



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, THURSDAY, APRIL 12, 2018

No. 59

## Senate

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor.

Mr. ALEXANDER. Mr. President, today the Senate will vote on the confirmation of Patrick Pizzella to be the Deputy Secretary of the United States Department of Labor, DOL. The Department of Labor is charged with enforcing laws to keep workers safe on the job, ensuring workers are paid the wages they are owed, helping to develop our workforce, and keeping critical data on our employment market.

Patrick Pizzella brings a wealth of relevant experience in both Democratic and Republican administrations. President Trump designated Mr. Pizzella as acting Chairman of the Federal Labor Relations Authority, FLRA, in January 2017, a position which he held through December 2017. President Obama appointed Mr. Pizzella to the FLRA in August 2013, after which he was confirmed by the U.S. Senate by voice vote on October 16, 2013.

Mr. Pizzella served under President George W. Bush from 2001 to 2009, as Assistant Secretary of Labor for Administration and Management at the Department of Labor. Mr. Pizzella was nominated by President Bush in April 2001—approved in May without a hearing by the Senate Committee on Health, Education, Labor, and Pensions, HELP, under Senator Ted Kennedy—and confirmed by the full Senate 2 days later.

Mr. Pizzella also served at the U.S. Office of Personnel Management, the U.S. Small Business Administration, and the U.S. General Services Administration.

This day is long overdue. President Trump initially nominated Mr. Pizzella to be the Deputy Secretary of Labor on June 20, 2017. The Senate HELP Committee received Mr. Pizzella's HELP Committee application on June 29, 2017. On June 23, 2017, the committee received Mr. Pizzella's Office of Government Ethics, OGE, paperwork, including his public financial disclosure and ethics agreement. Based on these documents, OGE determined that Mr. Pizzella "is in compliance with applicable laws and regulations governing conflicts of interest." Mr. Pizzella completed all paperwork in accordance with the HELP Committee's rules, practices, and procedures. The HELP Committee held Mr. Pizzella's hearing on July 13, 2017, and reported his nomination favorably on October 18, 2017.

Pursuant to Senate rules, Mr. Pizzella's nomination was returned to the President at the end of the first session of the 115th Congress. In fact, Mr. Pizzella was one of nearly 100 of President Trump's nominees who were returned to the President. It is unfortunate the Department of Labor has had to operate without its second most senior official for more than 9 months since Mr. Pizzella's initial nomination.

President Trump again nominated Mr. Pizzella to be the Deputy Secretary of Labor on January 8, 2018. The HELP Committee again favorably reported Mr. Pizzella's nomination on January 18, 2018.

The Department will greatly benefit from Mr. Pizzella's leadership and experience, and I look forward to supporting his confirmation.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Mr. President, I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

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

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. HATCH).

#### PRAYER

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

Let us pray.

Most High God, our Heavenly Father, Your loving kindness fills our hearts with gratitude. We are grateful for this opportunity to work in our government's legislative branch, striving to contribute to the progress of this great Nation.

Lord, we thank You for our lawmakers and for those who support them. Bless our Senators with Your wisdom, enabling them to make decisions that will benefit our Nation and world for generations to come.

We ask You, also, Eternal God, to bless the American people. Place Your shield of protection around them, providing them with the inspiration in their pursuit of life, liberty, and happiness. Fill them with the gift of Your peace.

We pray in Your holy Name. Amen.

#### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HELLER). Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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



Printed on recycled paper.

S2083

Mr. SASSE. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 69 Ex.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Duckworth      McCain

The nomination was confirmed.

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

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to the cloture vote.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, the Senate will vote on cloture on the nomination of Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency.

The Deputy Administrator is critical in developing and implementing policies that fulfill the EPA's mission of protecting America's water, land, air, and communities.

He is the right person for the job. He has spent 25 years working in environ-

mental policy. In that time, he has served as a career employee of the EPA; a staff director on the Hill for the committee I now chair, the Environment and Public Works Committee; and, most recently, as a consultant in the energy policy space.

Andrew Wheeler is well qualified to fill this critically important job. I urge all Senators to support the nomination.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Delaware.

Mr. CARPER. Mr. President, they say that a man or woman's word is his bond. When the Environment and Public Works Committee voted on the nomination of Andrew Wheeler, someone I have known for 25 years or more, I was very clear about my desire to help smooth the way to a faster floor process. I was very clear that what I needed, and what we needed, was an assurance from EPA that it would respect settled law, that it would respect EPA actions and court decisions that found that global warming pollution from cars and SUVs is a danger to our Nation, to our citizens, and to our planet.

What I asked for was an assurance from Scott Pruitt that he would do what the auto industry has asked him to do, which is to negotiate an agreement on vehicle standards for the State of California. I worked with Bill Wehrum, the Assistant Administrator for the Office of Air and Radiation, for weeks, and we reached an agreement that I was told Administrator Pruitt supported until Scott Pruitt reneged on the deal and decided he might prefer fighting and litigation to cooperating and negotiating.

Let me be clear, I tried to work with the EPA. I believed that perhaps in just this one instance we could find a win-win. There is one that is right there to be grasped. But Administrator Pruitt ignored his own top air official. Let me close, if I can.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. Whatever Mr. Wheeler's qualifications, he cannot solve this problem alone at EPA, which is that Scott Pruitt has no interest in governing, no interest in leaving a lasting and responsible legacy, and no interest in working with anyone who doesn't enable him to act on his own worst instincts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CARPER. I urge a "no" vote. The PRESIDING OFFICER. The Senator's time has expired.

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

The legislative clerk read as follows:

#### CLOTURE MOTION

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

Mitch McConnell, Jerry Moran, Deb Fischer, John Barrasso, Johnny Isakson, Thom Tillis, Roy Blunt, Mike Rounds, Steve Daines, James M. Inhofe, Shelley Moore Capito, John Cornyn, John Boozman, John Thune, Roger F. Wicker, John Hoeven.

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

The question is, Is it the sense of the Senate that debate on the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The 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 Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Duckworth      McCain

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.