

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

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

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

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

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

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

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

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

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

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

There appears to be a sufficient second?

The clerk will call the roll.

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

[Rollcall Vote No. 68 Ex.]

YEAS—51

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

NAYS—49

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

Duckworth	Leahy	Schatz
Durbin	Manchin	Schumer
Feinstein	Markey	Shaheen
Franken	McCain	Stabenow
Gillibrand	McCaskill	Tester
Harris	Menendez	Udall
Hassan	Merkley	Van Hollen
Heinrich	Murphy	Warner
Heitkamp	Murray	Warren
Hirono	Nelson	Whitehouse
Kaine	Peters	Wyden
King	Reed	
Klobuchar	Sanders	

The nomination was confirmed.

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

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

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

The motion was agreed to.

#### CLOTURE MOTION

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

Who yields time?

The Senator from Delaware.

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

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

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

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

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

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

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

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

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

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

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

Thank you.

The PRESIDING OFFICER. All time is yielded back.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

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

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

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

[Rollcall Vote No. 69 Ex.]

YEAS—54

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

NAYS—46

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

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

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

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

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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