

deeply, from EPA's enforcement of landmark environmental laws to greenhouse gas emissions and mercury pollution. Since last August, the EPA has proposed to roll back environmental protections, including determining it is no longer "appropriate and necessary" to regulate mercury emissions from power plants, halting efforts to reduce greenhouse gas emissions from cars and trucks, and replacing the Clean Power Plan.

These efforts are of great importance to the State of Maine, which is located at the end of our Nation's "air pollution tailpipe" and is on the receiving end of pollution generated by coal-fired power plants in other States. Moreover, there is no doubt that the greenhouse gas emissions driving climate change pose a significant threat to our State's economy and our natural resources, from our working forests, fishing, and agricultural industries, to tourism, and recreation.

Reducing harmful air pollutants is critical for public health, particularly for Maine, which has among the highest rates of asthma in the country. In Maine, cars, trucks, and other vehicles produce more than 50 percent of our State's greenhouse gas emissions. Controls for mercury, one of the most persistent and dangerous pollutants, are especially important for children and pregnant women. The Agency's recent efforts to halt progress in these critical areas takes us in the wrong direction.

In keeping with my past practice, I will vote to allow the full Senate to consider Mr. Wheeler's nomination so that every Senator can have a clear up or down vote on this important nomination of a member of the President's Cabinet.

However, due to the actions Mr. Wheeler has taken during his tenure at the EPA, I will vote against his confirmation.

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

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

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

Mitch McConnell, Thom Tillis, John Boozman, Johnny Isakson, Mike Crapo, Pat Roberts, John Hoeven, Shelley Moore Capito, Roger F. Wicker, John Barrasso, Joni Ernst, Mike Rounds, John Thune, John Cornyn, Jerry Moran, Chuck Grassley, Richard Burr.

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Florida (Mr. SCOTT).

Further, if present and voting, the Senator from Florida (Mr. SCOTT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Arizona (Ms. SINEMA) is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

#### [Rollcall Vote No. 32 Ex.]

##### YEAS—52

|           |            |            |
|-----------|------------|------------|
| Alexander | Fischer    | Perdue     |
| Barrasso  | Gardner    | Portman    |
| Blackburn | Graham     | Risch      |
| Blunt     | Grassley   | Roberts    |
| Boozman   | Hawley     | Romney     |
| Braun     | Hoeven     | Rounds     |
| Burr      | Hyde-Smith | Rubio      |
| Capito    | Inhofe     | Sasse      |
| Cassidy   | Isakson    | Scott (SC) |
| Collins   | Johnson    | Shelby     |
| Cornyn    | Kennedy    | Sullivan   |
| Cotton    | Lankford   | Thune      |
| Cramer    | Lee        | Tillis     |
| Crapo     | McConnell  | Toomey     |
| Cruz      | McSally    | Wicker     |
| Daines    | Moran      | Young      |
| Enzi      | Murkowski  |            |
| Ernst     | Paul       |            |

##### NAYS—46

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

##### NOT VOTING—2

Scott (FL) Sinema

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise to speak this afternoon about the nomination of Andrew Wheeler to become Administrator of the Environmental Protection Agency.

The day after Mr. Wheeler was named EPA Acting Administrator, I wrote him a letter. I reminded Mr. Wheeler of the opportunity he had to try a new course for that Agency after Scott Pruitt's scandal-plagued administration.

Yet in the 7 months as Acting Administrator, unfortunately, Mr. Wheeler has so far chosen not to reverse course at EPA in too many important instances. In some cases, he has even accelerated the environmental damage and regulatory zeal that his predecessor began.

I knew that Mr. Wheeler and I would not always agree on every issue, but like so many others, I did hope that he would moderate some of Scott Pruitt's most egregious and environmentally destructive policies, specifically on policies where industry and the environmental community are in broad agreement. Sadly, my hopes have not been realized.

To be clear, Mr. Wheeler is not the ethically bereft embarrassment that Scott Pruitt was. Mr. Wheeler has also engaged more frequently and substantively than Scott Pruitt did with both Congress and EPA career staff, but time and again, Mr. Wheeler has proven that his environmental policies are almost as destructive and extreme as his predecessor's, despite the explicit promises Mr. Wheeler has made to Members of Congress, both in private and in public meetings.

One of those promises was Mr. Wheeler's recent insistence that, when it comes to getting a deal on vehicle fuel economy and greenhouse gas standards with California and a coalition of 12 other States, including my State and the Presiding Officer's State, "no one wants a 50-State deal more than I do." That was Mr. Wheeler's promise during his nomination hearing in front of the Environment and Public Works Committee in January.

Just weeks later, the headlines told a different story. For months, Mr. Wheeler said repeatedly that he shared my goal of striking a deal—not just my goal, but the goal of many of us here—with the State of California and a dozen of other States on fuel economy and greenhouse gas emissions standards. Not long after he became Acting Administrator, however, Mr. Wheeler signed off on the Trump administration's proposal that freezes the standards for the better part of a decade, eliminates most of the air conditioning, electric vehicle, and other compliance credits that are supported by chemical companies, automobile and parts manufacturers, and utilities and preempts California's authority to set its own stronger standards.

What is more, the Trump administration reportedly plans to penalize rules that call for a 0.5-percent increase. That is a one-half of 1-percent increase in the stringency of those standards—one-tenth the pace called for in the rules that are already on the books.

Since that proposal was put forth, the entire automobile industry, many Members of Congress, and many other stakeholders have repeatedly asked the EPA to forge a compromise that avoids years of costly litigation and uncertainty for our automobile industry. So far, that is all for naught.

Just last week, unfortunately and inexplicably, EPA announced, with the

White House and the Department of Transportation, that they decided to end their so-called negotiations with the State of California and, effectively, with 12 other States. These negotiations were superficial, at best, or duplicitous and designed to fail, at worst. Between you and me, I don't see how these discussions could have ended or failed because they never seriously began in the first place. It is outrageous.

That brings me back to Mr. Wheeler's promise. After his emphatic insistence that he wanted to find a 50-State solution for these standards, the decision to end them without ever making a serious effort to ever reach a compromise sends a clear message that, sadly, Mr. Wheeler—at least, in this instance—is unable to keep his word. I say that with no joy, but I say it nonetheless.

A second example of Mr. Wheeler's failure to lead in an appropriate way lies in his unreasonable opposition to submitting to the Senate for ratification something called a the "Kigali Amendment" to the Montreal Protocol.

I mentioned this to one of our colleagues. He said: Talk to me in English.

I reminded him that we used to use something called CFCs. It was a refrigerator coolant that was broadly used in this country until we found out it had very serious consequences for our ozone layer. Science, chemical companies, and chemists came up with a replacement to CFCs. We call them HFCs, or hydrofluorocarbons, which are better for the ozone. They are still destructive to the greenhouse gas and destructive to our planet. Well, guess what. Scientists and chemists have, again, come up with a follow-on product to HFCs. It is not scientists and chemists in companies in other countries. They are right here in America. They have invested in a lot of money to come up with this discovery, this invention. They want to sell it. That requires the phaseout over time of HFCs.

We need the Kigali Amendment to be submitted to the Senate for ratification in order to open the door for our American companies to compete with a new technology that is good for jobs in America and good for our planet. Our country could gain 150,000 direct and indirect new jobs, and almost \$40 billion in annual economic benefits by 2027 because the safer substitutes to HFCs are made in Texas and Louisiana. These are good-paying jobs. These are green manufacturing jobs that could help our efforts to address climate change while bolstering our country's economy.

Ratification of this treaty is supported by an extraordinary list of stakeholders, including more than a dozen of our Republican colleagues here in this Chamber. From the American Chemistry Council to the Chamber of Commerce, to FreedomWorks, to the Sierra Club, it seems that just about everyone supports ratification of this

amendment, as best I can tell—everyone, that is, except EPA.

Under Mr. Wheeler's leadership, EPA also decided it is no longer "appropriate and necessary" to protect babies' brains from mercury and air toxic pollution emitted by electric utilities.

In the eleventh hour before the government shutdown, Mr. Wheeler signed a proposal that guts the legal foundation of the mercury and air toxics standards, also known as the MATS rule. Using outdated data and deciding that some benefits—like reduction in cancer, birth defects, and asthma attacks—are no longer important for the Agency to count, EPA is now setting a dangerous precedent and putting the mercury and air toxics standards rule in legal jeopardy. In fact, EPA has gone so far as to request public comment on whether the standards should be eliminated altogether.

Mr. Wheeler says that this action was necessary and that the proposal strikes a balance. That is just not true. In fact, the utility industry is in full compliance with these standards already, and they have done so at a third of the expected costs. That is why every stakeholder—from coal-fired utilities that comply with the rules to religious leaders, to environmental organizations, to the Chamber of Commerce—urged this administration not to take this step. In fact, utility groups and organized labor organizations wrote to EPA saying:

The industry already has invested significant capital—estimated at more than \$18 billion—in addition to these operating costs, and states are relying on the operation of these controls for their air quality plans. Therefore, we—

This being the group that wrote to EPA, including utility groups and organized labor groups—

urge EPA to . . . leave the underlying MATS rule in place and effective.

Yet Mr. Wheeler has chosen to ignore the chorus of stakeholders who all hoped he would chart a more responsible path—on this front, too—even though utilities are not asking for this action that he is taking and the EPA is taking, and the courts are not requiring it.

Yet, from the stakeholders, from the U.S. Chamber of Commerce and the utility industry over here to all of the NGOs and environmental groups and health groups over here, everybody says to leave this rule alone. It was adopted 7 years ago, and it works. It has worked at half the cost or at one-third of the cost. Leave it alone. I just don't get this. This is just another example of when Mr. Wheeler has taken a recklessly and unnecessary extreme course of action at the EPA.

Here is another one.

In May of 2018, after meeting with a victim's mother, Scott Pruitt, the former EPA Administrator, announced plans to finalize the Obama administration's ban to prohibit consumer and commercial paint stripping uses for something called methylene chloride—

a hazardous chemical that has killed dozens of unsuspecting users in this country alone.

Despite explicit assurances provided to my office and others that the EPA would follow through with Mr. Pruitt's promise to protect both consumer and commercial users from methylene chloride, under Mr. Wheeler's leadership, the EPA sent a final rule restricting only the consumer uses of methylene chloride to the White House's Office of Management and Budget. There have been 56 accidental exposure deaths related to methylene chloride since 1980—56—including properly trained workers who have worn protective gear on the job. Yet the EPA, under Mr. Wheeler's leadership, has decided to exempt workers from the methylene chloride ban.

A number of people have said to me they think it is unconscionable. I think they are right. With Mr. Wheeler at the helm, the EPA cannot even manage to ban a chemical that is so harmful to human health that stores—and this includes Walmart, Sherwin-Williams, Ace Hardware, Home Depot, and others—have already voluntarily taken it off their shelves.

That is not all. Even the EPA's recently announced PFAS Action Plan, which was released with much fanfare 2 weeks ago, did not do much more than renounce the same measures announced by Scott Pruitt almost a year ago. PFAS is sometimes referred to as forever chemicals. The reason, my colleagues, is that they last forever in our environment. It took a public outcry to make Mr. Wheeler reverse the Agency's inexplicable decision not to set an enforceable drinking water standard for PFAS. At his hearing last month, I asked him if he would agree to set a clean drinking water standard in 2 years—not in 2 weeks, not in 2 months but in 2 years—and he could not do that.

In short, over the past 7 months as the Acting Administrator, Mr. Wheeler has perpetuated and in at least one instance I have cited here today has worsened the preexisting inadequacies and failures Scott Pruitt left behind. When faced with opportunities to protect human health and the environment in ways that also have the support of the industries that would be regulated, time and again, Mr. Wheeler has failed to act in a way that I believe is responsible and has, instead, listened to some of the most extreme voices around him.

As I have said before and will say again, I am not making some futile attempt at changing the hearts and minds about this nominee at the eleventh hour. I am not that kind of Senator and never have been, and I was not that kind of Governor. I am not grandstanding, trying to get any press attention, or the perfect sound bite. I am, however, trying to convince some of my colleagues to seize this window of opportunity we have now to ensure that Acting Administrator Wheeler reverses course and governs responsibly

at the EPA. That is what I am trying to do. That is what we are trying to do.

As the President's nominee to lead this Agency, under the provisions of the Federal Vacancies Reform Act, Mr. Wheeler can continue to lead the EPA as Acting Administrator until August 7 of this year. He is there, and he is going to be there. Rushing to judgment on this nomination will close the window of opportunity we have to ensure the Acting Administrator reverses course at the EPA and embraces the commonsense, bipartisan policies I just laid out—policies which make our environment cleaner and safer while they also create jobs and strengthen America's economy. I think we all want that. I think that is why people sent us here to negotiate those kind of win-win agreements.

I urge my colleagues to join me in voting no on this nomination so we can achieve those win-win situations that are there for the taking.

I thank the Presiding Officer.

I reserve the balance of my time.

THE PRESIDING OFFICER. The Senator from Wyoming.

MR. BARRASSO. Mr. President, the Senate is today considering the nomination of Andrew Wheeler to serve as the Administrator of the Environmental Protection Agency. It is the job of the EPA to protect both the environment and human health. This critically important Agency needs Senate-confirmed leadership in place.

President Trump picked the right person to lead this Agency when he nominated Andrew Wheeler. Since April of last year, he has served as the Deputy Administrator of the Environmental Protection Agency, and since July of last year, he has served as the Acting Administrator of the Agency. I believe Andrew Wheeler has done an outstanding job in leading the EPA over the past 7 months.

During the last administration, the EPA issued punishing regulations that would hurt the economy and raise costs on families. Under Acting Administrator Wheeler's leadership, the EPA has taken a different approach. The Agency is now putting forward proposals that both protect our environment and allow the country's economy to flourish.

Acting Administrator Wheeler has led efforts to issue commonsense regulatory proposals. These include the affordable clean energy rule and revising the definition of the waters of the United States. Both of these proposals show Mr. Wheeler is serious about clean air and clean water while they also show he understands there is an important role for States and local communities to play. It can't be a top-down, Washington-knows-best approach.

Acting Administrator Wheeler has played a critical role in implementing updates to the Toxic Substances Control Act and has taken steps to limit people's exposure to dangerous and toxic chemicals. These updates are the

result of major bipartisan legislation that came out of the Senate Environment and Public Works Committee in 2016.

Andrew Wheeler is working to limit lead exposure as well. Last December, he helped to unveil the Trump administration's multiagency effort to reduce the number of children exposed to lead in drinking water, in consumer products, and in paint. During his tenure, the EPA has also worked to provide greater regulatory certainty to States, to Tribes, to communities, and to the industries it regulates.

Mr. Wheeler is well qualified for the position of EPA Administrator. He has spent decades—actually, over 25 years—working in environmental policy. He has served as a career employee at the EPA as an environmental protection specialist. This experience makes him uniquely qualified to serve as the head of the Agency.

After that time, he spent over a decade here on Capitol Hill. When he left the EPA, he came here to work on the Environment and Public Works Committee. He served as the staff director of the Senate Environment and Public Works' Clean Air and Nuclear Safety Subcommittee for 6 years. Then he spent another 6 years working as the Republican staff director and chief counsel for the full committee under Chairman JIM INHOFE. After his time on the Hill, he also worked as a consultant for a variety of energy and environmental clients. He is very well qualified, and that is a big reason his nomination has received broad support.

There are 63 agricultural and forestry groups that wrote a letter in support of Mr. Wheeler's nomination to be the Administrator: "It is hard to imagine a more qualified individual for the role of EPA administrator, and we respectfully request that the committee move to confirm his nomination so that he may be considered by the full Senate," they say, "at the earliest date possible."

Mr. Wheeler has received praise from the United Mine Workers of America.

Cecil Roberts, the union's international president, said the following about Mr. Wheeler: "[H]e will be a reasonable voice within the agency, and will recognize the impact on both the workers and mining communities that are directly affected as EPA develops future emissions regulations."

His experience and commitment to sound environmental policies has received recognition from the Democrats as well.

Senator CARPER, who is with me on the floor and was the ranking member of our committee at one point, said of Mr. Wheeler when he was nominated for the Deputy Administrator's role: "I think having worked in the agency, he actually cares about the environment; the air we breathe; the water we drink; the planet on which we live." I agree.

It is time to end the needless delays by the Senate Democrats. Andrew Wheeler's nomination to serve as the

Deputy Administrator was delayed for months and had to be reported out of the EPW Committee twice before he was confirmed. Now the Senate Democrats are calling to delay the process again. These delays only slow down the Agency from meeting its objectives of helping communities and protecting the environment.

The EPA needs a Senate-confirmed Administrator in office. The EPA Administrator plays a central role in developing and implementing programs that are focused on meeting the EPA's mission of protecting human health and the environment. Andrew Wheeler is well qualified to lead this Agency and to serve in the President's Cabinet. He is the right person to be the Administrator of the Environmental Protection Agency, and I strongly encourage every Senator to support the nomination.

#### NOMINATION OF JOHN L. RYDER

Mr. President, I also rise in support of the nomination of John L. Ryder to serve as a member of the Board of Directors of the Tennessee Valley Authority, the TVA.

The TVA serves 9 million people in parts of seven Southeastern States. It provides affordable electricity for business customers and local power companies, for flood control, navigation, and land management for the Tennessee River system, plus economic development for the region. The TVA is credited with transforming the region into a growing population and a growing economic base.

With over 40 years of experience as a lawyer, Mr. Ryder will be a strong complement to the TVA's Board of Directors. The Environment and Public Works Committee attested to this fact when it reported his nomination favorably to the Senate by a voice vote twice—first, on May 22, 2018, during the 115th Congress, and the next on February 5 of this year after he had to be renominated during this Congress because of the delays in the nomination approval process last year. Mr. Ryder is another example of how the confirmation process has deliberately run aground. Mr. Ryder, in normal times, would have been confirmed and in office last summer. Instead, we have to go through a cloture vote on a well-qualified nominee who has twice been reported unanimously through the Environment and Public Works Committee.

Let's not delay this any longer. I urge my colleagues to vote with me in supporting the nomination of John L. Ryder to be a member of the Board of Directors of the Tennessee Valley Authority.

I thank the Presiding Officer.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

#### BIPARTISAN BACKGROUND CHECKS BILL

MR. MURPHY. Mr. President, later today, the House of Representatives will pass a proposal that will be supported by 95, 97 percent of Americans.