

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.

During this hearing, Attorney General Pruitt was asked more than 200 questions by Members of the committee. We had four rounds of questions—an unprecedented number. Our Democratic colleagues on the committee noted during the hearing how fair the process was. They said how much they appreciated the opportunity to ask so many questions. After the hearing, committee members submitted another 1,078 written questions to Mr. Pruitt to answer for the record. Again, this is the most ever for a nominee to be Administrator of the Environmental Protection Agency. His answers were thoughtful, and they were thorough. That is why I was very disappointed to see the Democrats on the committee decide to boycott the meeting to vote on the Pruitt nomination.

The minority complained that he didn't answer enough questions. Democrats have even complained that he has not been vetted thoroughly enough. That is ridiculous. Scott Pruitt is the most thoroughly vetted nominee we have ever had to lead this Agency. Democrats are using delaying tactics to slow down the confirmation of many of this administration's most important nominees. These boycotts and delay tactics do nothing to protect our environment or the health of Americans. Democrats are engaged in nothing more than political theater. They are wasting time while the Environmental Protection Agency needs a new Administrator.

Attorney General Pruitt has protected the environment in his home State. He is endorsed by his peers, and he has been thoroughly vetted for the job. He will make an excellent EPA Administrator. It is time for the Senate to confirm him.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD the following items in support of Mr. Pruitt's nomination: First are two op-eds I authored, one is from FOX News that is entitled "For Eight Years, the EPA Has Made Life Hard for Too Many Americans. That's About to Change."

The second is from USA TODAY, entitled: "The Strong Leader the EPA Needs."

I also ask unanimous consent to have printed in the RECORD some other items: a letter from Dustin McDaniel, Democrat and Arkansas former attorney general. In the letter, he writes that he "saw firsthand how Attorney General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most credible observers as positive and historic."

Another item for the RECORD is a letter from 24 State attorneys general who wrote in support of Mr. Pruitt's qualifications.

Also for the RECORD is a letter I received from J.D. Strong. He is the director of the Oklahoma Department of Wildlife Conservation. In the letter, Mr. Strong directly refutes a New York

Times article titled "Scott Pruitt, Trump's EPA Pick, Backed Industry Donors over Regulators."

Mr. Strong writes:

As a fifth generation Oklahoman and someone who has devoted my career to natural resource protection, I take great pride in the progress that has been made in improving Oklahoma's land, air, water, and wildlife resources.

He goes on to say—

For the past six years, General Pruitt has been instrumental in many of our successes and never asked me to compromise regulatory efforts to benefit industry.

Also, I would like to include in the RECORD an op-ed by Ed Fite, the former agency administrator of the Oklahoma Scenic Rivers Commission. He writes:

Scott Pruitt is one who is committed to finding a balance that protects and preserves our environment while at the same time affords an opportunity for a robust economy to exist. Achievement of one doesn't have to be exclusive of the other.

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

[FoxNews.com, Jan. 17, 2017]

SEN. BARRASSO: FOR 8 YEARS THE EPA HAS MADE LIFE HARD FOR TOO MANY AMERICANS. THAT'S ABOUT TO CHANGE

(By Sen. John Barrasso, M.D.)

Seventy-five thousand dollars per day. That's how much the Environmental Protection Agency threatened to fine a private land owner in my home state of Wyoming. The crime: digging a pond in his back yard.

This was an appalling overreach by the Obama administration's EPA and its regulation of American's property.

Sadly, this story is not unique.

For the past eight years, the EPA has abused and attacked far too many hard-working American families.

A regulatory rampage by EPA has led to the loss of thousands of coal mining jobs in Wyoming, West Virginia, Ohio, Pennsylvania, and Kentucky.

Wisconsin is poised to lose more than 20,000 jobs in the next decade because of the Obama administration's proposed regulations on carbon emissions.

The misguided obsession of the EPA has created needless economic burdens for Americans. It has, at the same time, put people's health in danger.

Negligence on the part of the EPA resulted in more than 3 million gallons of toxic wastewater being dumped into a river at the Gold King Mine in Colorado.

The plume of toxic liquid flowed downstream to New Mexico and polluted the Navajo Nation's main source of drinking and irrigation water.

In Flint, Michigan, aging pipes and improperly treated water caused lead poisoning in children. When EPA officials learned of the pending disaster, they failed to respond.

The agency's misplaced priorities are harming state governments as well.

North Dakota stands to lose more than \$100 million in tax revenue over the next four years because of the Obama administration's "clean power plan" regulations. The state will have to look to already-strapped families to make up the difference or else cut back on services.

Disregard for the consequences of its actions has become the trademark of the EPA for the last eight years. Policy goals and talking points have consistently taken priority over American families. This cannot be the case any longer.

As chairman of the Senate Committee on Environment and Public Works, I look forward to ushering in wholesale change at the EPA. I will be doing it alongside a committed and capable administrator.

President-elect Trump has named Oklahoma Attorney General Scott Pruitt to lead the EPA and to overhaul the agency. Attorney General Pruitt has seen the effects of over regulation in his own state and has worked to stop them.

Pruitt has distinguished himself by challenging the Obama administration on several of its most burdensome rules. He stood up for Oklahomans against the EPA's extreme regulations on greenhouse gasses, methane emissions, and cross state air pollution. He took action against unworkable water rules and air standards. He sued the federal government to make sure that it was interpreting the Clean Air and Clean Water Acts as Congress actually wrote them, not how it benefited President Obama's political agenda.

Attorney General Pruitt is respected by his peers for the work he has done. His work in Oklahoma protected the environment and strengthened the economy by standing up for states' rights. Attorneys general from 24 states authored a letter in support of his nomination. They know he can and will rein in Washington.

President-elect Trump has vowed that his administration will overturn two federal regulations for every new one it proposes. The administrator of EPA will play a vital role in keeping that promise. He must make sure that the agency meets its mission of protecting our environment—ensuring clean water, air, and land—while allowing our economy to grow.

Our committee is taking up the nomination of Attorney General Pruitt this week. I look forward to hearing more about his vision for the agency and how he will help get Americans back to work.

The EPA has made the last eight years hard for families in Wyoming and across rural America. Today, there is reason to be hopeful.

The status quo at the EPA is changing.

"THE STRONG LEADER THE EPA NEEDS"

(By John Barrasso)

The Environmental Protection Agency needs reform.

Anyone who doubts the deterioration at this once-respected agency should recall the summer of 2015, when the EPA spilled more than 3 million gallons of toxic wastewater into a Colorado river.

Last month, the EPA denied \$1.2 billion in damage claims from farmers, Native American tribes and small businesses. This disaster followed the EPA's mishandling of the water crisis in Flint, Mich.

The government agency responsible for protecting the environment and the health of Americans has been endangering the public's health.

The EPA has become a bloated regulatory behemoth that has lost sight of the needs of the American people and the environment. The agency's bureaucrats have been more preoccupied with pushing punishing new regulations.

This red tape killed thousands of jobs in energy-producing and manufacturing states such as West Virginia, Pennsylvania, Kentucky, Indiana, North Dakota and my state of Wyoming.

Oklahoma Attorney General Scott Pruitt, President Trump's nominee to lead the EPA, is committed to protecting the environment—ensuring clean air, water and land—while allowing the American economy to grow.

Pruitt will be the strong leader the EPA needs. He has seen the consequences of the agency's overreach, and he has worked to restore its original focus. He negotiated a water rights settlement with tribes to preserve scenic lakes and rivers.

He worked with Dustin McDaniel, a Democrat and former Arkansas attorney general, to reduce pollution in the Illinois River, which flows between their two states. He stood up to oil and gas companies that polluted his state's air and water. Pruitt has won bipartisan recognition and support. McDaniel called him a "staunch defender of sound science and good policy as appropriate tools to protect the environment."

Scott Pruitt will be an excellent EPA administrator, committed to reform.

STATE OF ALABAMA,  
OFFICE OF THE ATTORNEY GENERAL,  
Montgomery, AL, January 4, 2017.

Hon. JOHN BARRASSO,  
Dirksen Senate Office Building,  
Washington, District of Columbia.  
Hon. TOM CARPER,  
Hart Senate Office Building,  
Washington, District of Columbia.

DEAR CHAIRMAN BARRASSO AND RANKING MEMBER CARPER: As the attorneys general of our respective states, we write to express our unqualified support for our colleague and the Attorney General of Oklahoma, E. Scott Pruitt, as Administrator of the U.S. Environmental Protection Agency,

As attorneys general, we understand the need to work collaboratively to address threats to our environment that cross state lines, as well as the importance of a federal counterpart in the EPA Administrator who possesses the knowledge, experience, and principles to work with our states to address issues affecting our environment. We believe that no one exemplifies these qualities more than Scott Pruitt.

As the Attorney General of Oklahoma, Mr. Pruitt developed expertise in environmental law and policy. He negotiated a historic water rights settlement with Indian tribes that preserved the ecosystems of scenic lakes and rivers; he worked with his Democrat counterpart in Arkansas to reduce pollution in the Illinois River; and he represented the interests of Oklahomans in rate cases against utility companies and in numerous actions against those who contaminated his state's air and water.

Attorney General Pruitt is committed to clean air and clean water, and to faithfully executing the environmental laws written by Congress. He believes that environmental regulations should be driven by State and local governments—a notion endorsed by Congress in the Clean Air Act and Clean Water Act. When our nation is confronted with issues affecting the environment that are not covered by a particular statute, Scott will come to Congress for a solution, rather than inventing power for his agency. He wholeheartedly believes in a strong Environmental Protection Agency that carries out its proper duties, providing a backstop to state and local regulators as they develop environmental regulations suited to the needs of their own communities.

Scott Pruitt is more than just an exemplary state attorney general, he is also our friend. A man of deep faith who is committed to his family and to his friends, Scott seeks always to do the right thing. His friendship and leadership have been invaluable to us over the years.

The Administrator of the Environmental Protection Agency plays a critical role in our Nation's government. Attorney General

Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.

Sincerely,

Jeff Landry, Attorney General, State of Louisiana; Alan Wilson, Attorney General, State of South Carolina; Luther Strange, Attorney General, State of Alabama; Marty Jackley, Attorney General, State of South Dakota; Patrick Morrisey, Attorney General, State of West Virginia; Adam Laxalt, Attorney General, State of Nevada; Mark Brnovich, Attorney General, State of Arizona; Herbert Slatery, Attorney General, State of Tennessee.

Curtis Hill, Attorney General, State of Indiana; Brad Schimel, Attorney General, State of Wisconsin; Ken Paxton, Attorney General, State of Texas; Bill Schuette, Attorney General, State of Michigan; Doug Peterson, Attorney General, State of Nebraska; Chris Carr, Attorney General, State of Georgia; Sean Reyes, Attorney General, State of Utah; Wayne Stenehjem, Attorney General, State of North Dakota.

Leslie Rutledge, Attorney General, State of Arkansas; Pam Bondi, Attorney General, State of Florida; Lawrence Wasden, Attorney General, State of Idaho; Tim Fox, Attorney General, State of Montana; Derek Schmidt, Attorney General, State of Kansas; Josh Hawley, Attorney General, State of Missouri; Peter Michael, Attorney General, State of Wyoming; Mike DeWine, Attorney General, State of Ohio.

McDANIEL RICHARDSON  
& CALHOUN, PLLC,  
Little Rock, AR, January 18, 2017.

Re Attorney General Scott Pruitt's Nomination To Serve as Director of the Environmental Protection Agency.

Hon. JOHN BARRASSO,  
Chairman, U.S. Senate Committee on Environment & Public Works, Washington, DC.

Hon. TOM CARPER,  
Ranking Member, U.S. Senate Committee on Environment & Public Works, Dirksen Senate Office Building.

DEAR CHAIRMAN BARRASSO, RANKING MEMBER CARPER, AND MEMBERS OF THE U.S. SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE: My name is Dustin McDaniel. I am an attorney in Little Rock, Arkansas. I served as the Democratic Attorney General of the State of Arkansas from 2007–2015. During that time, I served for three years as the Co-Chair of the Democratic Attorneys General Association, I am a member of the Democratic National Committee and was a strong supporter of Secretary Clinton's campaign for President. I am grateful for your work on this committee. I believe in the core mission of the Environmental Protection Agency. I believe that climate change is real and overwhelmingly the result of human activity. I believe that the United States has a moral obligation to lead the world in shaping climate policy. These challenges in a hostile political environment will be acutely felt by the next director of the EPA.

As you consider the nomination of my friend Scott Pruitt, I respectfully ask that you enter this letter into the record so that I may attempt to clarify what I believe to be unfair criticisms of the historic agreement negotiated between myself on behalf of the State of Arkansas and Attorney General Pruitt on behalf of the State of Oklahoma regarding water quality in the Illinois River watershed.

Prior to the elections of General Pruitt or myself, Oklahoma grappled with Arkansas

municipal water systems and Arkansas industry, primarily poultry companies, over increased phosphorous levels in the Illinois River watershed. Pollution was substantially impacting the water quality in one of Oklahoma's most scenic waterways. In 2003, an agreement was executed that would require that the phosphorous levels be reduced over the next 10 years to a level .037 parts per million. As a result, all parties on both sides of the state line worked diligently to substantially improve the water quality.

At the same time, then-Oklahoma Attorney General Drew Edmondson filed suit using an out of state plaintiffs' firm against Arkansas's poultry industry. Many criticized the litigation as taking the focus away from the environment and placing it on money damages. The State of Oklahoma's outside counsel presented their case to U.S. District Court Judge Gregory Frizzell. Almost all the claims were dismissed by the court. The evidence was fully submitted to the judge in March of 2010 on the remaining question regarding injunctive relief. To this day, no ruling in that litigation has been handed down.

As 2013, the ten-year deadline for the reduced phosphorous levels, was approaching, two things were evident: 1.) despite huge improvements in water quality, the phosphorous levels in the river would not be at .037 parts per million before the deadline, and 2.) research into the standard itself called into question its origin and basis in hard science.

The States of Arkansas and Oklahoma were facing a point of litigating against one another (again) over this issue to the detriment of all concerned, I approached General Pruitt to ask if we could reach a solution that would protect the environment and demonstrate to our citizens that we were committed to working together on their behalf rather than litigating against one another using taxpayer dollars for lawyers instead of scientists.

The resulting agreement reflects that Oklahoma enhanced, not relaxed, its enforcement of environmental protections. Scientists were appointed to establish the proper water quality metrics, establish a binding standard, and at no time were phosphorous abatement measures relaxed. It was an historic moment that demonstrated that cooperation in pursuit of environmental protection yielded better results than litigation. The resulting report was recently released from the commission and is available for your review. (See, [www.ok.gov/conservation/documents/IR%202016.12.19%20Final%20Report.pdf](http://www.ok.gov/conservation/documents/IR%202016.12.19%20Final%20Report.pdf))

Recent press accounts regarding these efforts unfairly mischaracterize the work that was done by General Pruitt and his team. He was a staunch defender of sound science and good policy as appropriate tools to protect the environment of his state. I saw firsthand how General Pruitt was able to bridge political divides and manage multiple agency agendas to reach an outcome that was heralded by most credible observers as both positive and historic.

As I am sure that this committee will have questions about this matter, I wanted to take this opportunity to add facts and context to an accomplishment that should stand as a credit to General Pruitt's career and qualifications for this nomination.

I sincerely appreciate the opportunity to submit this letter to you and to your committee and to be a part of the record in these proceedings. I thank you for your service to our nation,

Respectfully submitted,  
DUSTIN MCDANIEL.

OKLAHOMA DEPARTMENT OF  
WILDLIFE CONSERVATION,  
Oklahoma City, OK, January 15, 2017.

Re Debunking New York Times article,  
"Scott Pruitt, Trump's E.P.A. Pick,  
Backed Industry Donors Over Regu-  
lators," January 14, 2017.

Hon. JOHN BARRASSO,  
Chairman, U.S. Senate Committee on Environ-  
ment & Public Works, Washington, DC.

Hon. TOM CARPER,  
Ranking Member, U.S. Senate Committee on En-  
vironment & Public Works, Washington,  
DC.

DEAR CHAIRMAN BARRASSO AND RANKING  
MEMBER CARPER: Rarely do I feel compelled  
to respond to a newspaper article, particu-  
larly one that runs in a nationally renowned  
news outlet like the New York Times. I've  
learned over 23-years as a State environ-  
mental regulator to value the media's role in  
uncovering and exposing the truth, not to  
mention the wisdom found in the quote,  
"Never pick a fight with anyone who buys  
ink by the barrel." However, the mistruths  
propagated by the above captioned article  
undoubtedly caught the attention of you,  
your fellow committee members, and many  
of your respective constituents just days be-  
fore Attorney General Scott Pruitt's con-  
firmation hearing for EPA Administrator,  
and thus deserve a response from at least one  
of the regulators that allegedly lost out to  
industry donors.

First, it's worth noting that I spoke with  
the New York Times for nearly fifteen min-  
utes laying out the facts from my perspec-  
tive as Oklahoma's former Secretary of En-  
vironment and a plaintiff in the state's liti-  
gation against the poultry industry, then  
later as Director of the Oklahoma Water Re-  
sources Board—the agency responsible for es-  
tablishing the phosphorus standard re-  
ferenced in the article. One would think such  
experience deserves significant play in an ar-  
ticle of this focus, yet more column space  
was devoted to a retired employee of the  
Oklahoma Department of Environmental  
Quality who was incorrectly listed as the  
leader of the agency's Water Quality Divi-  
sion and wrongfully given credit for being  
responsible for "overseeing the poultry-related  
cleanup." The poultry industry and its re-  
lated cleanup are governed by our Oklahoma  
Department of Agriculture, Food & Forestry.  
Rather than insinuating that Mr.  
Derichsweiler retired out of frustration with  
General Pruitt, instead of the fact that he  
retired after 40 years of service to the State,  
the New York Times should have at least di-  
vulged that Derichsweiler currently serves  
as Vice Chair of the Oklahoma Chapter of Si-  
erra Club, an organization that has launched  
a campaign to oppose General Pruitt's con-  
firmation.

The facts that I shared in my interview  
with the New York Times paint a completely  
different picture than the article portrays. If  
I were writing the headline, it would read,  
"Pruitt Helps Deliver Water Quality Im-  
provement in Oklahoma's Scenic Rivers." At  
the end of the day, that has been Oklahoma's  
goal in the Illinois River watershed for de-  
cades, and that is what is happening during  
General Pruitt's term as Attorney General.  
As I stated to the New York Times, no State  
Attorney General can force a Federal Judge  
to rule, or I'm certain former Attorney Gen-  
eral Drew Edmondson would have taken such  
action during his last two years in office.  
Rather than beating his head against that  
wall, Pruitt helped Oklahoma negotiate a  
new agreement with the State of Arkansas  
that prompted not just a study of the appro-  
priate phosphorus level necessary to protect  
our shared scenic rivers, which the article  
dismissed as trivial, but more importantly

provided for continued phosphorus controls  
on wastewater and poultry facilities. For the  
first time in my career, Oklahoma measured  
decreasing phosphorus levels and water qual-  
ity improvement in the Illinois River water-  
shed beginning in 2012. While many people on  
both sides of the border deserve credit for  
this result, General Pruitt definitely was a  
key player. This mere "study" ultimately  
led to a recent agreement between the states  
of Arkansas and Oklahoma wherein Arkan-  
sas committed to meet a more stringent  
phosphorus standard—another shocking de-  
velopment for two states that have quarreled  
for decades and quite the opposite result one  
would expect from an Attorney General that  
is being unfairly maligned as a shill for in-  
dustry.

Rather than spend several more pages con-  
testing the inaccuracies found in the New  
York Times article, I will leave you with  
this overarching truth. As a fifth generation  
Oklahoman and someone that has devoted  
my career to natural resource protection, I  
take great pride in the progress that has  
been made in improving Oklahoma's land,  
air, water and wildlife resources. For the  
past six years, General Pruitt has been in-  
strumental in many of our successes and has  
never asked me to compromise regulatory ef-  
forts to benefit industry. On the contrary,  
all of our projects and cases that involved  
his office were given staff support at the  
highest level and, more often than not, re-  
sulted in more stringent environmental pro-  
tections. Please do not confuse Pruitt as  
being anti-environment because of his well  
justified (and strongly supported by me) ef-  
forts to counter the EPA's various attempts  
to second-guess or usurp State authority.  
Rather, he has been a strong ally in defend-  
ing our ability to continue the great  
progress that we've made in protecting Okla-  
homa's environment at the state level—  
progress that is too often impeded by Fed-  
eral overreach and interference.

If I can be of further assistance as you  
embark on your important task of reviewing  
Mr. Pruitt's qualifications and disposition to  
serve as EPA Administrator, please do not  
hesitate to contact me. I've always found  
Mr. Pruitt to be a man of great honesty and  
integrity, so you should have the perfect op-  
portunity in your hearing to gather facts be-  
fore making your final decision. If truth pre-  
vails, you will find what most of us in Okla-  
homa know to be true: Scott Pruitt stands  
for responsible, common sense, State-led en-  
vironmental protection efforts that generate  
positive results.

Respectfully,

J.D. STRONG,  
Director.

[Jan. 12, 2017]

A FIRSTHAND PERSPECTIVE FROM A MAN IN  
THE MIDDLE: PRUITT NOMINATION IS WELCOME  
(By Ed Fite)

We have all heard much yammering, left  
and right, about President-elect Donald  
Trump having selected Oklahoma Attorney  
General Scott Pruitt as the next head of the  
U.S. Environmental Protection Agency. As a  
conservationist and riverologist, I have  
worked firsthand with Scott Pruitt and  
know a good deal more about him than those  
nationally that are attempting to malign  
him.

I have made it my life's work and my ca-  
reer to look after our states designated Sce-  
nic Rivers. As a state employee and a re-  
source facilitator (I cannot take care of  
these valued-treasured water resources by  
myself), I always find myself arguing for the  
middle ground, for the workable solution  
upon which both sides of an issue can agree.  
I have looked and worked for real solutions,

and have implemented them with help from  
all sides.

I have found that General Pruitt has al-  
ways done right by our Scenic Rivers. He has  
done every constructive thing that he told  
me he would do. Furthermore, for the first  
time ever, he has gotten the State of Arkan-  
sas, which happens to have portions of the  
streams we've designated as "scenic rivers"  
originating in and flowing through their  
state, to agree to Oklahoma's Scenic Rivers  
Phosphorus Standard—an incredible environ-  
mental accomplishment, the impact of which  
cannot be understated. Instead of engaging  
in years of inter-state litigation, he did this  
by negotiating an agreement with Arkansas  
Attorney General Dustin McDaniel, a prac-  
tical and economical approach that will  
yield enormous environmental benefits.

To understand the magnitude of this agree-  
ment, one must consider that Oklahoma and  
Arkansas have litigated over Illinois River  
water quality for more than three decades.  
The latest action brought by Oklahoma,  
about abating water quality degradation  
from the land-application of poultry waste in  
the Illinois River watershed, has languished  
for more than six years in the federal dis-  
trict court. Many thought that when General  
Pruitt took office he would abandon this suit  
because he is also known for his staunch sup-  
port of farming and ranching communities.  
However, not only did General Pruitt allow  
the case to be fully litigated, he proactively  
sought this joint state solution to let science  
determine the phosphorus standard for the  
Illinois River. In the end, a study conducted  
by Baylor University reinforced that the  
phosphorus standard Oklahoma sought to  
protect would remain.

Last, I have not seen him advocate disman-  
tling the EPA. Rather, he has rightfully sup-  
ported necessary laws but has challenged the  
agency when they have written new rules  
without Congress having given them author-  
ity to do so. An administrative agency  
should not decide what the law is in the ab-  
sence of legislation.

And so, my middle-of-the-river view is that  
Scott Pruitt is one who is committed to find-  
ing a balance that protects and preserves our  
environment while at the same time affords  
an opportunity for a robust economy to  
exist. Achievement of one doesn't have to be  
exclusive of the other.

Mr. BARRASSO. I yield the floor.

The PRESIDING OFFICER. The Sen-  
ator from Delaware.

Mr. CARPER. Mr. President, I just  
want to follow up on the comments of  
my friend, the chairman from Wyo-  
ming, and I note that Scott Pruitt has  
responded to more questions than any-  
one in EPA history since Gina McCarthy,  
the past Administrator who re-  
sponded to more than 1,400 questions,  
and she actually responded to them  
completely, not evasively and not indi-  
rectly. She needed more time, given  
the volume of questions, and more time  
was granted so she might more fully  
answer the questions that were raised.  
I just wanted to add that if I could.

Mr. President, I come to the floor to  
share with you and with our colleagues  
the reasons I oppose the nomination of  
Attorney General Scott Pruitt to be  
the EPA Administrator. Over the last  
month, we have had a number of Presi-  
dent Trump's nominees come before  
the committee and be debated on the  
Senate floor, as you know.

We have had multiple confirmation  
hearings in a single day, with Members

running to and from hearings trying to learn more about nominees and get important questions answered. So I understand if some of my colleagues who have attended back-to-back hearings have not yet delved into Scott Pruitt's record as deeply as we have on the Environment and Public Works Committee, and that is why we are here today.

As ranking member of the Environment and Public Works Committee, I, along with my colleagues on the committee, have scoured Mr. Pruitt's record to the best of our ability with the somewhat limited information the nominee has provided.

We sat through his nomination hearing, where we asked him fundamental questions about his views on the role of the EPA and what he would do to protect our environment and public health. We submitted additional questions we had for the record and read through all of Mr. Pruitt's responses. We have done our due diligence with the information we received, and I want to share with my colleagues and all of those watching exactly why, based on this review, I cannot support Mr. Pruitt's nomination.

First, I think it is important to revisit just why the EPA is still so critical. This Agency was created 46 years ago by a Republican President named Richard Nixon with the support of a bipartisan Congress. Their task was implementing our Nation's most important clean air, clean water, and safe chemical laws. The EPA is required to use sound science to protect both our environment and our public health, and, by and large, the EPA has done it successfully—not perfectly but successfully for decades while our economy has continued to grow. Many people may not remember a time before the EPA, a time when States had to work individually to protect citizens in the communities in which they lived, a time before the Clean Water Act and Clean Air Act were signed into law, a time when businesses operating throughout the United States were faced with a myriad of conflicting State and local laws affecting our health and environment. The choking smog and soot of a half century ago seems unfathomable now. Rivers on fire and deadly toxic plumes sound like something almost for another world, impossible in our United States of America.

Today we have the luxury of largely forgetting these frightening circumstances, thanks to the efforts of the EPA and its employees, in partnership with State and local governments and with countries and companies and businesses across America. The EPA and its many partners throughout the country have been so successful that it is easy for some of us to forget why this Agency is so critical. Some may presume there is not much more for this Agency to do. That could not be further from the truth.

The environmental threats we face today are real. They don't respect

State boundaries. Over time, my State of Delaware has made great strides in cleaning up our own air pollution, but our work only goes so far.

In Delaware, like many States on the east coast, we sit at the end of what is known as America's tailpipe. Ninety percent of the pollution in Delaware comes from outside the First State, from plants hundreds of miles away in places like Kentucky, Ohio, my native West Virginia, Indiana, and throughout the Midwest.

As Governor of Delaware, even if I had eliminated every source of air pollution within our State by stopping every combustion source and ordering every motor vehicle off our roads, Delawareans would still face deadly doses of air pollution. Should Delawareans be forced to live with consequences of decisions made by polluters hundreds or even thousands of miles away from us? I don't think so. I don't think so. That is not the Golden Rule I know.

Fortunately, the EPA has recently implemented something called the good neighbor rule to make sure all States do their fair share to clean up our air. Every citizen in this country has a right to breathe clean air, regardless of where they live, whether they live in a downwind or an upwind State. That is why we have the EPA.

We have known for decades that most of the mercury in our fish comes from air pollution that is emitted from the dirtiest coal plants and then settles in our waterways. We know mercury is a powerful neurotoxin that accumulates in our body over time, threatening the health of this generation and generations to come. The EPA recently issued public health protections to clean up the toxic air pollution from our dirtiest coal plants, allowing families in Danville, where I grew up alongside the Dan River, and thousands of other communities that can once again eat fish from our rivers, lakes, and streams without concern of mercury poisoning. That is why we have the EPA.

Too often, when States and local communities are pinched for cash, they try to save money by shortchanging clean air and water protections. Improvements to infrastructure are often ignored, corners are cut, and solutions are adopted that may save dollars now but inflict costly unnecessary damage later.

As we have seen most recently in the city of Flint, MI, these cuts can have a terrible and even tragic impact on the health of the most vulnerable in our society, especially on the youngest among us. Today, the citizens of Flint still lack clean drinking water, and a new generation in that city which has been exposed to high levels of lead faces an uncertain future. That is why we have the EPA.

Many people don't know it, but Delaware is the lowest lying State in our Nation. The highest point in the State of Delaware is a bridge. Back home, the reality that our climate is changing is

not up for debate. Families and business owners face the stark realities of climate change almost every single day. Tackling that challenge is not just the right thing to do or what is best for Delaware's economy, it is a matter of survival. Our little State alone cannot stem the flow of greenhouse gases into our atmosphere that is largely causing our climate to change, our seas to rise, and our coastlines to retreat. Every State—every State—must do its fair share to safeguard our climate and their neighbors. That is why we have the EPA.

Examples of the air and water pollution produced by one State and fouling the air and water of others can still be found in too many parts of America, like the runoff from Pennsylvania that degrades the waters of the Chesapeake Bay or the haze exported from other States that oftentimes shrouds the Smoky Mountains and degrades visibility at the Grand Canyon. That is why we have the EPA.

Throughout my years in the Senate and as a member of the Environment and Public Works Committee, I have had the opportunity to consider the credentials of five different nominees to serve as EPA Administrator—individuals put forth by both Democratic and Republican Presidents. I have supported candidates in the past because they were able to clearly demonstrate their commitment—candidates like former New Jersey Republican Governor Christine Whitman and former Utah Governor Mike Leavitt. I was proud to support them both, proud of their service, and proud of their role as head of EPA. But I have supported candidates like them because they clearly demonstrated their commitment to advancing the mission of the EPA—the mission to protect human health and to protect our environment. Never have I been forced to consider a candidate to lead the EPA who has been so focused throughout his career on crippling the Agency he now seeks to lead or so hostile to the basic protections to keep Americans and our environment safe.

So, with that, I am going to close, and I will come back many times in the hours to come as we continue the consideration of this candidate's nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am here to address an issue that I think is of great importance to this country and to this administration; that is, the nomination of Scott Pruitt to be the new EPA Administrator.

We are nearly 8 years removed now from what we consider—many of us, I think, particularly as we look back—the great recession. However, many American workers, their families, and their communities have yet to feel the benefits of any kind of a recovery. A key component to a slow recovery—the

slowest recovery since World War I—is the regulatory overreach coming out of this city—Washington, DC.

Since the end of the recession in June 2009, Federal agencies have burdened a weakened economy with thousands of pages of new rules, costing consumers billions of dollars. Tens of thousands of workers have lost their jobs. The EPA has perhaps become the poster child for this overreach, from restricting carbon emissions without the direction of Congress—and according to the clean air direction of Congress of what is important—to federalizing every stream, every pond, every wetland under the waters of the United States rule, to unilaterally banning virtually Appalachian coal mining by obstructing the permitting process and pursuing ozone standards that the vast majority of the country cannot meet. The vast majority of the country is still trying to meet the ozone standards that were established under the last regulation.

I support the mission of the EPA in protecting human health, in protecting our air and our water, but there has to be a balance. There has to be a balance between growing the economy and preserving the environment. Over the last several years, we have seen that balance very disrupted. This disruption is at odds with the law and the well-being of many of our working families.

This has been acutely felt in my State of West Virginia where we have lost more than 35 percent of our coal jobs since the year 2011. That is more than 7,000 jobs eliminated in a relatively small State like West Virginia, and many of these jobs are very high-paying jobs.

As a nation, we have lost more than 60,000 coal miners in the same time-frame. This has hurt our workers, our families, our communities, and our State.

The loss of good-paying jobs means less commercial activity. It means less tax revenue to support our education, our county school systems, our county ambulances, our county sheriff's departments, and our law enforcement. For example, little old Wayne County in West Virginia has lost 88 percent of its coal severance taxes between 2013 and 2016. This year, our Governor and our legislature are struggling right now with a \$500 million budget deficit, largely due to the loss of our coal jobs.

Patching that shortfall could mean significant tax increases, painful cuts in public services, or both, which could further hurt and cripple our local economy. It will be a long road undoing the legal and economic damages suffered over the last several years.

Voters in my State and across the country have made it clear that fixing Washington includes meaningful reforms for the way that the EPA operates and has been operating.

So what do we have before us? We have a great nominee for EPA Administrator, Scott Pruitt, who is presently the attorney general of another en-

ergy-producing State—Oklahoma. Scott is committed to returning the Agency to its core mission of protecting our air, our water, and our land without undercutting the economy. At least, we know that he will listen to the other side and try to be reasonable.

He will ensure that the EPA abides by congressional intent, and he will be an active partner with State and local stakeholders in the rulemaking process.

Going back to the stream buffer rule and the reason that fell apart—and I am so pleased that the President is going to be signing the CRA on that today—the EPA invited States to come in and speak about the rulemaking process. Within months, it became very apparent to the States that are charged with protecting the water that this is just window dressing. They realized: They are not listening to us, and they don't really want us to buy in. Eight of those States left.

So as the attorney general for the State of Oklahoma, he has held industry to account as well protected lakes and streams in his State. I asked him in the committee: If the State or local government doesn't intervene in what looks to be an environmental issue—not just a crisis, but if they are not doing their job in protecting the air and the water—what would you do as the EPA Administrator? He said: That is where we should be stepping in. That is where we should be helping those States meet those standards, helping those States get the right information.

So I think he is going to be unafraid to take on the EPA when it is set to ignore a State's sovereignty.

Mr. Pruitt is the most thoroughly vetted candidate for this position in history. He fielded 6 hours' worth of questioning before the Committee on Environment and Public Works, where I serve. During that hearing, he assured me that he will engage directly with the State of West Virginia and visit our State. We could never get the EPA Administrator to visit our State and listen to our side. He will visit our State, listen to our side, and reform the rulemaking process to prevent another open assault on our economy by unelected bureaucrats.

He also committed to me that he would pursue full implementation of the bipartisan Frank R. Lautenberg Chemical Safety for the 21st Century Act, a bill on which we joined together—Republicans and Democrats, both sides of the aisle, with President Obama—to modernize our toxic chemical regulations in terms of water.

This is important to me. I was talking to my colleague from Michigan about this issue. We had a water crisis in West Virginia where we had a large chemical spill. This bill, under Scott Pruitt's leadership and my pressing for the implementation, as others will be, will help us in situations like this.

Beyond the over 200 questions he answered in the hearing, he answered more than 1,000 followup questions. He

is the most thoroughly vetted nominee for Administrator in the history of the EPA. I am confident—very confident—as he assured me in committee and in personal meetings, and I have watched him in action in terms of questioning the overreach in the court systems. He has worked with our attorney general, Patrick Morrisey, to be the leader in this.

I have confidence that he embodies the leadership that we need to restore the balance and accountability to the EPA in a way that will benefit the public health and benefit environmental preservation, as well as restore much-needed economic growth that needs to be a part of the balance that we want to see restored back to the EPA.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, let me say first that I join with the distinguished Senator from West Virginia in expressing concern about our water infrastructure and water issues. As many of us know, we have had terrific challenges in Flint, MI, with an entire water system being unable to be used because of lead poisoning and the terrible decisions made, primarily at the State level.

I was very concerned—when I speak about Mr. Pruitt and his nomination—that when asked by Senator CARDIN if he believes there is any safe level of lead that can be taken into the human body, particularly a young person, he said that this is something he hasn't reviewed and doesn't know anything about. That is deeply concerning to me—that the person who would be heading the EPA would not know anything about lead poisoning and what that means, first of all, in a child's body, where it is poisoned and affects their development throughout their life. It is critically important for us in Michigan—and there are many, many places where there are serious water quality issues that need to be addressed—that we have someone who understands the science and the need for clean water rules and protecting our waters so that any family, any community can have the confidence of turning on the faucet and knowing that there is going to be clean water coming out into their sink in their home. It is very concerning to me that we have a nominee who indicated that he really didn't know anything about this issue.

So for that and a number of reasons—many, many reasons—I am joining with so many colleagues in opposing Scott Pruitt to be the next Administrator of the Environmental Protection Agency.

The EPA Administrator is a very important position. As I indicated, to those of us in Michigan, surrounded by the beauty of the Great Lakes, having the responsibility for protecting the Great Lakes, this is a very, very important position.

After examining Mr. Pruitt's record on a broad range of issues, as well as



his views about the Agency he has been nominated to lead, I have significant concerns about the direction and the priorities the EPA would take if he becomes Administrator.

Now, this is not based on partisan politics. When George W. Bush was President, I joined 98 of my colleagues to vote to confirm Christie Todd Whitman to be EPA Administrator. Two years later, I was among 87 other Members of the Senate to vote to confirm Michael Leavitt to succeed her at the EPA.

But the facts are—the evidence is—that Scott Pruitt does not have the requisite experience and track record to successfully lead an Agency that plays such a critical role in protecting the health and the well-being of the American people, and, certainly, the people that I represent in the great State of Michigan.

As I mentioned before, we are very, very familiar with the importance of clean water and the consequences of environmental mismanagement. We need an EPA that will act quickly when there is a crisis like the one that happened in Flint, which is, unfortunately, still going on. This was a man-made crisis inflicted by the State of Michigan's actions on a number of different levels that created a situation where the State would rather save \$100 a day than treat the water for lead corrosion. So \$100 a day they wanted to save rather than treat the water to prevent children and families from being exposed to lead-tainted water. This was a State decision.

Mr. Pruitt has made it clear that it is his intention to defer as much as possible to States—to States like Michigan, which didn't treat the water, then didn't tell the truth, then covered it up, and still has not done—despite Congress and the President together acting to support that community, the State still has not stepped up to meet their responsibilities. After more than 2 years, people still cannot turn on the faucet and have confidence that they are going to have clean water. Yet Mr. Pruitt says the State ought to be the one making these decisions.

While I firmly believe an effective EPA is one that works closely and often in concert with State and local communities, we must also be sure we have leadership at the EPA that is willing and capable of providing the oversight necessary to ensure environmental and public health standards.

We also need an EPA Administrator whom we can trust to protect and preserve our amazing Great Lakes. Critical to this objective is a grant program administered by the EPA called Great Lakes Restoration Initiative. I was very pleased to champion and help launch this in 2010 with strong support from the Obama administration. This accelerates efforts to protect and restore the Great Lakes by providing grants to clean up contaminated areas; prevent and control invasive species, things like Asian carp, which we are

constantly having to focus on to push back these fish from destroying our fisheries and boating operations and environments in the Great Lakes; to address harmful algae blooms and restore habitat; and to protect native species.

Scott Pruitt's long record of opposing nearly all Federal environmental programs raises serious questions to me about his commitment to the Great Lakes Restoration Initiative and all of the efforts we have worked on in a bipartisan, bicameral way to make sure we are protecting 20 percent of the world's freshwater, 30 million people's drinking water, and a huge economic engine called the Great Lakes.

I always like to say the Great Lakes are in our DNA, and that is very true for all of us who live in Michigan and certainly around the Great Lakes because we understand that this great natural resource supports more than 1.5 million jobs and nearly \$62 billion in wages tied to jobs and industries, and, frankly, it reflects our wonderful quality of life in Michigan.

I also have great concerns about Mr. Pruitt's long-running opposition to the landmark renewable fuel standard, which puts him at odds with the Agency that administers the program. The President promised us a farmer-friendly EPA. Yet this nominee to lead the Agency wants to dismantle one of the most successful economic drivers in rural America. Mr. Pruitt has repeatedly spoken out against the renewable fuel standard, calling the program flawed and unworkable.

Mr. Pruitt heading up EPA, coupled with former ExxonMobil executive Rex Tillerson at the State Department and oil refinery owner Carl Icahn advising the White House, may well be the end of the RFS as we know it. That is, frankly, bad news for biofuels producers in Michigan, bad news for Americans who care about creating economic growth and jobs in rural communities, and bad news for small towns and communities throughout Michigan. Mr. Pruitt's record of siding with polluters over sound science puts him outside the mainstream of what we should expect from our EPA Administrator.

It is for these reasons that I intend to vote against his nomination, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I also rise to oppose the nomination of Scott Pruitt as EPA Administrator.

To summarize—and then I will go into some detail—Virginians are pro-science people. The political figure we most venerate is still Thomas Jefferson, who was the preeminent scientist of his day. We are pro-science people. Second, the evidence from Mr. Pruitt's career demonstrates he is anti-science in the climate area and possibly others. Third, there is no position in the Federal Government that more relies upon accurate science and scientific judgment than EPA Administrator.

I think the President is afforded significant discretion in appointing members of the Cabinet, and I have voted to confirm a number of President Trump's nominees even if I wouldn't have nominated them myself because I think they meet the basic test of competence and integrity. But I have voted against individuals if they can't satisfy me that they meet our ethical standards or that they are qualified for the position or that they are able to do the job fairly and objectively.

The ability of the EPA Administrator to do this job fairly and objectively requires an acknowledgement of the scientific reality of climate change and other science. This isn't an abstract matter for Virginia, and it is not an abstract matter for the EPA Administrator.

Next only to coastal Louisiana, Virginia is the most susceptible State to sea level rise. Hampton Roads, VA, with 1.6 million people—our second largest metropolitan area—not only is it a busy and thriving metropolitan area, but it is the center of American naval power and the largest base of naval operations in the world. It is the homeport for the U.S. Atlantic fleet. What we are seeing throughout Hampton Roads, VA, is that neighborhoods where you could sell and buy a house 15 years ago, you now can't because normal tidal action renders the homes impossible to sell. It affects businesses.

By 2040, the main road into the largest naval base in the world, Norfolk, will be covered 2 to 3 hours a day just by normal tidal action, not by storm surges, which make it more significant. So now the cities of Norfolk, Virginia Beach, Portsmouth, Suffolk, Chesapeake, Newport News, and Hampton are all trying to figure out ways to make resiliency investments to protect against sea level rise, and the Department of Defense is having to contemplate the same kinds of investments to protect our naval operations in Hampton Roads.

The EPA's mission and its entire existence revolve around science. To enforce the Clean Water Act and the Clean Air Act, to set limits on pollutants that are stringent enough to have measurable benefits but reasonable enough to avoid negative economic impacts to the degree we can, and to pore over reams and reams of data and analysis and figure out whether a chemical in a consumer product is harmful takes science. To analyze whether fracking or some other method of extracting energy is dangerous to drinking water or not dangerous or somewhere in the middle or what the right limits should be takes science.

In an earlier iteration, I was the mayor of Richmond. My city has a river in the middle of it that was so polluted—the James River—you couldn't swim in it and you couldn't fish in it. There was no bird life in it because it had been polluted over such a long time. Today, go to Richmond, VA, and you will see people canoeing

and kayaking. You will see people fishing and taking the fish home to eat. You will see people swimming. It has gone from the sewer of our city to the front yard of our city, to the thing that has helped bring population back into downtown Richmond and grow our population, and it happened because of the Clean Water Act.

There is always a question in regulation—too hot, too cold, or just right. But my city would not be what it is today had there not been a Clean Water Act that required us—in some ways that were painful at times—to save the river, and now it has herons, bald eagles, fish, kayakers, and canoeists, and everybody's quality of life and the economy are better too.

Mr. Pruitt has been asked repeatedly about his views on climate science. Just 4 months ago, he stated:

We've done a lot [in reducing carbon emissions], and that's not even addressing, guys, the fact that there's a tremendous dispute, as you know, that's going on in the marketplace about how much this global warming trend that the [Obama] administration talks about, if it's true or not.

Is it truly man-made and is this simply just another period of time where the Earth is cooling, increasing in heat? I mean is it just typical natural type of occurrences as opposed to what the Administration says?

That was just 4 months ago. This kind of skepticism—we don't know whether humans cause it; we don't know whether it is natural—is exactly the kind of thing we have seen in Congress before. There was a famous hearing in Congress that was sort of emblazoned on people's memories of a whole bunch of witnesses standing up and swearing to tell the truth and saying: We don't know that there is a connection between cigarette smoking and cancer. This kind of denial of the scientific consensus from an Administrator of the chief agency that needs science in this country is deeply troubling.

I don't think it should be going out on a limb to declare that climate change is happening, driven largely by the burning of fossil fuels, and is a problem we have to deal with in some way. How to deal with it, how quickly to deal with it—those are tough questions, but acknowledging the science should not be tough.

That acknowledgement of the science was the policy of a predecessor of mine, Virginia Senator John Warner, a Republican, who introduced one of the first climate bills in Congress with Democratic Senator Joe Lieberman in 2006. This policy that we recognize science was the policy of the George H.W. Bush administration, which negotiated the U.N. Framework Convention on Climate Change more than 25 years ago. It was the policy that underlay the Presidential campaign of one of our colleagues, Senator JOHN MCCAIN, in 2008.

Acknowledging the science of climate change isn't a matter of political views; it is a matter of science and reality. We can discuss and debate what

to do about it, and I think those are challenging discussions to have. That is fair game. Differences of opinion about what to do about—that is fair game. But denying an overwhelming scientific consensus that climate change exists and that it is driven by human activity in the burning of fossil fuels—something ExxonMobil scientists were agreeing to in papers written in the 1980s, not 4 months ago—denying that is a denial of science.

I worry. If Mr. Pruitt denies science on this matter, what other science will he deny? His record as attorney general in Oklahoma bears me out on my worry to some degree. In virtually every decision, the attorney general's office defended the interests of oil and gas, of Big Agribusiness, and basically the interests of polluters against the interests of clean air and water, which are the interests of our families and our kids.

A New York Times article from 2 years ago—before Mr. Pruitt was nominated for this position—identified that when the EPA was looking at the potential impacts—potential, not guaranteed; we are trying to determine if there are impacts—of fracking on water quality and seismic instability, Attorney General Pruitt submitted comments on behalf of the State of Oklahoma that expressed skepticism that fracking was causing any problems. Well, why not do the investigation? Why not get to the bottom of it? Was the opinion that he expressed backed by science? Was it backed by a deep analysis that had been done by scientists or smart attorneys in Mr. Pruitt's office? No. In this instance, good investigative journalism determined that the comment expressing skepticism about fracking having any effect on water quality was actually written by an energy company, copied, and pasted onto official Oklahoma letterhead and submitted to the EPA as representing the views of Oklahoma public officials.

Would it be appropriate for the attorney general of Oklahoma—a State that has significant oil and gas—to take into account the views of oil and gas producers on something as important as fracking? Absolutely. In fact, you would not be doing your job if you didn't take the views of those companies into account. But considering industry views is very different from taking their views and portraying them as coming from you, a holder of a public trust who is supposed to be working for everybody and not just one company or one industry.

Here is one more example I will give before I conclude, because I take it personally. Virginia is one of the six States in the Chesapeake Bay watershed. I worked on this matter as Governor of Virginia, along with colleagues in the other States and the District of Columbia, and we worked together with the EPA on how to clean up the bay. This is a treasured resource for Virginians. It is about as bipartisan

a thing as there is in Virginia. Probably next to support for veterans, support for the Chesapeake Bay would be a close second in bipartisanship. As public officials, we worked out with the EPA a strategy we thought would be conducive to cleaning up the Chesapeake Bay—which is not just about enjoyment, not just about water quality, but also about traditional Virginia industries, like watermen's industry tourism, which is a big industry in our State.

We worked it out to our satisfaction, but when we did, there was a lawsuit filed against this particular regulation by the Farm Bureau. The attorney general of Oklahoma—not one of the six States in the Chesapeake Bay watershed—the attorney general of Oklahoma intervened and filed a friend-of-the-court brief to try to strike down the regulation that the EPA and Virginia officials had worked on in tandem for the good of the Chesapeake Bay, for the good of our Commonwealth, for the good of our citizens.

I contend: Why would an attorney general in Oklahoma care so much about a Chesapeake Bay rule that we had worked out together? I contend that he and some other attorneys general who joined in this were worried that if the EPA succeeded, then the EPA might try something in other large watersheds, including those in their States.

The matter did go to the Federal appellate court. The Federal appellate court upheld the Chesapeake Bay plan. The attorneys general and others tried to take it to the Supreme Court. The Supreme Court wouldn't take the appeal, and so the Chesapeake Bay plan is in operation. We were all struck about why an Oklahoma attorney general would be going after something affecting the Commonwealth of Virginia, and there is a point there.

The point was this. EPA scientists working in tandem with State officials had analyzed the water quality in the bay, and they had followed the State's progress, or lack thereof, over time, and they finally said, again, working in tandem with many of us: The pollution levels are so bad that we are never going to return the bay to what it can be unless we need to take action.

It was that scientific consensus that Mr. Pruitt as attorney general of Oklahoma was challenging. Science is the pursuit of truth. Science is supposed to follow where the facts lead, no matter what the scientist's initial views might be.

Mr. Pruitt's record does not tell me he will follow the data wherever it leads. It tells me that whenever there is a menu of options, he is going to take the option that is most beneficial to polluters rather than beneficial to public health.

I will conclude with the point at which I started. There is no Federal agency that needs to have somebody who accepts science and scientific consensus more than the EPA. It matters



deeply to Virginia, but I don't think Virginians are unique to this. I think it matters to the citizens of 50 States.

EPA regulations are not all wise, and some need to be dialed back. I have seen the positive effects of wise EPA regulations in my city and in my State. I am going to vote no on Mr. Pruitt because I don't believe his first duty will be to follow science and enforce just laws and regulations, appropriately governing the water we drink and the air we breathe.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### GUN VIOLENCE

Mr. DURBIN. Mr. President, I rise again to speak about the epidemic of gun violence in the city of Chicago and across America.

The American Medical Association has declared gun violence as a public health crisis in America. Every day, almost 300 men, women, and children are shot in this Nation. Gun violence touches every American community, but no community has suffered more than the city of Chicago.

I am honored to represent that city. I love it, and I think it is a great city. I spend a lot of time there to get to know the people who were born there and live their lives there and call it home. It is a great honor to call it part of my State that I am honored to represent.

The stories that are coming out of the city of Chicago are heartbreaking stories—and none worse than this week. This week there was a slaughter of the innocents. In a 4-day period earlier this week, three beautiful children under the age of 12 were fatally shot.

On Saturday night, 11-year-old Takiya Holmes, sitting in her mom's car, was shot in the head and killed. A 19-year-old suspect in custody has been charged. He reported that he was shooting from across the street at rival gang members, and a stray bullet hit Takiya. She died on Tuesday morning.

On Saturday, 12-year-old Kanari Gentry-Bowers was shot while playing basketball in the West Englewood neighborhood. She passed away just yesterday.

On Tuesday at 1:30 in the afternoon, 2-year-old Lavontay White was shot and killed while sitting in the car with his pregnant aunt and uncle. Lavontay's uncle was also killed. His aunt was wounded.

These shootings are senseless, devastating, and heartbreaking. Already this year there have been over 400 shootings in Chicago—so far this year. That is after there were more than 4,300 shootings last year.

My thoughts and prayers, of course, go to the victims and their families. I have attended so many marches and parades, funerals, and memorial services. But thoughts and prayers are not enough. We need to do something to reduce this epidemic of gun violence. There have been too many funerals, too many families who have lost that baby

they loved, too many children who suffered the physical and mental trauma of gunshot wounds and witnessing violence. Many of these shootings could have been prevented, but it is going to take changes in our laws and changes in our attitude for that to happen.

We have absurd loopholes in our gun laws that make it easy for dangerous people to get their hands on guns. We have obvious gaps in our gun background check system. We have inadequate Federal laws to stop gun trafficking and straw purchases of guns. These factors allow a flood of illicit guns to come into Chicago from other towns and States, from gun shows in neighboring States where there is no background check. These drug gangs drive over to these locations and fill up the trunks of their cars with guns to take them and sell them in the neighborhoods to kids who shoot and kill one another day in and day out.

We have gun dealers—federally licensed gun dealers—who look the other way when someone comes in to make a straw purchase. That is the purchase of a gun that the purchaser is not going to use but is going to give it to somebody who is prohibited from buying a gun.

In light of the epidemic of gun violence in our country, Congress should be working around the clock to fix these gaps in our Federal law. But the Republican-controlled Senate is doing nothing to address gun violence in Chicago or anywhere else. Instead, look at what we just did yesterday. Just yesterday, this Senate, on this floor, voted to weaken the gun background check system instead of strengthening it. It is hard to understand how the Republican Party can have its priorities so wrong when it comes to gun violence.

We can respect Second Amendment rights of individuals. We can respect the rights of people to own a gun for self-defense, for sporting and hunting purposes. I have gone hunting. I have used a firearm. I complied with every law in the books, all of them. The hunters who were with me did too.

Why is it so hard to ask before we sell a gun to someone whether they have a criminal record, whether they are buying it for another person who might have a criminal record, or whether they have a history of mental instability, which would disqualify them from owning a gun?

We are facing a crisis in Chicago and across the Nation because of this violence. We in Congress have a responsibility to do everything we can at the Federal level to protect our constituents, our neighbors, from getting shot. We can't ignore this responsibility, and we certainly shouldn't be weakening gun laws as the Senate did yesterday.

We also need the Federal Government to be an engaged partner with cities like Chicago to help reduce violence and expand economic options in depressed neighborhoods. You can pick out three neighborhoods in the city of Chicago that account for almost 50 per-

cent of gun violence—three neighborhoods. I visited some of them. They warned me: Don't get out of the car. They are right. Random gunfire is a reality of life in those neighborhoods. We know where they are. We know where the shooters live. We know where the victims are. We can do more.

President Trump sends out a lot of tweets. He likes to tweet about Chicago, and I am not quite sure why. Tweeting doesn't save lives. Saying that you are going to send in the Feds may be one of those short tweets that is catchy, but it doesn't mean a damned thing to the people who are being shot and are dying in the city of Chicago.

Last week I joined my colleague Senator TAMMY DUCKWORTH, and we sent a letter to the President asking him to do more than tweet when it comes to Chicago.

I ask unanimous consent to have printed in the RECORD this letter.

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

UNITED STATES SENATE,  
Washington, DC, February 10, 2017.

President DONALD J. TRUMP,  
The White House,  
Washington, DC.

DEAR PRESIDENT TRUMP: During the 2016 presidential campaign and in numerous tweets and comments since the election, you have lamented the recent surge of gun violence in Chicago and said the federal government could help stop the violence. While the level of shootings and homicides is clearly unacceptable, tweeting alone will not fix it. Tweeting does not break cycles of violence; tweeting does not help lift people out of poverty; tweeting does not save lives. We urge you instead to provide a surge in federal support and resources for Chicago to reduce violence and expand economic opportunities for neglected communities.

Public safety is primarily a local responsibility, but the federal government must be an engaged partner in public safety efforts alongside local officials, law enforcement, and community stakeholders. There is much the federal government can do to help.

Instead of tweeting, you could begin by directing your Administration to enhance U.S. Department of Justice (DOJ) programs that improve community policing, such as the COPS Hiring Program to help local police departments put more cops on the beat, and the Byrne-JAG grant program to enable local law enforcement to purchase or upgrade equipment. We note that in his first year in office, President Obama pushed for a surge in COPS and Byrne-JAG funding through the Recovery Act and the appropriations process that provided Chicago with \$13.256 million in COPS Hiring funding and \$35.637 million in Byrne-JAG funding. This is more than four times the amount of COPS funding and 15 times the amount of Byrne-JAG funding that the City received last year. You could push for a similar funding surge.

We also urge you to direct DOJ to promote mentoring and job training programs for youth and the formerly incarcerated. We are ready to work with you to strengthen the Office of Juvenile Justice and Delinquency Prevention to improve mentoring and violence prevention initiatives and to boost funding for recidivism reduction programs under the federal Second Chance Act. We urge you to direct DOJ to abide by its commitment to help implement policing reforms