brisk 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:

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“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.

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 will 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
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 big 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 worked 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 that 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. Not all agencies under Federal law have their obligations under the statute 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 that we now believe needs to be put off from bothering the Agency.

This new head of an Agency has obligations under the statute to enforce the laws on the books, and whatever the decision is of the Senate under advice and consent, it is real. 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.

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 National Committee 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 duty bound under the law to follow the law.

No one in the Federal Government should be forced to do anything unlawful, unlawful anything that contravenes the Clean Air Act, the Clean Water Act, the Endangered Species Act, then all of the EPA employees are duty bound under the law to follow the law.

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 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 standards base. The EPA 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 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, made the country a 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 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 is 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 protected 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 President 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 them—is that one really important thing to remember.

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 polluted. 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 protects and the jobs it creates. It is also about our health, although not in a small way. Look, a lot of people—left, right, and center—who 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. These are some letters that show how important clean water is to them. Here is a section of it:

Beers are about 90 percent water, making local water supply quality and its character—such as pH and mineral content—critical to beer brewing and the flavor of many classic brews.

Changes to our water supply—whether we drink 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 our 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.

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 country is home to 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.

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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 take much more 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 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—it is imperative we think through 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 now, it is not 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 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, which are not coincidental. 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 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 rainy or sunny or 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 costly. 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 damage, health care costs, or 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 Hawai`i 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 Hawai`i 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 pollution is a problem. 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, and it is different from Hawai`i’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, they do it. They find out 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.

There 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: 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?

So 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 of the 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 has taken. When 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 Pruitt 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 and clear 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 Clean Air Act was absolutely 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 to EPA rules—even though virtually all power plants not support the EPA’s findings that mercury standards include a tidy piece of scientific denial, claiming “the record 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, 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...
Mrs. DUCKWORTH. Mr. President, I yield the floor.

Mr. 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 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 say that we have 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.
rebuff 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 a former attorney 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 Persian Gulf. 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 money 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, American families 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 so many. At home, American 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 very first things 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 bottle was so bad it made her baby’s 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 them have swallowed 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 lawsuits after a lawsuit that challenges 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 should expect an individual who has worked 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 entire time 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 almost say, 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. Its 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 potentially exacerbating 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.

I am asking you to vote “no” on Scott Pruitt’s nomination as Administrator of the Environmental Protection Agency. America’s EPA is 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 working 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. Any 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 home 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.

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 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 cut mercury emissions from power plants, 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.

For even further concerning comments, 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’s previous statement that “trout have it in shunt” is a willful misinterpretation of scientific and factual evidence that must guide EPA decisions. Mr. Pruitt has said that humanity’s contribution to global warming is insignificant. 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 against 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, opposing Mr. Pruitt—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.

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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 Cook, Deedfield, 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 facts. 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 our 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 science.

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. 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 a dozen times is not someone suitable to lead the EPA; that a man who said a dozen times is not someone suitable to lead the EPA; that a man who said a dozen times is not someone suitable to lead the EPA; that a man who said a dozen times is not someone suitable to lead the EPA; that a man who said a dozen times is not someone suitable to lead the EPA; that a man who said a dozen times is not someone suitable to lead the EPA. That is why I am here tonight, opposing Mr. Pruitt—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.

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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 increased 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—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 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, 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. Even 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.

Realistically, 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 of Louisiana where people who do 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 the future—the children 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.

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:

I agree that healthy debate is important to democracy, but when that debate is over and becomes an item of antics of mankind.

On the role of the EPA he says:

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. 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 antics of mankind, 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 Water Act to regulate greenhouse gas emissions.

Since becoming Oklahoma’s top legal officer in 2011, Mr. Pruitt has unsuccessfully attempted to stop vital protections to 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 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. Those rules include the 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 dangerous 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—three in 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 about 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 5 magnitude earthquakes hit the State of Oklahoma. We are implicated 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 unearthing 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 fragile limestone.

The Oklahoma Geological Survey bluntly concluded last year that it was very likely that the majority of earthquakes that rippled 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 law” 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 a serious matter.

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 aggressive 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 that is on the books today that 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 demonstrate the EPA’s core mission as a public health Agency. He couldn’t find a single regulation 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 produce 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 toxics 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 strokes. A recent estimate places the number 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 U.S. 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 blocked 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 690 premature deaths and over 140,000 asthma attacks, creating $1.5 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 the measures.

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 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. With fewer people being 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 advances 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 pocket 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 in 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 one 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 to protect human health and the environment. Nor does his career indicate any action to create 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 centrally 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—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 suiting 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 Whitsett, at the time directed government relations for Devon Energy, 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 2017 letter from the current 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 are the people who suffer the acute and synergistic effects of exposure to pollution who are overwhelmingly 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

Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

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 are the people who suffer the acute and synergistic effects of exposure to pollution who are overwhelmingly 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 neighborhoods. The Clean Power Plan requires the reduction of carbon pollution from power plants. It is the first federal air quality standard to establish requirements 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, and is brought about by 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, pollution, and occupational risks are disproportionately located in and around predominantly African American neighborhoods, where people 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 and protect human health without holding 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 plumes 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 environmental impacts, and 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 address environmental injustices throughout the United States, where African Americans and other people of color disproportionately suffer and die from unhealthy environmental conditions that 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, 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, University of California, Santa Barbara; Ms. Peggy Shepard, WeACT for Environmental Justice; Rev. Lennox Yearwood, President/Executive Director; Dr. Francis Gilcrest, President, NAACP-FL Branch; Dr. Charlotte Keys, Executive Director, Jesus People Against Pollution; Rev. L eo Woodruff, Living Temple; Mrs. Sylvia Scineaux-Richard, President, East Orleans Advisory Commission; Mr. Hilton Kelley, Founder & Director, Community In-Power & Development Association; Mr. Kali Akuno, Co-Director, Cooperation Jackson; Mr. David Fellows, Dohson Chair of Environmental Studies, Djerassi 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 Clay, 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. Donelle Wilkins, President, CEO, Green Door Initiative; Rev. James Caldwell, Executive Director, Coalition of Community Organizations; Dr. Md. Derrick Evans, Director, Turkey Creek Community Initiatives; Mrs. Dorothy McWilliams, Concerned Citizens for Mella; 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 stated in this letter, it says: As the African American leaders of environmental justice organizations, we urge the Senate to vote against the nomination 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 and improve the health of our environment. Nor does his career indicate any action to improve environmental conditions in people color communities, who disproportionately burden their protection.

Mr. Pruitt appears to relish the opportunity to remove standards that are protective of our health and safety, and he is stated in this letter, it says: 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, South-Center for Environmental Justice, Inc.

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Ms. DUCKWORTH. Mr. President, as stated in this letter, it says: As Latino leaders, members and representatives of the undersigned committed to efforts that support our communities’ health, advancement, safety and well-being, and on behalf of the Latino organizations we represent, we 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 missions that 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 efforts to reduce Mercury and Air Toxics standard which would prevent premature deaths and asthma attacks; he has sued the EPA to overturn clean water standards 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.

As Latino leaders, we 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 persistence of asthma and other respiratory diseases among Latinos living near polluting power plants, truck routes, and factories; as well as the large number of 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.

As Latinos do 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, nor did we vote for more climate change, nor did we vote for more pollution. 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.

I 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 legislation and policies 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 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. Latino and other communities support the battle against 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 strong 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 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 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 do not 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 today, when people who are 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 doling 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 are right of day-to-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:

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

HON. MITCH MCCONNELL, Washington, D.C.

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 Administrations, 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 to 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 and clean water to drink and that our country has unencumbered land on which to live, work and play. Anyone who visits Beijing is reminded of what it is like 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 be strengthened. 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 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 “the maximum degree 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. Scientific evidence is not yet in. For example, EPA’s first Administrator, Bill Ruckelshaus, chose to limit the amount of lead in gasoline before science could say that it was safe. However, legal pathway to limit 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 of the EPA, including its mission to protect the health of all Americans. With the EPA, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards to limit pollution. He helped reduce smog levels in cities and regional haze in parks, clean up the Chesapeake Bay and control greenhouse gas emissions. In contrast, he intervened to support a Farm Bureau lawsuit that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that EPA should refrain from trying to control pollution that crosses state lines.

Mr. Pruitt’s reluctance to act and accept the strong scientific consensus on climate change. Our country’s own National Research Council, the principal operating unit of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to such a degree that it will affect Americans’ health and welfare. More recent scientific data and analyses have only confirmed the Council’s conclusion and added to the urgency of addressing climate change now.

Despite this and other authoritative warnings about the dangers of climate change, Mr. Pruitt persists in pointing to uncertain scientific evidence to impugn human activity’s contribution to the problem. He has called for an agreement to protect the Illinois River that did little more than confirm phosphorus limits established over a decade earlier, while delaying their enforcement another three years.

In a similar vein, Mr. Pruitt has gone to disturbing lengths to protect the interests of business. For example, he signed and sent a letter as Oklahoma Attorney General criticizing EPA estimates of emissions from Devon Energy and gas activities, suggesting that it had been drafted in its entirety by Devon Energy. He filed suit on behalf of Oklahoma to block a California law requiring the treatment of the federal court dismissed the case after finding that the lawsuit was brought not to benefit the citizens of Oklahoma but to stifle the production 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 pursue different policies within the parameters of existing law and environmental protection in his state. Mr. Pruitt’s office has apparently acknowledged 3,000 emails and other documents reflecting connections with 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 EPA should refrain from trying to control pollution that crosses state lines. For example, he intervened to support a Farm Bureau lawsuit that EPA should refrain from trying to control pollution that crosses state lines.

We are most concerned about Mr. Pruitt’s reluctance to act and accept the strong scientific consensus on climate change. Our country’s own National Research Council, the principal operating unit of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to such a degree that it will affect Americans’ health and welfare. More recent scientific data and analyses have only confirmed the Council’s conclusion and added to the urgency of addressing climate change now.

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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. We all recognize the importance of our clean air and clean water, the resources of our beautiful mountains and wonderful streams, Puget Sound itself, our moun-
tains 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 is that Washington is a great place to work. 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 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. 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. President, 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 his administration in Oklahoma. 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 fail-
ures 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 these generations?

I had an opportunity a couple of years ago to hear one of the great au-
thors 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 genera-
tions of Americans were going to be affected by that big great recession of our economy. It is the same issue to-
ight, our resource stewardship.

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 in the seafood industry, 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 huge mining company living 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 Adminis-
trator, when he is supposed to be pro-
tecting clean water so we can have salmon on the west coast? Or is he going to join with those who think that you can de-
grade the environment and still pre-
serve 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 implement-
ing of the Clean Air Act.

I am calling on the Senate 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 chal-
lenge for us to move ahead when we are seeing so much impact.

I know my colleagues from Maine, Senator Collins, and I have asked the GAO for an analysis of what climate change is costing us. What is the im-

age 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, where 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 our groundwater. So I will get into 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 objections 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 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 and the mercury 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 14 times 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 Haliburton. 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 had 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 north-central part of Oklahoma improperly 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 Oklahoma chose to settle rather than allowing 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 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.

Do 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 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 cut clean water and clean air rules.

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 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. We need to determine ways to preserve what is 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 balance.

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 Environmental 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. 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 the vital salmon resource. 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. Washington and 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 in no way would we be recovering. 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 stay there, which 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 systems on Earth? What 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 another EPA Administrator in 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 are continuing to drive our 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 work has been put into stewardship and management. We have 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 pH value in our waters. 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 important issue 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 the 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 need to understand this impact and do something about it.

Now why did I have the other picture beside you? 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 our oceans are to our quality of recreation, our fisheries. This gentleman, whose family and livelihood was dependent on our fisheries. This gentleman, whose family and livelihood was dependent on our fisheries. For example, just because it might not be front and center for somebody from Oklahoma, it was going to be 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 never will 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 our oceans are to our quality of recreation, our fisheries.

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 put into place ways of reducing our carbon, 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 know how to do this. They know that it is going to cost 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 Economy.

We are trying to come up with a better strategy for combating these wildfires. We can’t get our House colleagues to engage in a serious Energy bill process. Hopefully someday we will get them to do something 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.

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 the estimates, 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 we look at the devastation 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? What do we 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 other things. If that 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, nobody is going to act 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 actually voted for Trump but I am only 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, there has been a lot of discussion 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 folks who want to defend their jobs. 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.

I think the 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 not seen. I 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 me 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 faith.

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. The entity exists 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 Dominion Energy; it is not attached to ExxonMobil; it is not attached to the Koch brothers or to their front group—Freedom Partners and Americans for Prosperity—it is not attached to the 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 out for more than 2 years? That was an adequate answer to the majority on the 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 studies and provides counsel to the 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 documents from us 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 Environm 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 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, conserving wildlife, and plant biology, chemistry, and physics, I am deeply concerned with Pruitt’s capabilities. A climate change skeptic, with no formal scientific or legal training, he 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 and 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 intelligence of the personal 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 fish and crabs and other creatures that signify, through my direct experience, that the environment is healthier in the Upper Bay. This anecdotal evidence is 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’s more, I believe the EPA regulations have been good for business. Because pollution is, ultimately, wasteful and counterproductive, and clean businesses often are efficient and, therefore, successful businesses. Look at the careful reutilization of materials by companies like Apple, who are investing in the future and their profits.

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 America and its residents from the greenhouse gas emissions that damage 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 Providence South Providence area, smogged 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 his votes are called for Mr. 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 environments 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 life-time, it 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 as disqualifies 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 shuttering down the environmental agency in his home State while attacking the environmental agency of the Federal Government while pretending that his concern is federalism; rightfully concluded 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 enforcement 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 is that 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 Protection Agency’s website, you find 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 at the State level, while taking money from all of the big polluters, while having the CEO of Continental Resources—a billionnaire—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 the fossil fuel industry funds, 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 this man’s record, it is clear that he needs to go on his 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 are we 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 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 Federal 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 huge 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 dining 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 Senator from States whose forests 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—one 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 contacts. 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 utterly naked insertion 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 fossil fuel 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 him 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 was 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 view, 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 for? Fossil fuel money, 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 sponsored thely scathing letter that George C. Marshall. 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 easy way for the dark 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. 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 and for people whom shame has much effect.

If you look at Dr. Brulé’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 a sloppy letter, this building knows that the Koch brothers’ political operation is behind all of these groups—many wiggly tentacles of the same fossil fuel polluter Hyra. Behind this letter is the same Koch 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 devoted to dirty 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. Perhaps we 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, we crossed the Pacific 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 dad served in the Pacific, and my uncle, under the command of Admiral McCain. 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. We stood out for what we believed. We stood out for what the other country in the world knew the American people stood for. We stood out for the heart and the ideals of America.

Today, a lot of people wear their patriotism on their sleeves; they live 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 everyone else. We stood out for what we believed. We stood out for the heart and the ideals of America.

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’ comfort and safety. That honor and that duty running through the lives and service of millions of public servants are the core heroic part of American identity.

Into that government, this Trump administration has nominated as Administrator of the EPA, a tool of the
fossil fuel industry, a man who demon-
strably 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 any responsibility seriously. He
has shut down the enforcement arm that his of-

fice had. He will represent with the big-
gest conflict of interest in history a pol-
luting industry whose regulation is ac-
tually a Republican chairman of the
Environmental Protection Agency’s prin-
cipal public duty. This isn’t some fringe question
of conflict of interest about some ques-
tion that may emerge. This is the big-
gest 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 Agen-
cy’s responsibilities. With the most im-
portant task before the EPA being to
control carbon emissions before we push this pit out of state, polluters
the industry in question will now rule the
regulator.

Well, this hits home. I have fisher-
men in Rhode Island who need honest
environmental policy to protect our seas,
our land, and our coast. My grandfather’s"
they have told me. “Things are getting
weird out there,” people who have
fished since childhood have told me.

Moreover, Rhode Island is a down-
winds state from the midwestern smoke
stacks and a downstream state from out-
of-state water pollution. Rhode Is-
land needs a strong EPA to enforce
clean air and clean water laws from
harm’s way and protect our homes.

My attorney general has not shut down
his environmental unit, and my depart-
ment of environmental management is
doing our best to keep Rhode Island
clean and livable. But they can’t do much
when the ocean is rising.

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.
A lot of our lives is centered on 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 indi-
vidual. 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 dis-
tinction for many, many years and was
actually a Republican chairman of the
Environmental and Public Works Com-
mittee who cared about the environ-
ment. He was an environmental Repub-
lican leader.

There 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 child-
hood memories of that house. It had
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
the yard was a rock 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. There was a parking lot 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
windy 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 scramble as fast as
she could on her little feet across the
beach that was in those days a little
road, that road is all gone. These are the things that
are happening in my State that the Repub-
licans 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 cli-
mate change. God bless the oceans be-
cause if it weren’t for them, we
would be—70 degrees’ increase in tempera-
ture. 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.
That is like setting
more than two Hiroshima nuclear bombs
in the ocean every second.

Every second.

Think of the heat of a nuclear explo-
SION of the level that destroyed Hiro-
shima, 185 megatons of heat. What
would be—terajoule of heat energy that
gets set off by a nuclear explosion. Our
oceans are absorbing heat. If we meas-
ure over the last 20 years how much
heat they have absorbed, they are ab-
sorbing 10 degrees or the rate of multiple
Hiroshima nuclear explosions hap-
pening 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 just a law 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, that surge in with
Sandy—which missed us, by the way.

We have a Coastal Resources Man-
agement Council that defends our
shores, and our University of Rhode Is-
land and Coastal Resources Manage-
ment 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 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 coastline with 9 feet of sea
level rise, any representa-
tive of that State has a responsibility
to come here and fight to try to
defend that State.

When the adversary is the big special
interest 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 like my father and uncle and
Rhode Islanders have since the first
battles in Portsmouth, RI, the Revolu-
tionary War, we would saddle up—sign
battles in Portsmouth, RI, the Revolu-
tionary War, we would saddle up—sign
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 inter-
ests knows no bounds. It lobbies Con-
gress mercilessly against any action on
climate change, and it has for years.
It runs a massive political election-
earing 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-de-

nial apparatus to put out streams of
calculated misinformation. It does this
to protect $700 billion? Well, we are find-
out. For years, the fossil fuel indu-
stry 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 a dictionary 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 corrupt 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 fronts, 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's 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 would happen if they could get the person who appoints the EPA to be able to regulate that body? 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.

We need to turn 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 COLINTZON said: 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 righteous people viewing 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. When the 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, whom I believe raised 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 may actually run his own dark money organization. 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 and this nominee’s dark money operations, 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 even 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. But in 10 days, you two 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 VP 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 nominee like this should get, particularly the due diligence about climate change that the present urgency demands. I wonder 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 to find out 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 shoveling 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 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 CO₂ 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 failed.

We know precisely how fast CO₂ is going up in the atmosphere. We have made a daily measurement of it since 1967. 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 conditioned, not go outside. We are seeing warming rising, acidifying seas along our shores, hurting our fishermen, the only thing we have 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 5 feet land 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 them understand long and short-term, with acidity 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. He knows 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 on the response to diverse disturbances, including climate change.

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 transport of water, and how we respond to diverse disturbances, including climate change.”

He would find University of Wyoming scientists publishing articles on “The effects of projected climate change on forest fire 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”—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 that it is the record supporting this nominee. He is the nominee of the organized disinformation campaign. And that is because, behind this whole mess
Hydroscience and Engineering explains of Mississippi's Center for greenhouse gas emissions. By the way, Arkansas. It is moving toward net zero dent's Climate Commitment just like ther the university's efforts to combat office of Sustainability is there ''to fur- Mississippi, Ole Miss, actually has an Of- sive for the greenhouse effect.''' absorption of solar radiation is re- and methane. It is because these gases' ''absorption of solar radiation is re- sponse for the greenhouse effect.''' Explaining further, the University of Arkansas describes that the greenhouse effect 'occurs as these gases are trapped by the Earth's atmos-phere, gradually increasing the tem- perature 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 warm- ing by the end of the century." On down the EPW row is my friend ROGER WICKER from Mississippi. Down in MS, the University of Missis-ippi, Ole Miss, actually has an Of- fice of Sustainability. The Ole Miss Of- fice of Sustainability is there "to fur-ther the university's efforts to combat global climate change."

Belk is for 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 Missi- sissippi. The director of the University of Mississippi's Center for Hydroscience and Engineering explains why this matters.

Human influence and greenhouse gases are the dominant causes of the increase in global average temperature of the earth. The impacts are observed in rising sea levels, more frequent and intense precipitation patterns, 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 pro- fessor Marcos Mendoza warns that "cli- mate change is the greatest environ- mental 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 it to 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 Agri- culture: Analysis of Potential Interna- tional Impacts." The forward to that volume states that "the threat of glob- al climate change due to anthropogenic modification of the atmosphere—the so-called greenhouse effect—could po- tentially be one of the major environ- mental problems of our time."

Down on the gulf, all three Mis- sissippi universities are working to- gether with Sea Grant, on what they call a climate team to assess "the risk of environmental, economic, and soci- etal impacts from rising sea levels and storm surges." My friend who is pre-siding knows well the effects in the gulf. When you are looking at the risk of environmental, economic, and soci- etal 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 re- ports about climate change. "No one is trying to prevent future food shortages." Spec- ifically, the Cargill executive said "climate change is the greatest environ- mental threat facing global society in the 21st century." Let me repeat that again from the University of Nebraska.

Let me repeat that again from the University of Nebraska.

Is there debate within the scientific com- munity with regard to observed changes in climate and human activities as the prin- cipal causal factor? The short answer here is no, at least certainly not among climate sci- entists; 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 Uni- versity of Nebraska warns:

The magnitude and rapidity of the project- ed 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 de- gree 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; 6 to 9 de- grees Fahrenheit, high-emissions sce- nario, 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 25 nights by 2100; soil moisture is expected to decrease 5 to 10 percent by 2100; re- duced snowpack in Rocky Mountains equals reduced streamflow in our rivers; increasing heavy precipitation events; increasing flood magnitude; increasing drought frequency and sever- ity.

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

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 Agron- omy, 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 mitiga- tion strategies for agriculture in the region." To help meet what Kansas State calls "one of the grand chal- lenges of the 21st century: evaluating and predicting the biological and eco- logical consequences of accelerating global climate change."

Kansas State brought the executive director of agricultural giant Cargill to talk about climate change. News re- ports describe what the Cargill execu- tive stated; that "climate change is real and must be addressed head-on to prevent future shortages." Spec- ifically, the Cargill executive said that "U.S. production of corn, soy- beans, 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 mid-century, 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 Iowa a “climate change punch coming at us.”

Somebody needs to translate between government and the public about global warming.”

As an Alaskan, Senator DAN SULLIVAN of Alaska is serious enough about this to call it, that will create “an aggravated 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 change that we may face 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 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 record-breaking, 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 impact that these changes 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 identifies the culprit of this phenomenon as “the transport of CO₂ from the atmosphere into the ocean.”

Indeed, as we have loaded up the atmosphere with more and more CO₂ emissions from the burning of fossil fuels, the ocean has actually absorbed chemically about a third of that CO₂.

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. So, 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. 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 acid.

When you add additional CO₂ to the atmosphere, at the surface, where it meets the sea, there is a chemical exchange, and the CO₂ 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 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 40 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 in 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, a 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 small 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 see 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 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 a great deal here we don't give a damn 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 as a job or old gold. 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.

I think that 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 could 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 as a part of that, 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 don't listen to them? Why not listen to them? What is the dark star in this phenomenon 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 these 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 pace of climate change is "uncontrollable," "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, don't be afraid, 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 change industries like the fishing industry from top to bottom and create significant risk and disturbance 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 truth measured by science, God's and nature's 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 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, absorbes 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 killing 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 recall 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 sustainability of human, economic and ecological 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 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. 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. 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. 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 in another 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 today.

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 that Congress and the Administration have 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 Governor, 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 Democrat, 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 for 8 years before that. Our Lieutenant Governor 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, he became 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 Bill Ritter, who was 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 Vilsack, and the late Al Gore. 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, Governor Castle, as the Senator from Delaware.

We worked pretty well for our State, and it was a blessing in my life.

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 consultation and to bring along with them 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.

At the end of the day, it was my role to actually nominate people, and it was their role to provide advice and consultation and to bring along with them 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.
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. 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 dictating 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 I learned from those who I am, who I am, 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 one of the things he wanted in the 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.

President Trump 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—has been 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, because we want to hold this person accountable, and we do have some facts about the record of the person before him, his career, 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 leadership blocks that I am talking about today, the low 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 because of the lead 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 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, and 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, why we can’t eat that fresh fish, and how we get it. 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—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 toxic substances control act 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.

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. Pruitt’s record shows little of what he described at his confirmation hearing before 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 is 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. We, on the other hand, with cheap electricity, lower healthcare costs, and 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 any of these guys 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 have 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 the EPA head at the last minute and said they did not want the 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. 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 for 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 we are about 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 of Donald 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 science at the heart 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 to the west of us have not made the same kind of commitment.

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 don’t do the same. We have 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 health and our 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 are 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 1990, Congress had enough scientific information to list mercury, as well as 188 other air toxics, as lead and arsenic, as hazardous air pollutants in the Clean Air Act.

Lawmakers at the time, including myself and others—Republicans, Democrats, Independents, 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 toxics 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.

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.

Dr. Jerome Paulson, 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, one of 250,000 doctors and other health leaders 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 and inorganic mercury 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, because it 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 mercury levels already see levels of mercury in the fish.

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 stated that the EPA should be on its 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 me be clear. Mr. Pruitt’s lawsuit is 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 compromise and cooperation 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 able to do that. That 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 work with colleagues to 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 today with my colleagues. 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.

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 that are developed by this Agency, I think of how we are all dependent on clean air and water, but I also think of the time an EPA Administrator visited my home State. It was in 2013, in a cold barn in Whiteland, IN, where 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, and I ideal time to be the 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 “bad 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 home-grown Hoosier biofuels.

I confirmed, however, I look forward to working with Scott Pruitt to develop a better and more collaborative approach to regulatory policy. 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. 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 Chesapeake, 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 privy 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 a moment: 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 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 play-caller to be named later but the coach to be named later. I wish to recognize my colleague and friend from Delaware, who has done a wonderful job in setting the course for our economy.

Mr. DONELLY. 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 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 Gore-Clinton axis that we have to fight on. The West is one of our 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, where they were 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 a lot left 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.
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 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 April of 1977, if we hadn’t accurately translated 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 is from outside the Agency. 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 near 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, 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.

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 IQ? 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 grandmother 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 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, broader, to other issues such as cleaning up lead in our water or addressing climate change.

That is why I asked him not once, but twice, and three times about his views on the mercury and air toxics rule. I believed 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 single study—or be it—that says 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 Shell 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 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. Then, 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. 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 innovation. 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 protecting 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 water. Fifty 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, cleaned every car off the road, stopped trains and 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 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. They have 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 6—all 16 counties.

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 and the home of a governor. In the 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, caring for the children who 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 rule. 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. Out of 10,000 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 in support 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, Mr. Bebout.

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 in his own words: “We are going to have 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 the medical and scientific experts who 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 the States that I could have eliminated dozens of boats. Delaware would not only sue 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, and all Americans living in downwind States, will be forced to live with the consequences of decisions made by polluters hundreds of 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 probably. But 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 from just 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 your neighbor as yourself.

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. The third 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 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 somewhere else. The innkeeper: ‘You 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 parriese 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. He 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, members 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:

Haid Donald Trump spent an entire year scouring the country for someone to weaken clean air and clean water laws and regulate 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 EPA 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, Against Pruitt:

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 is 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. 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 the point. They wrote:

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.

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. California, the State 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 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.

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.”

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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 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 disparages 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 downstream 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.

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 Barack Obama’s environmental 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, but still spoke of 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 catastrophic 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 the state’s two-decade 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 red flags to Pruitt’s nomination, concluding that his plans to eviscerate the EPA’s regulatory oversight of oil and gas companies, and other policies, would weaken 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 editorials 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, 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 them 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 every area of our national life. Leadership is a fundamental 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 do so. 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. 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 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.

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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 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 Pension 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 could 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 children with disabilities had 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 head 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 were 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 aggrieved 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 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 with 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 what you have in 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 individual who was elected 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 the oil and gas sector, which I admit is important to our economy, not just the economic, which I admit is important to the economy, not just the environment, not just the health of our children, but the health of our country, the health of our workers.

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 basic affairs when they have kids who are 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 here to be had, 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 and we don’t know if these jobs 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 across the world in the renewable energy economy.

Maybe even more importantly, when 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 leaving other countries at quite a punch 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, and we 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 polluting 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 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, skewing his office 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 here and there, just as they did to the EPA, and 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 name. If you were to look at the kids, who are going to be the Administrator of the EPA, you would find that there is a new roadblock after roadblock to try to get these emails, this correspondence that is going to come out. That is a shame because it, probably, something very damaging, embarrassing, or illegal in those tax returns, and there is, probably, something very damaging, embarrassing, or illegal in those emails.

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 is playing 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 our country, but lead poisoning is at the top of the list. Watching a family go through the horror of serious lead poisoning is something that you want to witness because, once lead gets into your system—once it gets trapped—by the time it gets trapped in 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 have to 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 safe 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 water safety 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 gain by paying 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 the climate change that’s happening, but I 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 some that are called short-lived 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.

Many 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. That makes pollutors concerned, 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 part of the joint mission with the Japanese. 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 considered extremely stable, but they had to break up and melt underneath, 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, but the ice was melting under the camp, and they had 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 considered extremely stable, but they had to break up and melt underneath, 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 unlike any other 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 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 is today. Those are now mainstream estimates. It is not politicians, and not scientists. These 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.

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 would 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 hearing. 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 now confirmation controversy, that is the standard 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 disparaged 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—that 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 an adversarial fashion. 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 is room for a President’s base of support. 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.

These are exceptional times, and they do command those of us who are here to protect our 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 KING at a press conference yesterday. We were 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 is a very, very important issue. If we don’t do something about it, we cannot survive in a world in which sea level rise doubles compared to what it is today. Those are now mainstream estimates. It is not politicians, and not scientists. These are scientists—mainstream scientists—who are making those estimates.

We cannot survive in a world 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 is today. Those are now mainstream estimates. It is not politicians, and not scientists. These are scientists—mainstream scientists—who are making those estimates.

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 now we 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 control at EPA—whether 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 I think we 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 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, is the floor in order?

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 agency 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 the most valued laws like the Clean Air Act and Clean Water Act, which have been in effect for more than 30 years.

Unless he is President, 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, 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 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 tail sellers of electricity to date. 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 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, all of which reduced the carbon intensity of all transportation fuels in California. We passed the Sustainable Communities 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 of what we have accomplished in California, and, in 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 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” jobs.

Most importantly, the environmental laws that the EPA enforces protect the health of Californians. 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, children missing school because of health concerns, or 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 spend on account 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 is 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 many things that have 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 I did what I could 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 a way they had to protect 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.

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 that the United States was already 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 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.”

The fact of these sets of statements 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 that he would uphold 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 regulates air pollution. 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 emission 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. It was critical, 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’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’s right 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 require pollution from powerplants and a regulation aimed at reducing greenhouse gases. He sued and filed a lawsuit that claimed that the EPA encourage 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 me concerns whenever 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? On May 29, 2015, we agreed 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 for 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 Congress.

February 17, 2017
CONGRESSIONAL RECORD — SENATE S1355
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 policy 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 Hargard Egg Farm—could he recall initiating an independent law-suit 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 wrote the legwork and initiated the proceedings, along with the suspension 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 interfere in the interests of a private gas and petroleum company, Devon Energy, not the people of Oklah-oma. 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 pol-lution as was calculated by Federal regulators.

In open records of exchanged emails between Devon Energy and the Oklah-oma 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 ex-hibit 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 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 a healthy and human life. A nominee who has failed to represent his own constitu-ents’ 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 in-stead 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, 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 Cali-fornia, 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 Officer is also the chairman of our committee and probably is not enjoying your comments as much as I am, but I thought you were even-handed and fair in sharing that.

The Presiding Officer, Senator from Colorado.
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 sludge into the Animas River. Most Americans remember seeing this river. Most Americans remember seeing pictures of what this river looked like 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 and 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 was 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 want to 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, and 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.

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 were broken to our neighbors.

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 and the consequences that were failed under the Obama administration is to make sure that the people of Colorado and make sure that they are fully compensated.

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—weck 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 down the river, including the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, and the Navajo Nation.

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. 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 when the EPA is unwilling to do so.
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 34 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 is that this logic there is that this logic there is to put Scott Pruitt in charge of the EPA—really is 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 claims 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 however 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 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 senators 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.

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 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 beit noir 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 cure what Scott Pruitt seeks to lead. Now, what has happened? What has happened 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 over-regulation, the Environmental Protection Agency. Yesterday, this President—28 days into his Presidency—decided 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 over my State of Illinois and to 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 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 did, in our lifetimes, 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 control. I think 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, which is the primary source of pollution on the Great Lakes and

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 ruled off the SS Badger. It turned out that that 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 a 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 historic monument. Their owner said that it was technologically impossible for them to clean up the SS Badger. It just can’t be done. But 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 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. A President Trump signed this new resolution that repealed the rule, he was reversing what I just described to you. He was telling 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 tied of 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 water we are drinking? 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 and 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 by carefully weighing the benefits and risks 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, who have sustained a 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 kids. Tim Ritter, 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 many of the 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 shirk responsibility and diminish the need for 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 LittleCalumet River, next to a train yard, and surrounded by onion fields with pesticides, I have seen first-hand families 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 entities, with 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 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 be the petitioner; 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 anyone with an extraordinary amount of conflicts of interest but a person who is a climate-denier. He said something 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 blenders. You see him here with his glasses. He wants to put on blenders 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 “Foo 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 degrades a legacy we have worked 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 occurring.

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.

“Tried this unequivocally. Scott Pruitt still doesn’t buy it.”

What did he say about climate change being a natural occurrence? I will quote him.

“It is 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 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, in the extreme or moderate, 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 (CO2), chlorofluorocarbons, methane, and nitrous oxide.”


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, and the health and well-being of human and animal populations are likely to occur. We must reduce emissions of greenhouse gases beginning now.”


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 to do it; 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 to have this 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 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 roll call vote.

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 time limit. 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 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
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 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, 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 down in the White 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 be left unanswered.

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 will surround and advise the President. 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 Cabinet officer to an Office 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 environmental activity, his record is completely to the contrary where he has opposed activities of the Environmental Protection Agency.

Indeed, you know, 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 suits are still pending. 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 some of 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 national 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, 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 40 days. 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 Hillcrest, David Huber, Ken McClain, Henry Richardson—there were 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 snow 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 children 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 cannot 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, 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 working to deplete it in 50 years. We are playing like the turkeys at 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.

When do people tell you 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. We 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 ethical 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 nominate is he basically says: Well, it is a controversial issue. The sciences differ.

No. The science is clear.

Before I go on, 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—and 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 responsibility 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 picture of a head—I like to see things, and I understand them better. To me, this is what you need to know about what is going on.

Things can have a 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.

We are there a big bust 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 everywhere. 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 from 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 try 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.

The obvious threat is water. What if it gets a little bit warmer? 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 a lobstering business. It is the 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 oysters in that 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 CO₂ in the atmosphere. It is not theoretical. It is not debatable. It is not that scientists differ. This is the actual answer 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 CO₂ is making it impossible for the system 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—it 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. It has gained about a foot a decade. It is on the ocean gained about a foot a decade. It has retreated as much in the past 10 years as in the prior 100 years.

One of the problems with what is going on 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 closed to 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 will be 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 deck 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 steady 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 span 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 6 to 8 feet 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 affected are those 500 million people who 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 1 debate. 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 consequences, and we are going to live 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.

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 how they were running in the dark 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 the file, and to the extent that 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 to bed by 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 waterfront industry depends 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, and the watershed—that is where the water that flows into the bay 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 business of商务—Envirnmental Protection Agency, 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 to work to make sure that States 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 built of climate 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 Democracy and the Environment—a Democratic attorney general of Oklahoma, worked very hard to keep the information contained, controlled, and unavailable to the citizens of the United States of America.

But yesterday, Oklahoma County District Judge Aletia Haynes Timmons ruled 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, 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 any 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 30 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 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 changes—they have even boycott marked ups altogether.

So as I indicated, where should it go? It obviously prevented the Senate from moving forward with the confirmation of these nominees. And, by the way, it hasn’t added to the work—it changed 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 be talking in opposition to Scott Pruitt, want?

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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 who’s getting the blame. 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 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 the age of 15 are advised not to eat 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, I know. He’s advising women and children that 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, I know. He’s advising women and children that no more than one meal per week of fish from any Ohio water body.

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 and in some cases fund 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, to disclose any 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 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 existing EPA regulations that Mr. Pruitt believes should be changed, 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. And Mr. Pruitt was an original witness 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 that 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 has refused to answer 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.

I believe with respect to Scott Pruitt 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 pollution 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 we must 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 breathe, safe drinking water, and fishable and swimable 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, and the Department of Education recognizes the impact on 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 unattended release of carbon and other greenhouse gases and have a strong resilience strategy to address the plights 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 reduce its public health impacts 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 devise a strategy to address 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 wrote, "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, our jobs, and 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 he has been treated 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 a part of the winter sports 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 who is moving 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 combating the global impacts and causes of climate change. His nomination represents a massive shift away from protecting public health and our 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 over people’s health and wellbeing.

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 resources.

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 America’s resources and on how we should address 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 that we protect 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 called 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 regulations, 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 challenge the science that we 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 conflicts 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 adequate 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. Mr. Pruitt’s 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 for reducing greenhouse gas emissions from the transportation sector, and it is working. An important technical review concluded this July that automakers are already exceeding Federal standards for improved fuel economy faster than expected.

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 short 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 as Mr. Pruitt has 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. every day. They have had these farms in their families for generations. They pass them 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 else. They believe in the EPA’s mission of preserving a healthy environment just as much as anyone else.

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 those concerns, and I cannot support this nomination.

In my view, the importance of the EPA cannot be overstated. The EPA is...
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 leaving 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. Times and 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 have signed a letter to the Senate expressing concern about this nomination and others, policy-makers ought to come together and find the truth, not fall back on alternative facts. 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 attainable across the nation and to enforce those laws when they are not met. Our laws require states to provide for the protection of public health and the environment. Different administrators have had different priorities. 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.

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 of what he stands for and the people he stands for. He does not have the confidence of this Senate.

There being no objection, the matter is ordered to 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 of what he stands for and the people he stands for. He does not have the confidence of this Senate.

There being no objection, the material is 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 administrations, Mr. Pruitt has demonstrated a commitment to pursue different policies within the parameters of existing law and the need 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 interest based on current law and the best available science. Mr. Pruitt’s record raises serious questions about whose interests he has served, whether he has compromised the longstanding tenets of U.S. environmental law.

Our nation has made tremendous progress in ensuring Americans have 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 that give states room to innovate 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.

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 it was certain that the health 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 5,000 citations, far fewer than his predecessors or his department, which has resulted in increased pollution levels and criminal investigations.

In contrast, none of Mr. Pruitt’s many press releases refer to any action he has taken to enforce environmental laws or actually reduce pollution. This track record likely reflects his disturbing decision to close the environmental enforcement unit in his office—a unit tasked with reviewing and enforcing laws that states should resolve these disputes on their own, with EPA providing “in the dish” as well as those that would be less burdensome for state and local governments and private businesses. EPA’s new Administrator has an opportunity to reverse course and establish a new direction.

We are most concerned about Mr. Pruitt’s reluctance to accept and act on the strong scientific consensus that climate change is occurring and needs to be addressed.

Despite the clear and consistent authoritative warnings about the dangers of climate change, Mr. Pruitt persistently points in the direction of uncertainty about the specific extent of human activity is altering the climate to an extent that poses grave risks to Americans’ health and welfare. Most recent scientific data and analyses have only confirmed the Council’s conclusion and added to the urgency of addressing the problem.

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 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 for a candidate who does not believe in the precautionary principle reflected in our nation’s environmental statutes. Faithful execution of our environmental laws requires effectively combating pollution and waste, ensuring the health and safety of all Americans and the 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 pollution and waste, ensuring the health and safety of all Americans and the planet and that action is urgently needed before it is too late.

The American people have been served by EPA Administrators, Republicans and Democrats alike, who have demonstrated 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.

Different administrators have approached the problem in different ways, but the record reflects a consensus that human activities are largely responsible for dangerous warming of our planet and that action is urgently needed before it is too late.

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 that recommended waiving the precautionary principle reflected in our nation’s environmental statutes. Faithful execution of our environmental laws requires effectively combating pollution and waste, ensuring the health and safety of all Americans and the planet and that action is urgently needed before it is too late.

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Different administrators have approached the problem in different ways, but the record reflects a consensus that human activities are largely responsible for dangerous warming of our planet and that action is urgently needed before it is too late.
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, the fact remains that America agrees 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 belong to, 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 nation’s 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 mountain communities.

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 the presence of toxic substances in the 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, and more than 20 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 EPA, when they tried 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 enforing sound environmental practices that safeguard public health is an activist agenda; if protecting our national parks and providing vital buffers that protect our communitites 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. By 1990, more than 80 percent of our Nation’s cities and industrial regions were blanketeted 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 1990s. 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 lead in gasoline, reduce stratospheric 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 toxins limits. He sued the EPA over carbon dioxide limits. He sued the EPA when they proposed 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. Scott Pruitt’s disdain for the EPA goes beyond even the lawsuits he filed.

In questions for the record for the Environmental and Public Works Committee, Mr. Pruitt was asked to name even one EPA regulation he supported and he couldn’t name even one. And 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 in 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
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 care 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 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 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 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 this week. And appropriately, 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 have been put into 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...
Madam President, thank you for the opportunity to address the Senate today.

I yield the floor.

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 trans-Pacific 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 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 Delawarians 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 and his 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. Delawarians 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 Mr. Pruitt’s 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 healthcare, 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 ensure 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 some 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—with 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 critical issue for us, 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 yet, 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 that it has had 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 it 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 and Members of this body.

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 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 critical important issue “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 the rule of 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 from acting, but 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 what we have to do about 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 v. EPA, the Supreme Court struck that down—Utility Air Regulatory Group v. Environmental Protection Agency—and it 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 assertion with a measure of skepticism. We expect Congress to speak clearly if it wishes to assign agency decisions of vast economic and political significance.

In other words: EPA, you didn’t have the power to regulate a large 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 and Justice Scalia 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? Answer: Never.

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.

I think it is important for us to recognize that the EPA 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 is 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 law-making power that belongs to Congress and that is a political 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 political branches 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 leading to the top to the EPA, 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 best be described in many ways 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 this 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 with us 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, Jerry Nadler, 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 House, when 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 disregard 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. New Committee rules specify 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 placer miners out mining the soil for gold—mining the soil for gold, 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 ask us to 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 fixated 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 the environment. Congress has clearly mandated 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, we 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 the 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. When I am 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. In my State, certainly, that has happened—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 American citizens who want to do the right thing by the environment. They want the air that their children breathe and the water in which they swim to be clean. They want the law to be clear. But recently they have felt hopeless, subject to a never ending torrent of new regulations that only burden, and not help, the American people. 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.

It is exactly the reason why I support the confirmation of Attorney General Pruitt, 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 coal ash, 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 his nomination, 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 stationery 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, as he did in a New York Times article. In that piece, 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 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 part of its role 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.

Qualifications
Mr. Pruitt has extreme environmental policy views, and he has zero experience in his 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 the EPA’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 the Mercury and Air Toxics Standards. Mr. Pruitt is leading litigation against the EPA’s ozone or smog rule. In 2015 the EPA revised its ambient 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 environ-
mental organizations to make sure the standards adequately protected human health. High concentrations of ozone affect all age groups, children, and older adults, and people with lung diseases such as asthma are espe-
cially vulnerable.

The EPA set a standard of 70 parts per billion. This standard is based on the best science, which included thou-
sands 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 stan-
ard. But the Oklahoma attorney gen-
eral currently leads a four-State charge to do away with the rule.

Mr. Pruitt thinks it is OK for power-
plants to emit unhealthy levels of mer-
ccury and other toxins into the air. In 2011, the EPA passed the mercury and air toxics standard. This rule limited emissions from powerplants of mer-
ccury, 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 rule was developed based on a tremendous amount of input from the States, in-
dustry, environmentalists, and others. It provides States with a lot of flexi-
bility with how to comply. Mr. Pruitt, true to form, is litigating against the Clean Power Plan. Mr. Pruitt appar-
tently 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 ac-
tions of mankind." During his con-
firmation hearing, he similarly stated: "Science tells us that the climate is chang-
ing and climate change in some man-
ner 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 con-
sistent with the scientific consensus on climate change. The Intergovernmental Panel on Cli-
mate Change found it "extremely like-
ly" 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 abso-
lutely critical that the EPA Adminis-
trator 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 re-
quirements to protect human health and the environment. Then, within the law’s requirements, the EPA should take account ofinput from all sources—from industry, envi-
ronmentalists, States, and public agen-
cies.

I am not convinced that Mr. Pruitt will follow the law’s requirements to protect public health and the environ-
ment. 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 environ-
ment. 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 environ-
mental regulations. He dismantled his environmental protection unit. He be-
gan the very close personal and profes-
sional relationship with the energy industry. He adopted letters written by energy lobbyists almost ver-
batim, and then submitted them on behalf of the State of Oklahoma in Fed-
eral 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 con-
fidence that as EPA Administrator he would have any commitment to pro-
tecting the public health now or pro-
tecting the environment for future gen-
erations.

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-govern-
ment basis, like the EPA.

As Oklahoma’s top attorney, Mr. Pruitt routinely sought out ways to fight tribal sovereignty—even when the U.S. Supreme Court ruled in favor of the States. In Dollar General Corp. v. Mississippi Band of Choctaw Indians, Mr. Pruitt filed an amicus brief in support of a com-
pany 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 Na-
tional Congress of American Indians. They submitted a letter on January 18. I ask unanimous consent that it be printed in the RECORD.
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 be the Administrator of the EPA. 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 related to protecting the environment. Furthermore, 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 protecting our natural resources, and protection of Tribal trust and treaty rights.

American Indians and Alaska Natives are disproportionately impacted by climate change. Our cultural and traditional way of life depends on the resources that we rely on, and the protection of those resources, and protection of Tribal trust and treaty rights.

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 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 EPA’s mission. 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 have a hearing. But Mr. Pruitt is not interested 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 get a chance to see 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.

Mr. Hatch. Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICIAL. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. Hatch. Madam President, I rise to speak in support of the nomination of Oklahoma attorney general Scott Pruitt to be Administrator of the Environmental Protection Agency.

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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 2011. Two dozen State attorneys general wrote to the Senate Committee on Environmen 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 intrusions 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
February 17, 2017  

CONGRESSIONAL RECORD — SENATE  

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 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 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 and 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, 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 I am sure it 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.

The very technique. 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 has 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 printout 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 to us to have it here. It is still not searchable. Then it will go through.

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., and 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 would 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 in 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 there is 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 conversations he had 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. AOIs 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.

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 allowed to record their 3-minute conversation. General Lynch never recused herself from decisions on the Clinton
Mr. Pruitt is a climate science denier—some say skeptical, 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 is 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 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 happened 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. We have something about climate change.

Scott Pruitt is 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 happened to be his 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 can imagine 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 didn’t have a commitment, they felt, to transparency.

There were several inquiries into the emails of Lisa Jackson, another EPA Administrator. But the majority and minority 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 post cloture 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, 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 a 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, Missouri, 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

Hon. JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, DC.

Hon. Tom CARLISLE,
Hart Senate Office Building,
Washington, DC.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBERS BARRASSO AND BARRASSO 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 the environmental challenges that our States face. In this regard, we believe Attorney General Pruitt has an excellent understanding of the complex environmental challenges that our States face, as well as the importance of a federal partner in the EPA Administrator who possesses the knowledge, experience, and commitment to address issues affecting our environment.

We believe that one of the Attorney General’s greatest strengths is his ability to work collaboratively to address the environmental challenges that our States face. In this regard, we believe Attorney General Pruitt has an excellent understanding of the complex environmental challenges that our States face, as well as the importance of a federal partner in the EPA Administrator who possesses the knowledge, experience, and commitment to address issues affecting our environment.

As the Attorney General of Oklahoma, Mr. Pruitt developed expertise in environmental law and policy. He negotiated historic water rights settlements with Indian tribes that preserved the ecosystems of scenic lakes and rivers; he worked with his Democratic counterpart in Arkansas to reduce pollution in the State of Arkansas; and he represented the interests of Oklahomans in rate cases against utility companies and in numerous actions against those who contaminate 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, Congress has come to this body, rather than inventing power for his agency.

I wholeheartedly believe in a strong Environmental Protection Agency that carries out its proper duties by providing a backstop to state and local regulators as they develop environmental regulations suited to the needs of their own communities.

Attorney General 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 Slater, 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 Lessen, 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 Wisconsin; 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: Bennet
Ohio: Brown
Indiana: Donnelly
Virginia: Kaine and Warner
Missouri: McCaskill
Florida: Nelson
Michigan: Peters and Stabenow
Montana: Tester
Maryland: Waters of the US: OK is one of 32 states suing

Wisconsin: Baldwin
Colorado: Bennet
Ohio: Brown
Nevada: Cortez Masto
Indiana: Donnelly
New Mexico: Heinrich and Udall
Missouri: McCaskill
Florida: Nelson
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 bodies caused by the 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 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 anti-environment. He has a history of using his position 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 Oklahomans, 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 EPA offices recommending that 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 little imagination to 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 Oklahoma, 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 the Navajo Nation.

In New Mexico, we have a saying: “Water is life.” That 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.

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 had this passed through the Senate weeks ago, we are here now. 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; a Secretary who understands that Montana is that balance that Montanans are saying: You know what? We are tired of these reindeer games to unfold. We wait on the Democrats’ political posturing. We wait on the Democrats’ next delay tactic. 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.

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a Navy SEAL—to be the next Secretary of the Interior.

Mr. GARDNER. Will the Senator yield for a question?

Mr. DAINES. I yield.

Mr. GARDNER. I thank my colleague from Montana.

Mr. TESTER. 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, would they be held accountable?

Mr. DAINES. I am not sure if that is a direct question or a rhetorical question. Only the Senator from Colorado—would they 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 he 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. And in that vein, I say 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 restaurants 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 these folks spend millions of dollars in communities outside the parks. Communities like Gardner, Livingston, Coram, and Columbia Falls constantly have packed grocery store, the hardware store, and bars and hotels, thanks to our clean water and our clean air. Folks are flocking to Montana because of those assets.

PRAYER

The PRAYER OFFICER. Pursuant to rule IV, paragraph 2, the hour of 12 noon having arrived, the Senate having adjourned into the Executive Chamber, and the Senate having arrived, 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, after 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 and local economies, with local families, to clean up the mess.

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; who 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 EPA Administrator. 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 play in agriculture and our outdoor economies. In my conversations with Mr. Pruitt, I received no assurances that he will be a
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 to be 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 pressured the EPA for more action to protect public health and 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 entities 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 him 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 indicates 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 for a prayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

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The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, a few minutes ago, we stopped everything for a prayer.

I yield the floor.
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 responsibly? 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 Meynard-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. Meynard-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 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 health. He had a chance to assist in the chance to defend policies that cut 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 health. He had a chance to assist the EPA to defend policies that cut the 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 health.

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 no fire, 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 on 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 ethically, 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 are powerful words. 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 forever for what we are looking for. 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.

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 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. These delays 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.

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 mindless 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 at 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 have 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. FRANKEN. Mr. President, 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 post cloture 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 the cloture 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

Alexander
Barrasso
Binet
Bomazman
Burr
Burton
Cassidy
Cochran
Collins
Corker
Corayn
Crapo
Crash
Cruz
Daines
Enzi
Ernest

NAYs—51

Baldwin
Bennett
Booker
Brown
Cantwell
Carper
Carter
Coburn
Cardin
Kentucky
Carr
Cardwell
Carter
Cassidy
Cochran
Collins
Corker
Corayn
Crapo
Cruz
Daines
Enzi
Ernest

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 nominations.

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 threaten 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 the 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.

This 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.

Yeas—66

Nays—31

The yeas and nays are recorded.