of fish eaten from our State's largest body. That means even though we worked for decades to reduce mercury emissions, apparently Mr. Pruitt doesn't think mercury exposure is a threat to public health.

Mr. Pruitt has solicited thousands of dollars of campaign contributions for himself, the Republican Attorneys General Association, all the Republican attorneys general. There are three dozen or so of them. They work together to raise lots of money to keep themselves in office so they can continue to do some of the work they do. Some of the work they do is stand in the way of good environmental policy.

He has refused, for years, as Senators MERKLEY and CARPER have pointed out consistently, to disclose some 2,600 documents, showing correspondence between his office and the very companies he is supposed to ensure follow the law.

We know who some of those companies are. What is he hiding? Why won't he tell the Senate what is in those documents? Why does the Senate Republican leader not want us to see those documents? Because he is saying, no, we have to vote on this now. It just happens to be we will be looking at documents over the next few days, but apparently it is not going to be able to affect this vote.

It could be because in the past he submitted letters to the EPA that were written by the companies he is supposed to regulate. Think about that. An oil company writes a letter and then that letter remarkably ends up pretty much word for word to be sent to the EPA.

Allowing him to become EPA Administrator is like allowing an arsonist to become the fire chief—the goal of both is to burn things down. Mr. Pruitt's record clearly shows he is not the right person to lead our Environmental Protection Agency.

Mr. LEAHY. Madam President, today I must vote to oppose the confirmation of Scott Pruitt as the President's nominee for Administrator of the Environmental Protection Agency, EPA. While I believe that the President enjoys some privilege of selecting administration officials, the views that Mr. Pruitt and I hold on a wide range of key environmental issues are completely irreconcilable. I was deeply disturbed by Mr. Pruitt's lack of specificity and his evasiveness during his hearing and in response to written questions.

While no one would expect Mr. Pruitt to detail the new Trump administration's policies on these complex issues, we do expect the nominee to lead the Environmental Protection Agency to share with us his own views on important matters, including whether there are any EPA regulations he supports, or whether he would fully recuse himself from making decisions in all legal cases in which he was an original party—but no. Instead, he testified that he had not conducted a comprehensive review of existing EPA regulations. With respect to recusals, he asserts that he would simply follow the recommendations of the EPA's ethics office. That is not good enough.

I am deeply disturbed by Mr. Pruitt's evasive responses. This does not bode well for his future interactions with Congress where he will certainly be required to appear before committees and provide testimony, briefing materials, and other information in a timely manner. Under oath before the Environment and Public Works Committee, he told the committee members, U.S. Senators, to go to the back of the line, to make records requests to his home State if they wanted information. This is information that Mr. Pruitt could and should have provided to the committee. As a result, information needed by the Senate to judge his fitness for this position has yet to be revealed.

Committee members were told 19 separate times to get the information they were requesting from his own office, the Oklahoma Attorney General's Office, an office that has more than a 2-year backlog for such requests. That is not the spirit of openness and transparency we expect and must demand from witnesses, let alone from nominees who come before the U.S. Senate. How can the Senate adequately fulfill its responsibility of advice and consent if nominees will not cooperate? Mr. Pruitt has stonewalled the committee and the entire Senate on answers to basic questions about possible conflicts of interest. He has refused to provide relevant emails and other documents. This is unacceptable. It is also unacceptable to advance and approve this nominee without a clear and complete view of his record and his close relationships with the very companies he will be tasked with regulating.

With respect to the Agency that he has been nominated to lead, it is imperative that we not reverse or halt the tremendous progress that has been made in achieving strong, scientifically based environmental protection goals. The EPA itself was born out of an environmental crisis in this country, in the wake of elevated awareness of and concern about pollution. This came after our Nation watched in horror as the Cuyahoga River in Cleveland, OH, burst into flames again as it was so saturated with sewage and industrial waste that it oozed rather than flowed. That pollution was a byproduct of unchecked pollution from industrial wastes.

Over its 46 years, the EPA has made enormous progress and become one of the world's most successful protectors of public health and the environment. Americans now expect clean air and clean water, where, before the EPA was created, we expected nothing more than burning rivers and polluted air. While cleaning up the environment, we have also grown jobs and strengthened our economy. However, we continue to face an environmental crisis of our own making with climate change, and EPA's mission to protect public health and the environment reminds us that the tasks of this Agency are essential to every single American. Americans care about having clean air to breath, safe drinking water, and swimmable and fishable rivers and streams. They want their food to be free of pesticides and their workplaces to be healthy and safe. They want their children to have a future that is free of the dangers of climate change.

Sadly, Mr. Pruitt refuses to accept the scientific community's overwhelming consensus that unchecked increases in greenhouse gas emissions will have catastrophic effects. The science is crystal clear that the impacts of climate change will increase in frequency and scale. Even the Department of Defense recognizes that climate change will impact the complexity of future missions, including defense support to civil authorities, while at the same time undermining the capacity of our domestic installations to support training activities.

Climate change cannot be dismissed as merely a political issue. We need to address the unfettered release of carbon and other greenhouse gases and have a strong resilience strategy to address the plight of future generations and the hazards already plaguing this one; yet we continue to have political claims thrown about that the EPA's work to address climate change and limit carbon emissions is to blame for the decline in the coal industry. At their base, these are more ''alternative facts.'' This was confirmed yet again

this week as the owners of the Navajo Generating Station, a coal-fired power plant in Arizona, voted to close the facility at the end of 2019. It was not EPA regulations or the Clean Power Plan that were cited as the reason for the closure of the coal-fired plant. No, it was the fact that, in a market that is saturated by cheap natural gas prices, the plant was no longer economical to operate. Attempts by the President and this nominee to spread alternative facts and to misleadingly promise to prop up an industry, by blaming action on climate change, is not the way to move our country forward and stimulate innovation that will create good, new American jobs that cannot be shipped overseas.

For the benefit of the Senate record on this nominee, I would like to take this opportunity to share some of the messages that I have received from thousands of Vermonters over the past few weeks about this nominee. One Vermonter from Norwich, VT, a student studying sustainability and environmental management, said she is fearful of Mr. Pruitt's focus on eliminating and defunding any programs that could help to stop climate change. She went on to describe the importance of peer-reviewed scientific research on climate change and how Federal support for our leading academic institutions to complete this research is in our national interest as we monitor the Earth's vital signs.

I also heard from a constituent from Essex Junction, Vermont, who shared with me how he has seen firsthand at his technology company how the Federal promotion of research and development has directly promoted innovation and technological change. This innovation and these technical advances have led to new technologies that have radically changed many aspects of our lives and have transformed our economy, creating jobs, and invigorating our entrepreneurial spirit. He was concerned that Mr. Pruitt would seek to dismantle work that the EPA has done to find better ways to solve environmental problems, from research and technology to regulation, community programs, and external partnerships as they work to find creative ways to achieve results.

I also heard from Vermont farmers like one in Bristol, VT, who shared with me how her family farm has experienced the firsthand chaotic effects of climate change and has responded to the call to be more resilient. She voiced her willingness to cooperate with government regulations to protect our air, water, and soil and that we ''need the EPA to use science and enforcement to lead the charge.'' She went on to say that the head of the EPA should be working to ensure that our air is clean to breathe and our water is safe to drink, not to ensure that polluters get a free pass. I agree wholeheartedly with her.

From rural Hartland, I heard from one Vermonter who said that ''the health and wellbeing of Americans must be a priority—not the wealth of a few corporations and the individuals that benefit from that wealth. America must be a global leader when it comes to addressing climate change if all nations are to take appropriate measures.''

As Vermont's ski resorts have enjoyed over ample snow in the last week, I have heard from hundreds of snow sport enthusiasts who are deeply worried about Mr. Pruitt leading the EPA. They know that climate change is a threat to our planet and to our economy. In recent years, we have seen abnormally high temperatures that severely hurt our ski and tourism industries in Vermont. Many ski areas saw business down 20 percent, and some saw a drop of as much as 40 percent. This does not just affect our ski areas and our mountains, but also our restaurants, our local hotels, contractors, and countless other businesses that are driven by the vitality of our ski industry. For the State of Vermont, the revenue from ski slopes is an important part of our economy, and we need an EPA Administrator ready to tackle the problems of climate change, not one whose primary goal is supporting business as usual for the worst polluters.

I agree with the thousands of Vermonters who have contacted me concerned about this nominee. I believe that Mr. Pruitt's nomination sends exactly the wrong signal to the country and to the world as we are combatting the global impacts and causes of climate change. His nomination represents a massive shift away from putting public health and the environment first, and towards ''Polluters 'R' Us''—the industries that directly benefit from being given free rein to pollute. His past conduct suggests that he will do everything he can to support those polluters and put their profits ahead of the public good.

The decisions made by the Administrator of the EPA affect the air we breathe, our scenic rivers, our precious resources, the water that our children drink, and the rate at which the United States contributes to the rapidly changing global climate. This appointee's work will have a long-term global impact and a major impact on all of our children and grandchildren and on our shared heritage and our natural legacy as Americans.

In my years in the U.S. Senate, I have evaluated many nominees and I have supported nominations from both Republican and Democratic Presidents, despite my reservations on some views they held. I have also opposed some nominees because their records were so clearly contrary to the public interest. Rarely have I seen a nominee so totally unqualified and so profoundly a threat to our environment. The views Mr. Pruitt and I hold on protecting Americans' health and our environment and addressing climate change are far too conflicting to allow me to support his nomination.

The Senate will confirm Mr. Pruitt. Of this, there is no question. But then we will begin our duty to provide dogged oversight of his actions at the EPA. Public trust and confidence demand the highest level of accountability to ensure the stewardship of our federal funds, to safeguard the integrity of the EPA, to base decisions on rigorous, fact-based, peer-reviewed science, for the protection of both public health and our environment.

I worry that confirming Mr. Pruitt will turn the Environmental Protection Agency into the ''Polluters Protection Agency.'' I cannot support his confirmation.

Mrs. FEINSTEIN. Madam President, I rise today to voice my concerns about the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency.

More than 74,000 Californians have contacted my office expressing serious concerns about Mr. Pruitt's nomination.

Californians want an EPA Administrator with a demonstrated commitment to protecting public health and the environment. Unfortunately, Mr. Pruitt's record shows the opposite: a clear hostility to public health and environmental protections at both the Federal and State level.

Californians rightfully fear that Mr. Pruitt's only plan for the EPA is to dismantle the Agency from within and give polluters free rein.

The EPA is the lead enforcement agency for bedrock environmental laws like the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act. The EPA works with States, local communities and tribes to provide funding and expertise for fulfilling these environmental laws that keep our communities healthy and safe.

Based on his record as Attorney General of Oklahoma and his past statements, including in his confirmation hearing, Scott Pruitt is not the right man for this very important job.

As the Oklahoma Attorney General, Mr. Pruitt eliminated the State's environmental protection unit, which enforces State environmental laws, including suing polluters for criminal negligence.

Meanwhile, he's led or participated in over 14 partisan lawsuits against the EPA, challenging the Agency's ability to implement Federal environmental protections, lawsuits that challenged protections against mercury pollution, ''polluter pays'' clean-up requirements, the Clean Air Act, and the Clean Water Act.

And his rhetoric matches his record. Mr. Pruitt has repeatedly questioned the validity of widely accepted science that undergirds EPA action. He routinely treats the scientific consensus on climate change as merely a debate. In an interview with Exploring Energy, Pruitt stated: ''There are scientists that agree, there are scientists that don't agree, to the extent of man's contribution and whether it is even harmful at this point.''

He dismissed the dangers of mercury pollution, arguing in one of his lawsuits: ''The record does not support EPA's finding that mercury . . . poses public health hazards. . .''

At his confirmation hearing, when asked whether there is any level of lead exposure that is safe for children, he could only reply ''that is something that I have not reviewed nor know about.''

Even on his public profile, he described himself as ''a leading advocate against the EPA's activist agenda.''

We are supposed to trust someone to enforce our environmental laws who considers himself the primary foe of the EPA? That record is troubling enough, but Mr. Pruitt also faces many conflict of interest issues that he has refused to commit to recusing himself from as EPA Administrator, including: conflicts that would exist over ongoing lawsuits that he brought against the EPA as Oklahoma's Attorney General or matters or cases under the EPA's authority that involve organizations from which Pruitt has solicited campaign funding.

During his hearing, Mr. Pruitt deflected questions over potential conflicts of interest by stating the ''EPA ethics counsel will evaluate that if a matter or case comes up in the future.'' This is an inadequate protection against conflicts of interest.

The Environmental Protection Agency is very important to the health and well-being of the people of California.

For example, California received over $100 million in loans from the EPA last year to maintain and improve our water infrastructure, including wastewater treatment systems, drinking water systems, and water recycling facilities. Those funds were vital as our State grappled with an historic drought.

The EPA has also been a vital partner with California in developing stronger motor vehicle efficiency standards. One of my proudest accomplishments was enacting landmark fuel economy legislation, the Ten-in-Ten Fuel Economy Act, which raised fuel economy standards to the maximum achievable rate. This law marked the largest increase in fuel efficiency in more than two decades and led to an administrative program expected to raise average fuel economy to 54.5 miles per gallon by 2025.

This program is the greatest tool we have to reduce greenhouse gas emissions from the transportation sector, and it is working. An important technical review concluded this July that automakers are already exceeding Federal benchmarks for improved fuel economy by 1.4 miles per gallon.

A large part of its success is the cooperation between the Federal Government and California to establish a single, coordinated, national program that is strong enough to satisfy all parties and stable enough to guide investment decisions by the auto makers.

During his confirmation hearing, my colleague Senator HARRIS asked Mr. Pruitt directly if he would commit to upholding California's right to issue its own regulations, which is the way we participate in creating the national program. He declined, committing only to review the issue, which is not acceptable.

We in California know that climate change is real and is happening now. It is contributing to more volatile weather, including longer, stronger droughts and harsher bursts of rain.

We have a limited amount of time left to reduce the greenhouse gas emissions of our transportation and energy systems. If we allow the world to warm by more than 2 degrees C, we will be locking in a future of unacceptable disasters for our children and grandchildren.

Now, more than ever, we need strong leadership as other major countries like China and India have begun to engage on the issue, and we cannot allow the EPA to reverse course and go backward after the progress we have made.

In his words and actions, Scott Pruitt has demonstrated more interest in fighting against the mission of the EPA than in fighting for it.

Mr. Pruitt has done little to nothing to protect the people of Oklahoma from the dangers and health problems caused by pollution, preferring to sue on behalf of corporate interests. There is nothing to suggest he would do anything different for the American people as EPA Administrator.

For this reason and many more, I will vote against Scott Pruitt's confirmation to head the EPA.

Mr. COTTON. Madam President, it is hard to overstate the amount of distrust there is between rural America and the EPA.

I represent the State of Arkansas, where about 70,000 of our citizens are farmers. Agriculture is our largest industry, adding about $16 billion to our economy every year. But even those members—big as they are—can't give you a full appreciation of just how important the land is to our people. Sure, they make a living off it, but farming isn't just an ''industry'' to us—it is not just another statistical category like ''nondurable goods manufacturing.'' It is a way of life. The people of Arkansas cultivate the land. They nurture it. They teach their children how to care for it. These are people who get up at 5 a.m. to milk the cows. They have had these farms in their families for generations. They pass on the land—and the values they have learned along with it. They believe in the EPA's mission of preserving a healthy environment just as much as anyone.

Yes, they are stewards of the earth, these men and women, yet the EPA too often treats them as criminals. In the last 8 years alone, the EPA has been treating their property rights more like a form of parole. It has passed sweeping regulations that presume to tell farmers when they can plant and how often they can run a tractor. It has declared something as tiny as a mud puddle on a family farm as a ''navigable water''—thus under the EPA's jurisdiction it has put on a show of soliciting ''feedback'' from the people who have to live under its rules, while cavalierly dismissing most of their concerns, and all the while pursuing an activist agenda, whether through the Clean Power Plan or the waters of the United States rule, it has failed to fulfill its core mission: keeping our people safe. Just remember, the EPA helped bring criminal charges and a $15,000 fine against a North Carolina farm owner who accidentally spilled cow dung into a river; yet when it caused the wastewater spill into the Animas River, it stalled and withheld important information from investigators. If a company had acted like the EPA, it would likely have faced criminal charges—brought about by the EPA.

It is this state of affairs that our next EPA Administrator will inherit, and I want to take this opportunity to say President's Trump nominee, Scott Pruitt, has my support.

I think he is especially qualified to lead the Agency at this time because he comes from rural America himself. As the attorney general of Oklahoma, he fought the EPA's overreach in court more than half a dozen times. I believe he understands that Arkansas farmers and the American people know the needs of their land far better than Washington bureaucrats do. When I met with him a few weeks ago, we discussed the impact EPA regulations are having on Arkansas farms, businesses, and energy companies. We also talked about Fort Smith's issues with an inflexible EPA consent decree. It was clear from our conversation he knew environmental law backwards and forwards, but he also had something else: a real-world appreciation of the burden that heavy-handed regulations put on our farmers and on rural America.

I believe Scott Pruitt understands we can have both a robust economy and a healthy environment. I believe he will pull back the EPA's excesses and focus on its core mission. I believe, under his leadership, the EPA can begin to rebuild the trust it has lost with rural America, the trust that is necessary for it to achieve its goals. And so, for all of these reasons, I will be voting to confirm.

Mr. WYDEN. Madam President, last month I stood here to express my serious concerns about the nomination of Scott Pruitt to lead the U.S. Environmental Protection Agency.

As the vote draws closer, I want to reiterate those concerns and give voice to the thousands of individuals and groups in Oregon who have sent letters and made calls and spoken up in my town hall meetings. Oregonians have expressed their fears that Pruitt will steer us into a ditch when it comes to protecting the environment and public health. I share their concerns, and I cannot support this nomination.

In my view, the importance of the EPA cannot be overstated. The EPA is

at the heart of maintaining clean air and clean water for every person in this country, but Mr. Pruitt has made a career of denying climate science, attempting to weaken or even get rid of worker protections, air quality standards for toxic air pollutants, and basic environmental standards. Those rollbacks would hurt us all.

One prime example of how the EPA has stepped in to protect Oregonians is during a recent air quality scare in Portland. In 2015, researchers with the U.S. Forest Service discovered that heavy metals including cadmium and arsenic had been emitted for decades into the air of Portland neighborhoods and schoolyards at dangerous levels.

I called on the EPA to take action, and within days they were on the ground in Portland, testing the air quality and helping our community wrap our heads around the public health risks. It wasn't long before they identified the root of the problem and corrected course.

I am not confident that a Pruitt EPA would have jumped to the aid of my community in a time when parents wondered if they had been poisoning their own children simply by feeding them vegetables grown in their backyards.

Mr. Pruitt's career is defined by repeated attempts to weaken or eliminate health-based environmental standards, weaken or eliminate limits on carbon emissions that would help address the challenge of climate change, weaken or eliminate air quality standards to fight the kinds of toxic air pollutants we saw in Portland. Those rollbacks hurt us all.

Mr. Pruitt has a history of attacking the very Agency he now wants to lead. As attorney general of Oklahoma, he has been involved in more than 20 lawsuits against the EPA, and he has failed to give Congress any kind of assurances that he would recuse himself from matters related to those lawsuits.

Mr. Pruitt has clear connections with big businesses who profit from polluting—oil and gas companies and coal-hungry electricity giants, among others. He has a history of siding with these special interests at the direct expense of the health of our families and communities.

According to news reports, as Oklahoma's Attorney General and head of the Republican Attorneys General Association, Pruitt helped raise millions from industries he is now expected to regulate.

More and more of this shadowy history is coming to light. Particularly after a judge has ordered him to release thousands of his emails as Oklahoma's Attorney General just days from now, the Senate should not hold a vote on a nominee when more information may come to light about an alarming association with the very industries he would be regulating as head of the EPA.

However, Mr. Pruitt has until next Tuesday to release those emails—4 days after Senate Republicans are forcing a confirmation vote. In the interest of transparency, the Senators should be able to read these emails before voting so we can make a fully informed decision.

By jamming this nomination through today, Senate Republican leadership is forcing the Senate to vote on a nominee without knowing the content of the full background of this nominee. In my view, that is legislative malpractice.

So I join my Democratic colleagues in asking that the vote on Mr. Pruitt's nomination to lead the EPA be delayed until those thousands of emails are released and Members of the Senate have the opportunity to review their contents.

The American people are demanding that Senate leadership delay Mr. Pruitt's confirmation until this important information is disclosed and questions about his possible conflicts of interest are answered.

On even the most basic level, Mr. Pruitt has a troubling history. He has denied the fundamental science that should be used to inform public policy.

Time and time again, Mr. Pruitt has argued against the reality of climate change, going so far as to dispute the EPA's rigorous science-based finding that greenhouse gases endanger public health and welfare.

The EPA cannot be run by an individual with a career founded on alternative facts; yet that is much of what Scott Pruitt is promoting.

As I have said to Oregonians about this nomination and others, policymakers ought to come together and find the truth, not fall back on alternative facts.

Nearly 800 former employees of the U.S. Environmental Protection Agency expressed opposition to Pruitt this week in an open letter. These are 800 public servants who are dedicated to the Agency's core mission.

I think Oregonians and the American people need to hear what is in this letter. It states, in part:

> Our environmental laws are based on a partnership that requires EPA to set national standards attind gives 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 action spared much of the harm that some countries still face as 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 gas 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.

These former EPA employees close the letter by stating:

> 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.

I ask unanimous consent that the full letter be printed in the RECORD at the conclusion of my remarks.

Americans ought to have confidence that the head of the EPA recognizes what this job is all about—defending the health of our communities, not the profits of energy companies or any other special interest; yet Mr. Pruitt has given no such assurance. Like these former EPA employees, I would not have that confidence in a Pruitt EPA.

And now, with the release next Tuesday of thousands of his emails that may document an alarming association with the very industries he is supposed to regulate, it seems particularly premature, even irresponsible, to push for a vote on his confirmation today.

I share the concerns of the thousands of Oregonians and hundreds of current and former EPA employees who have expressed their opposition to Mr. Pruitt. I will vote against him today because I do not have confidence in a Pruitt EPA.

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

FEBRUARY 15, 2017.

Subject: Concerns about Scott Pruitt's qualifications to serve as EPA Administrator.

Hon. RON WYDEN,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR WYDEN, 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 questions 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 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 gives 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 action spared much of the harm that some countries still face as result of the devastating effects of lead on human health. Similarly, early action to reduce exposure to fine particle pollution helpedavoid 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 gas 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 rule 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.

(All signatories are former EPA employees)

Mr. MENENDEZ. Madam President, I rise today in strong opposition to the nomination of Scott Pruitt to be the Admininstrator of the Environmental Protection Administration.

When looking at Mr. Pruitt's record on environmental issues, it is almost hard to know where to start.

You could examine his history of climate denial, in which he has repeatedly rejected the scientific consensus on the threat of climate change.

You could look at his cozy relationship with the oil and gas industry during his tenure as attorney general of Oklahoma.

You could argue that Scott Pruitt represents the same corporate interests and crony capitalism that have long prevailed inside the Beltway.

You could discuss his refusal to answer basic questions from the Environment and Public Works Committee, even as he asks those same Senators to vote for his confirmation.

Any one of these items should be disqualifying for a candidate tasked with leading the EPA, but the list of problems with Mr. Pruitt's nomination goes even beyond those concerns.

His nomination threatens the very foundations of the department he has been tasked with leading—whether you are talking about the Clean Air Act, the Clean Water Act, the Superfund Program, or any of the other cornerstone environmental protections Americans have long enjoyed.

Scott Pruitt has made a career out of characterizing these environmental protections as red-tape, as job-killers, and as government overreach.

That might be good rhetoric when you are arguing on the side of corporate polluters, as Mr. Pruitt has spent his career doing.

It might be good rhetoric when you are trying to mask the significant benefits of the laws you are fighting to unravel.

It might be good rhetoric, but it is not reality. The reality is that our Nation's environmental laws are designed to provide basic protections for human health and quality of life.

But that fact is often obscured by the rhetoric that Mr. Pruitt peddles. And since the EPA and many of its foundational laws were created decades ago, it can be easy to forget what the world looked like before we had strong environmental protections.

So before we confirm an EPA Administrator intent on dismantling every one of those protections, let's do a quick history lesson.

Democrat, Republican, or Independent, one thing that Americans agree on is the need for clean water. In fact, according to a 2016 Gallup poll, 61 percent of all Americans are ''a great deal'' worried—not a little worried, but a great deal worried—about pollution of drinking water, and 56 percent of all Americans are ''a great deal'' worried—again, a great deal worried—about the pollution of rivers, lakes, and reservoirs.

Among hunters and anglers, a group that many of my friends across the aisle claim to champion, those numbers are even more dramatic. A 2015 poll found that nearly 90 percent thought that the Clean Water Act was a good thing, and 75 percent supported the application of the Clean Water Act to headwater streams and wetlands.

Now, at a time when a strong majority of Americans are so concerned about the quality of their drinking water and the cleanliness of waterways across the country and support the application and enforcement of the Clean Water Act, it seems that we should be working to strengthen the protections that keep our water clean.

But that is not what Scott Pruitt has done, and it is not what he will do if we allow him to become the Administrator of the EPA. No, instead Scott Pruitt has worked tirelessly to gut the Clean Water Act.

His lawsuits have sought to undermine the fundamental protections afforded to our waterways to the detriment of the health of our families and our environment.

He has sued to prevent the Clean Water Rule, a court-ordered clarification of the protections of the Clean Water Act, from going into effect.

He has joined lawsuits and filed briefs to make it easier for mining companies to dump waste and fill material anywhere they want, destroying mountain streams and negatively impacting water quality.

Scott Pruitt didn't feel that the EPA should even have the authority to conduct a survey about industrial farming practices that can generate toxic runoff that could find its way into our rivers and streams and drinking water resources.

He has even joined big polluters in a lawsuit against a collaborative effort by Chesapeake Bay States and the EPA to clean up the bay, despite the fact that it had nothing to do with Oklahoma.

I think that Mr. Pruitt's views can best be summed up in his own words. He claims that, ''the EPA was never intended to be our Nation's frontline environmental regulator.''

Well, I have news for Scott Pruitt. When the EPA doesn't lead, cost-cutting measures undertaken by a State can lead to thousands of Americans being poisoned by lead in their water. When the EPA doesn't lead, polluters, blinded by the pursuit of profit above all else, can dump unlimited and unregulated amounts of pollution into our water.

This isn't speculation. We have seen it before. The Clean Water Act was passed in 1972 in large part due to public outrage after the Cuyahoga River caught fire in 1969. Yes, the river caught fire. This sounds outlandish and incredible to us today, but perhaps even more astounding is the fact that this was not necessarily abnormal. It wasn't the result of some single incident or accidental spill. This was the result of years of pollution and unsound practices employed by many different industries across the economic spectrum.

The Washington Post notes that the Cuyahoga burned at least 13 times, and that is just one river. River fires were recorded in Maryland, Michigan, New York, Pennsylvania, and other States as well. So it becomes clear that this was a pervasive problem, and a national problem, and a problem that had to be addressed on the national level. And we did address it largely through the Clean Water Act, but we have to continue that progress, not roll it back. Even now, in places like China, where strong federal clean water laws don't exist, these river fires still occur.

Scott Pruitt calls himself an ''advocate against the EPA's activist agenda.''

If fighting for clean water is an activist agenda; if enforcing sound environmental practices that safeguard public health is an activist agenda; if protecting wetlands that not only provide critical wildlife habitat, but also act as vital buffers that protect our communities from flooding, is an activist agenda; well, then I guess you can call me an activist, and his record has shown that Scott Pruitt is anything but. And his attacks on the Clean Water Act aren't unique. Mr. Pruitt has sued the EPA time and again in an effort to dismantle the Clean Air Act.

The Clean Air Act was enacted in 1970, at a time that many of our Nation's cities and industrial regions were blanketed in smog. In the 47 years since the passage of the law, the Clean Air Act has proven to be one of the most effective public health measures ever taken in this country. Under the Clean Air Act, we have achieved 70 percent reductions in the levels of six of the most dangerous air pollutants.

Under the Clean Air Act, new heavy-duty trucks and buses became 99 percent cleaner than those vehicles were in the 1970s. Under the Clean Air Act, lead was banned from gasoline, ending a significant health risk—one that was particularly dangerous for children. It was the Clean Air Act that gave us the tools to drastically cut the pollutants that cause acid rain. The Clean Air Act helps to protect downwind States like New Jersey from pollution emitted by power plants in other States. The Clean Air Act has been used to phase out pollutants that destroy the ozone layer, yielding significant health benefits including a reduction in skin cancer. The Clean Air Act has been used to reduce mercury from power plants, preventing tens of thousands of premature deaths, heart attacks, and asthma attacks. The Clean Air Act has helped reduce pollution at our National Parks, supporting tourism and local economies across the country. And in 2007, the Supreme Court affirmed the Clean Air Act's role in the environmental crisis of our time, the fight to reduce greenhouse gas emissions and protect against the threat of climate change.

It is worth noting that, since the Clean Air Act became law, the Nation's gross domestic product grew by 246 percent—so much for job-killing regulations.

But in spite of these benefits, benefits that accrue to every American and benefits that save lives and reduce disease, Scott Pruitt has a record a mile long trying to dismantle the Clean Air Act.

He sued the EPA over cross-state air pollution rules. He sued the EPA over mercury and air toxin limits. He sued the EPA when they tried to reduce smog. He sued the EPA when they limited pollution in national parks. And he sued the EPA when they proposed limiting carbon pollution from power plants.

Mr. Pruitt's record has repeatedly demonstrated that he has no interest in maintaining basic environmental standards. I have no reason to believe that he would behave any differently if confirmed as EPA Administrator. But Scott Pruitt's disdain for the EPA goes beyond even the lawsuits he filed.

In questions for the record for the Environment and Public Works Committee, Mr. Pruitt was asked to name even one EPA regulation he supported and he couldn't name even one.

He wasn't put on the spot. These were written questions, which Mr. Pruitt had ample time to consider and answer. And yet he couldn't produce a single example of an EPA standard he supported.

An EPA standard that immediately comes to my mind is Superfund—a bipartisan program committed to ensuring that polluters pay to clean up their toxic dump sites.

New Jersey has the most Superfund sites of any State in the Nation—114 total. These sites threaten public health, stifle economic opportunity, and undermine quality of life.

They are a toxic legacy from a time when we had no watchdog to prevent corporations from dumping their waste into our soil or our water.

Today there are over 1,300 Superfund sites throughout the Nation—13 sites in

Alabama, 37 sites in Wisconsin, 53 sites in Florida, and even 7 sites in Oklahoma, Mr. Pruitt's home State.

This is a problem that transcends geographic and partisan divides. It is a challenge we should be united in our commitment to fixing. Yet Mr. Pruitt wouldn't even cite Superfund as an example of an EPA regulation he supported. If he doesn't support the program, how can we trust him to implement it?

EPA is absolutely critical in bringing the companies responsible for pollution to the table, creating strategies for cleaning up these sites, and overseeing the clean-ups themselves.

How can we trust Mr. Pruitt to negotiate on behalf of our communities if he can't even bring himself to admit the value of the law?

The fact that a program as basic and bipartisan as Superfund didn't garner Scott Pruitt's support should be of concern to us all.

The U.S. has many environmental challenges left to confront, but we have also made a lot of progress since the days before we had strong environmental protections.

We can't turn back the clock to the days when rivers caught on fire, when smog choked our cities, and when corporations were free to dump unlimited chemicals into the soil and water. Yet, that is exactly what Scott Pruitt has spent his career doing. His tenure as Oklahoma Attorney General provides example after example of legal actions taken on behalf of moneyed corporate polluters, but he failed to provide even one real example of action he took against polluters on behalf of the people of Oklahoma.

I take my responsibility to provide advice and consent to the President on his nominees very seriously, and as I have looked into Mr. Pruitt's record, one thing has become abundantly clear. Scott Pruitt doesn't work for you. He works for the polluting industries that have bankrolled his political career. His nomination to head the EPA poses significant risk to our Nation's most basic environmental protections.

Protections like the Superfund program, the Clean Air Act, and the Clean Water Act have provided a legacy of health and wellness for millions of Americans. And time and time again, Mr. Pruitt has proven untrustworthy as a protector of that legacy.

For that reason, I oppose his nomination as Administrator of the EPA and urge my colleagues to do the same.

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

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

Mr. MORAN. Madam President, I ask unanimous consent that I be able to be speak as in morning business.

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

AGRICULTURE

Mr. MORAN. Madam President, the Natural Resources Conservation Service is one of the best opportunities we have—and some of the best stewards we have for caring for lands in Kansas are our farmers and ranchers. What a great combination in the public-private partnership when we work together to improve our water quality and quantity, work to make sure our air is cleaner, make certain, as best we can, that the dust doesn't blow in Kansas.

While we talk about environmental issues, I want to mention the work that goes on in my home State and places across the country with a partnership that occurs by the Department of Agriculture—USDA—its agency, the NRCS, and landowners in my State.

I want to highlight the circumstances those farmers and ranchers find themselves in today. In 2016, the price of wheat hit a decade low. Wheat prices fell from a high of $7.60 a bushel in 2013 to $4.11 per bushel in 2016, from $7.60 to $4.11 in just a short period of time.

Unfortunately, those prices have continued to stay low. Often in Kansas, when commodity prices are a challenge for those who raise crops, we are able to supplement our income by the price of cattle—our ability to raise quality beef and to sell that in markets and to compensate for the challenges that occur on the crop side of agriculture.

Unfortunately, the same thing has happened in the livestock market as well. Live cattle prices dropped from $166 per hundredweight in January of 2015 to $132 per hundredweight in January of 2016; again, a fall from $166 to $132.

Those things combined, low commodity prices, low price for wheat, low prices for cattle, mean that agriculture in rural America is hurting greatly. This is a tremendous challenge and appearing to be perhaps the most difficult time that agriculture producers, farmers, and ranchers face in the Midwest since the thirties.

I have come to speak about this today. Senator ROBERTS, the chairman who chairs the Agriculture Committee, is having a hearing of the Agriculture Committee in Kansas during the next few days. I appreciate the opportunity he is providing Kansans to have input as the process begins for a new farm bill. I congratulate him and welcome the input that everyday folks who earn a living in agriculture will have as a result of his efforts.

What I want to highlight today is that with the circumstances so challenging, we need to do things that reduce the input cost associated with production agriculture. But the focus I want to make today is that we need every market possible for our farmers and ranchers to sell into. Ninety-five percent of the mouths to feed, 95 percent of the consumers are outside the United States, and our ability to survive in agriculture in Kansas and this country is related to our ability to export those agriculture commodities, as well as food products, around the globe.

In the confirmation hearings that I have been involved in based upon my committee assignments and in addition to conversations with the nominee to be the Secretary of Agriculture, Governor Perdue, I have highlighted time and time again the importance of exports.

If we face this struggle—a struggle we do absolutely face today—a way we can help improve that circumstance is to sell more grains, more meat products, more beef, more pork into foreign country markets. It is not happening the way it needs to happen to lift the prices and therefore increase the chances that farmers and ranchers will survive the difficult and challenging economic circumstances.

I almost said ''as an aside.'' Let me mention another challenge. It really isn't an aside, it is so important. We have difficult times in agriculture. It is a cyclical world, and prices are up and prices are down based upon the laws of supply and demand. But in difficult times, we have always in the past been able to count upon a lender, a banker who is willing to help that farmer, that rancher get through difficult times.

The regulatory environment our bankers now face, particularly in rural communities where there is a relationship—we often operate in banks in my State, and certainly in rural communities across Kansas, as a result of a relationship. So our bankers—those who lend money to farmers—know those farmers. They know their families. They know their parents, their grandparents. They were the financier. They were the ones able to lend working capital to farmers in good times and bad.

Our regulators and I have visited with the Officer of the Comptroller of the Currency, the FDIC, the Federal Reserve, the state banking commissioner in our State, all with the message that in these difficult times, we can't let the consequences of Dodd-Frank overwhelm the ability for a banker to continue to make decisions about lending money to agriculture producers. We can't let the authority of making that decision, based upon long generations of relationships between those in agriculture and those in financing agriculture, be overcome by the rules and regulations that followed the passage of Dodd-Frank, particularly as it relates to those relationships with community banks and lenders.

So while it is challenging in agriculture due to the prices, one of the reasons we have been able to survive over the years in low-price times is because of that relationship and understanding.

I know this farm family—this is the banker talking—I know this farm family, and I have lent money to them for a long time. I lent money to their father or their grandfather, their mother

or their grandmother. They have the integrity, the character, and the ability to repay.

If the lending in rural America becomes nothing more than a computer program in which you punch in the numbers and character becomes something that is irrelevant—there is not a computer program to measure character. If we lose the opportunity for a relationship developed between a lender and a farmer, we lose the ability to make things work in difficult times. Those times are with us.

The primary point I would like to make today is that we need exports and we need them now. And while there is always a debate about the value of a particular trade agreement—and that debate is useful—we ought never lose sight that there is no real debate about the value of exports. So we need to put in place the mechanisms that allow farmers and ranchers and others in my State to be able to export a product around the globe.

I would encourage the administration and I would encourage Members of Congress, as we develop our policies in this new session, to make certain that exports are front and center in our economic policy because the survival of the folks I represent in Kansas and the communities in which they live is in jeopardy if we don't get those markets back and if we don't retain those markets.

Exports are important to us. We can't afford not to pursue each and every one of them. If we are not going to have multilateral trade agreements, we need to have bilateral trade agreements, and we can't wait very long for those agreements to take place.

Again, 95 percent of the consumers live outside the United States, and our ability in Kansas to have a bright future is determined by the ability to connect with those consumers outside the United States.

If I can take just one more moment to also point out that I have requested USAID and the Department of Agriculture in our food and hunger programs around the globe to increase the role that wheat and other commodities play in feeding a hungry world. We want to sell commodities in the export market, but as we develop our programs to combat hunger, we can get something that is very noble and something very valuable—helping people around the globe be able to go to bed with a full stomach is a desirable and noble goal, and the utilization of an increasing amount of agriculture or commodities grown in the United States in that effort would benefit farmers in our country, as well. It is the proverbial win/win. The noble accomplishment of helping people fight back food insecurity and at the same time creating an additional opportunity for the export of wheat, for example, which, because of significant amounts of harvest, is in an overabundant supply—is in abundant supply here in the United States.

Madam President, thank you for the opportunity to visit with my colleagues here on the Senate floor today and to express the desire to work with each of them as we develop the efforts to make certain that exports are front and center, particularly as they relate to agricultural interest of the United States.

Madam President, I yield my time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, my friend from Kansas is here. A lot of people around the country think there is probably not much we agree on. I want to say that I agree with just about everything the Senator from Kansas just said. And the fact that 95 percent of the world's markets are outside of our borders—if we lose sight of that, forget about the value of exports; we make a huge mistake.

I was a supporter of the Trans-Pacific Partnership. I believe the Senator from Kansas was, as well. Some people are saying: Well, we need to forget all about that, and what we need to do is renegotiate NAFTA.

In the context of negotiating the transpacific trade agreement, we negotiated NAFTA. I hope you won't throw out that baby with the bath water as we go forward.

I commend the Senator for his remarks and say how much I enjoyed working with him on many issues. I hope to work with him again.

Madam President, I mentioned earlier today before the Presiding Officer took the chair that I received a lot of letters, emails, phone calls, and faxes from Delawareans who are concerned about the nomination of Mr. Pruitt to lead the EPA. As of today, my office has received a total of 7 letters supporting Mr. Pruitt's nomination and we have received 1,880 letters opposing his nomination—remarkable numbers. Please compare this number to the 278 letters my office received opposing the nomination of Congressman TOM PRICE to lead the Department of Health and Human Services. That is pretty amazing. The Republican nominee to lead the Department of Health and Human Services, 278 letters against; Mr. Pruitt, 1,880 letters and emails against. Delawareans are clearly paying attention, and they are clearly concerned by the idea of Mr. Pruitt being charged with safeguarding our environment and our health.

I want to take a moment to read a letter sent to me—I have gotten a lot of letters—a letter sent to me last week from a woman named Danielle D., a new mother and small business owner who lives in Wilmington with her infant son. Danielle wrote to me because her concerns go beyond politics and to the core values of giving our children the best lives possible. Danielle writes:

> Dear Senator Carper, I am reaching out to you today as both a new mother and a small business owner urging you to oppose Scott Pruitt's nomination as Administrator of the U.S. Environmental Protection Agency.
>
> As a business owner, I support a number of President Trump's cabinet nominations and many of his pro-business policies. But there are very few policy decisions that touch every facet of our lives like environmental policies do. Our environment affects our health, our economy and our everyday lives. The decisions we now make will affect Americans for generations to come.

She goes on to say:

> My son is 5 months old. Like any parent, I can only hope I am able to advance my son's life by leaps and bounds, as my parents did for me.
>
> However, I am extremely concerned that, should Mr. Pruitt be chosen as the next Administrator of the EPA, the decisions we make today will make it nearly impossible for me to leave my son a better environment than the one I brought him into.
>
> In short, we need an EPA Administrator who will work to prove America is the best when it comes to environmental policy. Mr. Pruitt is not that person.

I share this letter today so that our colleagues know that my constituents and, indeed, Americans across the country do care deeply about the person who will lead the EPA, although they may support other nominees of President Trump. Those who have contacted us want to know that the individual leading the EPA is on their side and that the first question that person will ask is, How will this affect the environment and how will this affect the health of the least of these, like Danielle's 5-month-old son?

Clearly, thousands upon thousands are afraid or fearful that Scott Pruitt doesn't care to ask those questions and that he will not be an advocate for the American people whom the EPA is charged with protecting. I share their concerns.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I rise in support of Attorney General Scott Pruitt to be the next Administrator of the Environmental Protection Agency, and I think it is important, as we are continuing this debate, to make a couple of things perfectly clear.

We all, like the Senator from Delaware who has been leading the debate, believe in clean water, clean air, how important that is to all Americans, certainly important to my State, which has some of the cleanest water, cleanest air, the most pristine environment in the world. I certainly don't think any of us debate that. We all agree on properly disposing of waste and cleaning up contaminated sites. And just this past year, Congress passed very dramatic legislation, very important—bipartisan, by the way; I am on the Environment and Public Works Committee—the Toxic Substances Control Act, TSCA, which does that. And I think most of us agree that the EPA has an important role in ensuring that we have clean water—within the authority granted to that Agency by Congress. So I think the vast majority of this body agrees with that.

But as I have been listening to my colleagues on the other side of the aisle and their criticism of Attorney General

Scott Pruitt, one thing that has not come up over the past 24 hours in this debate—as a matter of fact, on the EPW Committee, on which I sit, the past 2 years, I don't think I heard my colleagues on the other side of the aisle ever talk about this issue, and it is a very important issue for the country. It is the rule of law and the U.S. Constitution.

We have been debating Scott Pruitt's nomination for a while now, but not one of my colleagues has uttered that phrase—not one—even though many of my colleagues are lawyers and former law professors and former attorneys general themselves.

Why is this important? Why is it important to have a debate on the rule of law when we are looking at Scott Pruitt's nomination?

Well, I think it is incredibly important because if you looked at the EPA's actions and activities and focus over the last 8 years—the last 8 years—it has not been an Agency that has focused on the rule of law. In many ways it has been a lawless Agency, a rogue Agency. So when we are having this debate, we need to put the debate of Scott Pruitt's nomination and confirmation in the context of what has happened over the last 8 years.

We have had an Agency in the EPA that does not listen to States, even though it is required to by Federal law; that ignores the rule of law, as evidenced by numerous Federal court decisions rebuking it; and that believes it has the power to regulate every nook and cranny of American life—every economic activity of America. That is literally what we have right now with regard to our current EPA. This is not just one Senator making this claim. It has become the conventional wisdom and the common narrative with regard to this EPA in the last 8 years by a variety of Federal courts and law professors throughout the country.

Let me provide a few examples. A number of my colleagues have talked about the waters of the United States rule, WOTUS, and how this aggressive, far-reaching rule claims authority—the EPA claims authority to regulate literally puddles and irrigation ditches throughout the country, an enormous power grab.

A number of us were concerned about this. In hearings and in letters, I asked the previous EPA Administrator, Gina McCarthy, where she got the legal authority to do this. It was a pretty big deal. It took months to get an answer. States, under the law, are supposed to be consulted on this issue. States like my State, the great State of Alaska, were not consulted. They were ignored.

So what happened? What happened? Thirty-two States—bipartisan by the way, including Alaska—sued the EPA over this law, over this regulation, the waters of the United States. This is a critical point. ''Cooperative federalism,'' another term I have heard very little of in this debate, is the bedrock of environmental laws like the Clean Water Act and the Clean Air Act. The principle establishes that the States and the EPA are partners. Indeed, under these Federal laws, the States are the primary protectors and implementers of our environmental protection laws.

That is in the law. That is in the Federal law. But for the past 8 years, the EPA has consistently ignored this on major rules. The most dramatic is right here, the waters of the United States. Thirty-two States sued to stop the EPA on this regulation. What happened in the lawsuit? The Sixth Circuit Court of Appeals put a stay on the entire rule, expressing serious doubts about its legality. That is one instance and a big deal.

Let's look at another one, the so-called Clean Power Plan. I know the Presiding Officer has talked this, about how it is very concerning for her State of West Virginia. Whatever your views are on climate change and the appropriate response, there should no debate in this body that we have to address this issue in a way that is consistent with the U.S. Constitution and rule of law—no debate.

Again, I never hear anyone talk about the rule of law on the other side. So this rule is promulgated. Once again, the Environmental Protection Agency, in the promulgation of this rule, took actions that the court and commentators across the political spectrum viewed as likely another illegal rule by the EPA.

So, like the waters of the United States rule, numerous States and others sued to stop the Clean Power Plan, in which the Environmental Protection Agency claimed somehow they had the authority to regulate almost the entire U.S. energy sector. Look at the rule. That is what they are claiming, that Congress somehow gave them that power.

In a previous Supreme Court case called Utility Air Regulatory Group, which was a lawsuit against the EPA—at the time I was serving as attorney general for the State of Alaska and was one of the AGs who initiated this suit—the EPA lost that one, and the Supreme Court and Justice Scalia, in writing the majority opinion stated:

> When an agency, the EPA, claims to discover in a long extant statute an unheralded power to regulate a significant portion of the American economy, we typically greet its announcement with a measure of skepticism. We expect Congress to speak clearly if it wishes to assign an agency decisions of vast economic and political significance.

In other words: EPA, you didn't have the power to regulate a huge swath of the American economy. The Supreme Court struck that down—Utility Air Regulatory Group v. Environmental Protection Agency—so it was not surprising that with regard to the Clean Power Plan regulation, the Supreme Court of the United States put a stay on that rule. The Supreme Court of the United States put a stay on that rule before any other court, any other lower court, a district court, a court of appeals, had heard the arguments on that rule. Think about that. Do you know how many times the U.S. history that has happened? Do you know how many times in the history of the U.S. Supreme Court that has happened? Never before. It was the first time in the history of the Supreme Court that it saw a rule that it probably felt was so egregious that it put a stay on it before any other court ruled on that rule. It was pretty dramatic, pretty remarkable.

Clearly, the U.S. Supreme Court has serious doubts about whether the EPA is acting in a lawful manner on the Clean Power Plan. If you think it is just conservative jurists and lawyers and Senators who hold that view, you would be mistaken. Here is what Laurence Tribe said about the EPA's authority with regard to the Clean Power Plan.

For those of you who don't know Laurence Tribe, he is a very well-respected constitutional law professor at Harvard but very liberal. He was President Obama's law professor, but he is well-respected. Here is what he said about the EPA's authority on this very important regulation. He wrote in challenging the Clean Power Plan:

> Even more fundamentally, the EPA, like every administrative agency is constitutionally forbidden to exercise powers Congress never delegated to it in the first place. The brute fact is that the Obama administration failed to get climate legislation through Congress. Yet the EPA is acting as though it has the legislative authority anyway to re-engineer the nation's electrical generating system and power grid. It does not have this power.

That is Laurence Tribe. He later testified in front of the House Energy and Commerce Committee in 2015 with regard to this regulation:

> The EPA is attempting to exercise lawmaking power that belongs to Congress and the judicial power that belongs to the Federal courts. Burning the Constitution should not be part of our national energy policy. EPA is attempting an unconstitutional trifecta: usurping the prerogatives of the States, Congress and the Federal courts all at once.

That is Laurence Tribe. That is Harvard professor Laurence Tribe, who believes EPA is clearly acting in an unconstitutional manner.

It is not just losing in court and in the realm of both conservative and liberal leagues of public opinion; it has been the way that the EPA leadership, from the top to its foot soldiers, has treated the American people over the last 8 years—the American people whom the Environmental Protection Agency is supposed to serve.

That treatment can be described in many ways as with disdain. Let me provide a few examples of that. On the eve of another Supreme Court case, which the EPA lost—this is EPA v. Michigan—EPA Administrator Gina McCarthy was asked on a TV show, Did she think she was going to win the case?

She responded as you would think most Administrators would. She said

yes, she was going to win. OK. That is fine. She probably believed it and had good lawyers telling her that. But then she went on to say this:

But even if we don't [win], it was 3 years ago. Most of [the companies] are already in compliance, investments have been made, and we'll catch up.

Think about that quote. This is the head of the EPA, essentially saying: Even if we lose, we win. We are the Federal Government. We don't have to abide by the law. Those companies and American citizens who are abiding by the law, who are abiding by the regulations, they have already made investments—hundreds of millions. They are stuck. We win. Heads we win, tails we win. That is a remarkable statement by the leader of a Federal Agency who shows disdain for the law.

Let me give you another example. My colleague and good friend from Colorado came down and talked about the Animas River and what happened there. Clearly it was a mistake. I don't believe that the EPA meant to do that, to spill millions of gallons of toxic waste into a river. But in a hearing in the EPW Committee, I asked the Administrator: Well, are you going to hold the EPA officials who did that to the same standard you would the private sector? In the private sector, in similar kinds of activities, the EPA has actually criminally charged people for doing something like that—negligence—criminally charged them.

She looked at me and said: Senator, not only are we going to hold ourselves to that standard, we are going to hold ourselves to a higher standard.

OK. That is a pretty good answer.

So what has happened on the Animas River, with the EPA holding themselves to a higher standard? Remember, they put people in jail for doing this. Was anyone held responsible? Was anyone criminally charged? Did anyone go to jail?

Of course not. Nothing happened.

In my State, the EPA's disdain for my constituents has manifested itself in a couple of remarkable ways. First, we had the Administrator, former Administrator Gina McCarthy, in Alaska visiting after she came into office.

There was a big Wall Street Journal article on her visit. She was given some gifts by Alaskans, my constituents, the people she serves. When she was given gifts from my constituents on her visit to my State, she was later asked by a reporter what she did with them according to the government ethics rules.

Here is a quote from that story:

[Gina McCarthy] has been surprised by the government ethics bureaucracy and its gift guidelines. Remarking how officials chased her down for a dinky North Pole—

That is a community in Alaska—

pin someone gave her at an event as a gift (''I threw the f-ing thing away,'' she told them).

With regard to another gift she got, a jar of moose meat from a young girl at a hearing in Alaska, she said that gift ''could gag a maggot.''

This was the leader of an Agency serving the people, and yet she was doing it in a way that is clearly disrespectful.

Let me talk about another incident in Alaska, in a place called Chicken, AK, where we have plaster miners out mining—small mining operations, family businesses, mining for gold.

The EPA thought there was going to be some Clean Water Act violations, which they never found. So what did they do? They didn't talk to the local community. They did a raid—body armor, assault weapons—on my constituents, a raid, a military assault to find clean water violations, which they never found, and they never apologized for the raid.

Now, you might ask: What does all this have to do with the nomination of Attorney General Pruitt? My answer is: Everything; everything.

He understands that the EPA needs a serious course correction, that it must get back to listening to the States and following the rule of law and, most importantly, regaining the trust of the American people, which has been lost over the last 8 years due to some of the actions I just described.

The American people see this. They see statements like this, and they know this has been an Agency that has not been acting in their interests and has not been acting according to the law.

Not only does Attorney General Pruitt understand this, he emphasized this during his confirmation hearing—6 hours long, which I sat through the entire thing.

Let me conclude by reading a few excerpts of his opening statement. The American people need to hear this because this is what Attorney General Pruitt is going to do when he leads the EPA. He said his priorities were:

First, under our Constitution, the role the EPA plays in protecting the environment is defined by statute, just as statutes limit every Federal Agency.

Members of this body—the Senate—and the House of Representatives have worked tirelessly over decades to set the balance in environmental policies through laws that have been passed. The EPA's role is to administer those laws faithfully.

As attorney general of Oklahoma, he stated: I saw examples where the Agency became dissatisfied with the tools Congress had given it to address certain issues and bootstrapped its own powers and tools through rulemaking. This, unfortunately, has only resulted in protracted litigation, where the courts suspended most of these rules after years of delay.

In the meantime, we lost the opportunity for true environmental protection as a nation. This approach is not right. So getting back to the rule of law, that is No. 1 for Attorney General Pruitt.

Second, he said:

Cooperative federalism must be respected and applied by the EPA with regard to our environmental laws. Congress has wisely and appropriately directed the EPA through our environmental statutes to utilize the expertise and resources of the States to better protect the environment, and for the States to remain our nation's frontline environmental implementers and enforcers. If we truly want to advance and achieve cleaner air and water the States must be partners and not mere passive instruments of federal will. If confirmed, I will utilize the relationships I have forged with my counterparts in the States to ensure that EPA returns to its proper role, rather than using a heavy hand to coerce the States into effectuating EPA policies.

Cooperative federalism—that is in the law, and he wants to uphold it.

Third, and finally, he said:

It is critical to me that EPA also truly listen to the diverse views of the American people, and learn from them. If confirmed as Administrator, I am committed to ensuring EPA's decisions are conducted through open processes that take into account the full range of views of the American people, including the economic consequences of any regulation.

Environmental regulations should not occur in an economic vacuum. We can simultaneously pursue the mutual goals of environmental protection and economic growth. But that can only happen if EPA listens—listens to the views of all interested stakeholders, including the States, so that it can determine how to realize its mission while considering the pragmatic impacts of its decisions on jobs, communities, and most importantly, families.

Finally, in the closing of his opening statement, Attorney General Pruitt said this:

My time as Attorney General of Oklahoma afforded me the opportunity to travel my state meeting farmers, ranchers, landowners, and small business owners of all sorts. These are good people—hardworking Americans who want to do the right thing by the environment. They want the air that their children breathe and the waters in which they swim to be clean. They want to follow the law. But recently they have felt hopeless, subject to a never ending torrent of new regulations that only a lawyer can understand. They fear the EPA, and that just shouldn't be the case. If confirmed, I will work tirelessly to ensure that the EPA acts lawfully, sensibly, and with those hardworking Americans ever in mind.

That is how he ended his testimony.

Scott Pruitt is the right person to lead the EPA. We have gotten to the point, as he noted in his testimony, where millions of Americans, including some of my constituents in Chicken, AK, certainly have come to fear their own Federal Government, especially when it acts in a lawless fashion.

He is exactly the right person, with the right qualifications and the right emphasis to fix this problem, and I encourage all of my colleagues to support the confirmation vote we are going to make on him in a few hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Madam President, no one wants to live on a dirty planet. Before we created the Environmental Protection Agency, the EPA, nearly 50 years ago, rivers actually caught fire from pollution, smog covered our cities, and powerplants spewed arsenic

and mercury into the sky with impunity.

In the years since, the EPA has been at the vanguard of the effort to protect the air we breathe and the water we drink.

This work is not easy, and the person who leads the EPA has a tough job. It requires toughness and fortitude to fight back against polluters and special interests.

In all the years the EPA has been around, we would be hard-pressed to find someone more hostile to the Agency's fundamental mission or as less suited to leading it than Scott Pruitt is.

As Oklahoma's attorney general, Mr. Pruitt organized, led, or participated in virtually every challenge to the EPA's work during his time in office. His lawsuits have, among other things, sought to prevent the EPA from enforcing rules that keep our water safe, protect our air from harmful pollutants, like mercury and arsenic, and limit the carbon pollution that causes climate change.

These lawsuits beg the question: Does Scott Pruitt believe the EPA should even exist? In the weeks and months since he was nominated, Mr. Pruitt has gone out of his way to try and smooth over his record and say what he thinks we want to hear, but we can't fall for it.

Instead of listening to what he is saying now, let's examine more closely what he has done as Oklahoma's attorney general.

His record is troubling. Throughout his term of office, Mr. Pruitt has been very cozy with fossil fuel companies and affiliated interest groups.

A 2014 investigation by the New York Times revealed that energy lobbyists drafted letters for Mr. Pruitt to send on State stationary to the EPA against the Obama administration's environmental regulations.

The CEO of Continental Energy—an oil and gas company based in Oklahoma—served as the campaign chairman for his reelection bid. We just got word yesterday that a State district judge in Oklahoma ordered the attorney general's office to turn over as many as 3,000 documents related to Mr. Pruitt's communications with oil, gas, and coal groups during his time in office. Unfortunately, we will not get a chance to see what these documents reveal before voting on his confirmation.

Based on his record and associations, however, I think we can make an educated guess that these documents will reveal the extent of Mr. Pruitt's ties to fossil fuel interests, and we have no reason to believe he will renounce these connections if confirmed to serve as EPA Administrator.

He also fought relentlessly against the EPA's efforts to establish basic limits on smog, arsenic, mercury, and other dangerous air pollutants.

Mr. Pruitt, for example, sued the EPA not once but twice to overturn the Mercury and Air Toxics Standards. These standards would prevent 40,000 pounds of mercury emissions every year and would help keep our food supply safe from contamination.

Mr. Pruitt has also repeatedly questioned whether climate change is real.

In an op-ed in the Washington Times, Mr. Pruitt refused to accept settled science that humans contribute to climate change. He said there are ''a wide range of viewpoints regarding the extent to which man contributes to climate change.''

In the National Review, Mr. Pruitt said ''scientists continue to disagree about the degree and extent of global warming.''

The fact is, 97 percent of scientists agree that climate change is real and that human beings contribute to it. I hardly think 97 percent of scientists agreeing constitutes a wide range of viewpoints on climate change and the extent to which man contributes to it.

From his perch as Oklahoma's attorney general, Mr. Pruitt sued to prevent President Obama's Clean Power Plan to cut carbon emissions from taking effect. He argued that the Federal Government doesn't have the authority to regulate carbon emissions. This is wrong.

The Supreme Court ruled twice—first in Massachusetts v. EPA in 2007 and again in Utility Air Regulatory Group v. EPA in 2014—that the EPA has the authority to regulate carbon emissions as pollution under the Clean Air Act.

If confirmed, Mr. Pruitt has promised to kill the Clean Power Plan and undo much of the positive work that President Obama did to address climate change.

Mr. Pruitt also has a track record of undermining enforcement of environmental laws and regulations. Shortly after becoming Oklahoma's attorney general in 2010, Mr. Pruitt gave us a taste of what is to come at the EPA when he eliminated the Environmental Protection Unit within the Oklahoma attorney general's office.

For years, this unit investigated water contamination from refineries, lead paint waste, and illegal dumping. In its place, he created the innocuous sounding Federalism Unit. Unlike the unit he eliminated, whose mission was to protect the health and safety of Oklahomans, the Federalism Unit's job is to handle all of Mr. Pruitt's legal challenges against the EPA. Over the past 3 years, Mr. Pruitt has increased the budget of the Federalism Unit by over 700 percent, and the taxpayers of Oklahoma get to foot that bill.

Mr. Pruitt's record paints a clear picture: His priorities directly conflict with the EPA's mission to protect public health and the environment. He is much more concerned about protecting corporate interests than keeping our communities healthy and safe from pollution.

Over the past few months, I have heard from thousands of my constituents who have urged me to oppose Mr. Pruitt's nomination. I would like to read two of the letters I have received. Georgia is a Ph.D. student at the University of Hawaii. She wrote:

> I strongly oppose Scott Pruitt's confirmation as EPA Administrator. Mr. Pruitt is a climate change denier who has actively worked against the mission of the agency.

As a Ph.D. student in science, I know we need an EPA administrator that respects science and supports clean air, clean water, and a healthy environment. Pruitt is the wrong choice for our nation and must be rejected.

Keiko from Kaneohe also wrote to explain what this fight means to her.

> This is not a bipartisan issue, but it is as much an American issue as it is a Hawaiian issue, a human issue, and an issue of all inhabitants of Papa, mother earth. I ask that you continue to be vigilant and 'onipa'a in the face of climate change deniers . . . Mahalo for looking out for everyone living today and going to be born tomorrow.

We have come too far over the past 8 years to let someone like Scott Pruitt destroy the progress we have made. I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Madam President, I also rise today to oppose the nomination of Scott Pruitt to be Administrator of the Environmental Protection Agency.

I believe the President should be able to assemble his or her own team, and I understand that elections have consequences and that a President should be able to put forth his or her policy agenda. I voted on this floor many times in support of nominees with whom I have policy differences, but they have been qualified persons, experienced in their field, who believe in the fundamental mission of the agency they are tasked to lead. That is not the case with Attorney General Pruitt. Mr. Pruitt has extreme environmental policy views, and he has zero experience running the Environmental Protection Agency. In fact, he does not believe in the fundamental mission of the EPA. Attorney General Pruitt made his name opposing EPA rules that protect human health and the environment—fighting against clean air and clean water, disregarding the science behind the EPA's protections for human health and the environment on behalf of for-profit special interests, not the public interest.

He has brought 19 suits against the EPA. Eight are currently pending in courts, and if confirmed, he won't recuse himself from all the pending cases. As a lawyer and especially as your State's top lawyer, you shouldn't change sides in litigation. It is just not right. There may be an ethics violation here. I have never heard of a lawyer representing both sides of a case.

Let's look at just a few examples from his litigation records, starting with his opposition to clean air. Mr. Pruitt is leading litigation against the EPA's ozone or smog rule. In 2015 the EPA revised its ambiant air standards

for ground level ozone. The EPA was long overdue in revising its ozone standards to protect public health. It even had to be sued by States and environmental organizations to make sure the standards adequately protected human health. High concentrations of ozone are bad for public health, children, and older adults, and people with lung diseases such as asthma are especially vulnerable.

The EPA set a standard of 70 parts per billion. This standard is based on the best science, which included thousands of studies analyzing the effects of ozone on public health. In addition, the EPA built in flexibility for States that would have trouble meeting the standard. But the Oklahoma attorney general currently leads a four-State charge to do away with the rule.

Mr. Pruitt thinks it is OK for powerplants to emit unhealthy levels of mercury and other toxins into the air. In 2011, the EPA passed the mercury and air toxics standards. This rule limits emissions from powerplants of mercury, arsenic, and other metals. Like the ozone standard, this rule was long overdue, and the EPA was forced by the courts to develop the standard.

The science is well established that these toxins are a serious public health threat. Fortunately, there are proven and available technologies to limit the emissions. Scott Pruitt fought the mercury and air toxics standards, and he is still litigating in court against the standards even though the vast majority of powerplants in the Nation are currently in compliance with the standards.

Just to show you how serious this is in my home State of New Mexico, pregnant women and children can only eat a very small amount of fish from the streams of New Mexico. Our streams are polluted with mercury. The levels are so high that vulnerable populations are advised to severely limit their consumption. Scott Pruitt wants to continue this pollution of our streams.

Mr. Pruitt testified in the hearing before the EPW Committee that he saw a role for the EPA to address pollution that crosses State boundaries, but his litigation history does not support that testimony. As Oklahoma attorney general, he fought the EPA's cross-state air pollution rule, a rule designed to reduce powerplant emissions across State lines that cause smog and pollution and health problems in downwind States. Especially, the cross-state air pollution rule reduces sulfur dioxide, or SO 2, and oxides of nitrogen or NO_X emissions. NO_X emissions contribute to fine particle and soot pollution and to ground level ozone formation, otherwise known as smog. Even though this pollution affects the air and health of downwind States, Mr. Pruitt sided with the powerplants.

Air pollution is not the only problem that crosses State lines. River and stream pollution does not stop at State boundaries either. The EPA and the U.S. Army passed the clean water rule in 2015. The rule clarified a dizzying set of Supreme Court cases defining protected water. The EPA and the Army reviewed the best science, reviewing more than 1200 peer-reviewed public scientific studies to define protected waters.

New Mexico is an arid State. We have very little surface water. We need to protect all of our surface water for domestic, agricultural, industrial, and recreational uses. By the way, the EPA and the Army's definition of surface waters is no broader than my own State's definition of surface waters. New Mexico's definition is appropriate and reasonable to protect our precious surface water.

The attorney general of Oklahoma is fighting the clean water rule, too, even though it protects against cross-state pollution.

Here is one more example—the Clean Power Plan. The Clean Power Plan is our country's best effort to address climate change. We know that climate change is happening. We know that the climate change is primarily caused by humans. We know that powerplants are a major contributor. We know that we need to take action and that we need to take action fast to protect our planet. The Clean Power Plan significantly reduces carbon dioxide emissions from existing, modified, and future powerplants. The Clean Power Plan was developed based on the best science. It was developed based on a tremendous amount of input from the States, industry, environmentalists, and others. It provides States with a lot of flexibility with how to comply. Mr. Pruitt, true to form, is litigating against the Clean Power Plan. Mr. Pruitt apparently does not understand the science of climate change.

In the National Review in 2016, he wrote: ''Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind.'' During his confirmation hearing, he similarly stated:

> Science tells us that the climate is changing and human activity in some manner impacts that change. The human ability to measure the extent of that impact is subject to continuing debate and dialogue as well as they should be.

That is not what science tells us. That is maybe what fossil fuel special interests tell him, but that is not what science tells us. His views are not consistent with the scientific consensus on climate change. The 2013 report from the Intergovernmental Panel on Climate Change found it ''extremely likely'' that more than half of the global warming that occurred between 1951 and 2010 was a consequence of human emissions of carbon dioxide and other greenhouse gases.

So many of the decisions made and the regulations passed by the EPA rely heavily upon good science. It is absolutely critical that the EPA Administrator understand and use the best science.

I am not convinced that Mr. Pruitt understands and will use the best science if he is confirmed to lead the EPA.

When developing regulations, the EPA must first follow the law's requirements to protect human health and the environment. Then, within the law's requirements, the EPA should take account of input and information from all sources—from industry, environmentalists, States, and public agencies.

I am not convinced that Mr. Pruitt will follow the law's requirements to protect public health and the environment, and I am not convinced that he will take into account the input of all stakeholders. Throughout his career as attorney general, Mr. Pruitt has aligned solely with industry and against public health and the environment. He has no record of aligning with the public or of securing our environment for the future.

As attorney general, he engaged in a scorched earth policy against environmental regulations. He dismantled his environmental protection unit. He became very close politically to the energy industry. He adopted letters written by energy lobbyists almost verbatim, and then submitted them on behalf of the State of Oklahoma in Federal legal proceedings.

As chair of the Republican Attorneys General Association, he became even more closely aligned with the fossil fuel-related companies.

Mr. Pruitt's record is one-sided and extreme, and it does not give me confidence that as EPA Administrator he would have any commitment to protecting the public health now or protecting the environment for future generations.

Finally, I am concerned that Mr. Pruitt has not shown and does not have the proper respect for tribal sovereignty. Oklahoma is home to 39 tribes. Mr. Pruitt's litigation history as attorney general has consistently been anti-tribe. As vice chair of the Senate Committee on Indian Affairs, I pay special attention to a nominee's record on tribal issues, especially nominees for agencies that will deal with tribes on a government-to-government basis, like the EPA.

As Oklahoma's top attorney, Mr. Pruitt routinely sought out ways to fight tribal sovereignty—even all the way to the Highest Court in the land. In Dollar General Corp. v. Mississippi Band of Choctaw Indians, Mr. Pruitt filed an amicus brief in support of a corporation that refused to submit to tribal jurisdiction. Mr. Pruitt's side lost. This case is a prime example of Mr. Pruitt's misguided views of tribe and their inherent sovereignty. Indian Country needs an EPA Administrator who respects tribal sovereignty. I am not convinced Mr. Pruitt does.

Just recently we had in town the National Council of American Indians. They submitted a letter on January 18. I ask unanimous consent that it be printed in the RECORD.

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

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, January 18, 2016.

Re Indian Country's Concerns with EPA Administrator Nominee Scott Pruitt.

Hon. JOHN BARRASSO,
Chairman, U.S. Senate Committee on Environment and Public Works, Washington, DC.
Hon. THOMAS CARPER,
Ranking Member, U.S. Senate Committee on Environment and Public Works, Washington, DC.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of Tribal governments and communities, I am writing to express our deep concern with the nomination of Oklahoma Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency (EPA) based on his history of fighting environmental regulations and the new Administration's statements denying the existence of climate change. The continuing impacts of climate change are a major concern of Tribal Nations and, before this Committee votes to move forward with Attorney General Pruitt's nomination to lead the EPA, it must thoroughly consider the potential impacts that his nomination will have on climate change, the protection of natural resources, and protection of Tribal trust and treaty rights.

American Indians and Alaska Natives are disproportionately impacted by climate change due to our geographical areas and direct connection and reliance on the surrounding environments. It is threatening to destroy our lands, waters, and natural resources, which will impact our traditional and customary ways of life that has been sustainable for thousands of years. The well-documented plight of Alaska Native villages is probably the most profound manifestation of the climate crisis and requires focused, high priority attention from the federal government. NCAI's Tribal leadership and members have spoken strongly on climate change by passing four resolutions in the past four years calling for action and setting Tribal Climate Change Principles calling on further federal action and partnership with Tribal governments.

The federal government's treaty and trust responsibilities to protect Indian lands includes the duty to protect lands from the impacts of climate change, which requires not only that sufficient federal resources be equitably allocated to address climate change, but that Tribes be included as partners to solve these issues. Federal programs and policies must allow Tribal Nations to engage effectively in adaptation and mitigation strategies that will help ensure the integrity of our cultures, homelands, infrastructures, and services. Further, it is imperative that federal agencies enforce Tribal treaty and reserved rights to both on- and off-reservation resources.

The EPA's mission to protect human health and the environment means that it plays an essential role in fighting climate change-related impacts. Due to its charge, EPA also has a sacred responsibility to uphold and protect Tribal trust and treaty rights through the protection of Tribal natural resources. In fact, the EPA acknowledges the importance of reviewing how agency actions will impact treaty rights in its recent policy guidance EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights.

Since the EPA is critical to combating climate change and protecting Tribal trust and treaty rights, Indian country is deeply concerned with Attorney General Pruitt's nomination to head the Agency. It is our understanding that, in his role as Attorney General for the State of Oklahoma, Pruitt has repeatedly filed suits against the EPA for its regulations seeking to protect the environment. Further, his nomination comes from an incoming Administration which claims that climate change is a ''hoax'' and questions whether the EPA should continue to exist.

This Committee must ensure that attorney General Pruitt understands and acknowledges the realities of human impacts on global climate change, the need for the EPA and federal regulations to protect the environment, and the importance of EPA's role in protecting Tribal lands, waters, and natural resources. We must get his commitment on the record to sustain the EPA's role in fighting climate change and protecting Tribal trust and treaty rights. Without these acknowledgements, Indian Country cannot support Attorney General Pruitt's nomination for Administrator of the EPA.

We are at a critical moment in combating the increasing climate changes effects from human-made sources. Indian Country, the United States, and the world cannot afford to take a backseat role in fighting climate change.

Sincerely,

BRIAN CLADOOSBY,
President.

Mr. UDALL. Madam President, I would like to just read a couple of paragraphs from the letter.

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaskan Native organization serving the broad interests of tribal governments and communities, I am writing to express our deep concern of the nomination of Oklahoma attorney general Scott Pruitt to be Administrator of the Environmental Protection Agency based on his history of fighting environmental regulations and the new Administration's statements denying the existence of climate change. The continuing impacts of climate change are a major concern of Tribal Nations and, before this Committee votes to move forward with Attorney General Pruitt's nomination to lead the EPA, it must thoroughly consider the potential impacts that his nomination will have on climate change, the protection of natural resources, and protection of Tribal trust and treaty rights.

American Indians and Alaskan Natives are disproportionately impacted by climate change due to our geographic areas and direct connection and reliance on the surrounding environments. It is threatening to destroy our lands, waters, and natural resources, which will impact our traditional and customary ways of life that have been sustainable for thousands of years.

We are at a critical moment in combating the increasing climate change effects from human-made sources. Indian Country, the United States, and the world cannot afford to take a backseat role in fighting climate change.

In conclusion, my concerns about Mr. Pruitt's record on environmental policy aren't just because we disagree on policy. Mr. Pruitt has made his reputation in litigating fiercely against the EPA's most important regulations to protect public health and the environment, clean air, clean water, toxics on land—you name it—regulations that comply with Federal environmental laws that are based on good science, that have taken years to prepare, and that have taken fair account of all stakeholders' input.

I cannot support a nominee to lead this Agency whose record is so hostile to the environment. For all of these reasons, I must vote no on Mr. Pruitt's nomination to be EPA Administrator.

Finally, we have today the court's ordering Mr. Pruitt to release a large number of records that are relevant to this particular nomination. He has refused to release them. The administration, in vetting him, did a very poor job. As you know, they do not vet anybody. They throw it up here, and we have to do the vetting. That is our job to do the vetting. This is a critical part of the record—a vast number of emails that should be looked at.

Many of us believe we should have the time to look at these emails, to deliberate about them, to maybe even ask some written questions to Mr. Pruitt about them, but this nomination is being rammed through. In a couple of hours, we are going to have a vote. Luckily, Senator MERKLEY is going to urge that we vote to delay this so we can have a chance to look at those emails. It is so that all of us—all of the 100 Senators—have the opportunity to have a full, complete record on Mr. Pruitt.

Madam President, 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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. Madam President, I rise to speak in support of the nomination of Scott Pruitt for Administrator of the Environmental Protection Agency.

Attorney General Pruitt has a distinguished record of public service in having served for 8 years in the Oklahoma State Senate before being sworn in as the attorney general of Oklahoma in 2010. Two dozen State attorneys general wrote to the Senate Committee on Environment and Public Works in support of Mr. Pruitt's nomination. He has been endorsed by a wide variety of organizations representing a broad swath of America culture and industry, including the U.S. Chamber of Commerce, the National Association of Home Builders, the American Farm Bureau Federation, the National Cattlemen's Beef Association, the Western Energy Alliance, and the Western Growers Association, just to name a few.

In his capacity as State attorney general, Mr. Pruitt has consistently fought against Federal intrusion on State and individual liberties, and he has shown himself to be a thoughtful attorney who is dedicated to the Constitution and to the rule of law. The

next Administrator of the EPA must respect the limits of Federal power. Few know these limits better than Mr. Pruitt, which is why I believe he will be a capable leader at the EPA.

Mr. Pruitt will rein in Federal overreach and put a stop to many of the overbearing regulations that have done very little to protect the environment but much to hurt businesses, large and small.

Modernization of the Environmental Protection Agency is long overdue. For too long, the Agency has acted outside its legal authority. For too long, the Agency has strayed from its core mission of protecting human health and the environment. For too long, it has imposed draconian regulations that cause undue harm to America's small businesses and rural communities.

I have long held that the EPA can fulfill its vitally important mission of protecting the environment without causing unnecessary harm to the economy, but to achieve this objective will require a massive culture change at the Agency—a culture change that only Mr. Pruitt can bring.

Mr. Pruitt wants an EPA that is both pro-environment and pro-growth. What is wrong with that? That is long overdue. He understands that protecting our lands and helping our businesses succeed is not a zero-sum game. With Mr. Pruitt at the helm, I am confident he will bring much needed change to the EPA and restore the public's trust in the Agency.

Once confirmed, I am eager to work with Mr. Pruitt to discuss how we can best protect our air and our water and how we can best modernize the EPA.

It is amazing to me that some of the greatest leaders in the bureaucracy over the years have been people who have worked in the fields that really constitute what we are talking about here today. They have surprised people by making sure that both sides have really been taken care of and that the laws are faithfully executed and some of the partisanship and biased approaches toward the environment are overcome.

Mr. Pruitt is capable of doing that—a brilliant man with a brilliant record. He is supported by an awful lot of attorneys general in this country. He is a person who, if liberally given the chance, might be able to help turn around some of the things that are just plain wrong at the EPA.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

REMEMBERING BOB MICHEL

Mr. DURBIN. Madam President, every politician alive should aspire for that moment, like Bob Michel, when the last words of tribute to his public service are: ''He was the face of decency in public service.''

This morning, Bob Michel, who served as the leader of the U.S. House of Representatives for the Republican Party, passed away at age 93.

His replacement as Republican leader in the House marked the end of an era of civility—Congress has never been the same—but his life as the son of an immigrant, as a decorated veteran of World War II, and as a person who was first a staffer, then elected to Congress, and rose to leadership is a testament to his talent and his commitment to America.

I had known Bob Michel for 35 years. We had adjoining congressional districts downstate. When he was elected in 1982, in the Reagan off-year election, it was a tough year for Republicans. Bob Michel barely survived. Attorney Doug Stevens, of Peoria, had about 48 percent, and Bob had 52 percent. Lane Evans, of the Quad Cities, was elected to Congress, and I was as well.

For 14 years, we were neighboring Congressmen. Bob Michel came in and campaigned for my opponents. I went into his district to campaign for his opponents. You would think that would have created a negative relationship, but it didn't. Despite that—despite our differences on political issues—we were always friends, and we were always respectful.

You could not help but be a friend of Bob Michel's. What an amazing personality—a smile that would light up a room and a man who was determined to fight like crazy, day in and day out, for the things he believed in on the floor of the U.S. House and then, after adjournment, joined with Tip O'Neill for dinner—a dinner that usually ended up with a lot of people singing songs over a few drinks and great memories.

The codels in those days—the congressional delegation trips—were often bipartisan and had both Speaker O'Neill and the Republican leader, Bob Michel, hosting them as they went to important places in the world.

There was a time when Bob Michel was a Congressman and wanted to get home to Peoria every weekend but couldn't afford the airfare. Do you know what he did? He shared a station wagon with Congressman Dan Rostenkowski of Chicago. They would take off and drive back to Chicago and Peoria and then back to Washington on a regular basis. They were buddies and didn't think twice about the fact that they were of different political parties and had different political philosophies.

That was Bob Michel.

His passing really does mark the end of an era, but every one of us currently in public service should remember the quality he brought to his career and the quality he brought to Congress. He left a great legacy—many important issues, many great things for Peoria and Central Illinois. Possibly, his greatest legacy was his chief of staff—his protege—Ray LaHood, who, to this day, embodies the great values that Bob Michel brought to public service.

I stand in tribute to my friend and my Republican neighboring Congressman who served this Nation so well for so many years.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, when President Richard Nixon created the Environmental Protection Agency in 1970, he recognized that we all share in 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.'' That is a pretty powerful commitment. That is the mission of the Environmental Protection Agency—to rescue our natural environment and keep our planet—our world, our Earth—as habitable and hospitable to humankind.

For more than 46 years, the Environmental Protection Agency has been the top cop on the beat, safeguarding our natural environment while also protecting critical aspects of public health—controlling toxic and poisonous chemicals, improving air and water quality, enhancing vehicle efficiency and emissions controls. The lists of the Environmental Protection Agency's accomplishments go on and on.

Today, we are considering President Trump's nominee for the Environmental Protection Agency. The appropriate question for us to ask is, Does this nominee hold in his heart the mission of the Environmental Protection Agency? Does he have a profound commitment to the rescue of our natural environment, a profound commitment to the preservation of the Earth to keep it habitable by humankind, hospitable to humankind?

This individual is Oklahoma Attorney General Scott Pruitt. We would like to have the full set of information about his work as attorney general that has been very relevant to this question, because the limited information we have shows that he has very deep connections and very close allegiance to the fossil fuel industry. And rather than displaying during his time as AG a profound commitment to our natural environment, to preserve it and keep it hospitable and habitable, he has instead weighed in time and time again on behalf of the polluters.

So for us to have a full sense of these connections, we need to have access to the emails and correspondence that he has generated over the last 2 years tied to the fossil fuel industry.

There are some 3,000 emails and associated pieces of correspondence—we are not sure of the exact total, but that is a substantial body of information that has been identified—and for 2 years, the attorney general, Scott Pruitt, has stonewalled the efforts to obtain these documents. There have been repeated requests time and time again filed with his office, and his office has failed to produce the information requested under the Public Information Act of Oklahoma. Time and time again, he said no, no, no.

So then he comes to this body as a nominee to be the steward-in-chief of the responsibilities for our environment. So here in the Senate, we asked for those emails to help understand

whether he has served the public or whether he has served the polluters. That is the question before us. He said: Well, apply to the attorney general's office of Oklahoma for those emails and information.

This is rather unique. I don't know if this has ever happened in the history of the United States, the nominee saying: Yes, you can acquire that information by applying to me, back in my role as attorney general, knowing full well that he had absolutely no intention of actually providing that information.

Then yesterday a court stepped forward and said: Yes, this information must be provided. This is not the type of information that can be compiled overnight, so they gave Attorney General Scott Pruitt a couple of days—until next Tuesday—to be able to compile this information and provide it. And when it is provided, it will simply be the equivalent of PDF documents—scanned copies, if you will—of the printed copies of the emails and correspondence. Then it has to be shipped out to the group that applied for the information, and then they have to digitize it and send it out for us to have it here. It is still not searchable. Then we need time to go through it.

Well, it is convenient that we delay this vote until after we have this information because we are not going to be here next week. So whether we hold the vote at this moment, scheduled for 1 p.m., as we are leaving for a week or we hold it until when we return, on the Monday we return, it doesn't have any impact on slowing down this body. It would cost nothing in terms of the processing of the President's nominees to delay this vote until we return, at which time we will have the emails, and we will have had time to examine them, and the public will have had time to examine them, and that would honor our responsibility.

The Constitution was laid out in a fashion to put full responsibility on the individuals staffing the key agencies and Cabinet departments with the President. The Founders, the writers of the Constitution, wrestled with who should have that responsibility. They thought perhaps the appropriate check would be to have the Congress—they refer to it as ''Assembly'' in their dialogues—the Assembly decide who would be the folks staffing the executive branch at the highest levels of management. They said that was a problem because there wouldn't be full transparency. The public wouldn't be able to determine why one person was chosen or another person was chosen. There might be all kinds of trades taking place between the Senators. One might say: If you give me my choice for this Cabinet post, I will give you your choice for another, and the public wouldn't even know how those deals were being struck.

So the public accountability was honored by our Founders by saying the President will nominate, but in case the President goes off track and starts to nominate people of unfit character—unfit character—the Senate will have the responsibility to review the person's record and stop that nomination. That is our responsibility. That is the deterrence that Hamilton used, that we would take the process of this Chamber to ensure we do not confirm someone of unfit character. But to make that determination, we must have access to those emails, which are going to be distributed next Tuesday.

Madam President, I yield the floor to my colleague.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Thank you, Madam President.

Mr. INHOFE. Madam President, will the Senator yield for a UC request?

Mr. SCHUMER. I will be happy to yield for a UC request.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from New York, I be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Does that meet the favor of my friend from Oregon? Is that OK?

Mr. MERKLEY. Could we have that unanimous consent request restated?

Mr. SCHUMER. The Senator from Oklahoma asked for 5 minutes immediately after my remarks.

Mr. MERKLEY. No objection.

Mr. SCHUMER. No objection.

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

Mr. INHOFE. I thank the Chair.

EXECUTIVE BRANCH INVESTIGATION

Mr. SCHUMER. Madam President, I rise today on two topics—the need for Attorney General Sessions to recuse himself from the executive branch investigation into General Flynn and the nomination of Attorney General Pruitt to be the EPA Administrator.

First, on the matter of executive branch investigations into General Flynn's contact with the Russian Ambassador, I rise again to stress my expectation that Attorney General Sessions will recuse himself from this investigation.

This morning we learned—according to reports in the Washington Post—that General Flynn may have lied—lied—to FBI investigators about the content of his phone call with the Russian Ambassador prior to the election. That is a potential felony offense, and it must be looked at and, if validated, potentially prosecuted by law enforcement officials at the Department of Justice. That review must be independent and thorough and completely by the books. In order for it to be so, the Attorney General must recuse himself pursuant to Department of Justice guidelines that prohibit members of the Department from participating in investigations of close political allies or friends.

The guidelines are crystal clear. I have read them on the floor before, but they are worth reading because there is no wiggle room here. It is absolutely clear:

> No Department of Justice employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution. . . . Political relationship means a close identification with an elected official, candidate, political party, or campaign organization arising from service as a principal adviser or official.

Those are the words of the DOJ guidelines. Those are not my words, but they are common sense. We don't want conflict of interest in our prosecutors. We don't want the appearance of a conflict in something as sacred as law enforcement here in America.

It is patently absurd to think that the Attorney General—a man who served alongside General Flynn on Candidate Trump's campaign council—is prepared to lead this investigation in an impartial way and in full compliance with those longstanding Department of Justice rules. There would be a complete appearance of a conflict and might, indeed, be a conflict itself. By the guidelines, it certainly is. There is no wiggle room here. AGs have recused themselves at least eight times over the past two decades to avoid the appearance of bias—twice under President Obama, five times under President Bush, and once under President Clinton.

To conclude my remarks on this topic, I want to show—and I ask unanimous consent that an op-ed coauthored by then-Senator Sessions calling on Attorney General Loretta Lynch to recuse herself in the matter of Secretary Clinton's emails be printed in the RECORD.

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

[From FoxNews.com, Nov. 05, 2016]

GIULIANI, SESSIONS, KEATING, ET AL.: TIME FOR LORETTA LYNCH TO APPOINT A SPECIAL COUNSEL

(Editor's note: The authors of the following column are all supporting Donald Trump for president)

We are concerned about the egregious damage that has been inflicted on two revered government agencies: the Department of Justice and Department of State. The primary missions of both have been derailed for political purposes.

The Department of Justice has been thwarted by its top officials' refusal to conduct a proper investigation of former Secretary Clinton's unsecured email server and the Pay for Play accusations based on millions of dollars paid to President Clinton personally and the Clinton Foundation by entities having issues before the State Department, all while she was Secretary.

Attorney General Lynch and former President Clinton met on the Phoenix, Arizona tarmac days before Secretary Clinton was to be interviewed by the FBI for possible criminal activity. It has been reported that her staff ordered witnesses not to take pictures and no one was present during their 39-minute conversation. General Lynch never recused herself from decisions on the Clinton

investigation after her self-admitted ''mistake,'' as it has also been reported that she continues to deny the FBI the authority to convene a Grand Jury, which is necessary for any meaningful investigation.

SECRETARY CLINTON'S CONDUCT AT THE DEPARTMENT OF STATE CORRUPTED OUR FOREIGN POLICY

It has also been reported that General Lynch opposed Director Comey from fulfilling his obligation to Congress by informing members of the discovery of 650,000 emails on Anthony Weiner's and Huma Abedin's computer, the existence of which had been concealed from government authorities.

Recusal is a formal process. It is a written document specifically describing the scope of the recusal and designating the official in charge of the recused matter. If General Lynch went through the proper procedure for recusal, she has not publicly shared it.

Secretary Clinton's conduct at the Department of State corrupted our foreign policy. She and President Clinton turned the agency into a Pay for Play adjunct of the Clinton Foundation and their personal bank account, the latter via his personal ''speaking'' fees. [UBS, Switzerland's largest bank, contributed over $600,000 to the Foundation and loaned it over $30,000,000. UBS was grateful that Secretary Clinton had intervened in the IRS' demand to UBS to provide identities of 52,000 depositors. Secretary Clinton announced the settlement of only 4,450 identities in an ''unusual intervention by a top U.S. diplomat,'' according to the Wall Street Journal. UBS additionally paid President Clinton personally $1,500,000 for a series of questions and answers with top management.

President Clinton reaped $6,200,000 personally from foreign governments and businesses for speeches while she was Secretary of State. For example, Ericsson, a Swedish corporation, had sanction issues pending before the State Department regarding telecom sales in certain countries. Ericsson paid President Clinton $750,000 for one speech. Days later the State Department announced the sanction list and Ericsson was not affected. Why should any spouse of a Secretary of State be permitted ever to receive one cent from a foreign entity?

Because of our grave concern for integrity in government we ask for a Special Counsel. When a high public official is accused of serious wrongdoing and there is a sufficient factual predicate to investigate, it is imperative the investigation be thorough, with dispatch and without partisanship.

Secretary Clinton is the subject of two spheres of criminal conduct: her deliberate, systematic mishandling of official and classified emails and her abuse of a family-controlled, tax-exempt Foundation, and corporate and foreign donations for her own economic and political benefit.

These allegations arose well before this election year.

Clinton's mishandling of emails became public in March 2015, and allegations over abuse of the Foundation arose well before that. There has long been sufficient factual predicate to require these matters be fully investigated.

The appropriate response when the subject matter is public and it arises in a highly-charged political atmosphere is for the Attorney General to appoint a Special Counsel of great public stature and indisputable independence to assure the public the matter will be handled without partisanship.

In 1991–1992, a Special Counsel was appointed for three separate matters: House Bank, Iraqgate, and Inslaw. It was also done in 2003 in the Valerie Plame matter.

Instead of moving with dispatch to ensure a vigorous investigation of Secretary Clinton, it appears that the Justice Department, along with State, have enabled the Clinton campaign to ''slow roll'' the inquiry.

General Lynch continues to exert control of a matter that she should have assigned to another official.

We are distressed by widespread and credible reports that FBI agents have been hindered by the Justice Department's withholding of basic investigative tools, such as grand jury subpoenas, which are fundamental in a complex investigation.

It is time to do what should have been done long ago—appoint a Special Counsel.

Rudolph W. Giuliani—Former Associate Attorney General and U.S. Attorney in Southern District of New York

Senator Jeff Sessions—former U.S. Attorney for Alabama's Southern District

Frank Keating—Former Associate Attorney General, U.S. in District of Kansas and Special Agent FBI

Victoria Toensing—former Deputy Assistant Attorney General in the Criminal Division of the U.S. Justice Department

Henry McMaster—former U.S. Attorney, District of South Carolina

Rudy Giuliani is the former Mayor of the City of New York.

Mr. SCHUMER. Senator Sessions, right here, called for Loretta Lynch—then Attorney General—to recuse herself because of a conflict of interest under the very same guidelines we cited. We hope and we pray that Senator Sessions doesn't have an enormous double standard by refusing to recuse himself now when he asked the previous Attorney General to do so. We hope that President Trump will abide by the guidelines and encourage Senator Sessions to go by the guidelines and not again invoke any double standard.

This op-ed makes it crystal clear. What was good enough for Loretta Lynch, who did step aside, is good enough for Attorney General Sessions, and it would be outrageous—outrageous—for him to be in charge of this investigation.

The op-ed says: ''When a high public official is accused of serious wrongdoing and there is a sufficient factual predicate to investigate, it is imperative the investigation be thorough, without dispatch and without partisanship.''

So I hope Attorney General Sessions takes the word of Senator Jeff Sessions to heart. Every day that goes by without a recusal from the Attorney General, the cloud hanging over this investigation and over this administration gets darker and darker. And every time the President and Attorney General Sessions confer, again, the cloud hovers over them: What did they talk about? Was it this investigation?

So I hope Attorney General Sessions will do the right thing and recuse himself. Justice, the American way, and separation of powers require no less.

Madam President, today we will vote on another Cabinet nominee who is clouded by potential conflicts of interest and whose views are almost antithetical to the very purpose of the Agency to which he is nominated.

Mr. Pruitt is a climate science denier—some say skeptic, but this is not an issue where you can be skeptical; either you accept the overwhelming opinion of climate scientists and researchers or you don't.

Here is Scott Pruitt on climate change on Oklahoma talk radio:

> Well, reasonable minds can disagree what is actually happening, whether it is happening, number one, whether there is change in climate that is occurring, that the trajectory of it is something that is sustainable and whether that is actually happening . . . the debate about climate change is just that, a debate.

I would invite this nominee to walk through Long Beach or Long Island or Staten Island in New York City in the days and weeks after Superstorm Sandy rocked my State. None of those residents—the thousands who lost homes, the hundreds of thousands who suffered injury, damage, economic problems from the flood—they don't debate it, nor should he. There was no debate there. Folks lost everything that belonged to them. There was no debate about that. Forty-eight people in my State died—no debate about that.

Climate change will lead to more devastating natural disasters like Sandy, which was the third 100-year storm to strike my State in a decade. Climate change will make asthma and respiratory diseases worse. It is increasing the range of deer ticks that cause lyme disease—no debate about that. We have to do something about climate change.

Scott Pruitt as head of our Nation's Environmental Protection Agency likely wouldn't lift a finger. But it is part of a lifelong pattern. Instead of fighting for average Americans, Mr. Pruitt decided to make a name for himself among the far right by endlessly suing the EPA in ways that would benefit large special interests that also happen to be campaign contributors. In 13 of his 14 lawsuits against the EPA, he joined corporations and trade associations that had contributed to his campaign.

Just yesterday, an Oklahoma judge ruled that Scott Pruitt must turn over approximately 3,000 emails relating to his communications with the fossil fuel industry—the very industry he represented in these lawsuits. We won't get those emails until Tuesday. So you would expect my colleagues on the other side of the aisle to be up in arms. Emails. Remember, emails? We should get them out, they said, about Hillary Clinton—the same group. In 2013, Gina McCarthy waited 122 days to be confirmed for EPA Administrator because she wasn't honoring a commitment, they felt, to transparency.

There were several inquiries into the emails of Lisa Jackson, another EPA Administrator. But the majority and majority leader are proceeding right along and rushing Attorney General Pruitt through the process. We know why. They want you, my fellow Republicans, to vote for Mr. Pruitt before

those emails come to light. If they weren't worried about them, then why rush? It is not the worst thing in the world to take a few extra days to properly vet someone who will have immense power over our Nation's streams, skies, even the lead level in our homes and water supply.

Those emails could contain material information about his confirmation. But unless we move the confirmation back, the Senate will not get a chance to review those emails before voting on his nomination.

The PRESIDING OFFICER. The Senator's postcloture time has expired.

Mr. SCHUMER. I ask unanimous consent for 30 more seconds.

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

Mr. SCHUMER. I urge my Republican colleagues to stop rushing this nomination and ensure that we collect all relevant information on these troubling conflicts of interest.

Madam President, I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, since I did not object to the additional 30 seconds, I ask unanimous consent that my 5 minutes be changed to 5 minutes and 30 seconds.

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

Mr. INHOFE. Madam President, a quick comment about climate change: No one—no one—has denied that the climate is consistently changing. All the Scriptural evidence, historical evidence, and archeological evidence says, yes, it has always been changing and always will change. But what they are trying to infer is that because of that, then the world is coming to an end because of what? Manmade gases—anthropogenic gases—manmade gases. That is what the real hoax is, but I am not going to waste my time on that. However, I will next week, I might add.

The Senator from New York talked about the fact that we have an attorney general who has sued the EPA many times. Let me just remind everyone—and I don't think I have heard this on the floor, but I have watched Democrat after Democrat after Democrat come by and just brutally attack Scott Pruitt, a guy I know to be an honorable man. I don't know of one attorney general who has served with him who doesn't agree with that.

In terms of suing, I think it is important to understand that almost every Democrat who has stood up and said disparaging things about Scott Pruitt and talked about the fact that he has sued the EPA countless times—their attorney general from their State has also sued the EPA. I will read the States: The attorneys general from Wisconsin, Colorado, Ohio, Nevada, Indiana, New Mexico, Missouri, Florida, Michigan, and Montana, all have Democratic Members of the Senate who have been criticizing Scott Pruitt. Their own States have filed lawsuits against the EPA.

The other thing I want to mention, which I think is very important, is a letter from our newest Senator, LUTHER STRANGE. Senator STRANGE is the replacement for our Honorable Jeff Sessions, who now is the Attorney General. This letter is signed by two pages of attorneys general from all over America—Democratic States, Republican States, States where Democrats have come to this floor criticizing him. I will read the last two paragraphs of the letter from LUTHER STRANGE signed by all of these Democratic and Republican Attorneys General:

> 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.

Keep in mind, this is coming from Democratic attorneys general.

> 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.

This is signed by about 22 attorneys general, Democrats and Republicans.

Madam President, I ask unanimous consent this letter, along with the list of States who have had occasion to sue the EPA, the same as Scott Pruitt has, be printed in the RECORD.

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

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

Hon. JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, DC.
Hon. TOM CARPER,
Hart Senate Office Building,
Washington, DC.

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.

TWO CASES IN WHICH STATES WITH DEMOCRAT SENATORS VOTING AGAINST PRUITT HAVE SUED THE EPA

Clean Power Plan: OK is one of 27 states suing

Wisconsin: Baldwin
Colorado: Bennett
Ohio: Brown
Indiana: Donnelly
Virginia: Kaine and Warner
Missouri: McCaskill
Florida: Nelson
Michigan: Peters and Stabenow
Montana: Tester

Waters of the US: OK is one of 32 states suing

Wisconsin: Baldwin
Colorado: Bennett
Ohio: Brown
Nevada: Cortez Masto
Indiana: Donnelly
New Mexico: Heinrich and Udall
Missouri: McCaskill
Florida: Nelson

Michigan: Peters and Stabenow
Montana: Tester

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that I be allowed to speak for 2 minutes, followed by Senator HEINRICH for 10 minutes and Senator TESTER for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank the floor staff who were here through the night last night and also the staff of the Republican cloakroom and the Democratic cloakroom. They have enabled us to continue this process at great expense to their energy and fatigue. As Senators, we all appreciate the team that has made this possible.

I also want to draw attention to a letter from 773 EPA employees, who state:

> 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 questions about whose interests he has served to date.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, on August 5, 2015, 3 million gallons of acid mine drainage laden with heavy metals and other contaminants were released into Cement Creek by an Environmental Protection Agency contractor investigating contamination at the Gold King Mine in San Juan County, CO.

Contaminated water flowed down Cement Creek, down the Animas River, and into the San Juan River, resulting in water use restrictions and emergency responses in Colorado, New Mexico, Utah, the Southern Ute Reservation, and the Navajo Nation. We need only look at the photos of the bright orange water streaming through these various drainages to see how terrible this spill was for the affected communities and for water users. The Gold King Mine spill placed a heavy burden on States, tribes, local governments, and communities, and the spill hurt businesses, farmers, and ranchers throughout the region.

Since the spill, I have visited impacted residents and communities and worked closely with local, State, and tribal leaders to make sure water is monitored for contaminants, and costs from the spill are repaid.

Last year, I was proud to help pass a measure in Congress which will ensure that State and local and tribal governments will be fully reimbursed for their emergency response costs and which establishes a long-term water quality monitoring program in cooperation with local stakeholders.

However, on January 13 of this year, the EPA and Department of Justice issued an outrageous decision that the EPA is not liable under the Federal Tort Claims Act for damages to water users caused by this Gold King Mine spill. This decision represents a broken promise from the EPA that it would fully address this environmental disaster.

Now, while the agency has taken steps is to clean up the mine, no farmer in New Mexico or on the Navajo Nation has received a dime of compensation, and distrust of the government has understandably deepened across the Four Corners region.

During his confirmation hearing before the Senate Committee on Environment and Public Works last month, President Trump's nominee to run the EPA, Oklahoma attorney general Scott Pruitt, said that he would review the Agency's decision not to make payments to claimants affected by this spill.

If he is confirmed as EPA Administrator, Mr. Pruitt must take immediate steps to restore trust among the people of Colorado, New Mexico, Utah, the Southern Ute Tribe, and the Navajo Nation, who have already waited far too long for the EPA to keep its promise and compensate them for the harm that has been caused.

I will hold Mr. Pruitt accountable for cleaning up toxic, abandoned hard-rock mines in the West, such as Gold King, and I will hold him accountable for making sure the water that New Mexico communities and farmers rely on is safe.

We shouldn't wait for more disasters to strike. New Mexico communities deserve full and complete protection for their land, their water, and their livelihoods.

Unfortunately, I have real reason to doubt Mr. Pruitt will take this responsibility and core mission of the EPA seriously in his new role. As the attorney general of Oklahoma, Mr. Pruitt has built a long track record that is antithetical to the EPA's core mission to keep our Nation's land, water, and air clean. Mr. Pruitt repeatedly fought against the EPA as it implemented measures to safeguard our clean air and clean water.

Rather than protecting the health of Oklahoma families, he has filed lawsuits against the EPA to stop rules that would have reduced smog and soot crossing State lines, protected against emissions of mercury, arsenic, acid gases, and other toxic pollutants from power plants, and improved air quality in national parks and wilderness areas.

Mr. Pruitt has shown little regard for the safety of our drinking water, filing a lawsuit to stop the EPA's clean water rule, which would protect the natural filtering system that supplies drinking water to one out of every three Americans.

Mr. Pruitt sent a letter to the EPA opposing even preliminary research into the impacts of hydraulic fracturing on our water resources. Mr. Pruitt has been a friend to polluters, helping them to use his office as a conduit for their special interests. He has sent letters on official letterhead to the EPA, the Department of the Interior, the Office of Management and Budget, and even to the President of the United States, copied and pasted nearly verbatim from language written by industry lobbyists.

Perhaps most damning of all, Mr. Pruitt has repeatedly denied the scientific consensus on the human influence on climate change, including in an op-ed recently published in May of last year. It takes a willful disregard for data-driven science to ignore the increase in extreme weather events that we are now seeing on a regular basis, thanks to climate change.

Just last Saturday in Mangum, OK, an all-time record of 99 degrees Fahrenheit was set on February 11. Imagine that; 99 degrees in the heart of winter. Folks, I wish I were making this up, but no snowball on the floor of the Senate can erase these facts.

It was Mr. Pruitt, the Attorney General of Oklahoma, who sued the EPA to prevent measures to limit greenhouse gas emissions, the very cause of climate change. Americans need a leader at the EPA who will take action on climate change, and we need someone who is guided in their decisions by the best available science.

I have heard from thousands of New Mexicans who have made a strong case that Mr. Pruitt is not the right person for this job. I will not vote to confirm Scott Pruitt. But I will say that if my colleagues move forward with this nomination, they can be sure that we will hold Mr. Pruitt accountable for decisions that hurt the health of New Mexico families. That includes making sure Mr. Pruitt rights the wrongs inflicted on communities in the Four Corners region by the Gold King Mine spill. It is going to take many years to clean up the legacy of 100 years of hard rock mining and the impacts on our watersheds in northwestern New Mexico and on the Navajo Nation.

In New Mexico, we have a saying: ''Water is life.'' The water we drink and the air we breathe are not negotiable.

My constituents in New Mexico cannot afford to see the EPA stop working to protect us from air pollution, to conserve our water resources, and to work to reverse the damaging effects of climate change.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, I can tell you it is bittersweet to be here

today. As we sometimes say back home: I've got some good news; I've got some bad news. On the good news side, we are here today to confirm Attorney General Scott Pruitt to be the next Administrator of the EPA. While he should have been passed through the Senate weeks ago, we are here now. We are here today. We are going to get it done in a couple of hours. That is good news.

As they say about Montana, we are a unique blend of Merle Haggard and John Denver, and mastering that melody is always a challenge. When you do, it results in a commonsense approach to environmental stewardship, and I can tell you Scott Pruitt is the guy to do it.

I literally left my office to come here and make these remarks, and guess who I was meeting with in my office. It was Scott Pruitt.

You know what we talked about?

He came into my office. When you come into my office, you can see Montana all over the walls. You are going to see me with a fly rod in my hand. You are going to see pictures of trout that we have caught and released back into the streams and rivers of our State. We talked about fly fishing in Yellowstone Park. He loves to fly-fish.

In fact, he asked to me: Do you know where Cooke City, MT, is?

I said: Scott, Cooke City, MT? Let me show you. I have a map of the Beartooth in my office with pins in all the lakes that I have blown to. In fact, I spent 65 miles in the Beartooth Wilderness in August on horseback and on foot, above 10,000 feet, with an elk hair caddis and my fly rod, chasing golden trout and cutthroat trout. We spent a lot of time talking about that. We talked about elk hunting and deer hunting in Montana.

Scott Pruitt understands the important role that States play, especially in a State like Montana. I am confident he is going to restore this balanced focus, this Merle Haggard and John Denver balance that Montanans are pleading for. He will bring that back to the EPA, rather than this heavy-handed Gina McCarthy out-of-touch Federal approach.

Let me tell you a couple of stories of what is going on in Montana and why Scott Pruitt is exactly the right guy for the job. Today in the small town of Colstrip, MT, they face a real struggle to survive. Colstrip is a generating station and neighboring mine and the lifeblood of this small town.

Over the years, the Colstrip plant has continued to develop. They have adopted new technologies, and they made remarkable reductions in emissions and pollution. Yet it has been met with an onslaught of new environmental regulations that are having drastic compliance costs on our State.

Let me share some of those. Under this EPA power plan that was launched by Gina McCarthy, Montana needs to cut its emissions by 47 percent—the largest reduction in the Nation, leading almost inevitably to the entire shutdown of Colstrip.

In fact, according to a study conducted by the University of Montana, they said this plan will cost our State 7,000 jobs, $500 million in lost revenues, and $1.5 billion in gross sales for our State. And Montana moves from being an energy exporter to being an energy importer. That is outrageous, and the people of Montana know it.

For what? For what the Obama administration had projected to have a 0.02-degree impact on global temperature in the next 100 years—negligible. In fact, I confronted Gina McCarthy on that in a hearing, and she did not refute my data.

Similarly, the waters of the United States serves yet another example of the detrimental effects of Gina McCarthy's and President Obama's EPA, which has harmed Montana's farmers and ranchers. As I mentioned, one of my favorite things to do is get into the fresh air of Montana, the clean waters of Montana, up in wilderness country with my fly rod in my hand. We all want clean water. We all want clean air. I have yet to meet a single Montanan who says I don't want clean air; I don't want clean water.

The WOTUS rule was a clear effort by the Obama administration to gain control over Montana's livelihoods. It was a private property taking, seeking to regulate virtually every ditch and pond that could be occasionally wet across the State of Montana.

While, thankfully, this incredible overreach by the EPA and the Obama administration has been stopped by the courts, I am looking forward to working with Scott Pruitt to defend Montana farmers and ranchers and to defend Montana property owners from this unnecessary and harmful rule.

Scott Pruitt understands the important role our States play and not to levy unnecessary and overreaching Federal regulations—regulations that could decimate a State's economy. That is unacceptable.

I will tell what you else I talked to Scott Pruitt about; that is, the importance of cleaning up our Superfund sites. This is a critical responsibility of the EPA. We need to unleash American innovation, American cooperation—not cut off affordable energy sources at its heels.

Regarding Superfund cleanup, as Scott and I concluded our meeting, we talked about the Berkeley Pit in Butte. He has committed to getting that environmental disaster cleaned up. He assured me he will address these issues head-on.

The largest Superfund site in the United States is right there in Butte, MT. We had snow geese that came across our State migrating. They landed in the toxic waters in the Berkeley Pit, and thousands of snow geese died just by landing in the water. Scott is committed to getting that fixed. It has been on the list for over 20 years. It is time to fix it, and Scott is committed, saying: Let's get this done.

That is why he is going to be a great Administrator, to protect the environment in Montana.

That is the good news. We are going to move Scott Pruitt through today, and I am looking forward to casting a ''yes'' vote for our next Administrator of the EPA.

NOMINATION OF RYAN ZINKE

Let me share the bad news. Just this morning, Leader MCCONNELL came here to move Congressman ZINKE's nomination to be the next Secretary of Interior and debate that on the floor. Let's have unanimous consent; let's get that done.

Guess what. The Democrats objected. Why?

RYAN ZINKE and I went to Boise State in 1979. He will be the first Cabinet appointee in the history of the State of Montana going back to statehood of 1889, and the Democrats are blocking us from getting that done today for no good reason.

He passed with a bipartisan vote of 16 to 6 in the Energy and Natural Resources Committee. He is going to be an outstanding addition to President Trump's Cabinet. I don't understand why it is being blocked.

We can get that done this afternoon—done. Let's get it done now. Instead, RYAN ZINKE is being stopped from assuming his position as Secretary of the Interior. Guess what. We have a long list of things to do in Interior.

I am the chairman of the National Park Subcommittee. We have a backlog of maintenance. We have to get ZINKE in place now to start strengthening our national parks. He is going to be a great addition.

I am pleading with my colleagues. I am asking why. Give me a good reason why you are objecting to moving Congressman ZINKE's nomination forward now? Why are you holding up this historic vote for Montana?

This will be the longest a President has waited for his team to be in place since George Washington. It is ridiculous. We need a Secretary of the Interior who will be a westerner, one who understands that Montana is that balance between Merle Haggard and John Denver; a Secretary who understands that, in Montana, our largest neighbor is the Federal Government; and a Secretary who understands how important our national parks are for us and for the 6 million folks who visit them every year. RYAN ZINKE is a great guy for that job, but we can't even have a vote. So we wait.

We wait on the Democrats' political games to unfold. We wait on Democrats' political posturing. We wait on the Democrats' next delay tactic.

Montanans are saying: You know what, we are tired of these reindeer games. Let's put the President's team in place. Let's at least move RYAN ZINKE through in the next couple of hours.

That should not be a heavy lift, but they are obstructing putting Congressman RYAN ZINKE, who is ready to go—

a Navy SEAL—to be the next Secretary of the Interior.

Mr. GARDNER. Will the Senator yield for a question?

Mr. DAINES. I will.

Mr. GARDNER. I thank my colleague from the great State of Montana.

During the debate on the floor just a while ago, we heard more debate on something that is very near and dear to my heart; that is, the matter of the Gold King Mine and the EPA's self-admitted responsibility on spilling 3 million gallons of toxic sludge into the Animas River in Colorado.

The debate around the floor and my comments this morning have centered on the EPA's admitted liability and fault in spilling millions of gallons of sludge into a river, promising they would make the claims, pay for the injury that occurred, and then denying those claims and walking away.

Had the private sector been involved, my question to the Senator is this: If the private sector admitted guilt in spilling 3 million gallons of toxic waste into a river, would they be held accountable?

Mr. DAINES. I am not sure if that is a direct question or a rhetorical question. Of course, CORY—the Senator from Colorado—they would be held accountable, and that is why we need to hold the Superfund sites. We need to hold sites, like what happened here with the mine in Colorado—hold the EPA accountable for that.

Mr. GARDNER. If the Senator would yield, what the EPA has stated is admitting fault, admitting and promising that they would pay for those who were injured, and then just weeks ago, as the previous administration was ending, they denied every single one of the private claimants. The Senator has talked about Scott Pruitt at EPA.

When I spoke with the Administrator-designate of EPA, Scott Pruitt said they would make the private claimants whole; that they would pay the Navajo Nation; that they would pay the claims made by outfitters who were shut down.

Will the Senator help me make sure that the EPA stands up to its obligations and recognize that Scott Pruitt—at both the EPW confirmation hearing and to me—has committed that the EPA will do what they did not do; that is, to make our citizens whole?

Mr. DAINES. We will work together on that.

I yield back my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, I rise today to discuss the nomination of Scott Pruitt.

I understand when we hit high noon, there will be time for prayer. You tell me, and we will yield back and get this done.

I want to talk about the nomination of Scott Pruitt and how this important vote will impact my home State. So many folks call Montana home today because their parents or grandparents or great-grandparents pushed west to start a new life in the homestead era. My family is no different.

I am proud and honored that my wife and I are still able to farm the land that my grandparents homesteaded over a century ago. I know that it does not matter if you are growing alfalfa, winter wheat, spring wheat, safflower, or garbanzo beans. I know it doesn't matter if you are raising cattle or sheep or hogs. You have to have access to clean water or you cannot succeed in agriculture.

In Montana, agriculture is the number one industry. Local economies around our State are driven by that agriculture economy, whether it is farms or ranches. In a good year, our State's wheat production alone will clear a trillion dollars.

This production not only helps create jobs and farms and ranches but it boosts the bottom line for the local grocery store, the hardware store, and local construction crews keep busy. Agriculture is the backbone of Montana's economy, but it is not the only industry in Montana that relies on clean air and clean water.

Montana's outdoor economy is growing rapidly every year. Hunting, fishing, hiking, and camping generate over $6 billion and sustain over 64,000 jobs in Montana each and every year. More folks are visiting Glacier and Yellowstone National Parks every summer.

And when they visit, these folks spend millions of dollars in communities outside the parks. Communities like Gardner, Livingston, Coram, and Columbia Falls constantly have packed restaurants and bars and hotels, thanks to our clean water and our clean air. Folks are flocking to Montana because of those assets.

PRAYER

The PRESIDING OFFICER. Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer from the Senate Chaplain.

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

Let us pray.

Almighty God, the fountain of blessings, may we rest and wait patiently for You. You are the Author and Finisher of our faith, so empower us to embrace Your precepts and walk in Your path.

Lord, prepare our lawmakers to be instruments for Your glory. Inspired by Your Spirit, may they humble themselves, praying fervently, seeking Your face, and turning from evil. Respond to their fervent pursuit of You by bringing healing to our hearts, Nation, and world. Deliver our Senators from evil, and guide them around the obstacles that hinder their progress. Forgive them when they delay the good they can do now, waiting for a more convenient season.

Lord, remember the many staff members and others who have worked long hours through the night. Compensate them for their sacrifices and for their commitment to You and country.

We pray in Your great Name. Amen.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, folks are coming to Montana from all over this country because of our clean air and clean water and the habitat it provides. Not only Montanans, but this entire country respects clean air and clean water. In fact, in Montana, it is Montana's Constitution that says we value clean air and clean water.

The reason we place such a high importance on clean air and clean water is because we see what happens when it is put at risk. On numerous occasions, Montanans have been victims to corporations who treated Montana like a Third World country. They reaped the value of our natural resources, and then they left the American taxpayer to clean up the mess. Folks like the Anaconda Company, W.R. Grace, Glencore, just to name a few.

They left a mess. It wasn't the EPA that left that mess. It was these corporations, and it is the EPA's job to make sure they clean up this mess, not out of the pocketbook of the American taxpayer. These folks, these corporations, have put our clean air and clean water at risk. Not only did they contaminate the land, they contaminated our local economies. One of the largest Superfund sites in this country is in Butte, MT. It took 16 years, nearly $150 million to clean up just a portion—just a small portion of what the Anaconda Company left behind after mining copper in Southwest Montana.

In Libby, hundreds of people have died, and over 1,000 people are ill because of asbestosis due to asbestos exposure. Even though a local vermiculite mine closed in 1990, folks are still getting sick due to asbestos-related diseases.

And for years, I have been fighting alongside the folks at Columbia Falls, MT, to hold Glencore accountable to that community for the cyanide and arsenic they left abandoned on the banks of the Flathead River near the gateway of Glacier National Park.

Companies that put our clean water at risk cannot be trusted because they never stick around to clean up the mess they have made. We have seen it firsthand. And that is why we need an EPA Administrator who is going to side with the American taxpayer, with local economies, with local families, and hold the polluters and contaminators accountable for their shortsighted actions.

It is for these reasons that I cannot support Scott Pruitt's nomination for Administrator of the EPA. Throughout his career, he has consistently sided with the big polluters over the local businesses and the local families.

I am not convinced that Mr. Pruitt understands the critical role that clean air and clean water plays in agriculture and our outdoor economies. In my conversations with Mr. Pruitt, I received no assurances that he will be a

champion for Montana's family farmers, ranchers, those who love to hunt, fish, and hike in Big Sky Country. Mr. Pruitt has endorsed policies that will put Montana jobs at risk and put our outdoor heritage on the ropes.

Don't just take my word for it. Thousands of Montanans have contacted my office regarding Mr. Pruitt's nomination. Caitlin from Libby wrote me:

> No community understands the grave impact lack of regulation or failure to enforce environmental regulations can have on a community like Libby does. Four hundred people died in Libby because W.R. Grace mined vermiculite that was contaminated with asbestos. . . . These people died . . . when they were just doing their job. Libby doesn't want or need another person that looks the other way while big corporations prey on hard-working people.

Stephen from Corvallis wrote:

> I am a farmer in Montana, and I regularly use pesticides, where I hope the EPA has my back to make sure these things are safe for me and the environment. . . . Farming continues to be less predictable, due to a change in climate. I want someone in that position that has my back as a farmer, not someone that questions broad scientific consensus.

Rich is a retired public lands manager from Stevensville who wrote me saying this about Pruitt:

> Is not fit to be leading an agency responsible for protecting wildlife, clean water, clean air, and leading the charge of addressing a changing climate. Pruitt is anti-science, routinely disregarding well-established studies involving climate change. I recently retired . . . the thought of the possible damage and undoing of what I've lived and worked for over my [entire] life by this man is disheartening to say the least.

Look, folks, the Earth's climate is changing. There is no ifs, ands, or buts about that. If we want to be able to continue to take our fly rod and go fishing down those rivers, you have to have somebody in the EPA who will ensure that we have clean water and clean air. I will tell you something that happened in Montana for the first time this year. The Yellowstone River closed. The bottom reason for it was the water warmed that much. If you are going to have good habitat for fisheries, if you are going to have good habitat for elk and big game hunting, if you are going to be able to go up in the mountains and hike, fish, bike, and do the things we do in Montana, you have to have somebody in the EPA that makes a difference.

What we do today will not be felt today. It will be felt tomorrow. That is why today we need a man in the position of EPA who will fight for clean water and clean air. It is critical to our survival, no ifs, ands, or buts about it.

Stephen, Caitlyn and Rich are right. We need folks in the administration who will stand up and understand the value of clean air and clean water. Unfortunately, the President has nominated someone who can't deliver. Therefore, I will oppose Mr. Pruitt's nomination and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that Senator PETERS be allowed to speak for 5 minutes, followed by Senator CARPER for 10 minutes, followed by Senator BARRASSO for 10 minutes.

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

The Senator from Michigan.

Mr. PETERS. Mr. President, I stand today to express my opposition to the nomination of Scott Pruitt as the Administrator of the Environmental Protection Agency. Mr. Pruitt's track record does not demonstrate a commitment to addressing critical natural resource issues.

As Oklahoma's attorney general, he joined forces with polluters to sue the Environmental Protection Agency again and again, to undermine the safeguards for clean air and for clean water.

I am also dismayed he has not yet committed to recusing himself on those pending lawsuits, if confirmed. Not once, not one single time has he pressed the EPA for more action to protect public health or the environment. He has defined his career by undermining laws that prevent people from getting sick and safeguard the environment from degradation.

In addition, Mr. Pruitt refuses to release thousands of emails related to his ties to special interests, including corporations that may have donated to his political campaigns. These connections to very big energy interests are relevant, given Mr. Pruitt's history of copying and pasting industry requests directly onto his attorney general office's letterhead.

It is very difficult to fully evaluate his record without these emails made public. Just yesterday, an Oklahoma State district judge ruled that Mr. Pruitt's office will have until Tuesday to turn over these emails.

Unfortunately, the Senate will vote on his nomination in just a moment, before these documents are released, and give the American people an opportunity to see what they contain.

I would strongly urge that the nomination vote be postponed until these emails are released, and they can be fully considered. The EPA Administrator must be someone who is committed to improving and enforcing laws and regulations that safeguard clean air and clean water for all Americans.

Mr. Pruitt's record of undermining critical health and environmental protections demonstrate that he is simply not the right person to lead the EPA. I urge my colleagues to oppose Mr. Pruitt's nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, a few minutes ago, we stopped everything right here. Stopped. And the Chaplain of the U.S. Senate came in, Barry Black, retired Navy Admiral, and gave a prayer.

We have a Bible study group that meets every Thursday. We met yesterday in JIM INHOFE's hideaway. Every time we meet, almost without exception, Chaplain Black reminds us, Democrats and Republicans—those of us who need the most help—he reminds us that of all the times the Scripture is invoked, we should ask for wisdom.

Well, I ask for wisdom every night for myself, my colleagues in the Senate, over in the House, the President, the Vice President, their spouses, every night, that we have the opportunity to gain some wisdom.

When Scott Pruitt was nominated to be the Administrator for EPA, I sent him a letter December 28, asking 52 questions, asking for responses by January 10. They didn't come by January 10. We had a hearing January 18. I got some answers, not all. One thing I also asked for, also asked for by Senator SHELDON WHITEHOUSE, was access to what the folks had been asking for from the Center for Media and Democracy for 2 years; that is, access to thousands of emails in the AG's office, and their back and forth with the fossil fuel industry, oil, natural gas, coal, a variety of others. We would like to have access to those emails.

When Mr. Pruitt went before our committee for his hearing on January 18, he was asked the question: Do you promise to provide information reasonably requested by committees here in the United States Senate and the Congress, including in electronic form? He said, yes, but he didn't do it. In fact, for 2 years, the AG's office fought off efforts to try to gain access to that information, electronic media. It took a judge calling an emergency meeting yesterday in Oklahoma to say to the attorney general's office: You have to turn this information over. Normally, you know how long a 4-year request takes in Oklahoma to get results like this? We are talking maybe 2 months. This was over 2 years.

Finally, we are going to get access to those emails. There may be a reason why they were so reluctant to share those emails with us. We are going to find out starting next Tuesday, Wednesday, Thursday, when we get them. If we don't vote to support Senator MERKLEY's proposal, to put off the vote until the Monday after we come back from recess, we will not have the opportunity to take advantage of what the judge—I don't know if it is by Divine intervention, but this judge has given us the opportunity to gain wisdom, to make a smarter decision, to make a better informed decision. If we vote up or down on Mr. Pruitt's nomination today, we pass up a great opportunity to get a fuller picture.

Now, my Republican friends will say: He sat through the longest hearing of any EPA Administrator in the history of our country. He has answered 1,000 questions.

Let me just say that Gina McCarthy answered more when she was the last EPA Administrator. She answered more—quite a few more, actually. She took a little extra time to actually answer the questions.

So many of the responses we got to the thousands of questions for the record asked of this nominee—the answers were evasive, they were incomplete, and sometimes they were just totally nonresponsive. You can say he answered all the questions, but how well? How thoroughly? How responsively? Not so good. Not so good.

Friends, I want to put up here on the board—I have a board here. Let's look at the third one.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Five and a half minutes.

Mr. CARPER. We have heard from a lot of folks, different views on what we ought to be doing. One of them was from a fellow whose name is Kyle Meyaard-Schaap. Who is Mr. Schaap? Good question. Mr. Schaap is the leader or one of the spokespersons from a group—if I can find it here; here we go—spokesperson for Young Evangelicals for Climate Action.

He wrote us about Mr. Pruitt's nomination. Here is what he had to say:

> If Scott Pruitt embraces his own self-described pro-life stance, he should fight to protect vulnerable lives from birth to natural death—the lives of children born and unborn, the elderly, people of color—from environmental pollution. He should work tirelessly to ensure that everyone has clean water and air. He should strengthen, not eviscerate, an agency equipped to honor God's mandate to steward and care for the creation.

Mr. Meyaard-Schaap goes on to say:

> As Oklahoma attorney general, however, [Mr. Pruitt] has done just the opposite. He has had the chance to protect people from pollution and the harms of climate change. Instead, he has brought multiple lawsuits against the EPA to overturn measures that would safeguard clean water and air. He had the chance to defend policies that cut the power plant pollution that fuels climate change and pollutes our air. Instead, he cast doubt on climate change and downplayed the moral imperative to safeguard our climate and environment. He had a chance to assist EPA in its mission to protect public health. Instead, he questioned its mission entirely and sought to defend industry from regulation.

We all have an obligation to protect the health of our children, families, and the world in which we live. For me, this is not only my responsibility as a parent and official elected to serve the people of Delaware, it is a moral calling.

I sat for 8 years as a member of the National Governors Association. For 7 years, this lady sat right next to me. She was the Governor of New Jersey. She went on to become the Administrator of the EPA—the very position to which Scott Pruitt has been nominated. She is not a Democrat. She is not a progressive. She is not a knee-jerk liberal. She is a Republican. She was not only the Governor of her State for 7 years, but she was the head of EPA for a number of years under George W. Bush. Here is what she basically said about Scott Pruitt, her words, not mine. She said: ''[I] can't recall ever having seen an appointment of someone who was so disdainful of the agency and the science behind what the agency does.'' That bears repeating. ''[I] can't recall ever having seen an appointment of someone who is so disdainful of the agency and the science behind what the agency does.'' Those are powerful words.

Just as I think that the idea of waiting another week or so to get the wisdom that those thousands of emails might contain—we don't have to wait for the wisdom from this woman who has walked in these shoes, serving her State as Governor and serving this country as the leader of the Agency that protects our public health for all of us. My hope is that our colleagues will not ignore this wisdom.

Lastly, I will say this: Come next Thursday, Friday, we are going to start getting the information from these emails. We will find out if there is fire where there is smoke or not. If there is nothing there, then there is nothing there, but if there is something there, I just want to say to my Republican friends, if you are ready to vote for this nominee without this complete information that we could have here to be put to use in a positive way within 10 days from now, you pass up a big opportunity.

We are in a sense, by voting on this nomination without this information, flying blind. I am an old naval flight officer, 23 years as a naval flight officer, retired Navy captain. In Southeast Asia, you flew into monsoons and really bad weather sometimes. We never wanted to fly blind. We always wanted to have a good weather forecast. We want to avoid the places we ought to avoid. We wanted to fly at altitudes that were safe. We wanted to use our radars to be able to find the pockets to go through to be safe. We never wanted to fly blind.

If we basically, before we close up shop, vote for this nominee with incomplete information, we are flying blind. It wasn't a very smart thing to do in naval aviation, and it would not be a smart thing for us to do here.

This is not a warning; this is just friendly advice from one colleague to another: It is worth waiting an extra week to get this information rather than voting today without it. Again, the words of our Chaplain Barry Black always invoking us to ask for wisdom—I have asked for it. The wisdom that I would impart to all of us today: Hit the pause button. Get the information next week. Make our decision then.

I yield back my time. Thanks so much.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, over the past weeks, we have seen Democrats continue to use one delaying tactic after another on the floor of the Senate. They have tried to slow down the confirmation of many of the administration's most important nominees. We have seen it time and again. We have seen it in agencies all across the government, including right now the Environmental Protection Agency, the EPA. Democrats are just wasting time, and they are doing it intentionally. They are not protecting our environment, not one bit. They are not safeguarding the health of the American people, not at all.

Government agencies like the EPA and one after another need their leadership in place and they need it in place now. What they don't need, what the American people don't need, is more political theater from the Senate Democrats.

We have heard a lot about Scott Pruitt's nomination to be Administrator of the EPA. Much of what we heard from our colleagues on the other side of the aisle has simply not been true.

I want to set the record straight. As head of the EPA, Scott Pruitt will protect the environment. During his 6 years as attorney general for the State of Oklahoma, Mr. Pruitt has stood up to polluters, he has worked across State lines, and he has worked across party lines. He has done it to lower phosphorous levels in the Illinois River. He actually negotiated a water rights settlement with Oklahoma tribes. Why? Well, to preserve scenic lakes and rivers. He used commonsense policies. He used them to protect the environment in Oklahoma, and he will follow commonsense policies at the Environmental Protection Agency.

The delays we have seen by Democrats have never actually been about Mr. Pruitt or his record or the answers he has given to questions about his qualifications. He has answered over 1,200 questions. He has answered four rounds of questions in committee, went for 6½ hours. Members on the other side said these were very fair hearings. These delays are all about obstruction. They are all about denying President Trump his Cabinet. That is what this is all about. It is about pretending that their candidate Hillary Clinton did not lose the election in November. That is what this is all about.

We have seen them use the same tactics on one Cabinet nominee after another. As the Cabinet nominees were named, what we saw was a list of eight nominees come out who Senator SCHUMER had as his hit list of nominees he was going to oppose, slow down, obstruct, boycott. Democrats delayed. They delayed again. They delayed again. That is what we saw in one after another.

When Scott Pruitt is confirmed today, he will take office later than any incoming EPA Administrator for any new administration going back to the 1980s.

Our friends on the other side of the aisle need to recognize that the terrible precedent they are setting today with all of these relentless and needless delays will continue into the future. It is a precedent, just like the precedent that Harry Reid set when he changed

the rules of the Senate by breaking the rules. The Democrats need to see how their actions will continue to play forward, will affect the confirmation process for all future administrations, including Democratic administrations.

The American people want someone in place to run these important Departments. What we see from the Democrats is political theater on the floor of the Senate.

President Trump deserves to have his team in place. President Trump deserves to have his Cabinet in place. The Cabinet nominees deserve an up-or-down vote from the Senate on the floor of the Senate. That is what we are going to do today with Attorney General Scott Pruitt, who is qualified and who has been nominated to be the Administrator of the EPA.

Scott Pruitt will protect our environment, and he will protect the health of all Americans. He is the right person for the job.

Mr. FRANKEN. Will the Senator yield for a question?

Mr. BARRASSO. At the end of my remarks, I will yield for a question.

So I say to you, as I come here to the floor, I chaired the Environment and Public Works Committee on Scott Pruitt's nomination. I listened to 6½ hours of testimony. I listened to and read through responses that he gave to 1,200 questions that were asked of him. He gave thorough answers—perhaps not the answers the Democrats wanted to hear but answers that I felt were responsive.

So I come to the floor to urge all of my colleagues to support Mr. Pruitt's nomination to be the Administrator of the Environmental Protection Agency. He is a nominee who, as attorney general in Oklahoma, protected the environment, worked to strengthen the economy, and stood up for States' rights, which continues to be most crucial.

With that, Mr. President, I yield for a question.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, would my friend, the Senator from Wyoming, read back the part that he said earlier in the speech about Democrats doing this, the reasons we are delaying? Would he do me that favor?

The reason I am raising this is that we had a parliamentary question back when ELIZABETH WARREN was speaking on the Sessions nomination which, I guess, the majority leader questioned whether she was, in that case, questioning the motives or actions of a fellow Senator.

It seems to me that the Senator from Wyoming, whom I respect, was doing the same about Democrats in the Senate.

Mr. BARRASSO. Mr. President, responding to the Senator from Minnesota, I think he may be referring to a part where I say: The delays by Democrats have never actually been about Mr. Pruitt's answers to questions or about his qualifications. These delays, I say, are all about obstruction and denying President Trump his Cabinet. I go on to say: It is about pretending that their candidate, Hillary Clinton, didn't lose the Presidential election.

Mr. FRANKEN. Mr. President, I have a parliamentary inquiry for the Parliamentarian.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry, please.

Mr. FRANKEN. Mr. President, it seems to me that that is imputing to Democrats' actions and motives not becoming of a U.S. Senator.

Mr. BARRASSO. Well, Mr. President, it is my—

Mr. FRANKEN. I made a parliamentary inquiry, and I would appreciate an answer.

The PRESIDING OFFICER. In the opinion of the Chair, they do not violate the rule.

Mr. BARRASSO addressed the Chair.

Mr. FRANKEN. Can I get some explanation?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, this is a very highly politicized situation. It is not my intention in any way to impugn any of the motives of any of the Members of this body.

I yield back my time.

Regular order.

Mr. FRANKEN. Mr. President, can I have a minute?

The PRESIDING OFFICER. The question is on the motion to extend postcloture debate.

Mr. FRANKEN. Mr. President, may I ask the Chair for permission to speak for a minute.

The PRESIDING OFFICER. Without objection, the Senator will proceed.

Mr. FRANKEN. Thank you. I had no intention of actually filing a rule XIX objection. My point is—and the reason is because I didn't want to delay things.

But we have a nominee here who has sued the EPA 18 times. The reason we are doing this is because we don't think this nominee is qualified. It has nothing to do with us not recognizing the results of the election, and I actually take offense to that.

I don't know why the Presiding Officer ruled the way he did because I think it is obvious that it is imputing motives unbecoming to Senators, by saying that we don't recognize the legitimacy of the election and we are pretending that Hillary Clinton won the election.

I am just raising this as a point, which is that Senators do this routinely, and if every time we raised a rule XIX on something like that, we would delay—if you want to accuse people of delaying the Senate—

The PRESIDING OFFICER. The Senator's time has expired. Begin to wrap up, please.

Mr. FRANKEN. I appreciate it. I thank very much the Presiding Officer and I thank the Senator from Wyoming.

I am just making a point here.

Mr. BARRASSO. Regular order.

VOTE ON MOTION TO EXTEND DEBATE

The PRESIDING OFFICER. The question is on agreeing to the motion to extend postcloture debate.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) is necessarily absent.

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

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

[Rollcall Vote No. 70 Ex.]

YEAS—47

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

NAYS—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

NOT VOTING—2

Donnelly	McCain

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

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the votes following the first vote in the series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

There will now be 4 minutes of debate, equally divided, on the nomination.

Who yields time?

The Senator from Delaware.

Mr. CARPER. Mr. President, I said repeatedly on this floor that I take no joy in discord and disagreement. I am not one who is interested in obstruction. I come from a little State like Senator COONS, where we get along pretty well. We believe in the three Cs—communicate, collaborate, compromise.

But you know what else gives me no joy? I get no joy from rising sea levels from New England to Miami that threatens our way of life. It threatens our way of life. I get no joy from fish advisories that keep us from eating fish in every State in this country. I get no joy being one of the States at the end of America's tailpipe, where we get all this pollution from other States and end up with higher costs and worse healthcare. I get no joy from the millions of kids who go to school this week with their inhalers because they have asthma. I get no joy from people who appear before us as nominees, take 1,000 questions for the RECORD, and give us answers that in too many cases are evasive, indirect, or incomplete. I get no joy from nominees who appear before us who pledge to provide information requested by us responsibly, including electronic media, and never give it to us, who fight for 2 years to make sure we never get it. I get no joy from those circumstances.

Thomas Jefferson used to say: If the people know the truth, they will not make a mistake. We are prepared to vote here with incomplete information, without the kind of wisdom we could have and vote with if we would wait 10 days—10 days. That is what it would cost. Is that a long time? Ask Gina McCarthy. She waited 132 days to get a vote. If you think 1,000 questions are too many to answer, ask Gina McCarthy. She answered a lot more. Finally, the Republicans got their answers, and we got our vote. She won and, I think, did an admirable job.

We need the truth. We are seeking the truth. I have no interest in obstruction. I want the truth.

Vote no.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, for the past 8 years, the Environmental Protection Agency, through its regulatory rampage, has hurt a lot of people in my home State of Wyoming and all across the country. The EPA's overreaching regulations have stunted job growth, hurt our economy, and failed to help the Agency meet its mission. The mission is to protect the environment and the health of all Americans. The EPA needs to be reformed and modernized.

Oklahoma attorney general Scott Pruitt is the right person for the job. Mr. Pruitt is committed to protecting the environment, ensuring clean air, water, and land while also supporting a strong and healthy economy. He stood up to industry that polluted his State's air and water.

He has received bipartisan support from Senators in this body, from State leaders, from small business, from farmers, from ranchers, and from many others across this country. Attorneys general from all around the country have recognized his good work. Attorney General LUTHER STRANGE of Alabama—now U.S. Senator STRANGE—and 23 of his peers wrote a letter in support of Mr. Pruitt's nomination.

Here is what they wrote:

> The Administrator of the EPA 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 Administrator of the EPA.
>
> We urge the Senate to confirm his nomination.

I agree. I urge my colleagues to support the nomination.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) is necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—52

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

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
Collins	Markey	Van Hollen
Coons	McCaskill	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—2

Donnelly	McCain

The nomination was confirmed.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on the nomination, and 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. 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 Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce.
>
> Mitch McConnell, John Hoeven, Deb Fischer, John Thune, Johnny Isakson, Tom Cotton, Marco Rubio, Dan Sullivan, Mike Rounds, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts, John Barrasso, John Kennedy, Patrick J. Toomey.

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 Wilber L. Ross, Jr., of Florida, to be Secretary of Commerce 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.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Indiana (Mr. DONNELLY) is necessarily absent.

The yeas and nays resulted—yeas 66, nays 31, as follows:

[Rollcall Vote No. 72 Ex.]

YEAS—66

Alexander	Fischer	Nelson
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hassan	Roberts
Capito	Hatch	Rounds
Carper	Heitkamp	Rubio
Cochran	Heller	Sasse
Collins	Hoeven	Schatz
Coons	Inhofe	Scott
Corker	Isakson	Shaheen
Cornyn	Johnson	Shelby
Cortez Masto	Kaine	Strange
Cotton	Kennedy	Sullivan
Crapo	King	Tester
Cruz	Klobuchar	Thune
Daines	Lankford	Tillis
Duckworth	Lee	Toomey
Enzi	McConnell	Warner
Ernst	Moran	Wicker
Feinstein	Murkowski	Young

NAYS—31

Baldwin	Booker	Cantwell
Blumenthal	Brown	Cardin

Casey	Markey	Schumer
Durbin	McCaskill	Stabenow
Franken	Menendez	Udall
Gillibrand	Merkley	Van Hollen
Harris	Murphy	Warren
Heinrich	Murray	Whitehouse
Hirono	Peters	Wyden
Leahy	Reed	
Manchin	Sanders	

NOT VOTING—3

Cassidy	Donnelly	McCain

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 31.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce.

The PRESIDING OFFICER. The majority whip.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

BLACK HISTORY MONTH

Mr. DURBIN. Mr. President, ''Hidden Figures'' has been lodged at the top of the box office charts for 2 months now—and with good reason. ''Hidden Figures'' tells the fascinating, true story of three mathematicians who worked as ''human computers'' at NASA in the early years of America's manned space program.

Their job involved double-checking the accuracy of intricate calculations made by NASA's computers. And they carried the weight of awesome responsibility. Fifty-five years ago this week, their calculations helped launch Lt. Col. John Glenn into the heavens and return him safely after he had orbited the Earth three times.

Coming in the midst of cold war tensions and the real fear that the Soviet Union was winning the space race, that historic flight was a source of intense pride and relief to Americans. It made John Glenn a national hero and an international symbol of American ingenuity and ambition.

But the brains behind that flight remained largely unknown—until now. Why? It is because those formidable mathematicians—those ''human computers''—were three African-American women. They served this Nation at a time when racial segregation was the law of the land and gender-based discrimination was almost as common as air.

As America marks Black History Month, this month seems a good time to say thank you to Mary Jackson, Dorothy Vaughn, and Katherine G. Johnson.

America's history is filled with the stories of men and women whose contributions have been minimized or overlooked entirely for the same reason the ''Hidden Figures'' of NASA remained unknown for so long—because our Nation's tortured history with race blinded us to large parts of our own national story.

Ninety years ago, an historian and scholar by the name of Carter G. Woodson suggested a way to overcome this historical myopia. Dr. Woodson and other prominent African Americans proposed that 1 week each February be designated Black History Week.

This is the first Black History Month since the opening last fall of the Smithsonian Museum of African American History and Culture on the National Mall in Washington, DC. This remarkable new museum represents America's first official attempt to tell the African-American story. In the not quite 5 months since the museum opened, more than 900,000 people have visited. My wife and I toured the museum over the Thanksgiving holiday. We spent hours there—what a moving experience.

The history of African Americans is a story that stretches back 600 years. It is a story of brutal subjugation, racial violence, and discrimination. It is also story of a resilient people who survived those horrors and created a rich and vibrant culture and who have enriched our Nation by their contributions in every walk of life.

In a speech a few months ago, then-First Lady Michelle Obama alluded to the vast and inspiring sweep of that history when she said, ''I wake up every morning in a house that was built by slaves and I watch my daughters—two beautiful, intelligent, black young women—playing with their dogs on the White House lawn.'' It was a simple but powerful image that captured how far we have come on questions of race since our founding.

As America's 44th President, Barack Obama grappled honestly with complex challenges facing America and the world and delivered solutions that has improved the lives of millions. He and Michelle served our Nation with uncommon dignity, wisdom, and compassion. I am proud to call them both friends.

The Obamas' story is just one of the stories told in the new African-American History Museum. Other famous African Americans are featured as well, from Crispus Attucks, the first patriot to give his life in the American Revolution; to the great abolitionists and women's suffrage champions, Frederick Douglass, Sojourner Truth, and Harriet Tubman; from Jesse Owens, who won four gold medals at the 1936 Olympics in Berlin and singlehandedly shattered the racist myth of Aryan superiority; to the Tuskegee Airmen, who helped democracy defeat fascist tyranny in World War II.

The museum tells the stories of other prominent men and women, including Martin Luther King and Coretta Scott King; Malcolm X; Thurgood Marshall, the first African-American Justice of the U.S. Supreme Court; Congressman JOHN LEWIS, my friend, an icon of the civil rights movement; and Shirley Chisholm, the first African-American woman ever elected to Congress—in 1968. Some of the best advice I have ever heard about making a difference came from Shirley Chisholm. She said, ''If they don't give you a seat at the table, bring a folding chair.'' I think Shirley Chisholm would have loved to see the way the women of America are making their voices heard today and changing the debate in this country.

The new African-American History Museum and Black History Month give us a fuller, truer picture of our past. They also give us hope and guidance for today. Here are just a few quick examples of what I mean.

Ida B. Wells, born into slavery in 1862, was a journalist, activist, and feminist who led an antilynching crusade in the 1890s, speaking throughout the United States and Europe. She reminds us that brave journalists, armed with the First Amendment, can shine a light on wrongdoing and change history.

Garrett Morgan had only a sixth-grade education, but he also had a natural mechanical genius and an entrepreneurial bent. In 1914, he invented a ''safety hood'' that protected wearers from smoke, gases and other pollutants. It became the prototype in World War I for gas masks and for the breathing devices that firefighters wear today. His inventions have saved untold millions of lives.

While some argue that we should cut funding to public schools that serve low-income children, Garrett Morris reminds us that American genius and ingenuity isn't limited by race, or gender, or family income. Our future prosperity depends on our willingness to invest in the potential all of America's children.

Finally, A. Philip Randolph organized and led the Brotherhood of Sleeping Car Porters, the first predominantly African-American labor union. In 1941, he was part of a group that convinced President Roosevelt to ban discrimination in the defense industries during World War II. In 1948, that same group persuaded President Truman to issue an Executive order ending segregation in America's Armed Services. And in 1963, A. Philip Randolph helped led the March on Washington. If you want to know how to raise the wages of working people and mobilize ordinary Americans to create a more perfect union, study the life of A. Philip Randolph.

Black History Month actually started as Black History Week 90 years ago. The choice of the week had special significance; it included the birthdays of both Abraham Lincoln and the mighty abolitionist, Frederick Douglass.

President Lincoln once predicted that, if history remembered him for anything, it would be for issuing the Emancipation Proclamation. With that great promissory note of freedom, President Lincoln declared that the 3 million persons living in bondage in the rebellious states ''shall be then, thenceforward, and forever free.''

The Emancipation Proclamation marked a turning point in America's Civil War; it transformed the fight to preserve the Union into something even larger and nobler: a battle for human freedom.

But without Frederick Douglass, the ''Great Agitator,'' there might never have been a ''Great Emancipator.'' Frederick Douglass was one of the best-known men in America. He was a powerful and respected speaker and journalist. He criticized Lincoln frequently and publicly for what he viewed as the President's timidity in denouncing slavery. But rather than denouncing Douglass, Abraham Lincoln sought his counsel, and their respectful relationship changed history.

Without Frederick Douglass's prodding, Lincoln might not have issued the Emancipation Proclamation. Lincoln might not have agreed to allow free men of color to serve in the U.S. Army. Without Frederick Douglass, it might have been harder for Lincoln to see that the Civil War could not end until slavery had ended, that only ''a new birth of freedom'' could redeem the carnage of Civil War.

The relationship between Abraham Lincoln and Frederick Douglass shows us the good that can be achieved when patriotic citizens dare to speak truth to power and leaders are secure enough to listen. That is a lesson worth pondering during this Black History Month and beyond.

ADDITIONAL STATEMENTS

TRIBUTE TO GARY PETERSEN

• Mrs. MURRAY. Mr. President, today I wish to pay tribute to a close friend, ally, and devoted public servant as Gary Petersen retires from a more than 50-year career in support of our national security, environmental cleanup, and furthering the ever-changing missions of the Hanford Nuclear Reservation and Pacific Northwest National Laboratory, PNNL, in my home State of Washington.

A graduate of Omak High School in Okanogan County, Mr. Petersen first came to what is now known as the Tri-Cities in January 1960 as a servicemember stationed with the Nike Ajax missile site at the top of Rattlesnake Mountain. After a duty station transfer to Korea, he came home to Washington and attended Washington State University. With a communications degree in hand, Mr. Petersen had a job lined up with Ford Motor Company in 1965, but in a great stroke of luck for Washington State, he chose not to move to Detroit and instead got a job with Battelle, a company that had recently won a contract to operate a research and development lab—now PNNL—at Hanford in 1965. One could say that Mr. Petersen got in on the ground floor at PNNL when its scientists were providing critical support to win the cold war.

While at Battelle, Mr. Petersen worked in communications and was the manager of the news service. One of his chief responsibilities was to give tours of the Hanford site to new employees, elected officials and dignitaries, and later, foreign visitors. Congresswoman Catherine May, the first woman elected to Congress from Washington State, was the first Member of Congress Mr. Petersen gave a tour to, but she was certainly not the last. Senator WARREN MAGNUSON, Speaker Tom Foley, and I, to name a few others, have all crisscrossed the Hanford site with Mr. Petersen. He even helped with President Richard Nixon's visit. By now, Mr. Petersen has probably given thousands of tours of Hanford, and many, including myself, have heard the stories from years past, from bumping into the woman who he would later marry during a tour, to the alligators, to bringing moon rocks from the Apollo 11 mission to Hanford for public display.

Mr. Petersen's work with nuclear management began in 1974 for Westinghouse on the construction, start-up, and operation of the Fast Flux Test Reactor and then the Washington Public Power Supply System, which is now Energy Northwest. After spending some time on the International Nuclear Safety Program through the U.S. Departments of Energy and State, Mr. Petersen returned to Battelle as the director of communications and administration at PNNL in the late 1980s.

When he retired from Battelle in 2002, Mr. Petersen was quickly recruited by Sam Volpentest to help him at the Tri-Cities Washington Economic Development Council in a part-time, volunteer capacity to travel to Washington, DC, to secure funding to support Hanford and PNNL. This part-time job quickly became a full-time job, and Mr. Petersen has been advocating on behalf of the Tri-Cities ever since. Since my first days in the Senate, I have worked with Mr. Petersen, and he has been a key ally during many a funding battle. He knows the budget as well as any staff member on the Appropriations Committee, and this isn't just limited to nuclear waste cleanup, but also includes research and development capabilities that support the PNNL mission, transportation, agriculture, and so much more.

It is clear to me that Washington State has benefited greatly from Mr. Petersen's vision and passion for sharing what the Tri-Cities community, its workforce, the Hanford site, and PNNL have to offer. I have seen this firsthand at home and here in the other Washington. His work is evident in the progress that has been made on environmental cleanup at Hanford, to charting out a future vision for the Tri-Cities that looks past cleanup operations to preserving history through designating the B Reactor as a National Historic Landmark and the Manhattan Project National Historical Park, to growing the workforce safety mission at the Volpentest Hazardous Materials Management and Emergency Response Federal Training Center, and to seeking out new, emerging opportunities like small modular reactors. Through it all, he has remained as committed as they come. Last October, when I had the good fortune to get one more tour with Mr. Petersen at the Hanford site, I saw that he still carried the same enthusiasm and pride for his work as what I had seen in him on my very first tour years ago.

Mr. Petersen has been critical to my work in the Senate and has made a tremendous impact on the Tri-Cities community, Washington State, and our Nation. Today I join with others throughout the State of Washington in thanking him for his many years of service. I congratulate Mr. Petersen on his retirement and wish him and his wife, Margaret, the best of luck as they write their next chapter.•

MESSAGE FROM THE HOUSE

At 10:01 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. 43. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

H.J. Res. 69. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to ''Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska''.

The message also announced that pursuant to 22 U.S.C. 3003, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe: Ms. JACKSON LEE of Texas and Ms. MOORE of Wisconsin.

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–725. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delay of Effective Date for 31 Final Regulations Published by the Environmental Protection Agency between October 28, 2016

and January 17, 2017'' (FRL No. 9958–87–OP) received in the Office of the President of the Senate on February 14, 2017; to the Committees on Agriculture, Nutrition, and Forestry; and Environment and Public Works.

EC–726. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propamocarb; Pesticide Tolerance'' (FRL No. 9957–68) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–727. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 9957–22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–728. A communication from the Secretary of Defense, transmitting the withdrawal of a previous certification of satisfactory service for a retired officer; to the Committee on Armed Services.

EC–729. 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 ''Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments'' (RIN1557–AE14) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–730. 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: Test Procedures for Central Air Conditioners and Heat Pumps'' (RIN1904–AD71) received in the Office of the President of Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–731. 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: Test Procedures for Compressors'' (RIN1904–AD43) received during adjournment of the Senate in the Office of the President of Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–732. A communication from the Acting Assistant Secretary for Land and Minerals Management, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Civil Penalties Inflation Adjustments'' (RIN1010–AD95) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–733. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties Inflation Adjustment'' (RIN1024–AE37) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–734. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Onshore Oil and Gas Operations — Civil Penalties Inflation Adjustments'' (RIN1004–AE46) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–735. A communication from the Regulatory Affairs Specialist, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Leasing of Sulfur or Oil and Gas in the Outer Continental Shelf'' (RIN1010–AD06) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Energy and Natural Resources.

EC–736. 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: Test Procedures for Walk-in Coolers and Walk-in Freezers'' (RIN1904–AD72) received in the Office of the President of Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–737. 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 ''Procedural Rules for DOE Nuclear Activities'' (RIN1992–AA52) received in the Office of the President of Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–738. 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 Ceiling Fans'' (RIN1904–AD28) received in the Office of the President of Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–739. 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: Test Procedures for Ceiling Fans'' (RIN1904–AD26) received in the Office of the President of Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–740. A communication from the Chief of the Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Inflation Adjustment'' (RIN1014–AA34) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–741. A communication from the Chief of the Regulations and Standards Branch, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Inflation Adjustment'' (RIN1014–AA34) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–742. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Inflation Adjustments'' ((RIN1029–AC74) (Docket ID OSM–2016–0015)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Energy and Natural Resources.

EC–743. A communication from the Director of Civil Works, Department of the Army, transmitting, pursuant to law, the report of a rule entitled ''Issuance and Reissuance of Nationwide Permits'' (RIN0710–AA73) received in the office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC–744. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS)'' (FRL No. 9958–70–OAR) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC–745. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS'' (FRL No. 9958–82–Region 9) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC–746. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Interstate Transport for Utah'' (FRL No. 9959–18–Region 8) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC–747. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Interstate Transport for Wyoming'' (FRL No. 9959–15–Region 8) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC–748. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Uniform National Discharge Standards for Vessels of the Armed Forces - Phase II Batch One: Delay of Effective Date'' (FRL No. 9958–30–OW) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Environment and Public Works.

EC–749. 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 ''Changes to Rev. Proc. 2010–46'' (Rev. Proc. 2017–22) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–750. 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 ''Extension of Due Date for 2016 Health Coverage Tax Credit (HCTC) Election'' (Notice 2017–16) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–751. 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 ''Income from Discharge of Indebtedness'' (Rev. Proc. 2017–24) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–752. 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 ''Revenue Procedure: Management Contracts Safe Harbors'' (Rev. Proc. 2017–13) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–753. 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 ''Certain Transfers of Property to Regulated Investment Companies (RICS) and Real Estate Investment Trusts (REITs)'' ((RIN1535–BN06) (TD 9810)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–754. 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 ''Guidance for Determining Stock Ownership; Rules Regarding Inversions and Related Transactions'' ((RIN1545–BL00 and RIN1545–BM45) (TD 9812)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–755. 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 ''Qualifying Income from Activities of Publicly Traded Partnerships With Respect to Minerals or Natural Resources'' ((RIN1545–BM43) (TD 9817)) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Finance.

EC–756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–140); to the Committee on Foreign Relations.

EC–757. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16–079); to the Committee on Foreign Relations.

EC–758. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–084); to the Committee on Foreign Relations.

EC–759. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–096); to the Committee on Foreign Relations.

EC–760. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–101); to the Committee on Foreign Relations.

EC–761. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) and 36(d) of the Arms Export Control Act (DDTC 16–104); to the Committee on Foreign Relations.

EC–762. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–133); to the Committee on Foreign Relations.

EC–763. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–127); to the Committee on Foreign Relations.

EC–764. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–119); to the Committee on Foreign Relations.

EC–765. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 16–109); to the Committee on Foreign Relations.

EC–766. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–116); to the Committee on Foreign Relations.

EC–767. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–115); to the Committee on Foreign Relations.

EC–768. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 16–108); to the Committee on Foreign Relations.

EC–769. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2017–0004 - 2017–0012); to the Committee on Foreign Relations.

EC–770. 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 ''Family Educational Rights and Privacy Act'' (34 CFR Part 99) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–771. A communication from the General Counsel, National Mediation Board, transmitting, pursuant to law, the report of a rule entitled ''Access to Information'' (RIN3140–AA00) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–772. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Performance Report for fiscal year 2016 for the Generic Drug User Fee Amendments; to the Committee on Health, Education, Labor, and Pensions.

EC–773. 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 ''Final regulation; delay of effective dates: Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act—Accountability and State Plans; Open Licensing Requirement for Competitive Grant Programs; Family Educational Rights and Privacy Act'' (RIN1810–AB27 and 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–774. A communication from the Regulations Coordinator, Division of Grants, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Annual Civil Monetary Penalties Inflation Adjustment'' (RIN0991–AC0) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–775. A communication from the Attorney-Advisor, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Adjustments for Inflation'' (RIN1601–AA80) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–776. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to the Department's 2012 list of Government activities determined to be inherently governmental and those to be not inherently governmental in nature and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC–777. A communication from the Executive Director, National Mining Hall of Fame and Museum, transmitting, pursuant to law, the Museum's 2015 annual report and financial audit; to the Committee on the Judiciary.

EC–778. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Jurisdictional Thresholds for Section 8 of the Clayton Act'' received in the Office of the President of the Senate on February 16, 2017; to the Committee on the Judiciary.

EC–779. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2016 session; to the Committee on the Judiciary.

EC–780. 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 of the Northeastern United States; Blueline Tilefish Fishery; Secretarial Interim Action'' (RIN0648–BG07) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–781. 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 of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Management Measures'' (RIN0648–BG12) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–782. 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; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XF109) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–783. 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; Shortraker Rockfish in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XE897) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–784. 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; Reallocation of Pacific Cod in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XF103) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–785. 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 Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2016 Gulf of Alaska Pollock Seasonal Apportionments'' (RIN0648–XE958) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–786. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Pelagic Fisheries; 2016 Commonwealth of the Northern Mariana Islands Bigeye Tuna Fishery; Closure'' (RIN0648–XE284) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–787. 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 Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE867) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–788. 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 Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Trawl Gear in the of the Gulf of Alaska'' (RIN0648–XF007) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–789. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; 2016 General Category Fishery'' (RIN0648–XF011) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–790. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XE930) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–791. 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 Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE935) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–792. 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 Accountability Measure and Closure for South Atlantic Greater Amberjack'' (RIN0648–XF045) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–793. 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; Re-Opening of the Commercial Sector for South Atlantic Vermilion Snapper'' (RIN0648–XF058) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–794. 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 Northeastern United States; Atlantic Herring Fishery; 2016 Management Area 1B Directed Fishery Closure'' (RIN0648–XF044) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–795. 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 Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers'' (RIN0648–XE949) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–796. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XF067) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–797. 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 Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2016 Gulf of Alaska Pollock Seasonal Apportionments'' (RIN0648–XE958) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–798. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Portsmouth Naval Shipyard, Kittery, ME and Portsmouth, NH'' ((RIN1625–AA11) (Docket No. USCG–2016–0935)) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–799. 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–800. 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 Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XF061) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–801. 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 ''Rules Relating to Board-Initiated Investigations'' (RIN2140–AB23) received in the Office of the President of the Senate on February 14, 2017; to the Committee on Commerce, Science, and Transportation.

EC–802. A communication from the Secretary of the Commission, Office of General Counsel, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Adjustments to Civil Penalty Amounts'' (16 CFR Part 1) received in the Office of the President of the Senate on February 16, 2017; to the Committee on Commerce, Science, and Transportation.

EC–803. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard Mandating ASTM F963 for Toys'' (Docket No. CSPC–2017–0010) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–804. 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: Safety of Underground Natural Gas Storage Facilities'' (RIN2137–AF22) received in the Office of the President of the Senate on February 15, 2017; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 63. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act (Rept. No. 115–3).

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. BLUNT (for himself and Mr. MANCHIN):

S. 438. A bill to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUNT (for himself, Ms. STABENOW, Mr. BOOZMAN, and Mr. CASEY):

S. 439. A bill to amend part B of title IV of the Social Security Act to ensure that mental health screenings and assessments are provided to children and youth upon entry into foster care; to the Committee on Finance.

By Mr. HOEVEN (for himself and Ms. HEITKAMP):

S. 440. A bill to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 441. A bill to designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRUZ (for himself, Mr. NELSON, Mr. RUBIO, Mr. PETERS, Mr. THUNE, Mr. UDALL, Mrs. MURRAY, and Mr. CORNYN):

S. 442. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON:

S. Res. 64. A resolution congratulating the Plastics Industry Association on its 80th anniversary; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. COONS):

S. Res. 65. A resolution designating March 3, 2017, as ''National Speech and Debate Education Day''; considered and agreed to.

By Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BENNET, Mr. BROWN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Mr. DAINES, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mr. FRANKEN, Ms. HASSAN, Mr. HATCH, Ms. HIRONO, Mr. ISAKSON, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MARKEY, Mrs. MURRAY, Mr. PETERS, Mr. THUNE, Mr. WARNER, Mr. WYDEN, and Mr. ROUNDS):

S. Res. 66. A resolution supporting the goals and ideals of Career and Technical Education Month; considered and agreed to.

By Mr. HEINRICH:

S. Res. 67. A resolution expressing support for health and wellness coaches and for the designation of February 13, 2017, through February 19, 2017, as ''National Health and Wellness Coach Recognition Week'' ; considered and agreed to.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 21, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 26

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 26, a bill to amend the Ethics in Government Act of 1978 to require the disclosure of certain tax returns by Presidents and certain candidates for the office of the President, and for other purposes.

S. 85

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements.

S. 109

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors 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. 128

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 128, a bill to provide provisional protected presence to qualified individuals who came to the United States as children.

S. 143

At the request of Mr. CASEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 143, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 203

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) 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. 245

At the request of Mr. HOEVEN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 245, a bill to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes.

S. 294

At the request of Mr. NELSON, the name of the Senator from Georgia (Mr. PERDUE) 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. 377

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 377, a bill to amend the Trafficking Victims Protection Act of 2000 to clarify report dates, modify the criteria for determinations of whether countries are meeting the minimum standards for elimination of trafficking, and highlight the importance of concrete actions by countries to eliminate trafficking, and for other purposes.

S. 379

At the request of Mr. WHITEHOUSE, the name of the Senator from Maine (Mr. KING) was added as a cosponsor 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. 394

At the request of Mr. ROUNDS, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 394, a bill to amend chapter 44 of title 18, United States Code, to provide that a member of the Armed Forces and the spouse of that member shall have the same rights regarding the receipt of firearms at the location of any duty station of the member.

S. 399

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 399, a bill to establish the United States Chief Manufacturing Officer in the Executive Office of the President with the responsibility of developing a national manufacturing strategy to revitalize the manufacturing sector, spur economic growth, and expand United States competitiveness, and for other purposes.

S. 410

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of 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.

S. 411

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 411, a bill to eliminate racial, religious, and other discriminatory profiling by law enforcement, and for other purposes.

S. 420

At the request of Mr. RUBIO, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of 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.

S. 422

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of 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.

S. 426

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of 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.

S. RES. 18

At the request of Mr. COONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 18, a resolution reaffirming the United States-Argentina partnership and recognizing Argentina's economic reforms.

S. RES. 60

At the request of Mr. DAINES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 60, a resolution designating May 5, 2017, as the ''National Day of Awareness for Missing and Murdered Native Women and Girls''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 64—CONGRATULATING THE PLASTICS INDUSTRY ASSOCIATION ON ITS 80TH ANNIVERSARY

Mr. JOHNSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 64

Whereas the Plastics Industry Association is the leading association in the United States that represents companies in the plastics industry;

Whereas the Plastics Industry Association was founded as the Society of the Plastics Industry in 1937 in Shawnee-on-Delaware, Pennsylvania, as the collective voice of a then-nascent plastics industry and has since become the chief advocate for the entire plastics supply chain, including plastics machinery manufacturers, plastics material suppliers, plastics processors, moldmakers, recyclers, and consumer brand owners;

Whereas, today, the Plastics Industry Association represents the interests of an industry that makes regular and vital contributions to the healthcare, automotive, advanced manufacturing, transportation, aeronautics, building and construction, telecommunications, recycling, packaging, and consumer electronics sectors;

Whereas, over the course of the 80-year history of the Plastics Industry Association, the association has—

(1) advocated for the use of plastics; and

(2) presided over the development of plastic from a low-cost replacement for metals, wood, glass, marble, shell, and other traditional materials to the sustainable material of choice because of its strength, light weight, recyclability, and design versatility;

Whereas the Plastics Industry Association hosts NPE: The Plastics Show, which is the second largest trade show in the United States and attracts more than 60,000 plastics professionals from more than 100 countries to the United States every 3 years;

Whereas the Plastics Industry Association has hosted NPE: The Plastics Show in the United States since the show was first founded in 1946 and the show has served as a platform for growth and innovation in the plastics industry of the United States for 70 years;

Whereas the Federal Government, through the War Production Board, recognized the importance of plastics and the contributions of plastics to the war effort during World War II, a conflict in which plastics played an essential military role with respect to weaponry, aircraft, wire and cable technology, medical devices, and troop supplies; and

Whereas the plastics industry generates $418,000,000,000 in revenue annually in the United States and supports approximately 954,000 jobs: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Plastics Industry Association on its 80th anniversary;

(2) reaffirms the crucial role that plastics have played over the last 80 years and continue to play in strengthening the economy of the United States and improving the everyday lives of the people of the United States; and

(3) recognizes the importance of continued investment in plastics, manufacturing, research, and education in the fields of science, technology, engineering, and mathematics.

SENATE RESOLUTION 65—DESIGNATING MARCH 3, 2017, AS ''NATIONAL SPEECH AND DEBATE EDUCATION DAY''

Mr. GRASSLEY (for himself and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 65

Whereas it is essential for youth to learn and practice the art of communicating with and without technology;

Whereas speech and debate education offers students myriad forms of public speaking through which students may develop talent and exercise unique voice and character;

Whereas speech and debate education gives students the 21st-century skills of communication, critical thinking, creativity, and collaboration;

Whereas critical analysis and effective communication allow important ideas, texts, and philosophies the opportunity to flourish;

Whereas personal, professional, and civic interactions are enhanced by the ability of the participants in those interactions to listen, concur, question, and dissent with reason and compassion;

Whereas students who participate in speech and debate have chosen a challenging activity that requires regular practice, dedication, and hard work;

Whereas teachers and coaches of speech and debate devote in-school, afterschool, and weekend hours to equip students with life-changing skills and opportunities;

Whereas National Speech and Debate Education Day emphasizes the lifelong impact of providing people of the United States with the confidence and preparation to both discern and share views;

Whereas National Speech and Debate Education Day acknowledges that most achievements, celebrations, commemorations, and pivotal moments in modern history begin, end, or are crystallized with public address;

Whereas National Speech and Debate Education Day recognizes that learning to research, construct, and present an argument is integral to personal advocacy, social movements, and the making of public policy;

Whereas the National Speech & Debate Association, in conjunction with national and local partners, honors and celebrates the importance of speech and debate through National Speech and Debate Education Day; and

Whereas National Speech and Debate Education Day emphasizes the importance of speech and debate education and the integration of speech and debate education across grade levels and disciplines: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 3, 2017, as ''National Speech and Debate Education Day'';

(2) strongly affirms the purposes of National Speech and Debate Education Day; and

(3) encourages educational institutions, businesses, community and civic associations, and all people of the United States to celebrate and promote National Speech and Debate Education Day.

SENATE RESOLUTION 66—SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BENNET, Mr. BROWN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mrs. CAPITO, Mr. CASEY, Mr. COONS, Mr. DAINES, Mr. DONNELLY, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mr. FRANKEN, Ms. HASSAN, Mr. HATCH, Ms. HIRONO, Mr. ISAKSON, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MARKEY, Mrs. MURRAY, Mr. PETERS, Mr. THUNE, Mr. WARNER, Mr. WYDEN, and Mr. ROUNDS) submitted the following resolution; which was considered and agreed to:

S. RES. 66

Whereas a competitive global economy requires workers who are trained in skilled professions;

Whereas, according to the National Association of Manufacturers, 80 percent of respondents indicated a moderate to severe shortage of qualified skilled production employees, including front-line workers such as machinists, operators, craft workers, distributors, and technicians;

Whereas career and technical education (referred to in this preamble as ''CTE'') ensures that competitive and skilled workers are ready, willing, and capable of holding jobs in high-wage, high-skill, and in-demand career fields such as science, technology, engineering, mathematics, nursing, allied health, construction, information technology, energy sustainability, and many other career fields that are vital in keeping the United States competitive in the global economy;

Whereas CTE helps the United States meet the very real and immediate challenges of economic development, student achievement, and global competitiveness;

Whereas approximately 11,500,000 students are enrolled in CTE across the country with CTE programs in thousands of CTE centers, comprehensive high schools, career academies, and CTE high schools, and nearly 1,700 2-year colleges;

Whereas, according to the Bureau of Labor and Statistics, the 3 fastest growing occupations require an associate's degree or a degree with fewer requirements, and each has an annual median salary greater than $50,000;

Whereas CTE matches employability skills with workforce demand and provides relevant academic and technical coursework

leading to industry-recognized credentials for secondary, postsecondary, and adult learners;

Whereas CTE affords students the opportunity to gain the knowledge, skills, and credentials needed to secure careers in growing, high-demand fields;

Whereas CTE students were significantly more likely than non-CTE students to report having developed problem-solving, project completion, research, math, college application, work-related, communication, time management, and critical thinking skills during high school;

Whereas students at schools with highly integrated rigorous academic and CTE programs have significantly higher achievement in reading, mathematics, and science than students at schools with less integrated programs; and

Whereas February 23, 2017, marks the 100th anniversary of the signing of the Act of February 23, 1917 (commonly known as the ''Smith-Hughes Vocational Education Act of 1917'') (39 Stat. 929, chapter 114), which was the first major Federal investment in secondary CTE and laid the foundation for the bipartisan, bicameral support for CTE that continues as of February 2017: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2017 as ''Career and Technical Education Month'' to celebrate career and technical education across the United States;

(2) supports the goals and ideals of Career and Technical Education month;

(3) honors the 100th anniversary of the Act of February 23, 1917 (commonly known as the ''Smith-Hughes Vocational Education Act of 1917'') (39 Stat. 929, chapter 114);

(4) recognizes the importance of career and technical education in preparing a well-educated and skilled workforce in the United States; and

(5) encourages educators, counselors, and administrators to promote career and technical education as an option for students.

Mr. KAINE. Mr. President, our Nation's continued economic competitiveness relies on the education and skills of the American workforce and its ability to meet and adapt to the 21st-century economy. Career and technical education, CTE, programs are a critical component to every student's education, creating diverse pathways into further education and developing careers. Today, approximately 11.5 million students are enrolled in CTE, encompassing every State through nearly 1,700 two-year and thousands more secondary CTE centers, comprehensive high schools career academies and CTE high schools.

According to the U.S. Department of Education's Office for Career, Technical and Adult Education, in 2012, the average high school graduation rate for students concentrating in CTE programs was 93 percent, compared with the national average of 80 percent. These students gain real-world skills through applied learning, and integrate their academic curriculum with technical and employability skills. In addition, our Nation's continued economic competitiveness relies on the skill of the American workforce and its ability to meet and adapt to the 21st-century economy.

CTE prepares students with education and training leading to industry-recognized credentials, including certifications, licenses, certificates and degrees, in a wide variety of fields. According to the U.S. Department of Labor, of the top three fastest-growing occupations, all will require real-world skills that can be mastered through CTE—none require a bachelor's degree and all have median salaries above $50,000 per year. By increasing opportunities for students to obtain postsecondary skills training and meaningful credentials, CTE can spread economic opportunity to all students who are willing to work for it.

Today with my Senate CTE Caucus cochairs Senator PORTMAN, Senator BALDWIN, and Senator YOUNG and other colleagues in the Senate, I am introducing a bipartisan resolution to designate February as Career and Technical Education, CTE, Month. CTE Month provides a chance for students, counselors, educators and administrators to learn more about the educational opportunities available in their communities and recognize the importance of CTE in preparing a well-educated and skilled workforce in the United States. This year's resolution also marks the 100th anniversary of the Smith-Hughes National Vocational Education Act of 1917, the Nation's first major federal investment in secondary CTE.

By formally recognizing CTE Month through this resolution, it is our hope that we can build greater awareness for the importance of strengthening access to high-quality CTE for millions of America's students and our nation's continued economic competitiveness.

SENATE RESOLUTION 67—EXPRESSING SUPPORT FOR HEALTH AND WELLNESS COACHES AND FOR THE DESIGNATION OF FEBRUARY 13, 2017, THROUGH FEBRUARY 19, 2017, AS ''NATIONAL HEALTH AND WELLNESS COACH RECOGNITION WEEK''

Mr. HEINRICH submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas February 13, 2017, through February 19, 2017, is recognized as ''National Health and Wellness Coach Recognition Week'';

Whereas the Centers for Disease Control and Prevention considers chronic diseases to be ''the public health challenge of the 21st century'';

Whereas decades of research have linked lifestyle factors, such as inactivity, poor diet, tobacco smoking, and sustained stress, with increased risk for major illnesses and death;

Whereas the costs associated with treating many chronic diseases are high and often preventable;

Whereas a health and wellness coach is a new type of healthcare worker who serves as a supportive mentor to motivate individuals to make positive health choices and move toward specific wellness goals;

Whereas health and wellness coaches support clients in achieving good health—

(1) based on the goals of each client; and

(2) in a manner consistent with the treatment plan recommended by a healthcare provider for the client;

Whereas health and wellness coaches assist clients in making healthy lifestyle changes by encouraging them—

(1) to use insight;

(2) to use personal strengths and resources;

(3) to set goals;

(4) to create action steps; and

(5) to hold themselves accountable;

Whereas health and wellness coaches play a vital role in improving individual wellness that complements, and does not replace, the work of healthcare professionals; and

Whereas an increasing number of studies demonstrate the effectiveness of health and wellness coaches in—

(1) improving individual health and wellness; and

(2) reducing healthcare costs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of February 13, 2017, through February 19, 2017, as ''National Health and Wellness Coach Recognition Week''; and

(2) supports the efforts of the health and wellness coaches of the United States in their important work to improve the health and wellness of the people of United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 191. Mr. CORNYN (for Ms. MURKOWSKI) proposed an amendment to the resolution S. Res. 55, recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska.

TEXT OF AMENDMENTS

SA 191. Mr. CORNYN (for Ms. MURKOWSKI) proposed an amendment to the resolution S. Res. 55, recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska; as follows:

Amend the sixteenth whereas clause to read as follows:

Whereas Denali National Park and Preserve has provided a wide array of visitor experiences to tourists, including hiking, dog mushing, rafting, and cycling;

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following commtitee is authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Friday, February 17, 2017, at 12:30 p.m., in room S–216.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that the following

congressional fellows in the office of Senator TOM UDALL be granted floor privileges for the remainder of the 115th Congress. Their names are Emma Locatelli, Sean MacDougall, and Angela Tapia.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CORNYN. Mr. President, I ask unanimous consent that at 7 p.m. on Monday, February 27, all postcloture time be considered expired and the Senate vote on the confirmation of Executive Calendar No. 3, Wilbur Ross to be Secretary of Commerce.

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

Mr. CORNYN. Mr. President, for the information of all Senators, there will be two votes at approximately 7 p.m. on Monday, February 27—confirmation of Wilbur Ross to be Secretary of Commerce, followed by cloture on the nomination of RYAN ZINKE to be Secretary of the Interior.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TRANSITION AUTHORIZATION ACT OF 2017

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 442, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 442) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 442) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Transition Authorization Act of 2017''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Fiscal year 2017.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

Sec. 201. Sense of Congress on sustaining national space commitments.
Sec. 202. Findings.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

Sec. 301. Operation of the ISS.
Sec. 302. Transportation to ISS.
Sec. 303. ISS transition plan.
Sec. 304. Space communications.
Sec. 305. Indemnification; NASA launch services and reentry services.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

Sec. 411. Human space flight and exploration long-term goals.
Sec. 412. Key objectives.
Sec. 413. Vision for space exploration.
Sec. 414. Stepping stone approach to exploration.
Sec. 415. Update of exploration plan and programs.
Sec. 416. Repeals.
Sec. 417. Assured access to space.

Subtitle B—Assuring Core Capabilities for Exploration

Sec. 421. Space Launch System, Orion, and Exploration Ground Systems.

Subtitle C—Journey to Mars

Sec. 431. Findings on human space exploration.
Sec. 432. Human exploration roadmap.
Sec. 433. Advanced space suit capability.
Sec. 434. Asteroid robotic redirect mission.
Sec. 435. Mars 2033 report.

Subtitle D—TREAT Astronauts Act

Sec. 441. Short title.
Sec. 442. Findings; sense of Congress.
Sec. 443. Medical monitoring and research relating to human space flight.

TITLE V—ADVANCING SPACE SCIENCE

Sec. 501. Maintaining a balanced space science portfolio.
Sec. 502. Planetary science.
Sec. 503. James Webb Space Telescope.
Sec. 504. Wide-Field Infrared Survey Telescope.
Sec. 505. Mars 2020 rover.
Sec. 506. Europa.
Sec. 507. Congressional declaration of policy and purpose.
Sec. 508. Extrasolar planet exploration strategy.
Sec. 509. Astrobiology strategy.
Sec. 510. Astrobiology public-private partnerships.
Sec. 511. Near-earth objects.
Sec. 512. Near-Earth objects public-private partnerships.
Sec. 513. Assessment of science mission extensions.
Sec. 514. Stratospheric observatory for infrared astronomy.
Sec. 515. Radioisotope power systems.
Sec. 516. Assessment of Mars architecture.
Sec. 517. Collaboration.

TITLE VI—AERONAUTICS

Sec. 601. Sense of Congress on aeronautics.
Sec. 602. Transformative aeronautics research.
Sec. 603. Hypersonic research.
Sec. 604. Supersonic research.
Sec. 605. Rotorcraft research.

TITLE VII—SPACE TECHNOLOGY

Sec. 701. Space technology infusion.
Sec. 702. Space technology program.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

Sec. 811. Information technology governance.
Sec. 812. Information technology strategic plan.
Sec. 813. Cybersecurity.
Sec. 814. Security management of foreign national access.
Sec. 815. Cybersecurity of web applications.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

Sec. 821. Collaboration among mission directorates.
Sec. 822. NASA launch capabilities collaboration.
Sec. 823. Detection and avoidance of counterfeit parts.
Sec. 824. Education and outreach.
Sec. 825. Leveraging commercial satellite servicing capabilities across mission directorates.
Sec. 826. Flight opportunities.
Sec. 827. Sense of Congress on small class launch missions.
Sec. 828. Baseline and cost controls.
Sec. 829. Commercial technology transfer program.
Sec. 830. Avoiding organizational conflicts of interest in major administration acquisition programs.
Sec. 831. Protection of Apollo landing sites.
Sec. 832. NASA lease of non-excess property.
Sec. 833. Termination liability.
Sec. 834. Independent reviews.
Sec. 835. NASA Advisory Council.
Sec. 836. Cost estimation.
Sec. 837. Facilities and infrastructure.
Sec. 838. Human space flight accident investigations.
Sec. 839. Orbital debris.
Sec. 840. Review of orbital debris removal concepts.
Sec. 841. Space Act Agreements.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the National Aeronautics and Space Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Science, Space, and Technology of the House of Representatives.

(4) CIS-LUNAR SPACE.—The term ''cis-lunar space'' means the region of space from the Earth out to and including the region around the surface of the Moon.

(5) DEEP SPACE.—The term ''deep space'' means the region of space beyond low-Earth orbit, to include cis-lunar space.

(6) GOVERNMENT ASTRONAUT.—The term ''government astronaut'' has the meaning given the term in section 50902 of title 51, United States Code.

(7) ISS.—The term ''ISS'' means the International Space Station.

(8) ISS MANAGEMENT ENTITY.—The term ''ISS management entity'' means the organization with which the Administrator has a cooperative agreement under section 504(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18354(a)).

(9) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(10) ORION.—The term ''Orion'' means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

(11) SPACE LAUNCH SYSTEM.—The term ''Space Launch System'' has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).

(12) UNITED STATES GOVERNMENT ASTRONAUT.—The term ''United States government astronaut'' has the meaning given the term ''government astronaut'' in section 50902 of

title 51, United States Code, except it does not include an individual who is an international partner astronaut.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. FISCAL YEAR 2017.

There are authorized to be appropriated to NASA for fiscal year 2017, $19,508,000,000, as follows:

(1) For Exploration, $4,330,000,000.

(2) For Space Operations, $5,023,000,000.

(3) For Science, $5,500,000,000.

(4) For Aeronautics, $640,000,000.

(5) For Space Technology, $686,000,000.

(6) For Education, $115,000,000.

(7) For Safety, Security, and Mission Services, $2,788,600,000.

(8) For Construction and Environmental Compliance and Restoration, $388,000,000.

(9) For Inspector General, $37,400,000.

TITLE II—SUSTAINING NATIONAL SPACE COMMITMENTS

SEC. 201. SENSE OF CONGRESS ON SUSTAINING NATIONAL SPACE COMMITMENTS.

It is the sense of Congress that—

(1) honoring current national space commitments and building upon investments in space across successive Administrations demonstrates clear continuity of purpose by the United States, in collaboration with its international, academic, and industry partners, to extend humanity's reach into deep space, including cis-lunar space, the Moon, the surface and moons of Mars, and beyond;

(2) NASA leaders can best leverage investments in the United States space program by continuing to develop a balanced portfolio for space exploration and space science, including continued development of the Space Launch System, Orion, Commercial Crew Program, space and planetary science missions such as the James Webb Space Telescope, Wide-Field Infrared Survey Telescope, and Europa mission, and ongoing operations of the ISS and Commercial Resupply Services Program;

(3) a national, government-led space program that builds on current science and exploration programs, advances human knowledge and capabilities, and opens the frontier beyond Earth for ourselves, commercial enterprise, and science, and with our international partners, is of critical importance to our national destiny and to a future guided by United States values and freedoms;

(4) continuity of purpose and effective execution of core NASA programs are essential for efficient use of resources in pursuit of timely and tangible accomplishments;

(5) NASA could improve its efficiency and effectiveness by working with industry to streamline existing programs and requirements, procurement practices, institutional footprint, and bureaucracy while preserving effective program oversight, accountability, and safety;

(6) it is imperative that the United States maintain and enhance its leadership in space exploration and space science, and continue to expand freedom and economic opportunities in space for all Americans that are consistent with the Constitution of the United States; and

(7) NASA should be a multi-mission space agency, and should have a balanced and robust set of core missions in space science, space technology, aeronautics, human space flight and exploration, and education.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Returns on the Nation's investments in science, technology, and exploration accrue over decades-long timeframes, and a disruption of such investments could prevent returns from being fully realized.

(2) Past challenges to the continuity of such investments, particularly threats regarding the cancellation of authorized programs with bipartisan and bicameral support, have disrupted completion of major space systems thereby—

(A) impeding planning and pursuit of national objectives in space science and human space exploration;

(B) placing such investments in space science and space exploration at risk; and

(C) degrading the aerospace industrial base.

(3) The National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.) reflect a broad, bipartisan agreement on the path forward for NASA's core missions in science, space technology, aeronautics, human space flight and exploration, and education, that serves as the foundation for the policy updates by this Act.

(4) Sufficient investment and maximum utilization of the ISS and ISS National Laboratory with our international and industry partners is—

(A) consistent with the goals and objectives of the United States space program; and

(B) imperative to continuing United States global leadership in human space exploration, science, research, technology development, and education opportunities that contribute to development of the next generation of American scientists, engineers, and leaders, and to creating the opportunity for economic development of low-Earth orbit.

(5) NASA has made measurable progress in the development and testing of the Space Launch System and Orion exploration systems with the near-term objectives of the initial integrated test flight and launch in 2018, a human mission in 2021, and continued missions with an annual cadence in cis-lunar space and eventually to the surface of Mars.

(6) The Commercial Crew Program has made measurable progress toward reestablishing the capability to launch United States government astronauts from United States soil into low-Earth orbit by the end of 2018.

(7) The Aerospace Safety Advisory Panel, in its 2015 Annual Report, urged continuity of purpose noting concerns over the potential for cost overruns and schedule slips that could accompany significant changes to core NASA programs.

TITLE III—MAXIMIZING UTILIZATION OF THE ISS AND LOW-EARTH ORBIT

SEC. 301. OPERATION OF THE ISS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) after 15 years of continuous human presence in low-Earth orbit, the ISS continues to overcome challenges and operate safely;

(2) the ISS is a unique testbed for future space exploration systems development, including long-duration space travel;

(3) the expansion of partnerships, scientific research, and commercial applications of the ISS is essential to ensuring the greatest return on investments made by the United States and its international space partners in the development, assembly, and operations of that unique facility;

(4) utilization of the ISS will sustain United States leadership and progress in human space exploration by—

(A) facilitating the commercialization and economic development of low-Earth orbit;

(B) serving as a testbed for technologies and a platform for scientific research and development; and

(C) serving as an orbital facility enabling research upon—

(i) the health, well-being, and performance of humans in space; and

(ii) the development of in-space systems enabling human space exploration beyond low-Earth orbit; and

(5) the ISS provides a platform for fundamental, microgravity, discovery-based space life and physical sciences research that is critical for enabling space exploration, protecting humans in space, increasing pathways for commercial space development that depend on advances in basic research, and contributes to advancing science, technology, engineering, and mathematics research.

(b) OBJECTIVES.—The primary objectives of the ISS program shall be—

(1) to achieve the long term goal and objectives under section 202 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312); and

(2) to pursue a research program that advances knowledge and provides other benefits to the Nation.

(c) CONTINUATION OF THE ISS.—Section 501 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18351) is amended to read as follows:

"SEC. 501. CONTINUATION OF THE INTERNATIONAL SPACE STATION.

''(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States, in consultation with its international partners in the ISS program, to support full and complete utilization of the ISS through at least 2024.

''(b) NASA ACTION.—In furtherance of the policy set forth in subsection (a), NASA shall—

''(1) pursue international, commercial, and intragovernmental means to maximize ISS logistics supply, maintenance, and operational capabilities, reduce risks to ISS systems sustainability, and offset and minimize United States operations costs relating to the ISS;

''(2) utilize, to the extent practicable, the ISS for the development of capabilities and technologies needed for the future of human space exploration beyond low-Earth orbit; and

''(3) utilize, if practical and cost effective, the ISS for Science Mission Directorate missions in low-Earth orbit.''.

SEC. 302. TRANSPORTATION TO ISS.

(a) FINDINGS.—Congress finds that reliance on foreign carriers for United States crew transfer is unacceptable, and the Nation's human space flight program must acquire the capability to launch United States government astronauts on vehicles using United States rockets from United States soil as soon as is safe, reliable, and affordable to do so.

(b) SENSE OF CONGRESS ON COMMERCIAL CREW PROGRAM AND COMMERCIAL RESUPPLY SERVICES PROGRAM.—It is the sense of Congress that—

(1) once developed and certified to meet the Administration's safety and reliability requirements, United States commercially provided crew transportation systems can serve as the primary means of transporting United States government astronauts and international partner astronauts to and from the ISS and serving as ISS crew rescue vehicles;

(2) previous budgetary assumptions used by the Administration in its planning for the Commercial Crew Program assumed significantly higher funding levels than were authorized and appropriated by Congress;

(3) credibility in the Administration's budgetary estimates for the Commercial Crew Program can be enhanced by an independently developed cost estimate;

(4) such credibility in budgetary estimates is an important factor in understanding program risk;

(5) United States access to low-Earth orbit is paramount to the continued success of the ISS and ISS National Laboratory;

(6) a stable and successful Commercial Resupply Services Program and Commercial Crew Program are critical to ensuring timely provisioning of the ISS and to reestablishing the capability to launch United States government astronauts from United States soil into orbit, ending reliance upon Russian transport of United States government astronauts to the ISS which has not been possible since the retirement of the Space Shuttle program in 2011;

(7) NASA should build upon the success of the Commercial Orbital Transportation Services Program and Commercial Resupply Services Program that have allowed private sector companies to partner with NASA to deliver cargo and scientific experiments to the ISS since 2012;

(8) the 21st Century Launch Complex Program has enabled significant modernization and infrastructure improvements at launch sites across the United States to support NASA's Commercial Resupply Services Program and other civil and commercial space flight missions; and

(9) the 21st Century Launch Complex Program should be continued in a manner that leverages State and private investments to achieve the goals of that program.

(c) REAFFIRMATION.—Congress reaffirms—

(1) its commitment to the use of a commercially developed, private sector launch and delivery system to the ISS for crew missions as expressed in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), the National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110–422; 122 Stat. 4779), and the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(2) the requirement under section 50111(b)(1)(A) of title 51, United States Code, that the Administration shall make use of United States commercially provided ISS crew transfer and crew rescue services to the maximum extent practicable.

(d) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION CAPABILITIES.—Section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)) is amended to read as follows:

''(a) USE OF NON-UNITED STATES HUMAN SPACE FLIGHT TRANSPORTATION SERVICES.—

''(1) IN GENERAL.—The Federal Government may not acquire human space flight transportation services from a foreign entity unless—

''(A) no United States Government-operated human space flight capability is available;

''(B) no United States commercial provider is available; and

''(C) it is a qualified foreign entity.

''(2) DEFINITIONS.—In this subsection:

''(A) COMMERCIAL PROVIDER.—The term 'commercial provider' means any person providing human space flight transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

''(B) QUALIFIED FOREIGN ENTITY.—The term 'qualified foreign entity' means a foreign entity that is in compliance with all applicable safety standards and is not prohibited from providing space transportation services under other law.

''(C) UNITED STATES COMMERCIAL PROVIDER.—The term 'United States commercial provider' means a commercial provider, organized under the laws of the United States or of a State, that is more than 50 percent owned by United States nationals.

''(3) ARRANGEMENTS WITH FOREIGN ENTITIES.—Nothing in this subsection shall prevent the Administrator from negotiating or entering into human space flight transportation arrangements with foreign entities to ensure safety of flight and continued ISS operations.''.

(e) COMMERCIAL CREW PROGRAM.—

(1) OBJECTIVE.—The objective of the Commercial Crew Program shall be to assist in the development and certification of commercially provided transportation that—

(A) can carry United States government astronauts safely, reliably, and affordably to and from the ISS;

(B) can serve as a crew rescue vehicle; and

(C) can accomplish subparagraphs (A) and (B) as soon as practicable.

(2) PRIMARY CONSIDERATION.—The objective described in paragraph (1) shall be the primary consideration in the acquisition strategy for the Commercial Crew Program.

(3) SAFETY.—

(A) IN GENERAL.—The Administrator shall protect the safety of government astronauts by ensuring that each commercially provided transportation system under this subsection meets all applicable human rating requirements in accordance with section 403(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18342(b)(1)).

(B) LESSONS LEARNED.—Consistent with the findings and recommendations of the Columbia Accident Investigation Board, the Administration shall ensure that safety and the minimization of the probability of loss of crew are the critical priorities of the Commercial Crew Program.

(4) COST MINIMIZATION.—The Administrator shall strive through the competitive selection process to minimize the life cycle cost to the Administration through the planned period of commercially provided crew transportation services.

(f) COMMERCIAL CARGO PROGRAM.—Section 401 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18341) is amended by striking ''Commercial Orbital Transportation Services'' and inserting ''Commercial Resupply Services''.

(g) COMPETITION.—It is the policy of the United States that, to foster the competitive development, operation, improvement, and commercial availability of space transportation services, and to minimize the life cycle cost to the Administration, the Administrator shall procure services for Federal Government access to and return from the ISS, whenever practicable, via fair and open competition for well-defined, milestone-based, Federal Acquisition Regulation-based contracts under section 201(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18311(a)).

(h) TRANSPARENCY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that cost transparency and schedule transparency aid in effective program management and risk assessment.

(2) IN GENERAL.—The Administrator shall, to the greatest extent practicable and in a manner that does not add costs or schedule delays to the program, ensure all Commercial Crew Program and Commercial Resupply Services Program providers provide evidence-based support for their costs and schedules.

(i) ISS CARGO RESUPPLY SERVICES LESSONS LEARNED.—Not later than 120 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report that—

(1) identifies the lessons learned to date from previous and existing Commercial Resupply Services contracts;

(2) indicates whether changes are needed to the manner in which the Administration procures and manages similar services prior to the issuance of future Commercial Resupply Services procurement opportunities; and

(3) identifies any lessons learned from the Commercial Resupply Services contracts that should be applied to the procurement and management of commercially provided crew transfer services to and from the ISS or to other future procurements.

SEC. 303. ISS TRANSITION PLAN.

(a) FINDINGS.—Congress finds that—

(1) NASA has been both the primary supplier and consumer of human space flight capabilities and services of the ISS and in low-Earth orbit; and

(2) according to the National Research Council report ''Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration'' extending ISS beyond 2020 to 2024 or 2028 will have significant negative impacts on the schedule of crewed missions to Mars, without significant increases in funding.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) an orderly transition for United States human space flight activities in low-Earth orbit from the current regime, that relies heavily on NASA sponsorship, to a regime where NASA is one of many customers of a low-Earth orbit commercial human space flight enterprise may be necessary; and

(2) decisions about the long-term future of the ISS impact the ability to conduct future deep space exploration activities, and that such decisions regarding the ISS should be considered in the context of the human exploration roadmap under section 432 of this Act.

(c) REPORTS.—Section 50111 of title 51, United States Code, is amended by adding at the end the following:

''(c) ISS TRANSITION PLAN.—

''(1) IN GENERAL.—The Administrator, in coordination with the ISS management entity (as defined in section 2 of the National Aeronautics and Space Administration Transition Authorization Act of 2017), ISS partners, the scientific user community, and the commercial space sector, shall develop a plan to transition in a step-wise approach from the current regime that relies heavily on NASA sponsorship to a regime where NASA could be one of many customers of a low-Earth orbit non-governmental human space flight enterprise.

''(2) REPORTS.—Not later than December 1, 2017, and biennially thereafter until 2023, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

''(A) a description of the progress in achieving the Administration's deep space human exploration objectives on ISS and prospects for accomplishing future mission requirements, space exploration objectives, and other research objectives on future commercially supplied low-Earth orbit platforms or migration of those objectives to cis-lunar space;

''(B) the steps NASA is taking and will take, including demonstrations that could be conducted on the ISS, to stimulate and facilitate commercial demand and supply of products and services in low-Earth orbit;

''(C) an identification of barriers preventing the commercialization of low-Earth orbit, including issues relating to policy, regulations, commercial intellectual property, data, and confidentiality, that could inhibit the use of the ISS as a commercial incubator;

''(D) the criteria for defining the ISS as a research success;

''(E) the criteria used to determine whether the ISS is meeting the objective under section 301(b)(2) of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

''(F) an assessment of whether the criteria under subparagraphs (D) and (E) are consistent with the research areas defined in, and recommendations and schedules under, the current National Academies of Sciences, Engineering, and Medicine Decadal Survey on Biological and Physical Sciences in Space;

''(G) any necessary contributions that ISS extension would make to enabling execution of the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017;

''(H) the cost estimates for operating the ISS to achieve the criteria required under subparagraphs (D) and (E) and the contributions identified under subparagraph (G);

''(I) the cost estimates for extending operations of the ISS to 2024, 2028, and 2030;

''(J) an evaluation of the feasible and preferred service life of the ISS beyond the period described in section 503 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18353), through at least 2028, as a unique scientific, commercial, and space exploration-related facility, including—

''(i) a general discussion of international partner capabilities and prospects for extending the partnership;

''(ii) the cost associated with extending the service life;

''(iii) an assessment on the technical limiting factors of the service life of the ISS, including a list of critical components and their expected service life and availability; and

''(iv) such other information as may be necessary to fully describe the justification for and feasibility of extending the service life of the ISS, including the potential scientific or technological benefits to the Federal Government, public, or to academic or commercial entities;

''(K) an identification of the necessary actions and an estimate of the costs to deorbit the ISS once it has reached the end of its service life;

''(L) the impact on deep space exploration capabilities, including a crewed mission to Mars in the 2030s, if the preferred service life of the ISS is extended beyond 2024 and NASA maintains a flat budget profile; and

''(M) an evaluation of the functions, roles, and responsibilities for management and operation of the ISS and a determination of—

''(i) those functions, roles, and responsibilities the Federal Government should retain during the lifecycle of the ISS;

''(ii) those functions, roles, and responsibilities that could be transferred to the commercial space sector;

''(iii) the metrics that would indicate the commercial space sector's readiness and ability to assume the functions, roles, and responsibilities described in clause (ii); and

''(iv) any necessary changes to any agreements or other documents and the law to enable the activities described in subparagraphs (A) and (B).

''(3) DEMONSTRATIONS.—If additional Government crew, power, and transportation resources are available after meeting the Administration's requirements for ISS activities defined in the human exploration roadmap and related research, demonstrations identified under paragraph (2) may—

''(A) test the capabilities needed to meet future mission requirements, space exploration objectives, and other research objectives described in paragraph (2)(A); and

''(B) demonstrate or test capabilities, including commercial modules or deep space habitats, Environmental Control and Life Support Systems, orbital satellite assembly, exploration space suits, a node that enables a wide variety of activity, including multiple commercial modules and airlocks, additional docking or berthing ports for commercial crew and cargo, opportunities for the commercial space sector to cost share for transportation and other services on the ISS, other commercial activities, or services obtained through alternate acquisition approaches.''.

SEC. 304. SPACE COMMUNICATIONS.

(a) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, to meet the Administration's projected space communication and navigation needs for low-Earth orbit and deep space operations in the 20-year period following the date of enactment of this Act.

(b) CONTENTS.—The plan shall include—

(1) the lifecycle cost estimates and a 5-year funding profile;

(2) the performance capabilities required to meet the Administration's projected space communication and navigation needs;

(3) the measures the Administration will take to sustain the existing space communications and navigation architecture;

(4) an identification of the projected space communications and navigation network and infrastructure needs;

(5) a description of the necessary upgrades to meet the needs identified in paragraph (4), including—

(A) an estimate of the cost of the upgrades;

(B) a schedule for implementing the upgrades; and

(C) an assessment of whether and how any related missions will be impacted if resources are not secured at the level needed;

(6) the cost estimates for the maintenance of existing space communications network capabilities necessary to meet the needs identified in paragraph (4);

(7) the criteria for prioritizing resources for the upgrades described in paragraph (5) and the maintenance described in paragraph (6);

(8) an estimate of any reimbursement amounts the Administration may receive from other Federal agencies;

(9) an identification of the projected Tracking and Data Relay Satellite System needs in the 20-year period following the date of enactment of this Act, including in support of relevant Federal agencies, and cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet the projected needs;

(10) the measures the Administration is taking to meet space communications needs after all Tracking and Data Relay Satellite System third-generation communications satellites are operational; and

(11) the measures the Administration is taking to mitigate threats to electromagnetic spectrum use.

(c) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit the plan to the appropriate committees of Congress.

SEC. 305. INDEMNIFICATION; NASA LAUNCH SERVICES AND REENTRY SERVICES.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, is amended by adding at the end the following:

''§ 20148. Indemnification; NASA launch services and reentry services

''(a) IN GENERAL.—Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost, and terms of liability insurance, any contract between the Administration and a provider may provide that the United States will indemnify the provider against successful claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from launch services and reentry services carried out under the contract that the contract defines as unusually hazardous or nuclear in nature, but only to the extent the total amount of successful claims related to the activities under the contract—

''(1) is more than the amount of insurance or demonstration of financial responsibility described in subsection (c)(3); and

''(2) is not more than the amount specified in section 50915(a)(1)(B).

''(b) TERMS OF INDEMNIFICATION.—A contract made under subsection (a) that provides indemnification shall provide for—

''(1) notice to the United States of any claim or suit against the provider for death, bodily injury, or loss of or damage to property; and

''(2) control of or assistance in the defense by the United States, at its election, of that claim or suit and approval of any settlement.

''(c) LIABILITY INSURANCE OF THE PROVIDER.—

''(1) IN GENERAL.—The provider under subsection (a) shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

''(A) a third party for death, bodily injury, or property damage or loss resulting from a launch service or reentry service carried out under the contract; and

''(B) the United States Government for damage or loss to Government property resulting from a launch service or reentry service carried out under the contract.

''(2) MAXIMUM PROBABLE LOSSES.—

''(A) IN GENERAL.—The Administrator shall determine the maximum probable losses under subparagraphs (A) and (B) of paragraph (1) not later than 90 days after the date that the provider requests such a determination and submits all information the Administrator requires.

''(B) REVISIONS.—The Administrator may revise a determination under subparagraph (A) of this paragraph if the Administrator determines the revision is warranted based on new information.

''(3) AMOUNT OF INSURANCE.—For the total claims related to one launch or reentry, a provider shall not be required to obtain insurance or demonstrate financial responsibility of more than—

''(A)(i) $500,000,000 under paragraph (1)(A); or

''(ii) $100,000,000 under paragraph (1)(B); or

''(B) the maximum liability insurance available on the world market at reasonable cost.

''(4) COVERAGE.—An insurance policy or demonstration of financial responsibility under this subsection shall protect the following, to the extent of their potential liability for involvement in launch services or reentry services:

''(A) The Government.

''(B) Personnel of the Government.

''(C) Related entities of the Government.

''(D) Related entities of the provider.

''(E) Government astronauts.

''(d) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a provider under this section unless there is a

cross-waiver between the Administration and the provider as described in subsection (e).

''(e) CROSS-WAIVERS.—

''(1) IN GENERAL.—The Administrator, on behalf of the United States and its departments, agencies, and instrumentalities, shall reciprocally waive claims with a provider under which each party to the waiver agrees to be responsible, and agrees to ensure that its related entities are responsible, for damage or loss to its property, or for losses resulting from any injury or death sustained by its employees or agents, as a result of activities arising out of the performance of the contract.

''(2) LIMITATION.—The waiver made by the Government under paragraph (1) shall apply only to the extent that the claims are more than the amount of insurance or demonstration of financial responsibility required under subsection (c)(1)(B).

''(f) WILLFUL MISCONDUCT.—Indemnification under subsection (a) may exclude claims resulting from the willful misconduct of the provider or its related entities.

''(g) CERTIFICATION OF JUST AND REASONABLE AMOUNT.—No payment may be made under subsection (a) unless the Administrator or the Administrator's designee certifies that the amount is just and reasonable.

''(h) PAYMENTS.—

''(1) IN GENERAL.—Upon the approval by the Administrator, payments under subsection (a) may be made from funds appropriated for such payments.

''(2) LIMITATION.—The Administrator shall not approve payments under paragraph (1), except to the extent provided in an appropriation law or to the extent additional legislative authority is enacted providing for such payments.

''(3) ADDITIONAL APPROPRIATIONS.—If the Administrator requests additional appropriations to make payments under this subsection, then the request for those appropriations shall be made in accordance with the procedures established under section 50915.

''(i) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The authority to indemnify under this section shall not create any rights in third persons that would not otherwise exist by law.

''(2) OTHER AUTHORITY.—Nothing in this section may be construed as prohibiting the Administrator from indemnifying a provider or any other NASA contractor under other law, including under Public Law 85–804 (50 U.S.C. 1431 et seq.).

''(3) ANTI-DEFICIENCY ACT.—Notwithstanding any other provision of this section—

''(A) all obligations under this section are subject to the availability of funds; and

''(B) nothing in this section may be construed to require obligation or payment of funds in violation of sections 1341, 1342, 1349 through 1351, and 1511 through 1519 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act').

''(j) RELATIONSHIP TO OTHER LAWS.—The Administrator may not provide indemnification under this section for an activity that requires a license or permit under chapter 509.

''(k) DEFINITIONS.—In this section:

''(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

''(2) LAUNCH SERVICES.—The term 'launch services' has the meaning given the term in section 50902.

''(3) PROVIDER.—The term 'provider' means a person that provides domestic launch services or domestic reentry services to the Government.

''(4) REENTRY SERVICES.—The term 'reentry services' has the meaning given the term in section 50902.

''(5) RELATED ENTITY.—The term 'related entity' means a contractor or subcontractor.

''(6) THIRD PARTY.—The term 'third party' means a person except—

''(A) the United States Government;

''(B) related entities of the Government involved in launch services or reentry services;

''(C) a provider;

''(D) related entities of the provider involved in launch services or reentry services; or

''(E) a government astronaut.''.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter III of chapter 201 of title 51, United States Code, is amended by inserting after the item relating to section 20147 the following:

''20148. Indemnification; NASA launch services and reentry services.''.

TITLE IV—ADVANCING HUMAN DEEP SPACE EXPLORATION

Subtitle A—Human Space Flight and Exploration Goals and Objectives

SEC. 411. HUMAN SPACE FLIGHT AND EXPLORATION LONG-TERM GOALS.

Section 202(a) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(a)) is amended to read as follows:

''(a) LONG-TERM GOALS.—The long-term goals of the human space flight and exploration efforts of NASA shall be—

''(1) to expand permanent human presence beyond low-Earth orbit and to do so, where practical, in a manner involving international, academic, and industry partners;

''(2) crewed missions and progress toward achieving the goal in paragraph (1) to enable the potential for subsequent human exploration and the extension of human presence throughout the solar system; and

''(3) to enable a capability to extend human presence, including potential human habitation on another celestial body and a thriving space economy in the 21st Century.''.

SEC. 412. KEY OBJECTIVES.

Section 202(b) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)) is amended—

(1) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) to achieve human exploration of Mars and beyond through the prioritization of those technologies and capabilities best suited for such a mission in accordance with the stepping stone approach to exploration under section 70504 of title 51, United States Code.''.

SEC. 413. VISION FOR SPACE EXPLORATION.

Section 20302 of title 51, United States Code, is amended—

(1) in subsection (a), by inserting ''in cislunar space or'' after ''sustained human presence'';

(2) by amending subsection (b) to read as follows:

''(b) FUTURE EXPLORATION OF MARS.—The Administrator shall manage human space flight programs, including the Space Launch System and Orion, to enable humans to explore Mars and other destinations by defining a series of sustainable steps and conducting mission planning, research, and technology development on a timetable that is technically and fiscally possible, consistent with section 70504.''; and

(3) by adding at the end the following:

''(c) DEFINITIONS.—In this section:

''(1) ORION.—The term 'Orion' means the multipurpose crew vehicle described under section 303 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323).

''(2) SPACE LAUNCH SYSTEM.—The term 'Space Launch System' means has the meaning given the term in section 3 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18302).''.

SEC. 414. STEPPING STONE APPROACH TO EXPLORATION.

Section 70504 of title 51, United States Code, is amended to read as follows:

''§ 70504. Stepping stone approach to exploration

''(a) IN GENERAL.—The Administration—

''(1) may conduct missions to intermediate destinations in sustainable steps in accordance with section 20302(b) of this title, and on a timetable determined by the availability of funding, in order to achieve the objective of human exploration of Mars specified in section 202(b)(5) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18312(b)(5)); and

''(2) shall incorporate any such missions into the human exploration roadmap under section 432 of the National Aeronautics and Space Administration Transition Authorization Act of 2017.

''(b) COST-EFFECTIVENESS.—In order to maximize the cost-effectiveness of the long-term space exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international, academic, and industry partners, to ensure that activities in the Administration's human space exploration program balance how those activities might also help meet the requirements of future exploration and utilization activities leading to human habitation on the surface of Mars.

''(c) COMPLETION.—Within budgetary considerations, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

''(d) INTERNATIONAL PARTICIPATION.—In order to achieve the goal of successfully conducting a crewed mission to the surface of Mars, the President may invite the United States partners in the ISS program and other nations, as appropriate, to participate in an international initiative under the leadership of the United States.''.

SEC. 415. UPDATE OF EXPLORATION PLAN AND PROGRAMS.

Section 70502(2) of title 51, United States Code, is amended to read as follows:

''(2) implement an exploration research and technology development program to enable human and robotic operations consistent with section 20302(b) of this title;''.

SEC. 416. REPEALS.

(a) SPACE SHUTTLE CAPABILITY ASSURANCE.—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended—

(1) by striking subsection (b);

(2) in subsection (d), by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) SHUTTLE PRICING POLICY FOR COMMERCIAL AND FOREIGN USERS.—Chapter 703 of title 51, United States Code, and the item relating to that chapter in the table of chapters for that title, are repealed.

(c) SHUTTLE PRIVATIZATION.—Section 50133 of title 51, United States Code, and the item relating to that section in the table of sections for chapter 501 of that title, are repealed.

SEC. 417. ASSURED ACCESS TO SPACE.

Section 70501 of title 51, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) POLICY STATEMENT.—In order to ensure continuous United States participation and leadership in the exploration and utilization of space and as an essential instrument of national security, it is the policy of the United States to maintain an uninterrupted capability for human space flight and operations—

''(1) in low-Earth orbit; and

''(2) beyond low-Earth orbit once the capabilities described in section 421(f) of the National Aeronautics and Space Administration Transition Authorization Act of 2017 become available.''; and

(2) in subsection (b), by striking ''Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle'' and inserting ''Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives describing the progress being made toward developing the Space Launch System and Orion''.

Subtitle B—Assuring Core Capabilities for Exploration

SEC. 421. SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) NASA has made steady progress in developing and testing the Space Launch System and Orion exploration systems with the successful Exploration Flight Test of Orion in December of 2014, the final qualification test firing of the 5-segment Space Launch System boosters in June 2016, and a full thrust, full duration test firing of the RS–25 Space Launch System core stage engine in August 2016.

(2) Through the 21st Century Launch Complex program and Exploration Ground Systems programs, NASA has made significant progress in transforming exploration ground systems infrastructure to meet NASA's mission requirements for the Space Launch System and Orion and to modernize NASA's launch complexes to the benefit of the civil, defense, and commercial space sectors.

(b) SPACE LAUNCH SYSTEM.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that use of the Space Launch System and Orion, with contributions from partnerships with the private sector, academia, and the international community, is the most practical approach to reaching the Moon, Mars, and beyond.

(2) REAFFIRMATION.—Congress reaffirms the policy and minimum capability requirements for the Space Launch System under section 302 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322).

(c) SENSE OF CONGRESS ON SPACE LAUNCH SYSTEM, ORION, AND EXPLORATION GROUND SYSTEMS.—It is the sense of Congress that—

(1) as the United States works to send humans on a series of missions to Mars in the 2030s, the United States national space program should continue to make progress on its commitment by fully developing the Space Launch System, Orion, and related Exploration Ground Systems;

(2) using the Space Launch System and Orion for a wide range of contemplated missions will facilitate the national defense, science, and exploration objectives of the United States;

(3) the United States should have continuity of purpose for the Space Launch System and Orion in deep space exploration missions, using them beginning with the uncrewed mission, EM–1, planned for 2018, followed by the crewed mission, EM–2, in cis-lunar space planned for 2021, and for subsequent missions beginning with EM–3 extending into cis-lunar space and eventually to Mars;

(4) the President's annual budget requests for the Space Launch System and Orion development, test, and operational phases should strive to accurately reflect the resource requirements of each of those phases;

(5) the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, will safely enable human space exploration of the Moon, Mars, and beyond; and

(6) the Administrator should budget for and undertake a robust ground test and uncrewed and crewed flight test and demonstration program for the Space Launch System and Orion in order to promote safety and reduce programmatic risk.

(d) IN GENERAL.—The Administrator shall continue the development of the fully integrated Space Launch System, including an upper stage needed to go beyond low-Earth orbit, in order to safely enable human space exploration of the Moon, Mars, and beyond over the course of the next century as required in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(e) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report addressing the ability of Orion to meet the needs and the minimum capability requirements described in section 303(b)(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18323(b)(3)).

(2) CONTENTS.—The report shall detail—

(A) those components and systems of Orion that ensure it is in compliance with section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3));

(B) the expected date that Orion, integrated with a vehicle other than the Space Launch System, could be available to transport crew and cargo to the ISS;

(C) any impacts to the deep space exploration missions under subsection (f) of this section due to enabling Orion to meet the minimum capability requirements described in section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3)) and conducting the mission described in subparagraph (B) of this paragraph; and

(D) the overall cost and schedule impacts associated with enabling Orion to meet the minimum capability requirements described in section 303(b)(3) of that Act (42 U.S.C. 18323(b)(3)) and conducting the mission described in subparagraph (B) of this paragraph.

(f) EXPLORATION MISSIONS.—The Administrator shall continue development of—

(1) an uncrewed exploration mission to demonstrate the capability of both the Space Launch System and Orion as an integrated system by 2018;

(2) subject to applicable human rating processes and requirements, a crewed exploration mission to demonstrate the Space Launch System, including the Core Stage and Exploration Upper Stages, by 2021;

(3) subsequent missions beginning with EM–3 at operational flight rate sufficient to maintain safety and operational readiness using the Space Launch System and Orion to extend into cis-lunar space and eventually to Mars; and

(4) a deep space habitat as a key element in a deep space exploration architecture along with the Space Launch System and Orion.

(g) OTHER USES.—The Administrator shall assess the utility of the Space Launch System for use by the science community and for other Federal Government launch needs, including consideration of overall cost and schedule savings from reduced transit times and increased science returns enabled by the unique capabilities of the Space Launch System.

(h) UTILIZATION REPORT.—

(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Defense and the Director of National Intelligence, shall prepare a report that addresses the effort and budget required to enable and utilize a cargo variant of the 130-ton Space Launch System configuration described in section 302(c) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18322(c)).

(2) CONTENTS.—In preparing the report, the Administrator shall—

(A) consider the technical requirements of the scientific and national security communities related to a cargo variant of the Space Launch System; and

(B) directly assess the utility and estimated cost savings obtained by using a cargo variant of the Space Launch System for national security and space science missions.

(3) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the report to the appropriate committees of Congress.

Subtitle C—Journey to Mars

SEC. 431. FINDINGS ON HUMAN SPACE EXPLORATION.

Congress makes the following findings:

(1) In accordance with section 204 of the National Aeronautics and Space Administration Authorization Act of 2010 (124 Stat. 2813), the National Academies of Sciences, Engineering, and Medicine, through its Committee on Human Spaceflight, conducted a review of the goals, core capabilities, and direction of human space flight, and published the findings and recommendations in a 2014 report entitled, ''Pathways to Exploration: Rationales and Approaches for a U.S. Program of Human Space Exploration''.

(2) The Committee on Human Spaceflight included leaders from the aerospace, scientific, security, and policy communities.

(3) With input from the public, the Committee on Human Spaceflight concluded that many practical and aspirational rationales for human space flight together constitute a compelling case for continued national investment and pursuit of human space exploration toward the horizon goal of Mars.

(4) According to the Committee on Human Spaceflight, the rationales include economic benefits, national security, national prestige, inspiring students and other citizens, scientific discovery, human survival, and a sense of shared destiny.

(5) The Committee on Human Spaceflight affirmed that Mars is the appropriate long-term goal for the human space flight program.

(6) The Committee on Human Spaceflight recommended that NASA define a series of sustainable steps and conduct mission planning and technology development as needed to achieve the long-term goal of placing humans on the surface of Mars.

(7) Expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars requires early planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives.

(8) In addition to the 2014 report described in paragraph (1), there are several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including NASA's ''The Global Exploration Roadmap'' of 2013, ''NASA's Journey to Mars–Pioneering Next Steps in Space Exploration'' of 2015, NASA Jet Propulsion Laboratory's ''Minimal Architecture for Human Journeys to Mars'' of 2015, and Explore Mars' ''The Humans to Mars Report 2016''.

SEC. 432. HUMAN EXPLORATION ROADMAP.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) expanding human presence beyond low-Earth orbit and advancing toward human missions to Mars in the 2030s requires early strategic planning and timely decisions to be made in the near-term on the necessary courses of action for commitments to achieve short-term and long-term goals and objectives;

(2) for strong and sustained United States leadership, a need exists to advance a human exploration roadmap, addressing exploration objectives in collaboration with international, academic, and industry partners;

(3) an approach that incrementally advances toward a long-term goal is one in which nearer-term developments and implementation would influence future development and implementation; and

(4) a human exploration roadmap should begin with low-Earth orbit, then address in greater detail progress beyond low-Earth orbit to cis-lunar space, and then address future missions aimed at human arrival and activities near and then on the surface of Mars.

(b) HUMAN EXPLORATION ROADMAP.—

(1) IN GENERAL.—The Administrator shall develop a human exploration roadmap, including a critical decision plan, to expand human presence beyond low-Earth orbit to the surface of Mars and beyond, considering potential interim destinations such as cis-lunar space and the moons of Mars.

(2) SCOPE.—The human exploration roadmap shall include—

(A) an integrated set of exploration, science, and other goals and objectives of a United States human space exploration program to achieve the long-term goal of human missions near or on the surface of Mars in the 2030s;

(B) opportunities for international, academic, and industry partnerships for exploration-related systems, services, research, and technology if those opportunities provide cost-savings, accelerate program schedules, or otherwise benefit the goals and objectives developed under subparagraph (A);

(C) sets and sequences of precursor missions in cis-lunar space and other missions or activities necessary—

(i) to demonstrate the proficiency of the capabilities and technologies identified under subparagraph (D); and

(ii) to meet the goals and objectives developed under subparagraph (A), including anticipated timelines and missions for the Space Launch System and Orion;

(D) an identification of the specific capabilities and technologies, including the Space Launch System, Orion, a deep space habitat, and other capabilities, that facilitate the goals and objectives developed under subparagraph (A);

(E) a description of how cis-lunar elements, objectives, and activities advance the human exploration of Mars;

(F) an assessment of potential human health and other risks, including radiation exposure;

(G) mitigation plans, whenever possible, to address the risks identified in subparagraph (F);

(H) a description of those technologies already under development across the Federal Government or by other entities that facilitate the goals and objectives developed under subparagraph (A);

(I) a specific process for the evolution of the capabilities of the fully integrated Orion with the Space Launch System and a description of how these systems facilitate the goals and objectives developed under subparagraph (A) and demonstrate the capabilities and technologies described in subparagraph (D);

(J) a description of the capabilities and technologies that need to be demonstrated or research data that could be gained through the utilization of the ISS and the status of the development of such capabilities and technologies;

(K) a framework for international cooperation in the development of all capabilities and technologies identified under this section, including an assessment of the risks posed by relying on international partners for capabilities and technologies on the critical path of development;

(L) a process for partnering with nongovernmental entities using Space Act Agreements or other acquisition instruments for future human space exploration; and

(M) include information on the phasing of planned intermediate destinations, Mars mission risk areas and potential risk mitigation approaches, technology requirements and phasing of required technology development activities, the management strategy to be followed, related ISS activities, planned international collaborative activities, potential commercial contributions, and other activities relevant to the achievement of the goal established in this section.

(3) CONSIDERATIONS.—In developing the human exploration roadmap, the Administrator shall consider—

(A) using key exploration capabilities, namely the Space Launch System and Orion;

(B) using existing commercially available technologies and capabilities or those technologies and capabilities being developed by industry for commercial purposes;

(C) establishing an organizational approach to ensure collaboration and coordination among NASA's Mission Directorates under section 821, when appropriate, including to collect and return to Earth a sample from the Martian surface;

(D) building upon the initial uncrewed mission, EM–1, and first crewed mission, EM–2, of the Space Launch System and Orion to establish a sustainable cadence of missions extending human exploration missions into cis-lunar space, including anticipated timelines and milestones;

(E) developing the robotic and precursor missions and activities that will demonstrate, test, and develop key technologies and capabilities essential for achieving human missions to Mars, including long-duration human operations beyond low-Earth orbit, space suits, solar electric propulsion, deep space habitats, environmental control life support systems, Mars lander and ascent vehicle, entry, descent, landing, ascent, Mars surface systems, and in-situ resource utilization;

(F) demonstrating and testing 1 or more habitat modules in cis-lunar space to prepare for Mars missions;

(G) using public-private, firm fixed-price partnerships, where practicable;

(H) collaborating with international, academic, and industry partners, when appropriate;

(I) any risks to human health and sensitive onboard technologies, including radiation exposure;

(J) any risks identified through research outcomes under the NASA Human Research Program's Behavioral Health Element; and

(K) the recommendations and ideas of several independently developed reports or concepts that describe potential Mars architectures or concepts and identify Mars as the long-term goal for human space exploration, including the reports described under section 431.

(4) CRITICAL DECISION PLAN ON HUMAN SPACE EXPLORATION.—As part of the human exploration roadmap, the Administrator shall include a critical decision plan—

(A) identifying and defining key decisions guiding human space exploration priorities and plans that need to be made before June 30, 2020, including decisions that may guide human space exploration capability development, precursor missions, long-term missions, and activities;

(B) defining decisions needed to maximize efficiencies and resources for reaching the near, intermediate, and long-term goals and objectives of human space exploration; and

(C) identifying and defining timelines and milestones for a sustainable cadence of missions beginning with EM–3 for the Space Launch System and Orion to extend human exploration from cis-lunar space to the surface of Mars.

(5) REPORTS.—

(A) INITIAL HUMAN EXPLORATION ROADMAP.—The Administrator shall submit to the appropriate committees of Congress—

(i) an initial human exploration roadmap, including a critical decision plan, before December 1, 2017; and

(ii) an updated human exploration roadmap periodically as the Administrator considers necessary but not less than biennially.

(B) CONTENTS.—Each human exploration roadmap under this paragraph shall include a description of—

(i) the achievements and goals accomplished in the process of developing such capabilities and technologies during the 2-year period prior to the submission of the human exploration roadmap; and

(ii) the expected goals and achievements in the following 2- year period.

(C) SUBMISSION WITH BUDGET.—Each human exploration roadmap under this section shall be included in the budget for that fiscal year transmitted to Congress under section 1105(a) of title 31, United States Code.

SEC. 433. ADVANCED SPACE SUIT CAPABILITY.

Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a detailed plan for achieving an advanced space suit capability that aligns with the crew needs for exploration enabled by the Space Launch System and Orion, including an evaluation of the merit of delivering the planned suit system for use on the ISS.

SEC. 434. ASTEROID ROBOTIC REDIRECT MISSION.

(a) FINDINGS.—Congress makes the following findings:

(1) NASA initially estimated that the Asteroid Robotic Redirect Mission would launch in December 2020 and cost no more than $1,250,000,000, excluding launch and operations.

(2) On July 15, 2016, NASA conducted its Key Decision Point–B review of the Asteroid Robotic Redirect Mission or approval for Phase B in mission formulation.

(3) During the Key Decision Point–B review, NASA estimated that costs have grown to $1,400,000,000 excluding launch and operations for a launch in December 2021 and the agency must evaluate whether to accept the

increase or reduce the Asteroid Robotic Redirect Mission's scope to stay within the cost cap set by the Administrator.

(4) In April 2015, the NASA Advisory Council—

(A) issued a finding that—

(i) high-performance solar electric propulsion will likely be an important part of an architecture to send humans to Mars; and

(ii) maneuvering a large test mass is not necessary to provide a valid in-space test of a new solar electric propulsion stage;

(B) determined that a solar electric propulsion mission will contribute more directly to the goal of sending humans to Mars if the mission is focused entirely on development and validation of the solar electric propulsion stage; and

(C) determined that other possible motivations for acquiring and maneuvering a boulder, such as asteroid science and planetary defense, do not have value commensurate with their probable cost.

(5) The Asteroid Robotic Redirect Mission is competing for resources with other critical exploration development programs, including the Space Launch System, Orion, commercial crew, and a habitation module.

(6) In 2014, the NASA Advisory Council recommended that NASA conduct an independent cost and technical assessment of the Asteroid Robotic Redirect Mission.

(7) In 2015, the NASA Advisory Council recommended that NASA preserve the following key objectives if the program needed to be descoped:

(A) Development of high power solar electric propulsion.

(B) Ability to maneuver in a low gravity environment in deep space.

(8) In January 2015 and July 2015, the NASA Advisory Council expressed its concern to NASA about the potential for growing costs for the program and highlighted that choices would need to be made about the program's content.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the technological and scientific goals of the Asteroid Robotic Redirect Mission have not been demonstrated to Congress to be commensurate with the cost; and

(2) alternative missions may provide a more cost effective and scientifically beneficial means to demonstrate the technologies needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission.

(c) EVALUATION AND REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct an evaluation of—

(A) alternative approaches to the Asteroid Robotic Redirect Mission for demonstrating the technologies and capabilities needed for a human mission to Mars that would otherwise be demonstrated by the Asteroid Robotic Redirect Mission;

(B) the scientific and technical benefits of the alternative approaches under subparagraph (A) to future human space exploration compared to scientific and technical benefits of the Asteroid Redirect Robotic Mission;

(C) the commercial benefits of the alternative approaches identified in subparagraph (A), including the impact on the development of domestic solar electric propulsion technology to bolster United States competitiveness in the global marketplace; and

(D) a comparison of the estimated costs of the alternative approaches identified in subparagraph (A); and

(2) submit to the appropriate committees of Congress a report on the evaluation under paragraph (1), including any recommendations.

SEC. 435. MARS 2033 REPORT.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall contract with an independent, non-governmental systems engineering and technical assistance organization to study a Mars human space flight mission to be launched in 2033.

(b) CONTENTS.—The study shall include—

(1) a technical development, test, fielding, and operations plan using the Space Launch System, Orion, and other systems to successfully launch such a Mars human space flight mission by 2033;

(2) an annual budget profile, including cost estimates, for the technical development, test, fielding, and operations plan to carry out a Mars human space flight mission by 2033; and

(3) a comparison of the annual budget profile to the 5-year budget profile contained in the President's budget request for fiscal year 2017 under section 1105 of title 31, United States Code.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the study, including findings and recommendations regarding the Mars 2033 human space flight mission described in subsection (a).

(d) ASSESSMENT.—Not later than 60 days after the date the report is submitted under subsection (c), the Administrator shall submit to the appropriate committees of Congress an assessment by the NASA Advisory Council of whether the proposal for a Mars human space flight mission to be launched in 2033 is in the strategic interests of the United States in space exploration.

Subtitle D—TREAT Astronauts Act

SEC. 441. SHORT TITLE.

This subtitle may be cited as the ''To Research, Evaluate, Assess, and Treat Astronauts Act'' or the ''TREAT Astronauts Act''.

SEC. 442. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Human space exploration can pose significant challenges and is full of substantial risk, which has ultimately claimed the lives of 24 NASA astronauts serving in the line of duty.

(2) As United States government astronauts participate in long-duration and exploration space flight missions they may experience increased health risks, such as vision impairment, bone demineralization, and behavioral health and performance risks, and may be exposed to galactic cosmic radiation. Exposure to high levels of radiation and microgravity can result in acute and long-term health consequences that can increase the risk of cancer and tissue degeneration and have potential effects on the musculoskeletal system, central nervous system, cardiovascular system, immune function, and vision.

(3) To advance the goal of long-duration and exploration space flight missions, United States government astronaut Scott Kelly participated in a 1-year twins study in space while his identical twin brother, former United States government astronaut Mark Kelly, acted as a human control specimen on Earth, providing an understanding of the physical, behavioral, microbiological, and molecular reaction of the human body to an extended period of time in space.

(4) Since the Administration currently provides medical monitoring, diagnosis, and treatment for United States government astronauts during their active employment, given the unknown long-term health consequences of long-duration space exploration, the Administration has requested statutory authority from Congress to provide medical monitoring, diagnosis, and treatment to former United States government astronauts for psychological and medical conditions associated with human space flight.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should continue to seek the unknown and lead the world in space exploration and scientific discovery as the Administration prepares for long-duration and exploration space flight in deep space and an eventual mission to Mars;

(2) data relating to the health of astronauts will become increasingly valuable to improving our understanding of many diseases humans face on Earth;

(3) the Administration should provide the type of monitoring, diagnosis, and treatment described in subsection (a) only for conditions the Administration considers unique to the training or exposure to the space flight environment of United States government astronauts and should not require any former United States Government astronauts to participate in the Administration's monitoring;

(4) such monitoring, diagnosis, and treatment should not replace a former United States government astronaut's private health insurance;

(5) expanded data acquired from such monitoring, diagnosis, and treatment should be used to tailor treatment, inform the requirements for new space flight medical hardware, and develop controls in order to prevent disease occurrence in the astronaut corps; and

(6) the 340-day space mission of Scott Kelly aboard the ISS—

(A) was pivotal for the goal of the United States for humans to explore deep space and Mars as the mission generated new insight into how the human body adjusts to weightlessness, isolation, radiation, and the stress of long-duration space flight; and

(B) will help support the physical and mental well-being of astronauts during longer space exploration missions in the future.

SEC. 443. MEDICAL MONITORING AND RESEARCH RELATING TO HUMAN SPACE FLIGHT.

(a) IN GENERAL.—Subchapter III of chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by adding at the end the following:

''§ 20149. Medical monitoring and research relating to human space flight

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may provide for—

''(1) the medical monitoring and diagnosis of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers potentially associated with human space flight; and

''(2) the treatment of a former United States government astronaut or a former payload specialist for conditions that the Administrator considers associated with human space flight, including scientific and medical tests for psychological and medical conditions.

''(b) REQUIREMENTS.—

''(1) NO COST SHARING.—The medical monitoring, diagnosis, or treatment described in subsection (a) shall be provided without any deductible, copayment, or other cost sharing obligation.

''(2) ACCESS TO LOCAL SERVICES.—The medical monitoring, diagnosis, and treatment described in subsection (a) may be provided by a local health care provider if it is unadvisable due to the health of the applicable former United States government astronaut or former payload specialist for that

former United States government astronaut or former payload specialist to travel to the Lyndon B. Johnson Space Center, as determined by the Administrator.

''(3) SECONDARY PAYMENT.—Payment or reimbursement for the medical monitoring, diagnosis, or treatment described in subsection (a) shall be secondary to any obligation of the United States Government or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment. Any costs for items and services that may be provided by the Administrator for medical monitoring, diagnosis, or treatment under subsection (a) that are not paid for or provided under such other provision of law or contractual agreement, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable by the Administrator on behalf of the former United States government astronaut or former payload specialist involved to the extent such items or services are authorized to be provided by the Administrator for such medical monitoring, diagnosis, or treatment under subsection (a).

''(4) CONDITIONAL PAYMENT.—The Administrator may provide for conditional payments for or provide medical monitoring, diagnosis, or treatment described in subsection (a) that is obligated to be paid for or provided by the United States or any third party under any other provision of law or contractual agreement to pay for or provide such medical monitoring, diagnosis, or treatment if—

''(A) payment for (or the provision of) such medical monitoring, diagnosis, or treatment services has not been made (or provided) or cannot reasonably be expected to be made (or provided) promptly by the United States or such third party, respectively; and

''(B) such payment (or such provision of services) by the Administrator is conditioned on reimbursement by the United States or such third party, respectively, for such medical monitoring, diagnosis, or treatment.

''(c) EXCLUSIONS.—The Administrator may not—

''(1) provide for medical monitoring or diagnosis of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not potentially associated with human space flight;

''(2) provide for treatment of a former United States government astronaut or former payload specialist under subsection (a) for any psychological or medical condition that is not associated with human space flight; or

''(3) require a former United States government astronaut or former payload specialist to participate in the medical monitoring, diagnosis, or treatment authorized under subsection (a).

''(d) PRIVACY.—Consistent with applicable provisions of Federal law relating to privacy, the Administrator shall protect the privacy of all medical records generated under subsection (a) and accessible to the Administration.

''(e) REGULATIONS.—The Administrator shall promulgate such regulations as are necessary to carry out this section.

''(f) DEFINITION OF UNITED STATES GOVERNMENT ASTRONAUT.—In this section, the term 'United States government astronaut' has the meaning given the term 'government astronaut' in section 50902, except it does not include an individual who is an international partner astronaut.

''(g) DATA USE AND DISCLOSURE.—The Administrator may use or disclose data acquired in the course of medical monitoring, diagnosis, or treatment of a former United States government astronaut or a former payload specialist under subsection (a), in accordance with subsection (d). Former United States government astronaut or former payload specialist participation in medical monitoring, diagnosis, or treatment under subsection (a) shall constitute consent for the Administrator to use or disclose such data.''.

(b) TABLE OF CONTENTS.—The table of contents for chapter 201 of title 51, United States Code, as amended by section 305 of this Act, is further amended by inserting after the item relating to section 20148 the following:

''20149. Medical monitoring and research relating to human space flight.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Each fiscal year, not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code, the Administrator shall publish a report, in accordance with applicable Federal privacy laws, on the activities of the Administration under section 20149 of title 51, United States Code.

(2) CONTENTS.—Each report under paragraph (1) shall include a detailed cost accounting of the Administration's activities under section 20149 of title 51, United States Code, and a 5-year budget estimate.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress each report under paragraph (1) not later than the date of submission of the President's annual budget request for that fiscal year under section 1105 of title 31, United States Code.

(d) COST ESTIMATE.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with an independent external organization to undertake an independent cost estimate of the cost to the Administration and the Federal Government to implement and administer the activities of the Administration under section 20149 of title 51, United States Code. The independent external organization may not be a NASA entity, such as the Office of Safety and Mission Assurance.

(2) SUBMITTAL TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the independent cost estimate under paragraph (1).

(e) PRIVACY STUDY.—

(1) STUDY.—The Administrator shall carry out a study on any potential privacy or legal issues related to the possible sharing beyond the Federal Government of data acquired under the activities of the Administration under section 20149 of title 51, United States Code.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report containing the results of the study carried out under paragraph (1).

(f) INSPECTOR GENERAL AUDIT.—The Inspector General of NASA shall periodically audit or review, as the Inspector General considers necessary to prevent waste, fraud, and abuse, the activities of the Administration under section 20149 of title 51, United States Code.

TITLE V—ADVANCING SPACE SCIENCE

SEC. 501. MAINTAINING A BALANCED SPACE SCIENCE PORTFOLIO.

(a) SENSE OF CONGRESS ON SCIENCE PORTFOLIO.—Congress reaffirms the sense of Congress that—

(1) a balanced and adequately funded set of activities, consisting of research and analysis grant programs, technology development, suborbital research activities, and small, medium, and large space missions, contributes to a robust and productive science program and serves as a catalyst for innovation and discovery; and

(2) the Administrator should set science priorities by following the guidance provided by the scientific community through the National Academies of Sciences, Engineering, and Medicine's decadal surveys.

(b) POLICY.—It is the policy of the United States to ensure, to the extent practicable, a steady cadence of large, medium, and small science missions.

SEC. 502. PLANETARY SCIENCE.

(a) FINDINGS.—Congress finds that—

(1) Administration support for planetary science is critical to enabling greater understanding of the solar system and the origin of the Earth;

(2) the United States leads the world in planetary science and can augment its success in that area with appropriate international, academic, and industry partnerships;

(3) a mix of small, medium, and large planetary science missions is required to sustain a steady cadence of planetary exploration; and

(4) robotic planetary exploration is a key component of preparing for future human exploration.

(b) MISSION PRIORITIES.—

(1) IN GENERAL.—In accordance with the priorities established in the most recent Planetary Science Decadal Survey, the Administrator shall ensure, to the greatest extent practicable, the completion of a balanced set of Discovery, New Frontiers, and Flagship missions at the cadence recommended by the most recent Planetary Science Decadal Survey.

(2) MISSION PRIORITY ADJUSTMENTS.—Consistent with the set of missions described in paragraph (1), and while maintaining the continuity of scientific data and steady development of capabilities and technologies, the Administrator may seek, if necessary, adjustments to mission priorities, schedule, and scope in light of changing budget projections.

SEC. 503. JAMES WEBB SPACE TELESCOPE.

It is the sense of Congress that—

(1) the James Webb Space Telescope will—

(A) significantly advance our understanding of star and planet formation, and improve our knowledge of the early universe; and

(B) support United States leadership in astrophysics;

(2) consistent with annual Government Accountability Office reviews of the James Webb Space Telescope program, the Administrator should continue robust surveillance of the performance of the James Webb Space Telescope project and continue to improve the reliability of cost estimates and contractor performance data and other major space flight projects in order to enhance NASA's ability to successfully deliver the James Webb Space Telescope on-time and within budget;

(3) the on-time and on-budget delivery of the James Webb Space Telescope is a high congressional priority; and

(4) the Administrator should ensure that integrated testing is appropriately timed and sufficiently comprehensive to enable potential issues to be identified and addressed early enough to be handled within the James Webb Space Telescope's development schedule and prior to its launch.

SEC. 504. WIDE-FIELD INFRARED SURVEY TELESCOPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Wide-Field Infrared Survey Telescope (referred to in this section as

''WFIRST'') mission has the potential to enable scientific discoveries that will transform our understanding of the universe; and

(2) the Administrator, to the extent practicable, should make progress on the technologies and capabilities needed to position the Administration to meet the objectives, as outlined in the 2010 National Academies' Astronomy and Astrophysics Decadal Survey, in a way that maximizes the scientific productivity of meeting those objectives for the resources invested.

(b) CONTINUITY OF DEVELOPMENT.—The Administrator shall ensure that the concept definition and pre-formulation activities of the WFIRST mission continue while the James Webb Space Telescope is being completed.

SEC. 505. MARS 2020 ROVER.

It is the sense of Congress that—

(1) the Mars 2020 mission, to develop a Mars rover and to enable the return of samples to Earth, should remain a priority for NASA; and

(2) the Mars 2020 mission—

(A) should significantly increase our understanding of Mars;

(B) should help determine whether life previously existed on that planet; and

(C) should provide opportunities to gather knowledge and demonstrate technologies that address the challenges of future human expeditions to Mars.

SEC. 506. EUROPA.

(a) FINDINGS.—Congress makes the following findings:

(1) Studies of Europa, Jupiter's moon, indicate that Europa may provide a habitable environment, as it contains key ingredients known to support life.

(2) In 2012, using the Hubble Space Telescope, NASA scientists observed water vapor around the south polar region of Europa, which provides potential evidence of water plumes in that region.

(3) For decades, the Europa mission has consistently ranked as a high priority mission for the scientific community.

(4) The Europa mission was ranked as the top priority mission in the previous Planetary Science Decadal Survey and ranked as the second-highest priority in the current Planetary Science Decadal Survey.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Europa mission could provide another avenue in which to capitalize on our Nation's current investment in the Space Launch System that would significantly reduce the transit time for such a deep space mission; and

(2) a scientific, robotic exploration mission to Europa, as prioritized in both Planetary Science Decadal Surveys, should be supported.

SEC. 507. CONGRESSIONAL DECLARATION OF POLICY AND PURPOSE.

Section 20102(d) of title 51, United States Code, is amended by adding at the end the following:

''(10) The search for life's origin, evolution, distribution, and future in the universe.''.

SEC. 508. EXTRASOLAR PLANET EXPLORATION STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for the study and exploration of extrasolar planets, including the use of the Transiting Exoplanet Survey Satellite, the James Webb Space Telescope, a potential Wide-Field Infrared Survey Telescope mission, or any other telescope, spacecraft, or instrument, as appropriate.

(2) REQUIREMENTS.—The strategy shall—

(A) outline key scientific questions;

(B) identify the most promising research in the field;

(C) indicate the extent to which the mission priorities in existing decadal surveys address the key extrasolar planet research and exploration goals;

(D) identify opportunities for coordination with international partners, commercial partners, and not-for-profit partners; and

(E) make recommendations regarding the activities under subparagraphs (A) through (D), as appropriate.

(b) USE OF STRATEGY.—The Administrator shall use the strategy—

(1) to inform roadmaps, strategic plans, and other activities of the Administration as they relate to extrasolar planet research and exploration; and

(2) to provide a foundation for future activities and initiatives related to extrasolar planet research and exploration.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 509. ASTROBIOLOGY STRATEGY.

(a) STRATEGY.—

(1) IN GENERAL.—The Administrator shall enter into an arrangement with the National Academies to develop a science strategy for astrobiology that would outline key scientific questions, identify the most promising research in the field, and indicate the extent to which the mission priorities in existing decadal surveys address the search for life's origin, evolution, distribution, and future in the Universe.

(2) RECOMMENDATIONS.—The strategy shall include recommendations for coordination with international partners.

(b) USE OF STRATEGY.—The Administrator shall use the strategy developed under subsection (a) in planning and funding research and other activities and initiatives in the field of astrobiology.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the National Academies shall submit to the Administrator and to the appropriate committees of Congress a report containing the strategy developed under subsection (a).

SEC. 510. ASTROBIOLOGY PUBLIC-PRIVATE PARTNERSHIPS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to study life's origin, evolution, distribution, and future in the universe.

SEC. 511. NEAR-EARTH OBJECTS.

Section 321 of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101) is amended by adding at the end the following:

''(e) PROGRAM REPORT.—The Director of the Office of Science and Technology Policy and the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, not later than 1 year after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, an initial report that provides—

''(1) recommendations for carrying out the Survey program and an associated proposed budget;

''(2) an analysis of possible options that the Administration could employ to divert an object on a likely collision course with Earth; and

''(3) a description of the status of efforts to coordinate and cooperate with other countries to discover hazardous asteroids and comets, plan a mitigation strategy, and implement that strategy in the event of the discovery of an object on a likely collision course with Earth.

''(f) ANNUAL REPORTS.—After the initial report under subsection (e), the Administrator shall annually transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes—

''(1) a summary of all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, including the progress toward achieving 90 percent completion of the survey described in subsection (d); and

''(2) a summary of expenditures for all activities carried out under subsection (d) since the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017.

''(g) ASSESSMENT.—The Administrator, in collaboration with other relevant Federal agencies, shall carry out a technical and scientific assessment of the capabilities and resources—

''(1) to accelerate the survey described in subsection (d); and

''(2) to expand the Administration's Near-Earth Object Program to include the detection, tracking, cataloguing, and characterization of potentially hazardous near-Earth objects less than 140 meters in diameter.

''(h) TRANSMITTAL.—Not later than 270 days after the date of enactment of the National Aeronautics and Space Administration Transition Authorization Act of 2017, the Administrator shall transmit the results of the assessment under subsection (g) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.''.

SEC. 512. NEAR-EARTH OBJECTS PUBLIC-PRIVATE PARTNERSHIPS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Administration should seek to leverage the capabilities of the private sector and philanthropic organizations to the maximum extent practicable in carrying out the Near-Earth Object Survey Program in order to meet the goal of that program under section 321(d)(1) of the National Aeronautics and Space Administration Authorization Act of 2005 (51 U.S.C. note prec. 71101(d)(1)).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing how the Administration can expand collaborative partnerships to detect, track, catalogue, and categorize near-Earth objects.

SEC. 513. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

Section 30504 of title 51, United States Code, is amended to read as follows:

''§ 30504. Assessment of science mission extensions

''(a) ASSESSMENTS.—

''(1) IN GENERAL.—The Administrator shall carry out triennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that exceed their planned missions' lifetime.

''(2) CONSIDERATIONS.—In conducting an assessment under paragraph (1), the Administrator shall consider whether and how extending missions impacts the start of future missions.

''(b) CONSULTATION AND CONSIDERATION OF POTENTIAL BENEFITS OF INSTRUMENTS ON MISSIONS.—When deciding whether to extend a

mission that has an operational component, the Administrator shall—

''(1) consult with any affected Federal agency; and

''(2) take into account the potential benefits of instruments on missions that are beyond their planned mission lifetime.

''(c) REPORTS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, at the same time as the submission to Congress of the Administration's annual budget request for each fiscal year, a report detailing any assessment under subsection (a) that was carried out during the previous year.''.

SEC. 514. STRATOSPHERIC OBSERVATORY FOR INFRARED ASTRONOMY.

The Administrator may not terminate science operations of the Stratospheric Observatory for Infrared Astronomy before December 31, 2017.

SEC. 515. RADIOISOTOPE POWER SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) exploration of the outer reaches of the solar system is enabled by radioisotope power systems;

(2) establishing continuity in the production of the material needed for radioisotope power systems is essential to maintaining the availability of such systems for future deep space exploration missions; and

(3) Federal agencies supporting the Administration through the production of such material should do so in a cost effective manner so as not to impose excessive reimbursement requirements on the Administration.

(b) ANALYSIS OF REQUIREMENTS AND RISKS.—The Director of the Office of Science and Technology Policy and the Administrator, in consultation with the heads of other Federal agencies, shall conduct an analysis of—

(1) the requirements of the Administration for radioisotope power system material that is needed to carry out planned, high priority robotic missions in the solar system and other surface exploration activities beyond low-Earth orbit; and

(2) the risks to missions of the Administration in meeting those requirements, or any additional requirements, due to a lack of adequate radioisotope power system material.

(c) CONTENTS OF ANALYSIS.—The analysis conducted under subsection (b) shall—

(1) detail the Administration's current projected mission requirements and associated timeframes for radioisotope power system material;

(2) explain the assumptions used to determine the Administration's requirements for the material, including—

(A) the planned use of advanced thermal conversion technology such as advanced thermocouples and Stirling generators and converters; and

(B) the risks and implications of, and contingencies for, any delays or unanticipated technical challenges affecting or related to the Administration's mission plans for the anticipated use of advanced thermal conversion technology;

(3) assess the risk to the Administration's programs of any potential delays in achieving the schedule and milestones for planned domestic production of radioisotope power system material;

(4) outline a process for meeting any additional Administration requirements for the material;

(5) estimate the incremental costs required to increase the amount of material produced each year, if such an increase is needed to support additional Administration requirements for the material;

(6) detail how the Administration and other Federal agencies will manage, operate, and fund production facilities and the design and development of all radioisotope power systems used by the Administration and other Federal agencies as necessary;

(7) specify the steps the Administration will take, in consultation with the Department of Energy, to preserve the infrastructure and workforce necessary for production of radioisotope power systems and ensure that its reimbursements to the Department of Energy associated with such preservation are equitable and justified; and

(8) detail how the Administration has implemented or rejected the recommendations from the National Research Council's 2009 report titled ''Radioisotope Power Systems: An Imperative for Maintaining U.S. Leadership in Space Exploration.''

(d) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit the results of the analysis to the appropriate committees of Congress.

SEC. 516. ASSESSMENT OF MARS ARCHITECTURE.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to assess—

(1) the Administration's Mars exploration architecture and its responsiveness to the strategies, priorities, and guidelines put forward by the National Academies' planetary science decadal surveys and other relevant National Academies Mars-related reports;

(2) the long-term goals of the Administration's Mars Exploration Program and such program's ability to optimize the science return, given the current fiscal posture of the program;

(3) the Mars exploration architecture's relationship to Mars-related activities to be undertaken by foreign agencies and organizations; and

(4) the extent to which the Mars exploration architecture represents a reasonably balanced mission portfolio.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit the results of the assessment to the appropriate committees of Congress.

SEC. 517. COLLABORATION.

The Administration shall continue to develop first-of-a-kind instruments that, once proved, can be transitioned to other agencies for operations. Whenever responsibilities for the development of sensors or for measurements are transferred to the Administration from another agency, the Administration shall seek, to the extent possible, to be reimbursed for the assumption of such responsibilities.

TITLE VI—AERONAUTICS

SEC. 601. SENSE OF CONGRESS ON AERONAUTICS.

It is the sense of Congress that—

(1) a robust aeronautics research portfolio will help maintain the United States status as a leader in aviation, enhance the competitiveness of the United States in the world economy, and improve the quality of life of all citizens;

(2) aeronautics research is essential to the Administration's mission, continues to be an important core element of the Administration's mission, and should be supported;

(3) the Administrator should coordinate and consult with relevant Federal agencies and the private sector to minimize duplication of efforts and leverage resources; and

(4) carrying aeronautics research to a level of maturity that allows the Administration's research results to be transferred to the users, whether private or public sector, is critical to their eventual adoption.

SEC. 602. TRANSFORMATIVE AERONAUTICS RESEARCH.

It is the sense of Congress that the Administrator should look strategically into the future and ensure that the Administration's Center personnel are at the leading edge of aeronautics research by encouraging investigations into the early-stage advancement of new processes, novel concepts, and innovative technologies that have the potential to meet national aeronautics needs.

SEC. 603. HYPERSONIC RESEARCH.

(a) ROADMAP FOR HYPERSONIC RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall develop and submit to the appropriate committees of Congress a research and development roadmap for hypersonic aircraft research.

(b) OBJECTIVE.—The objective of the roadmap is to explore hypersonic science and technology using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

(c) CONTENTS.—The roadmap shall recommend appropriate Federal agency contributions, coordination efforts, and technology milestones.

SEC. 604. SUPERSONIC RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) the ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities could open new global markets and enable new transportation capabilities; and

(2) continuing the Administration's research program is necessary to assess the impact in a relevant environment of commercial supersonic flight operations and provide the basis for establishing appropriate sonic boom standards for such flight operations.

(b) ROADMAP FOR SUPERSONIC RESEARCH.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and submit to the appropriate committees of Congress a roadmap that allows for flexible funding profiles for supersonic aeronautics research and development.

(2) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate, in a relevant environment, airframe and propulsion technologies to minimize the environmental impact, including noise, of supersonic overland flight in an efficient and economical manner.

(3) CONTENTS.—The roadmap shall include—

(A) the baseline research as embodied by the Administration's existing research on supersonic flight;

(B) a list of specific technological, environmental, and other challenges that must be overcome to minimize the environmental impact, including noise, of supersonic overland flight;

(C) a research plan to address the challenges under subparagraph (B), including a project timeline for accomplishing relevant research goals;

(D) a plan for coordination with stakeholders, including relevant government agencies and industry; and

(E) a plan for how the Administration will ensure that sonic boom research is coordinated as appropriate with relevant Federal agencies.

SEC. 605. ROTORCRAFT RESEARCH.

(a) ROADMAP FOR ROTORCRAFT RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the heads of other relevant Federal agencies, shall prepare and submit

to the appropriate committees of Congress a roadmap for research relating to rotorcraft and other runway-independent air vehicles.

(b) OBJECTIVE.—The objective of the roadmap is to develop and demonstrate improved safety, noise, and environmental impact in a relevant environment.

(c) CONTENTS.—The roadmap shall include specific goals for the research, a timeline for implementation, metrics for success, and guidelines for collaboration and coordination with industry and other Federal agencies.

TITLE VII—SPACE TECHNOLOGY

SEC. 701. SPACE TECHNOLOGY INFUSION.

(a) SENSE OF CONGRESS ON SPACE TECHNOLOGY.—It is the sense of Congress that space technology is critical—

(1) to developing technologies and capabilities that will make the Administration's core missions more affordable and more reliable;

(2) to enabling a new class of Administration missions beyond low-Earth orbit; and

(3) to improving technological capabilities and promote innovation for the Administration and the Nation.

(b) SENSE OF CONGRESS ON PROPULSION TECHNOLOGY.—It is the sense of Congress that advancing propulsion technology would improve the efficiency of trips to Mars and could shorten travel time to Mars, reduce astronaut health risks, and reduce radiation exposure, consumables, and mass of materials required for the journey.

(c) POLICY.—It is the policy of the United States that the Administrator shall develop technologies to support the Administration's core missions, as described in section 2(3) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301(3)), and support sustained investments in early stage innovation, fundamental research, and technologies to expand the boundaries of the national aerospace enterprise.

(d) PROPULSION TECHNOLOGIES.—A goal of propulsion technologies developed under subsection (c) shall be to significantly reduce human travel time to Mars.

SEC. 702. SPACE TECHNOLOGY PROGRAM.

(a) SPACE TECHNOLOGY PROGRAM AUTHORIZED.—The Administrator shall conduct a space technology program (referred to in this section as the ''Program'') to research and develop advanced space technologies that could deliver innovative solutions across the Administration's space exploration and science missions.

(b) CONSIDERATIONS.—In conducting the Program, the Administrator shall consider—

(1) the recommendations of the National Academies' review of the Administration's Space Technology roadmaps and priorities; and

(2) the applicable enabling aspects of the stepping stone approach to exploration under section 70504 of title 51, United States Code.

(c) REQUIREMENTS.—In conducting the Program, the Administrator shall—

(1) to the extent practicable, use a competitive process to select research and development projects;

(2) to the extent practicable and appropriate, use small satellites and the Administration's suborbital and ground-based platforms to demonstrate space technology concepts and developments; and

(3) as appropriate, partner with other Federal agencies, universities, private industry, and foreign countries.

(d) SMALL BUSINESS PROGRAMS.—The Administrator shall organize and manage the Administration's Small Business Innovation Research Program and Small Business Technology Transfer Program within the Program.

(e) NONDUPLICATION CERTIFICATION.—The Administrator shall submit a budget for each fiscal year, as transmitted to Congress under section 1105(a) of title 31, United States Code, that avoids duplication of projects, programs, or missions conducted by Program with other projects, programs, or missions conducted by another office or directorate of the Administration.

(f) COLLABORATION, COORDINATION, AND ALIGNMENT.—

(1) IN GENERAL.—The Administrator shall—

(A) ensure that the Administration's projects, programs, and activities in support of technology research and development of advanced space technologies are fully coordinated and aligned;

(B) ensure that the results the projects, programs, and activities under subparagraph (A) are shared and leveraged within the Administration; and

(C) ensure that the organizational responsibility for research and development activities in support of human space exploration not initiated as of the date of enactment of this Act is established on the basis of a sound rationale.

(2) SENSE OF CONGRESS.—It is the sense of Congress that projects, programs, and missions being conducted by the Human Exploration and Operations Mission Directorate in support of research and development of advanced space technologies and systems focusing on human space exploration should continue in that Directorate.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide to the appropriate committees of Congress a report—

(1) comparing the Administration's space technology investments with the high-priority technology areas identified by the National Academies in the National Research Council's report on the Administration's Space Technology Roadmaps; and

(2) including—

(A) identification of how the Administration will address any gaps between the agency's investments and the recommended technology areas, including a projection of funding requirements; and

(B) identification of the rationale described in subsection (f)(1)(C).

(h) ANNUAL REPORT.—The Administrator shall include in the Administration's annual budget request for each fiscal year the rationale for assigning organizational responsibility for, in the year prior to the budget fiscal year, each initiated project, program, and mission focused on research and development of advanced technologies for human space exploration.

TITLE VIII—MAXIMIZING EFFICIENCY

Subtitle A—Agency Information Technology and Cybersecurity

SEC. 811. INFORMATION TECHNOLOGY GOVERNANCE.

(a) IN GENERAL.—The Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) ensure the NASA Chief Information Officer, Mission Directorates, and Centers have appropriate roles in the management, governance, and oversight processes related to information technology operations and investments and information security programs for the protection of NASA systems;

(2) ensure the NASA Chief Information Officer has the appropriate resources and insight to oversee NASA information technology and information security operations and investments;

(3) provide an information technology program management framework to increase the efficiency and effectiveness of information technology investments, including relying on metrics for identifying and reducing potential duplication, waste, and cost;

(4) improve the operational linkage between the NASA Chief Information Officer and each NASA mission directorate, center, and mission support office to ensure both agency and mission needs are considered in agency-wide information technology and information security management and oversight;

(5) review the portfolio of information technology investments and spending, including information technology-related investments included as part of activities within NASA mission directorates that may not be considered information technology, to ensure investments are recognized and reported appropriately based on guidance from the Office of Management and Budget;

(6) consider appropriate revisions to the charters of information technology boards and councils that inform information technology investment and operation decisions; and

(7) consider whether the NASA Chief Information Officer should have a seat on any boards or councils described in paragraph (6).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Administration's Information Technology Governance in ensuring information technology resources are aligned with agency missions and are cost effective and secure.

(2) CONTENTS.—The study shall include an assessment of—

(A) the resources available for overseeing Administration-wide information technology operations, investments, and security measures and the NASA Chief Information Officer's visibility and involvement into information technology oversight and access to those resources;

(B) the effectiveness and challenges of the Administration's information technology structure, decision making processes and authorities, including impacts on its ability to implement information security; and

(C) the impact of NASA Chief Information Officer approval authority over information technology investments that exceed a defined monetary threshold, including any potential impacts of such authority on the Administration's missions, flights programs and projects, research activities, and Center operations.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report detailing the results of the study under paragraph (1), including any recommendations.

SEC. 812. INFORMATION TECHNOLOGY STRATEGIC PLAN.

(a) IN GENERAL.—Subject to subsection (b), the Administrator shall develop an information technology strategic plan to guide NASA information technology management and strategic objectives.

(b) REQUIREMENTS.—In developing the strategic plan, the Administrator shall ensure that the strategic plan addresses—

(1) the deadline under section 306(a) of title 5, United States Code; and

(2) the requirements under section 3506 of title 44, United States Code.

(c) CONTENTS.—The strategic plan shall address, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) near and long-term goals and objectives for leveraging information technology;

(2) a plan for how NASA will submit to Congress of a list of information technology projects, including completion dates and risk level in accordance with guidance from the Office of Management and Budget;

(3) an implementation overview for an agency-wide approach to information technology investments and operations, including reducing barriers to cross-center collaboration;

(4) coordination by the NASA Chief Information Officer with centers and mission directorates to ensure that information technology policies are effectively and efficiently implemented across the agency;

(5) a plan to increase the efficiency and effectiveness of information technology investments, including a description of how unnecessarily duplicative, wasteful, legacy, or outdated information technology across NASA will be identified and eliminated, and a schedule for the identification and elimination of such information technology;

(6) a plan for improving the information security of agency information and agency information systems, including improving security control assessments and role-based security training of employees; and

(7) submission by NASA to Congress of information regarding high risk projects and cybersecurity risks.

(d) CONGRESSIONAL OVERSIGHT.—The Administrator shall submit to the appropriate committees of Congress the strategic plan under subsection (a) and any updates thereto.

SEC. 813. CYBERSECURITY.

(a) FINDING.—Congress finds that the security of NASA information and information systems is vital to the success of the mission of the agency.

(b) INFORMATION SECURITY PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement the information security plan developed under paragraph (2) and take such further actions as the Administrator considers necessary to improve the information security system in accordance with this section.

(2) INFORMATION SECURITY PLAN.—Subject to paragraphs (3) and (4), the Administrator shall develop an agency-wide information security plan to enhance information security for NASA information and information infrastructure.

(3) REQUIREMENTS.—In developing the plan under paragraph (2), the Administrator shall ensure that the plan—

(A) reflects the unique nature of NASA's mission and expertise;

(B) is informed by policies, standards, guidelines, and directives on information security required for Federal agencies;

(C) is consistent with the standards and guidelines under section 11331 of title 40, United States Code; and

(D) meets applicable National Institute of Standards and Technology information security standards and guidelines.

(4) CONTENTS.—The plan shall address—

(A) an overview of the requirements of the information security system;

(B) an agency-wide risk management framework for information security;

(C) a description of the information security system management controls and common controls that are necessary to ensure compliance with information security-related requirements;

(D) an identification and assignment of roles, responsibilities, and management commitment for information security at the agency;

(E) coordination among organizational entities, including between each center, facility, mission directorate, and mission support office, and among agency entities responsible for different aspects of information security;

(F) the need to protect the information security of mission-critical systems and activities and high-impact and moderate-impact information systems; and

(G) a schedule of frequent reviews and updates, as necessary, of the plan.

SEC. 814. SECURITY MANAGEMENT OF FOREIGN NATIONAL ACCESS.

The Administrator shall notify the appropriate committees of Congress when the agency has implemented the information technology security recommendations from the National Academy of Public Administration on foreign national access management, based on reports from January 2014 and March 2016.

SEC. 815. CYBERSECURITY OF WEB APPLICATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall, in a manner that reflects the unique nature of NASA's mission and expertise—

(1) develop a plan, including such actions and milestones as are necessary, to fully remediate security vulnerabilities of NASA web applications within a timely fashion after discovery; and

(2) provide an update on its plan to implement the recommendation from the NASA Inspector General in the audit report dated July 10, 2014, (IG–14–023) to remove from the Internet or otherwise secure all NASA web applications in development or testing mode.

Subtitle B—Collaboration Among Mission Directorates and Other Matters

SEC. 821. COLLABORATION AMONG MISSION DIRECTORATES.

The Administrator shall encourage an interdisciplinary approach among all NASA mission directorates and divisions, whenever appropriate, for projects or missions—

(1) to improve coordination, and encourage collaboration and early planning on scope;

(2) to determine areas of overlap or alignment;

(3) to find ways to leverage across divisional perspectives to maximize outcomes; and

(4) to be more efficient with resources and funds.

SEC. 822. NASA LAUNCH CAPABILITIES COLLABORATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The Launch Services Program is responsible for the acquisition, management, and technical oversight of commercial launch services for NASA's science and robotic missions.

(2) The Commercial Crew Program is responsible for the acquisition, management, and technical oversight of commercial crew transportation systems.

(3) The Launch Services Program and Commercial Crew Program have worked together to gain exceptional technical insight into the contracted launch service providers that are common to both programs.

(4) The Launch Services Program has a long history of oversight of 12 different launch vehicles and over 80 launches.

(5) Co-location of the Launch Services Program and Commercial Crew Program has enabled the Commercial Crew Program to efficiently obtain the launch vehicle technical expertise of and provide engineering and analytical support to the Commercial Crew Program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Launch Services Program and Commercial Crew Program each benefit from communication and coordination of launch manifests, technical information, and common launch vehicle insight between the programs; and

(2) such communication and coordination is enabled by the co-location of the programs.

(c) IN GENERAL.—The Administrator shall pursue a strategy for acquisition of crewed transportation services and non-crewed launch services that continues to enhance communication, collaboration, and coordination between the Launch Services Program and the Commercial Crew Program.

SEC. 823. DETECTION AND AVOIDANCE OF COUNTERFEIT PARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) A 2012 investigation by the Committee on Armed Services of the Senate of counterfeit electronic parts in the Department of Defense supply chain from 2009 through 2010 uncovered 1,800 cases and over 1,000,000 counterfeit parts and exposed the threat such counterfeit parts pose to service members and national security.

(2) Since 2010, the Comptroller General of the United States has identified in 3 separate reports the risks and challenges associated with counterfeit parts and counterfeit prevention at both the Department of Defense and NASA, including inconsistent definitions of counterfeit parts, poorly targeted quality control practices, and potential barriers to improvements to these practices.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the presence of counterfeit electronic parts in the NASA supply chain poses a danger to United States government astronauts, crew, and other personnel and a risk to the agency overall.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the NASA Supplement to the Federal Acquisition Regulation to improve the detection and avoidance of counterfeit electronic parts in the supply chain.

(2) CONTRACTOR RESPONSIBILITIES.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require each covered contractor—

(i) to detect and avoid the use or inclusion of any counterfeit parts in electronic parts or products that contain electronic parts;

(ii) to take such corrective actions as the Administrator considers necessary to remedy the use or inclusion described in clause (i); and

(iii) including a subcontractor, to notify the applicable NASA contracting officer not later than 30 calendar days after the date the covered contractor becomes aware, or has reason to suspect, that any end item, component, part or material contained in supplies purchased by NASA, or purchased by a covered contractor or subcontractor for delivery to, or on behalf of, NASA, contains a counterfeit electronic part or suspect counterfeit electronic part; and

(B) prohibit the cost of counterfeit electronic parts, suspect counterfeit electronic parts, and any corrective action described under subparagraph (A)(ii) from being included as allowable costs under agency contracts, unless—

(i)(I) the covered contractor has an operational system to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts that has been reviewed and approved by NASA or the Department of Defense; and

(II) the covered contractor has provided the notice under subparagraph (A)(iii); or

(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the covered contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation.

(3) SUPPLIERS OF ELECTRONIC PARTS.—In revising the regulations under paragraph (1), the Administrator shall—

(A) require NASA and covered contractors, including subcontractors, at all tiers—

(i) to obtain electronic parts that are in production or currently available in stock from—

(I) the original manufacturers of the parts or their authorized dealers; or

(II) suppliers who obtain such parts exclusively from the original manufacturers of the parts or their authorized dealers; and

(ii) to obtain electronic parts that are not in production or currently available in stock from suppliers that meet qualification requirements established under subparagraph (C);

(B) establish documented requirements consistent with published industry standards or Government contract requirements for—

(i) notification of the agency; and

(ii) inspection, testing, and authentication of electronic parts that NASA or a covered contractor, including a subcontractor, obtains from any source other than a source described in subparagraph (A);

(C) establish qualification requirements, consistent with the requirements of section 2319 of title 10, United States Code, pursuant to which NASA may identify suppliers that have appropriate policies and procedures in place to detect and avoid counterfeit electronic parts and suspect counterfeit electronic parts; and

(D) authorize a covered contractor, including a subcontractor, to identify and use additional suppliers beyond those identified under subparagraph (C) if—

(i) the standards and processes for identifying such suppliers comply with established industry standards;

(ii) the covered contractor assumes responsibility for the authenticity of parts provided by such suppliers under paragraph (2); and

(iii) the selection of such suppliers is subject to review and audit by NASA.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACTOR.—The term ''covered contractor'' means a contractor that supplies an electronic part, or a product that contains an electronic part, to NASA.

(2) ELECTRONIC PART.—The term ''electronic part'' means a discrete electronic component, including a microcircuit, transistor, capacitor, resistor, or diode, that is intended for use in a safety or mission critical application.

SEC. 824. EDUCATION AND OUTREACH.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States competitiveness in the 21st century requires engaging the science, technology, engineering, and mathematics (referred to in this section as ''STEM'') talent in all States;

(2) the Administration is uniquely positioned to educate and inspire students and the broader public on STEM subjects and careers;

(3) the Administration's Education and Communication Offices, Mission Directorates, and Centers have been effective in delivering educational content because of the strong engagement of Administration scientists and engineers in the Administration's education and outreach activities;

(4) the Administration's education and outreach programs, including the Experimental Program to Stimulate Competitive Research (EPSCoR) and the Space Grant College and Fellowship Program, reflect the Administration's successful commitment to growing and diversifying the national science and engineering workforce; and

(5) in order to grow and diversify the Nation's engineering workforce, it is vital for the Administration to bolster programs, such as High Schools United with NASA to Create Hardware (HUNCH) program, that conduct outreach activities to underserved rural communities, vocational schools, and tribal colleges and universities and encourage new participation in the STEM workforce.

(b) CONTINUATION OF EDUCATION AND OUTREACH ACTIVITIES AND PROGRAMS.—

(1) IN GENERAL.—The Administrator shall continue engagement with the public and education opportunities for students via all the Administration's mission directorates to the maximum extent practicable.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the Administration's near-term outreach plans for advancing space law education.

SEC. 825. LEVERAGING COMMERCIAL SATELLITE SERVICING CAPABILITIES ACROSS MISSION DIRECTORATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Refueling and relocating aging satellites to extend their operational lifetimes is a capacity that NASA will substantially benefit from and is important for lowering the costs of ongoing scientific, national security, and commercial satellite operations.

(2) The technologies involved in satellite servicing, such as dexterous robotic arms, propellant transfer systems, and solar electric propulsion, are all critical capabilities to support a human exploration mission to Mars.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) satellite servicing is a vital capability that will bolster the capacity and affordability of NASA's ongoing scientific and human exploration operations while simultaneously enhancing the ability of domestic companies to compete in the global marketplace; and

(2) future NASA satellites and spacecraft across mission directorates should be constructed in a manner that allows for servicing in order to maximize operational longevity and affordability.

(c) LEVERAGING OF CAPABILITIES.—The Administrator shall—

(1) identify orbital assets in both the Science Mission Directorate and the Human Exploration and Operations Mission Directorate that could benefit from satellite servicing-related technologies; and

(2) work across all NASA mission directorates to evaluate opportunities for the private sector to perform such services or advance technical capabilities by leveraging the technologies and techniques developed by NASA programs and other industry programs.

SEC. 826. FLIGHT OPPORTUNITIES.

(a) DEVELOPMENT OF PAYLOADS.—

(1) IN GENERAL.—In order to conduct necessary research, the Administrator shall continue and, as the Administrator considers appropriate, expand the development of technology payloads for—

(A) scientific research; and

(B) investigating new or improved capabilities.

(2) FUNDS.—For the purpose of carrying out paragraph (1), the Administrator shall make funds available for—

(A) flight testing;

(B) payload development; and

(C) hardware related to subparagraphs (A) and (B).

(b) REAFFIRMATION OF POLICY.—Congress reaffirms that the Administrator should provide flight opportunities for payloads to microgravity environments and suborbital altitudes as authorized by section 907 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18405).

SEC. 827. SENSE OF CONGRESS ON SMALL CLASS LAUNCH MISSIONS.

It is the sense of Congress that—

(1) Venture Class Launch Services contracts awarded under the Launch Services Program will expand opportunities for future dedicated launches of CubeSats and other small satellites and small orbital science missions; and

(2) principal investigator-led small orbital science missions, including CubeSat class, Small Explorer (SMEX) class, and Venture class, offer valuable opportunities to advance science at low cost, train the next generation of scientists and engineers, and enable participants to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space and to enhancing United States innovation and competitiveness abroad.

SEC. 828. BASELINE AND COST CONTROLS.

Section 30104(a)(1) of title 51, United States Code, is amended by striking ''Procedural Requirements 7120.5c, dated March 22, 2005'' and inserting ''Procedural Requirements 7120.5E, dated August 14, 2012''.

SEC. 829. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

Section 50116(a) of title 51, United States Code, is amended by inserting '', while protecting national security'' after ''research community''.

SEC. 830. AVOIDING ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR ADMINISTRATION ACQUISITION PROGRAMS.

(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of enactment of this Act, the Administrator shall revise the Administration Supplement to the Federal Acquisition Regulation to provide uniform guidance and recommend revised requirements for organizational conflicts of interest by contractors in major acquisition programs in order to address the elements identified in subsection (b).

(b) ELEMENTS.—The revised regulations under subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could potentially arise as a result of—

(A) lead system integrator contracts on major acquisition programs and contracts that follow lead system integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major acquisition programs;

(2) require the Administration to request advice on systems architecture and systems engineering matters with respect to major acquisition programs from objective sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development of a system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as the Administrator considers necessary to ensure

that the Administration has continued access to advice on systems architecture and systems engineering matters from highly qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

SEC. 831. PROTECTION OF APOLLO LANDING SITES.

(a) ASSESSMENT.—The Director of the Office of Science and Technology Policy, in consultation with relevant Federal agencies and stakeholders, shall assess the issues relating to protecting and preserving historically important Apollo Program lunar landing sites and Apollo program artifacts residing on the lunar surface, including those pertaining to Apollo 11 and Apollo 17.

(b) CONTENTS.—In conducting the assessment, the Director shall include—

(1) a determination of what risks to the protection and preservation of those sites and artifacts exist or may exist in the future;

(2) a determination of what measures are required to ensure such protection and preservation;

(3) a determination of the extent to which additional domestic legislation or international treaties or agreements will be required; and

(4) specific recommendations for protecting and preserving those lunar landing sites and artifacts.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress the results of the assessment.

SEC. 832. NASA LEASE OF NON-EXCESS PROPERTY.

Section 20145(g) of title 51, United States Code, is amended by striking ''10 years after December 26, 2007'' and inserting ''December 31, 2018''.

SEC. 833. TERMINATION LIABILITY.

It is the sense of Congress that—

(1) the ISS, the Space Launch System, and the Orion will enable the Nation to continue operations in low-Earth orbit and to send its astronauts to deep space;

(2) the James Webb Space Telescope will revolutionize our understanding of star and planet formation and how galaxies evolved, and will advance the search for the origins of our universe;

(3) as a result of their unique capabilities and their critical contribution to the future of space exploration, these systems have been designated by Congress and the Administration as priority investments;

(4) contractors are currently holding program funding, estimated to be in the hundreds of millions of dollars, to cover the potential termination liability should the Government choose to terminate a program for convenience;

(5) as a result, hundreds of millions of taxpayer dollars are unavailable for meaningful work on these programs;

(6) according to the Government Accountability Office, the Administration procures most of its goods and services through contracts, and it terminates very few of them;

(7) in fiscal year 2010, the Administration terminated 28 of 16,343 active contracts and orders, a termination rate of about 0.17 percent; and

(8) the Administration should vigorously pursue a policy on termination liability that maximizes the utilization of its appropriated funds to make maximum progress in meeting established technical goals and schedule milestones on these high-priority programs.

SEC. 834. INDEPENDENT REVIEWS.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report describing—

(1) the Administration's procedures for conducting independent reviews of projects and programs at lifecycle milestones;

(2) how the Administration ensures the independence of the individuals who conduct those reviews prior to their assignment;

(3) the internal and external entities independent of project and program management that conduct reviews of projects and programs at life cycle milestones; and

(4) how the Administration ensures the independence of such entities and their members.

SEC. 835. NASA ADVISORY COUNCIL.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academy of Public Administration to assess the effectiveness of the NASA Advisory Council and to make recommendations to Congress for any change to—

(1) the functions of the Council;

(2) the appointment of members to the Council;

(3) the qualifications for members of the Council;

(4) the duration of terms of office for members of the Council;

(5) the frequency of meetings of the Council;

(6) the structure of leadership and Committees of the Council; and

(7) the levels of professional staffing for the Council.

(b) CONSIDERATIONS.—In carrying out the assessment under subsection (a), the National Academy of Public Administration shall—

(1) consider the impacts of broadening the Council's role to include providing consultation and advice to Congress under section 20113(g) of title 51, United States Code;

(2) consider the past activities of the Council and the activities of other analogous Federal advisory bodies; and

(3) any other issues that the National Academy of Public Administration determines could potentially impact the effectiveness of the Council.

(c) REPORT.—The National Academy of Public Administration shall submit to the appropriate committees of Congress the results of the assessment, including any recommendations.

(d) CONSULTATION AND ADVICE.—

(1) IN GENERAL.—Section 20113(g) of title 51, United States Code, is amended by inserting ''and Congress'' after ''advice to the Administration''.

(2) SUNSET.—Effective September 30, 2017, section 20113(g) of title 51, United States Code, is amended by striking ''and Congress''.

SEC. 836. COST ESTIMATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) realistic cost estimating is critically important to the ultimate success of major space development projects; and

(2) the Administration has devoted significant efforts over the past 5 years to improving its cost estimating capabilities, but it is important that the Administration continue its efforts to develop and implement guidance in establishing realistic cost estimates.

(b) GUIDANCE AND CRITERIA.—The Administrator shall provide to its acquisition programs and projects, in a manner consistent with the Administration's Space Flight Program and Project Management Requirements—

(1) guidance on when to use an Independent Cost Estimate and Independent Cost Assessment; and

(2) criteria to use to make a determination under paragraph (1).

SEC. 837. FACILITIES AND INFRASTRUCTURE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Administration must address, mitigate, and reverse, where possible, the deterioration of its facilities and infrastructure, as their condition is hampering the effectiveness and efficiency of research performed by both the Administration and industry participants making use of Administration facilities, thus harming the competitiveness of the United States aerospace industry;

(2) the Administration has a role in providing laboratory capabilities to industry participants that are not economically viable as commercial entities and thus are not available elsewhere;

(3) to ensure continued access to reliable and efficient world-class facilities by researchers, the Administration should establish strategic partnerships with other Federal agencies, State agencies, FAA-licensed spaceports, institutions of higher education, and industry, as appropriate; and

(4) decisions on whether to dispose of, maintain, or modernize existing facilities must be made in the context of meeting Administration and other needs, including those required to meet the activities supporting the human exploration roadmap under section 432 of this Act, considering other national laboratory needs as the Administrator deems appropriate.

(b) POLICY.—It is the policy of the United States that the Administration maintain reliable and efficient facilities and infrastructure and that decisions on whether to dispose of, maintain, or modernize existing facilities or infrastructure be made in the context of meeting future Administration needs.

(c) PLAN.—

(1) IN GENERAL.—The Administrator shall develop a facilities and infrastructure plan.

(2) GOAL.—The goal of the plan is to position the Administration to have the facilities and infrastructure, including laboratories, tools, and approaches, necessary to meet future Administration and other Federal agencies' laboratory needs.

(3) CONTENTS.—The plan shall identify—

(A) current Administration and other Federal agency laboratory needs;

(B) future Administration research and development and testing needs;

(C) a strategy for identifying facilities and infrastructure that are candidates for disposal, that is consistent with the national strategic direction set forth in—

(i) the National Space Policy;

(ii) the National Aeronautics Research, Development, Test, and Evaluation Infrastructure Plan;

(iii) the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155; 119 Stat. 2895), National Aeronautics and Space Administration Authorization Act of 2008 (Public Law 110-422; 122 Stat. 4779), and National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.); and

(iv) the human exploration roadmap under section 432 of this Act;

(D) a strategy for the maintenance, repair, upgrading, and modernization of Administration facilities and infrastructure, including laboratories and equipment;

(E) criteria for—

(i) prioritizing deferred maintenance tasks;

(ii) maintaining, repairing, upgrading, or modernizing Administration facilities and infrastructure; and

(iii) implementing processes, plans, and policies for guiding the Administration's Centers on whether to maintain, repair, upgrade, or modernize a facility or infrastructure and for determining the type of instrument to be used;

(F) an assessment of modifications needed to maximize usage of facilities that offer unique and highly specialized benefits to the aerospace industry and the American public; and

(G) implementation steps, including a timeline, milestones, and an estimate of resources required for carrying out the plan.

(d) REQUIREMENT TO ESTABLISH POLICY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish and make publicly available a policy that guides the Administration's use of existing authorities to out-grant, lease, excess to the General Services Administration, sell, decommission, demolish, or otherwise transfer property, facilities, or infrastructure.

(2) CRITERIA.—The policy shall include criteria for the use of authorities, best practices, standardized procedures, and guidelines for how to appropriately manage property, facilities, and infrastructure.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress the plan developed under subsection (c).

SEC. 838. HUMAN SPACE FLIGHT ACCIDENT INVESTIGATIONS.

Section 70702 of title 51, United States Code, is amended—

(1) by amending subsection (a)(3) to read as follows:

''(3) any other orbital or suborbital space vehicle carrying humans that is—

''(A) owned by the Federal Government; or

''(B) being used pursuant to a contract or Space Act Agreement with the Federal Government for carrying a government astronaut or a researcher funded by the Federal Government; or''; and

(2) by adding at the end the following:

''(c) DEFINITIONS.—In this section:

''(1) GOVERNMENT ASTRONAUT.—The term 'government astronaut' has the meaning given the term in section 50902.

''(2) SPACE ACT AGREEMENT.—The term 'Space Act Agreement' means an agreement entered into by the Administration pursuant to its other transactions authority under section 20113(e).''.

SEC. 839. ORBITAL DEBRIS.

(a) FINDINGS.—Congress finds that—

(1) orbital debris poses serious risks to the operational space capabilities of the United States;

(2) an international commitment and integrated strategic plan are needed to mitigate the growth of orbital debris wherever possible; and

(3) the delay in the Office of Science and Technology Policy's submission of a report on the status of international coordination and development of orbital debris mitigation strategies is inconsistent with such risks.

(b) REPORTS.—

(1) COORDINATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of Congress a report on the status of efforts to coordinate with foreign countries within the Inter-Agency Space Debris Coordination Committee to mitigate the effects and growth of orbital debris under section 1202(b)(1) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(1)).

(2) MITIGATION STRATEGY.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to the appropriate committees of Congress a report on the status of the orbital debris mitigation strategy required under section 1202(b)(2) of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18441(b)(2)).

SEC. 840. REVIEW OF ORBITAL DEBRIS REMOVAL CONCEPTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) orbital debris in low-Earth orbit poses significant risks to spacecraft;

(2) such orbital debris may increase due to collisions between existing debris objects; and

(3) understanding options to address and remove orbital debris is important for ensuring safe and effective spacecraft operations in low-Earth orbit.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Administrator—

(A) in collaboration with the heads of other relevant Federal agencies, shall solicit and review concepts and options for removing orbital debris from low-Earth orbit; and

(B) shall submit to the appropriate committees of Congress a report on the solicitation and review under subparagraph (A), including recommendations on the best options for decreasing the risks associated with orbital debris.

(2) REQUIREMENTS.—The solicitation and review under paragraph (1) shall address the requirements for and feasibility of developing and implementing each of the options.

SEC. 841. SPACE ACT AGREEMENTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when used appropriately, Space Act Agreements can provide significant value in furtherance of NASA's mission.

(b) FUNDED SPACE ACT AGREEMENTS.—To the extent appropriate, the Administrator shall seek to maximize the value of contributions provided by other parties under a funded Space Act Agreement in order to advance NASA's mission.

(c) NON-EXCLUSIVITY.—

(1) IN GENERAL.—The Administrator shall, to the greatest extent practicable, issue each Space Act Agreement—

(A) except as provided in paragraph (2), on a nonexclusive basis;

(B) in a manner that ensures all non-government parties have equal access to NASA resources; and

(C) exercising reasonable care not to reveal unique or proprietary information.

(2) EXCLUSIVITY.—If the Administrator determines an exclusive arrangement is necessary, the Administrator shall, to the greatest extent practicable, issue the Space Act Agreement—

(A) utilizing a competitive selection process when exclusive arrangements are necessary; and

(B) pursuant to public announcements when exclusive arrangements are necessary.

(d) TRANSPARENCY.—The Administrator shall publicly disclose on the Administration's website and make available in a searchable format each Space Act Agreement, including an estimate of committed NASA resources and the expected benefits to agency objectives for each agreement, with appropriate redactions for proprietary, sensitive, or classified information, not later than 60 days after such agreement is signed by the parties.

(e) ANNUAL REPORTS.—

(1) REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress a report on the use of Space Act Agreement authority by the Administration during the previous fiscal year.

(2) CONTENTS.—The report shall include for each Space Act Agreement in effect at the time of the report—

(A) an indication of whether the agreement is a reimbursable, non-reimbursable, or funded Space Act Agreement;

(B) a description of—

(i) the subject and terms;

(ii) the parties;

(iii) the responsible—

(I) Mission Directorate;

(II) Center; or

(III) headquarters element;

(iv) the value;

(v) the extent of the cost sharing among Federal Government and non-Federal sources;

(vi) the time period or schedule; and

(vii) all milestones; and

(C) an indication of whether the agreement was renewed during the previous fiscal year.

(3) ANTICIPATED AGREEMENTS.—The report shall include a list of all anticipated reimbursable, non-reimbursable, and funded Space Act Agreements for the upcoming fiscal year.

(4) CUMULATIVE PROGRAM BENEFITS.—The report shall include, with respect to each Space Act Agreement covered by the report, a summary of—

(A) the technology areas in which research projects were conducted under that agreement;

(B) the extent to which the use of that agreement—

(i) has contributed to a broadening of the technology and industrial base available for meeting Administration needs; and

(ii) has fostered within the technology and industrial base new relationships and practices that support the United States; and

(C) the total amount of value received by the Federal Government during the fiscal year under that agreement.

ABIE ABRAHAM VA CLINIC

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 609 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 609) to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the ''Abie Abraham VA Clinic.''

There being no objection, the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 609) was ordered to a third reading, was read the third time, and passed.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. CORNYN. Mr. President, I ask that the Chair lay before the Senate H. Con. Res. 23, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 23) providing for a joint session of Congress to receive a message from the President.

Thereupon, the Senate proceeded to consider the concurrent resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 23) was agreed to.

RECOGNIZING FEBRUARY 26, 2017, AS THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF DENALI NATIONAL PARK AND PRESERVE IN THE STATE OF ALASKA

Mr. CORNYN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 55.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 55) recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to; the Murkowski amendment to the preamble be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 55) was agreed to.

The amendment (No. 191) was agreed to, as follows:

(Purpose: To improve the resolution)

Amend the sixteenth whereas clause to read as follows:

Whereas Denali National Park and Preserve has provided a wide array of visitor experiences to tourists, including hiking, dog mushing, rafting, and cycling;

The preamble, as amended, was agreed to.

(The resolution with its preamble, as amended, will be printed in a future edition of the RECORD.)

NATIONAL SPEECH AND DEBATE EDUCATION DAY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 65, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 65) designating March 3, 2017, as ''National Speech and Debate Education Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 65) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 66, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 66) supporting the goals and ideals of Career and Technical Education Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 66) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EXPRESSING SUPPORT FOR THE DESIGNATION OF ''NATIONAL HEALTH AND WELLNESS COACH RECOGNITION WEEK''

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 67, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 67) expressing support for health and wellness coaches for the designation of February 13, 2017, through February 19, 2017, as ''National Health and Wellness Coach Recognition Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, FEBRUARY 20, 2017, THROUGH MONDAY, FEBRUARY 27, 2017

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, February 20, at 4:30 p.m., Thursday, February 23, at 9 a.m.; I further ask that when the Senate adjourns on Thursday, February 23, it next convene at 12 noon, Monday, February 27; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and Morning Business be closed; further, that following leader remarks, the Senate proceed to executive session, as under the previous order; finally, that at 3 p.m., Senator SASSE be recognized to deliver Washington's Farewell Address, as under the previous order.

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

ADJOURNMENT UNTIL MONDAY, FEBRUARY 20, 2017, AT 4:30 P.M.

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:54 p.m., adjourned until Monday, February 20, 2017, at 4:30 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 17, 2017:

ENVIRONMENTAL PROTECTION AGENCY

SCOTT PRUITT, OF OKLAHOMA, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

Senate confirmed the nomination of Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

Senate

Chamber Action

Routine Proceedings, pages S1223–S1416

Measures Introduced: Thirty-eight bills and seven resolutions were introduced, as follows: S. 405–442, S.J. Res. 23, and S. Res. 62–67.

Pages S1304–05, S1396–97

Measures Reported:

S. Res. 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.

S. 63, to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act. (S. Rept. No. 115–3) **Pages S1304, S1396**

Measures Passed:

National Aeronautics and Space Administration Transition Authorization Act: Senate passed S. 442, to authorize the programs of the National Aeronautics and Space Administration. **Pages S1400–15**

Abie Abraham VA Clinic: Committee on Veterans' Affairs was discharged from further consideration of H.R. 609, to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the "Abie Abraham VA Clinic", and the bill was then passed. **Page S1415**

Joint Session of Congress: Senate agreed to H. Con. Res. 23, providing for a joint session of Congress to receive a message from the President.

Pages S1415–16

Denali National Park: Committee on the Judiciary was discharged from further consideration of S. Res. 55, recognizing February 26, 2017, as the 100th anniversary of the establishment of Denali National Park and Preserve in the State of Alaska, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Page S1416

Cornyn (for Murkowski) Amendment No. 191, relating to visitor experiences. **Page S1416**

National Speech and Debate Education Day: Senate agreed to S. Res. 65, designating March 3, 2017, as "National Speech and Debate Education Day". **Page S1416**

Career and Technical Education Month: Senate agreed to S. Res. 66, supporting the goals and ideals of Career and Technical Education Month.

Page S1416

National Health and Wellness Coach Recognition Week: Senate agreed to S. Res. 67, expressing support for health and wellness coaches and for the designation of February 13, 2017, through February 19, 2017, as "National Health and Wellness Coach Recognition Week". **Page S1416**

Washington's Farewell Address—Agreement: A unanimous-consent agreement was reached providing that at 3 p.m., on Monday, February 27, 2017, Senator Sasse be recognized to deliver Washington's Farewell Address, as under the previous order.

Page S1416

Pro Forma Sessions—Agreement: A unanimous-consent agreement was reached providing that the Senate adjourn, to then convene for pro forma sessions only, with no business being conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, February 20, 2017 at 4:30 p.m.; Thursday, February 23, 2017 at 9 a.m.; and that when the Senate adjourns on Thursday,

February 23, 2017, it next convene at 12 noon, on Monday, February 27, 2016. **Page S1416**

Ross Nomination—Agreement: Senate resumed consideration of the nomination of Wilbur L. Ross, Jr., of Florida, to be Secretary of Commerce.

Pages S1391–92, S1400

During consideration of this nomination today, Senate also took the following action:

By 66 yeas to 31 nays (Vote No. 72), Senate agreed to the motion to close further debate on the nomination. **Pages S1391–92**

A unanimous-consent-time agreement was reached providing that at 7 p.m., on Monday, February 27, 2017, all post-cloture time be considered expired on the nomination and Senate vote on confirmation of the nomination. **Page S1400**

A unanimous-consent agreement was reached providing that at approximately 12 noon, on Monday, February 27, 2017, Senate resume consideration of the nomination, post-cloture, as under the previous order. **Page S1416**

Nomination Confirmed: Senate confirmed the following nominations:

By 51 yeas to 49 nays (Vote No. EX. 68), Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

Pages S1226–29, S1275

Routine lists in the Army, and Navy. **Page S1313**

By 52 yeas to 46 nays (Vote No. EX. 71), Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

Pages S1229–75, S1275–95, S1315–91, S1416

During consideration of this nomination today, Senate also took the following action:

By 54 yeas to 46 nays (Vote No. 69), Senate agreed to the motion to close further debate on the nomination. **Pages S1229–30**

By 47 yeas to 51 nays (Vote No. 70), Senate rejected the motion to extend debate on the nomination. **Page S1390**

Messages from the House: **Page S1393**

Executive Communications: **Pages S1393–96**

Additional Cosponsors: **Pages S1397–98**

Statements on Introduced Bills/Resolutions: **Pages S1398–99**

Additional Statements: **Page S1393**

Amendments Submitted: **Page S1399**

Authorities for Committees to Meet: **Page S1399**

Privileges of the Floor: **Pages S1399–S1400**

Record Votes: Five record votes were taken today. (Total—72) **Pages S1229, S1230, S1390–92**

Adjournment: Senate convened at 10 a.m., on Thursday, February 16, 2017, and adjourned at 1:54 p.m., on Friday, February 17, 2017, until 4:30 p.m. on Monday, February 20, 2017. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1416.)

Committee Meetings

(Committees not listed did not meet)

RESHAPING THE U.S. MILITARY

Committee on Armed Services: Committee concluded a hearing to examine reshaping the United States military, after receiving testimony from David A. Ochmanek, RAND Corporation; James P. Thomas, The Telemus Group; Thomas M. Donnelly, American Enterprise Institute for Public Policy Research Marilyn Ware Center for Security Studies; and Bryan Clark, Center for Strategic and Budgetary Assessments.

IMPROVING TSA

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine stakeholder perspectives on improving the Transportation Security Administration for the security of the traveling public, after receiving testimony from Stephen A. Alterman, Cargo Airline Association, on behalf of Aviation Security Advisory Committee, and Sharon Pinkerton, Airlines for America, both of Washington, D.C.; Kim Day, Denver International Airport, Denver, Colorado; and Mark Laustra, Analogic Corporation, Peabody, Massachusetts.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Seema Verma, of Indiana, to be Administrator of the Centers for Medicare and Medicaid Services, Department of Health and Human Services, after the nominee, who was introduced by Senators Donnelly and Young, testified and answered questions in her own behalf.

NOMINATION

Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of David Friedman, of New York, to be Ambassador to Israel, Department of State, after the nominee, who was introduced by Senator Graham and former Senator Joe Lieberman, testified and answered questions in his own behalf.

DEMOCRACY AND HUMAN RIGHTS

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Transnational Crime, Civilian

Security, Democracy, Human Rights, and Global Women's Issues concluded a hearing to examine democracy and human rights, focusing on the case for United States leadership, after receiving testimony from former Representative Mark Green, International Republican Institute, Carl Gershman, The National Endowment for Democracy, Kenneth Wollack, National Democratic Institute, and Hala Aldosari, Arab Gulf States Institute, all of Washington, D.C.; Garry Kasparov, Human Rights Foundation, New York, New York; and Danilo Maldonado Machado.

BUSINESS MEETING

Committee on Rules and Administration: Committee ordered favorably reported an original resolution (S. Res. 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, and adopted its rules of procedure for the 115th Congress.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee announced the following subcommittee assignments:

Subcommittee on Commodities, Risk Management, and Trade: Senators Boozman (Chair), Cochran, Hoeven, Grassley, Thune, Daines, Perdue, Heitkamp, Brown, Bennet, Gillibrand, Donnelly, and Van Hollen.

Subcommittee on Rural Development and Energy: Senators Ernst (Chair), Cochran, Boozman, Hoeven, Thune, Daines, Strange, Van Hollen, Brown, Klobuchar, Bennet, Donnelly, and Heitkamp.

Subcommittee on Conservation, Forestry, and Natural Resources: Senator Daines (Chair), Cochran, McConnell, Boozman, Grassley, Strange, Bennet, Leahy, Klobuchar, Donnelly, and Casey.

Subcommittee on Nutrition, Agricultural Research, and Specialty Crops: Senators Strange (Chair), McConnell, Boozman, Hoeven, Ernst, Perdue, Casey, Leahy, Brown, Gillibrand, and Van Hollen.

Subcommittee on Livestock, Marketing, and Agriculture Security: Senators Perdue (Chair), McConnell, Ernst, Grassley, Thune, Daines, Gillibrand, Leahy, Klobuchar, Heitkamp, and Casey.

Senators Roberts and Stabenow are ex officio members of each subcommittee.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 96 public bills, H.R. 1101–1196; 3 private bills, H.R. 1197–1199; and 24 resolutions, H.J. Res. 76–82; H. Con. Res. 28–29; and H. Res. 131–145 were introduced. **Pages H1296–H1303**

Additional Cosponsors: **Pages H1306–07**

Report Filed: A report was filed today as follows:

H.R. 393, to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces (H. Rept. 115–13). **Page H1296**

Speaker: Read a letter from the Speaker wherein he appointed Representative Rogers (KY) to act as Speaker pro tempore for today. **Page H1247**

Recess: The House recessed at 10:45 a.m. and reconvened at 12 noon. **Page H1255**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Pages H1255, H1280**

Member Resignation: Read a letter from Representative Mulvaney, wherein he resigned as Representative for the Fifth Congressional District of South Carolina, effective immediately. **Page H1255**

Whole Number of the House: The Chair announced to the House that, in light of the resignation of the gentleman from South Carolina, Mr. Mulvaney, the whole number of the House is 431. **Page H1255**

Committee Resignation: Read a letter from Representative Bishop (MI) wherein he resigned from the Committees on the Judiciary and Education and the Workforce. **Page H1259**

Committee Elections: The House agreed to H. Res. 131, electing Members to certain standing committees of the House of Representatives. **Page H1259**

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the

final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska": The House passed H.J. Res. 69, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska", by a yea-and-nay vote of 225 yeas to 193 nays, Roll No. 98.

Pages H1259–68, H1278–79

H. Res. 123, the rule providing for consideration of the joint resolutions (H.J. Res. 43) and (H.J. Res. 69) was agreed to yesterday, February 15th.

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients: The House passed H.J. Res. 43, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients, by a recorded vote of 230 ayes to 188 noes, Roll No. 99.

Pages H1268–78, H1279–80

H. Res. 123, the rule providing for consideration of the joint resolutions (H.J. Res. 43) and (H.J. Res. 69) was agreed to yesterday, February 15th.

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. tomorrow, February 17. **Page H1280**

Commission on Security and Cooperation in Europe—Appointment: The Chair announced the Speaker's appointment of the following Members on the part of the House to the Commission on Security and Cooperation in Europe: Representatives Jackson Lee and Moore. **Page H1280**

Quorum Calls—Votes: One yea-and-nay vote and one recorded vote developed during the proceedings of today and appear on pages H1279 and H1279–80. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:04 p.m.

Committee Meetings

MISCELLANEOUS MEASURES; PROS AND CONS OF RESTRICTING SNAP PURCHASES

Committee on Agriculture: Full Committee held a markup on H.R. 1029, the "Pesticide Registration Enhancement Act of 2017"; and H.R. 953, the "Reducing Regulatory Burdens Act of 2017"; and hearing entitled "Pros and Cons of Restricting SNAP Purchases". H.R. 1029 was ordered reported, as amended. H.R. 953 was ordered reported, without amendment. Testimony was heard from public witnesses.

MEMBERS' DAY

Committee on Appropriations: Subcommittee on Military Construction, Veterans Affairs, and Related Agencies held a hearing entitled "Members' Day". Testimony was heard from Representatives Radewagen, Cleaver, LoBiondo, Hanabusa, Williams, and Brownley of California.

MILITARY SERVICES 5TH GENERATION TACTICAL AIRCRAFT CHALLENGES AND F–35 JOINT STRIKE FIGHTER PROGRAM UPDATE

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing entitled "Military Services 5th Generation Tactical Aircraft Challenges and F–35 Joint Strike Fighter Program Update". Testimony was heard from Lieutenant General Chris Bogdan, USAF, Program Executive Officer, F–35 Joint Program Office; Rear Admiral Dewolfe "Chip" Miller, III, USN, Director, Air Warfare; Lieutenant General Jon Davis, USMC, Deputy Commandant for Aviation; and Lieutenant General Select Jerry D. Harris Jr., USAF, Deputy Chief of Staff for Strategic Plans, Programs, Requirements.

FEDERAL WAGE AND HOUR POLICIES IN THE TWENTY-FIRST CENTURY ECONOMY

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing entitled "Federal Wage and Hour Policies in the Twenty-First Century Economy". Testimony was heard from public witnesses.

MODERNIZING ENVIRONMENTAL LAWS: CHALLENGES AND OPPORTUNITIES FOR EXPANDING INFRASTRUCTURE AND PROMOTING DEVELOPMENT AND MANUFACTURING

Committee on Energy and Commerce: Subcommittee on Environment held a hearing entitled "Modernizing Environmental Laws: Challenges and Opportunities for Expanding Infrastructure and Promoting Development and Manufacturing". Testimony was heard from public witnesses.

ASSESSING THE U.S.–EU COVERED AGREEMENT

Committee on Financial Services: Subcommittee on Housing and Insurance held a hearing entitled "Assessing the U.S.–EU Covered Agreement". Testimony was heard from public witnesses.

IRAN ON NOTICE

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Iran on Notice''. Testimony was heard from public witnesses.

A DANGEROUS AND SOPHISTICATED ADVERSARY: THE THREAT TO THE HOMELAND POSED BY CARTEL OPERATIONS

Committee on Homeland Security: Subcommittee on Border and Maritime Security held a hearing entitled ''A Dangerous and Sophisticated Adversary: The Threat to the Homeland Posed by Cartel Operations''. Testimony was heard from Vice Admiral Charles Ray, Deputy Commandant for Operations, U.S. Coast Guard; Chief Paul Beeson, Commander, Joint Task Force—West, Arizona, Department of Homeland Security; Matt Allen, Assistant Director for HIS Investigative Programs, Homeland Security Investigations, Department of Homeland Security; and Luis E. Arreaga, Principal Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State.

WATCHDOG RECOMMENDATIONS: A BETTER WAY AHEAD TO MANAGE THE DEPARTMENT OF HOMELAND SECURITY

Committee on Homeland Security: Subcommittee on Oversight and Management Efficiency held a hearing entitled ''Watchdog Recommendations: A Better Way Ahead to Manage the Department of Homeland Security''. Testimony was heard from John Roth, Inspector General, Department of Homeland Security; and Rebecca Gambler, Director, Homeland Security and Justice Issues, Government Accountability Office.

COMMITTEE FUNDING FOR THE 115TH CONGRESS

Committee on House Administration: Full Committee concluded a hearing on committee funding for the 115th Congress. Testimony was heard from Chairman Hensarling, Chairman Thornberry, Chairman Roe of Tennessee, Chairman Goodlatte, Chairman Chaffetz, Chairman Black, Chairman Smith of Texas, and Representatives Maxine Waters of California, Smith of Washington, Walz, Conyers, Cummings, Yarmuth, and Eddie Bernice Johnson of Texas.

LEGISLATIVE MEASURE

Committee on the Judiciary: Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a hearing on H.R. 372, the ''Competitive Health Insurance Reform Act of 2017''. Testimony was heard from Representatives Gosar and Austin Scott of Georgia and public witnesses.

THE STATE OF RELIGIOUS LIBERTY IN AMERICA

Committee on the Judiciary: Subcommittee on the Constitution and Civil Justice held a hearing entitled ''The State of Religious Liberty in America''. Testimony was heard from public witnesses.

NASA: PAST, PRESENT, AND FUTURE

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''NASA: Past, Present, and Future''. Testimony was heard from public witnesses.

STATE OF THE SMALL BUSINESS ECONOMY

Committee on Small Business: Subcommittee on Economic Growth, Tax and Capital Access held a hearing entitled ''State of the Small Business Economy''. Testimony was heard from public witnesses.

THE USE OF OFFICIAL TIME FOR UNION ACTIVITIES AT THE DEPARTMENT OF VETERANS AFFAIRS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity; and Subcommittee on Government Operations of the House Committee on Oversight and Government Reform held a hearing entitled ''The Use of Official Time for Union Activities at the Department of Veterans Affairs''. Testimony was heard from Cindy Brown Barnes, Director, Education, Workforce and Income Security, Government Accountability Office; Kimberly Perkins McLeod, Acting Executive Director, Labor Management Relations, Department of Veterans Affairs; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 17, 2017

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: organizational business meeting to consider subcommittee assignments, Time to be announced, S–216, Capitol.

House

No hearings are scheduled.

Next Meeting of the SENATE

Friday, February 17

Senate Chamber

Program for Friday: Senate will continue in the session that began on Thursday, February 16, 2017. See next volume of the Congressional Record.

Next Meeting of the HOUSE OF REPRESENTATIVES

1 p.m., Friday, February 17

House Chamber

Program for Friday: House will meet in Pro Forma session at 1 p.m.

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