

caused by energy companies drilling new natural gas wells in his state.

But Mr. Pruitt left out one critical point. The three-page letter was written by lawyers for Devon Energy, one of Oklahoma's biggest oil and gas companies, and was delivered to him by Devon's chief of lobbying.

"Outstanding!" William F. Whitsitt, who at the time directed the government relations at the company, said in a note to Mr. Pruitt's office. The attorney general's staff had taken Devon's draft, copied it onto state government stationery with only a few word changes, and sent it to Washington with the attorney general's signature. "The timing of the letter is great, given our meeting this Friday with both the E.P.A. and the White House."

Mr. Whitsitt then added, "Please pass along Devon's thanks to Attorney General Pruitt."

The email exchange from October 2011, obtained through an open-records request, offers a hint of the unprecedented, secretive alliance that Mr. Pruitt and other Republican attorneys general have formed with some of the nation's top energy producers to push back against the Obama regulatory agenda, an investigation by the New York Times has found.

Out of public view, corporate representatives and attorneys general are coordinating legal strategy and other efforts to fight federal regulations, according to a review of thousands of emails and court documents and dozens of interviews.

For Mr. Pruitt, the benefits have been clear. Lobbyists and company officials have been notably solicitous, helping him raise his profile as president for two years of the Republican Attorneys General Association, a post he used to help start what he and his allies called the Rule of Law Campaign, which was intended to push back against Washington.

"We are living in the midst of a constitutional crisis," Mr. Pruitt told energy industry lobbyists and conservative state legislators at a conference in Dallas in July, after being welcomed with a standing ovation. "The trajectory of our nation is at risk and at stake as we respond to what is going on."

Mr. Pruitt has responded aggressively and with a lot of helping hands. Energy industry lobbyists drafted letters for him to send to the EPA, the Interior Department, the Office of Management and Budget, and even President Obama, the Times found.

Industries that he regulates have joined him as plaintiffs in court challenges, a departure from the usual role of a state attorney general, who traditionally sues companies to force compliance with state law.

Energy industry lobbyists have also distributed draft legislation to attorneys general and asked them to help push it through state legislatures to give the attorneys general clearer authority to challenge the Obama regulatory agenda, the documents show. And it is an emerging practice that several attorneys general say threatens the integrity of the office.

The message is clear across Massachusetts and across the Nation: Big Oil's go-to attorney general is Scott Pruitt, and he has no business running the EPA. He has proven over and over again that he will put short-term industry profits ahead of the health of our children. This nominee has no interest in protecting every American's right to breathe clean air and drink clean water. We cannot put someone so opposed to the goals of the EPA in charge of that very Agency.

For these reasons, I will be voting no on Scott Pruitt. I urge my colleagues to do the same.

I yield the floor.

EXECUTIVE CALENDAR

Mr. YOUNG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of all nominations on the Secretary's Desk; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE ARMY

PN16 ARMY nominations (2) beginning Jeremy D. Karlin, and ending Irahim A. Sanchez, which nominations were received by the Senate and appeared in the Congressional Record of January 9, 2017.

IN THE NAVY

PN17 NAVY nomination of Mathew M. Lewis, which was received by the Senate and appeared in the Congressional Record of January 9, 2017.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that of the postcloture debate time under my control, that 60 minutes be yielded to Senator SCHATZ, 60 minutes be yielded to Senator WHITEHOUSE, 35 minutes be yielded to Senator MERKLEY, and 15 minutes be yielded to Senator CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that of the postcloture debate time under my control, that 50 minutes be yielded to Senator MERKLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I think it is important to understand what just happened today that makes this debate on Scott Pruitt to lead the EPA so critically important. We call ourselves the world's greatest deliberative body, and that is actually a well-earned reputation. Sometimes we move slowly. Sometimes we move so slowly that it is maddening for both parties and for the American public. There is a reason that the Senate moves slowly. It is because in a lot of instances it has the weightiest decisions that any public official could ever make. In this instance, we are deciding on the person to comply with the Clean Air and the Clean Water Acts, the Endangered Spe-

cies Act, to discharge their duties as the leader of the EPA.

Something happened today that changes this whole debate. In Federal law, there is something called FOIA, the public records law regarding Federal officials. Most State laws have some kind of open records law, and Oklahoma is no different. There was a lawsuit against the Oklahoma attorney general, Scott Pruitt, and it basically said: Listen, you have to disclose the emails between your office and a bunch of energy industry companies. And the context here is absolutely important. Scott Pruitt is not just a person who is bad on the issue of climate; this is a person who is a professional climate denier. This is a person who has made his bones, politically and professionally, trying to undermine all the authorities the EPA possesses. This is a person who is a plaintiff in multiple lawsuits, as the Oklahoma attorney general, against the EPA. This is a person who has not promised to recuse himself when he is running the EPA. So imagine that there are going to be pending lawsuits where he was the plaintiff, and they are going to still be before the EPA. He was asked in committee whether he would recuse himself, because obviously it is preposterous to be both the plaintiff and the defendant in a lawsuit. It just stands to reason. He did not promise to recuse himself.

So this is a person who has an incredibly close, uncomfortably close working relationship with the fossil fuel industry. He may have that as a sincerely held belief, but the Oklahoma State law requires that he disclose whom he is working with. Why is that relevant? Well, he actually had a couple of instances where he has taken language given to him, sent to him by email from oil companies, and he just copied it—select all, copy, drop it, paste it—onto Oklahoma attorney general letterhead, and then transmitted it to the EPA as if it were from the AG's office in Oklahoma. So that is the context.

What did this Federal judge say today? An Oklahoma County district court judge said that according to the Oklahoma Open Records Act—Aletia Haynes Timmons from the district court of Oklahoma instructed Pruitt's office to hand over the emails by close of business next Tuesday.

So here we are, trying to jam through this nomination, and now it makes perfect sense why they wanted to run the clock. They had congressional delegation trips to Munich for the security conference. There were Republicans who were planning to meet with NATO allies. There was another overseas trip of great import. Yet they abandon all other obligations, all other objectives, and they are bound and determined to run this clock until 1 p.m. tomorrow because they need to vote before these emails become disclosed. Tuesday is when we will see these emails. Yet we seem to be in a

race to get this vote done tomorrow at 1 p.m. Something feels wrong about this. Something feels like they are worried about the contents of those emails.

Gosh, I hope I am wrong. I hope on Tuesday that these emails are perfunctory, professional, proper. I hope I am wrong. I hope my fears and suspicions about what may be in those emails are unfounded. But here we are in the so-called world's greatest deliberative body, and we decided we don't even need another 2 business days to deliberate or to gather more information.

This is a decision that will stick for 4 years. This is a nominee who will run one of the most important Federal agencies that there is, the one in charge of clean air and clean water. The person in charge of clean air and clean water has been corresponding with oil and gas and coal companies—nothing necessarily illegal or untoward about that, but he seems to not want people to know what the content of that correspondence was.

The context here is very, very important, and that is why I am asking that we delay this vote until every Member of the Senate can read and review these emails. I think it is very important that we understand what is in the contents of those emails because there are some things we know about Mr. Pruitt. I am going to try really hard not to impugn his personal motivation. I have no doubt he feels sincerely about the issues we are arguing about. I don't have any reason to believe he has personally done anything improper. But I think it is totally reasonable for us to just see what is in those emails next Tuesday.

This isn't that we are trying to drag this out for 6 weeks or 6 months. This isn't that we are trying to cook up an issue. I didn't know about these emails, actually, until Monday. I didn't know there was a court case. I was perfectly ready to say: Look, it looks like they have the votes. We will have our argument. Maybe we can persuade a couple of people—certainly SUSAN COLLINS has been a profile in courage here, and there are Members of the Senate on the Republican side who have been on the right side of climate. But you know what, all that gets washed away. All that gets washed away because you don't get to be on the right side of climate and vote for a climate denier for the Environmental Protection Agency.

And lest you think I am being a little bit overheated here in terms of who Scott Pruitt is, this is what Scott Pruitt has said about himself. He describes himself as a leading advocate against the EPA's agenda. On the role of the EPA he says:

I believe that the EPA has a role to play in our Republican form of government. Air and water quality issues can cross State lines, and can sometimes require Federal intervention. At the same time, the EPA was never intended to be our Nation's frontline environmental regulator.

That is kind of a well-put-together statement, but I want you to under-

stand how radical of a statement that is, because the EPA was designed to be the Nation's frontline environmental regulation.

The basic premise is that there are certain things that can be done at the local level that ought to be done at the local level. When we configured our governments, we decided we want police forces and firehouses and other municipal services—sewer and water, and trash pickup—certain things get done locally. Some things get done at the county level. Some things get done at the State level. And what we have decided as a nation is that because pollution doesn't recognize municipal, State, or even Federal boundaries, that we actually need Federal law to make sure that if one State is polluting, it doesn't move over to the other State. So the idea that the EPA was never intended to be our Nation's frontline environmental regulator, which is what Mr. Pruitt says, is actually quite radical. It is an intentional misunderstanding of what the EPA is for. It is intended to be our frontline environmental regulator.

Here is Mr. Pruitt on climate change:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connections to the actions of mankind. That debate should be encouraged in classrooms, public forums and the halls of Congress.

I have to hand it to Mr. Pruitt—he magnificently describes radical policies as though they are not radical. He is very skillful at that. He is very lawyerly at that.

He did very well, in my view, in the EPW Committee, but his views are essentially that the EPA is not the frontline in terms of protecting clean air and clean water, and that blows up the mission of the EPA.

I see the Senator from Rhode Island is here. I would be happy to entertain any questions he may have in a moment.

A couple more quotes from Mr. Pruitt on the Clean Power Plan:

The president could announce the most "state-friendly" plan possible, but it would not change the fact that the administration does not have the legal authority under the Clean Air Act to regulate carbon emissions.

"[T]hat the administration does not have the legal authority for regulate carbon emissions." Wrong. Factually wrong. Legally wrong. This has been settled. *Massachusetts v. EPA*. I left my law degree in my apartment, but I know *Massachusetts v. EPA*, and I know this is flat wrong. So what he says is totally radical. He is a skillful guy. I assume he is a good guy, but he wants to undermine the basic authorities of the Clean Air Act and the Clean Water Act.

I will finish with this quote before I yield for a question from the Senator from Rhode Island on methane regulation.

My concern is that the EPA is employing its flawed methodology in order to ration-

alize new and unjustified federal regulations to solve a methane emissions problem that simply does not exist.

That has no basis in fact.

I see the Senator from Rhode Island. Before I yield for his question, Mr. President, I ask unanimous consent to engage in a colloquy with the Senators from Rhode Island and Oregon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. I would be happy to yield to the Senator from Rhode Island, if he is ready.

Mr. WHITEHOUSE. A question of Parliamentary order here. The time during the colloquy will continue to be charged to the Senator from Hawaii, correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WHITEHOUSE. Through the Chair, I would inquire of the distinguished Senator from Hawaii whether, in addition to the concern about pollution that crosses borders when it flows down rivers or that crosses borders when it comes out of smokestacks and floats across State borders into other States, is there not also a supremacy clause in the U.S. Constitution that puts Federal law ahead of State law where there is a conflict?

Are there not means and manners by which a Federal official could either pretend or actually believe or try to impose a Federal rule in a way that interferes with the rights of States that wish to protect themselves more than the fossil fuel-friendly Administrator and inhibit their ability to do so?

Mr. SCHATZ. Well, I thank the Senator from Rhode Island. I think one of the great challenges is that it is one thing to misunderstand the EPA's role here; that is dangerous enough as the attorney general of a State or the head of the Republican Attorneys General Association. But when you are in the EPA and you have charge to administer the law, to discharge your duties under Federal law, to the degree and extent that you misunderstand the authorities in the Clean Air Act as either weaker than they may be or sort of optional—I mean, this is the issue in *Massachusetts v. EPA*.

For instance, the question around carbon was resolved. There were a couple of questions. First of all, is carbon an airborne pollutant? The Supreme Court and the EPA made their finding, and they determined that it was an airborne pollutant.

Once you determine that something is an airborne pollutant, it is not for the EPA, on a discretionary basis, to try to regulate that airborne pollutant. They are then required under Federal law to regulate that pollutant.

So part of the misunderstanding here is the question isn't, Is the EPA authorized to regulate carbon? It is, Are they required to regulate carbon? So he has it wrong doubly—first of all, on the law and second of all, on the science.

I think the danger of putting someone like that in a position of authority

is that they will preempt States, California and others—although California has some pretty significant carve-outs—but they will at least attempt to preempt the States from doing what they want to do to protect their clean air and their clean water.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. SCHATZ. Yes.

Mr. WHITEHOUSE. The Senator from Hawaii is a very kind as well as a very distinguished individual, and he is willing to spot Mr. Pruitt's sincerity in the way he goes about his business. I am a skeptical New Englander, and I think Mr. Pruitt looks a little bit too bought and paid for to spot him that same degree of sincerity.

But to the question of the Federal and the State role, to the extent that it was Mr. Pruitt's position that the EPA should not be on the front line, that it is actually up to the States to bear the bulk of this burden and to be on the front line and enforce environmental laws and protect their Senators, what about the conduct of the Oklahoma attorney general's office might give us some pause as to his sincerity in this being a federalist question in which the power to regulate should be enforced at the State level by strong attorney general enforcement as former attorneys general like myself know?

Mr. SCHATZ. Well, I thank the Senator for that question. It is a really important one because essentially what Scott Pruitt is saying is: Hey, let's let the States handle this. But if you are to take him at his word, I think it is not unreasonable to say: Well how did you handle enforcement of either State or Federal environmental law as the top cop in the State of Oklahoma? Right?

He did two things that would cause everybody to question his commitment to even local environmental protection. The first thing he did when he came in as Oklahoma AG—a lot of offices the attorney general have environmental protection units. It is like a big law firm. They have different units that handle different kinds of crime. They have a civil division; they have a criminal division. They do lots of things. One of the divisions is to enforce environmental law. He disbanded it. He disbanded the State attorney general's division that enforces environmental law. Then he beefed up this thing that did not exist until he got there, which was essentially a division to undermine Federal authorities.

So you are right. He has them coming and going. He is making an argument that the State should be empowered to enforce environmental law. At least we could take that as kind of on-the-level federalism. We have some good Republican colleagues who just really believe that the government that governs least governs best. They think that local problems should be solved at the local level, even though, in my view, when it comes to air pollu-

tion and water pollution, that is essentially preposterous because pollution moves.

I really believe that for some of these Members it is a sincerely held belief. It is hard to believe this attorney general when he says: Hey, give us the authority to enforce our environmental laws, and then, when the rubber hits the road—which is how many lawyers you put on the job, how many cops you put on the beat—he basically eviscerates the division that enforces environmental law, and he beefs up this division that is basically a little shop that sues the EPA to undermine the Clean Air Act and Clean Water Act federally.

Mr. WHITEHOUSE. If I recall the facts of this correctly, not only did he shut down the environmental unit of the department of the attorney general, but in subsequent reporting you could not find a dollar allocated to environmental activities in the Oklahoma attorney general's budget. And he abandoned what his predecessor, Drew Edmondson, had been running, which was not just to have an environmental enforcement unit within the department of the attorney general, but also to have an environmental enforcement team that brought together Federal folks, State regulators, water officials, and put together the multi-agency task force that prosecuted environmental cases—gone also.

Finally, Drew Edmondson used to do an annual report, as I recall, on the successes of his environmental enforcement and his environmental task force, the multiagency group. That was gone too.

In addition to all of those facts, what worries me a little bit—you know, one of the things we have to assess in this process is the credibility of the nominee. Are they going to tell you the truth in the nomination process? If they are not going to tell you the truth in the nomination process, you are probably going to get a lot of malarkey out of them down the road as well.

He took the position that he actually had not gotten rid of the environmental unit. He said he had moved it into a new unit—the federalism unit—which, if you go to their own website and read about the federalism unit, it says it is an appellate. You don't do environmental enforcement at the appellate level; you do environmental enforcement at the trial level, and you do it at the investigative level.

Further, if you read down, the word "environment" never appears in the general description of that unit. So it is not as if there is just one little wrinkle of the environmental unit kind of magically disappearing under this guy. Wherever there was any activity by the department of the attorney general with respect to the environment, he shut it down, zeroed it out, silenced it, finished it.

I believe that is a pretty fair description of the status in Oklahoma.

Mr. SCHATZ. Well, I think the Senator is right. You know, it is fair to

look at his record. It is also fair to look at his words. In 2016—so this is not 10 years ago; this is less than a year ago—he said: Legislation should not be "we like clean air, so go make clean air." It is something that bothers me, that Congress then gives this general grant of authority to EPA.

Congress has given a general grant of authority to the EPA. That is what the law says. So, my concern, when it comes to Mr. Pruitt, is that he understands, as a member of the bar, as an attorney general, what the law says. He has been operating in a political context, I think it is fair to say, as the head of the Republican Attorneys General Association. Working with energy companies, he has been very aggressive in cultivating friends across the country who are very enthusiastic about his nomination and potential confirmation.

But he totally misunderstands the mission of the EPA. It is granted by the Congress, a general authority to enforce clean air. That is what the EPA is, really; it is clean air, and it is clean water. That is what the EPA is about.

The thing I think is especially troubling for me when it comes to the politics of this, is that there was a bipartisan consensus for many, many, many years around the Clean Air Act and the Clean Water Act. I believe the reauthorization of the Clean Air Act came under President George H.W. Bush. This used to be not very controversial because, actually, we can fight about the Iran deal, we can fight about women's reproductive health, we can fight about LGBT rights, we can fight about civil rights, we can even fight about foreign policy and the size and scope of the government, but even if you are an extremely conservative individual, you ought to believe, to the extent that we have government at all, that it should be responsible for keeping us safe and that it is a Federal role to make sure our air is clean and our water is clean.

So this person who is very skillful in kind of eluding—you know, he basically dodged punches in that EPW Committee. We have some very skillful members on the EPW committee. They are very knowledgeable, very passionate. It was rough, but he was able to avoid a sort of knockout blow. The reason is that he is a professional climate denier. This is what this guy has been training to do all of his life.

So, again: We like clean air, so go make clean air. That is something that bothers me.

The Congress then gives a general grant of authority to EPA on the Oklahoma environmental regulations. He said: Federal regional haze standards—if you live in Oklahoma, I understand. You did not vote for Barack Obama, but I don't think you thought you were voting to reduce air quality. So he says that Federal regional haze standards threaten the competitive edge Oklahomans have enjoyed for years with low-cost and reliable electric generation.

This low-cost energy not only benefits Oklahoma manufacturers, but gives the State a considerable edge in recruiting jobs. He is the attorney general. He is supposed to enforce the law. I mean, that sounds like a Member of Congress. That sounds like a Member of the State legislature. But it does not sound to me like someone who is prepared to discharge their duties under the Federal law.

Another space where Mr. Pruitt has some alarming views is on science itself. I am deeply concerned about what is happening to science, to scientists, to government research. We just confirmed the Director of OMB who, in a Facebook post, wondered out loud—he had some questions about the Zika virus. I am not sure he had any special expertise to be raising these questions. We should all be researching and be as scientifically literate as possible, but the OMB Director put on his Facebook post: I have these questions. I am really interested in this, but the real question is whether we should have publicly funded research at all.

So there is a full-on attack on science and facts. There is a full-on attack on reality. But when it comes to environmental science, it is so consequential. I am looking at these pages sitting here. I think about everybody's children and grandchildren. We just have an obligation to get the data right, to really understand what is happening with air quality and water quality.

Here is what Mr. Pruitt says about mercury. "Human exposure to methylmercury resulting from coal fired EGUs is exceedingly small."

This is, again, the White Stallion Energy Center versus EPA.

This is what the scientists say: "As a result of these long-term mercury inputs, there are hotspots and whole regions, such as the Adirondacks of New York, the Great Lakes region of the Midwest and large portions of the Southeast where the fishery is contaminated with mercury."

There are more fish consumption advisories in the United States for mercury than all other contaminants combined.

I can tell you, just on a personal level, to the Senator from Rhode Island, that I like my ahi. I like my fresh sashimi. I like tuna, and everybody in Hawaii likes fish. So you kind of watch how much marlin you eat, how much ahi you eat because we understand that there is a real mercury problem. This isn't made up. If you talk to ER doctors in Honolulu, they have to deal with mercury poisoning on a weekly basis. That is what the science shows, and that is what the reality shows.

Here is what Mr. Pruitt says: "The record does not support EPA's findings that mercury, non-mercury metals, and acid gas pose public health hazards."

And here is what the scientists say: "There is no evidence demonstrating a safe level of mercury exposure."

So before yielding for a question, I think it is really important for all of us to understand what is at stake here. We have a nominee who is really unique in the history of the EPA because never before have we had a person who has made it their life's mission to undermine the Agency which they wish to lead.

You could probably argue that Mr. Puzder, who just withdrew his nomination yesterday, had a similar kind of attitude about the Department of Labor.

But even under Republican administrations, we have had Republican Administrators of the EPA who understood: Hey, look, the law is the Clean Air Act, the law is the Clean Water Act, the law is the Endangered Species Act, and I have an obligation, as the EPA Administrator, to accept those premises—right?—and to be the EPA Administrator, to not sort of be on my crusade against Federal law.

If he wants to undermine Federal law, he can go litigate that. He can be a private attorney or he could run for the Congress and try to be a lawmaker. But to the degree and extent that he wants to run the Agency with a specific statutory mission, he has to follow those statutes. And I have seen no evidence that he has any respect for or understanding of those statutes.

I would be happy to yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. Well, on the subject of respect for and obedience to statute, I thought we might want to discuss for a minute the Oklahoma open records law which the attorney general of Oklahoma not only needs to obey, but he needs to enforce it. He is not just subject to that law. He is the agency responsible for policing compliance with it.

What we have just seen is 750 days of noncompliance by his office with an Open Records Act request where he refused to provide anything to us in the EPW Committee. And, by the way, shame on the Environment and Public Works Committee for allowing that to happen. Shame on the Environment and Public Works Committee for—on a purely partisan basis—not allowing us to get those emails that this office had covered up and suppressed for 2 years.

Finally, they got before a judge and the judge said: Release that first set Tuesday—Tuesday. So he is sitting on several thousand emails between his office and the big energy companies and the big energy organizations, and he stonewalls everybody for 2 years.

When a judge finally gets a look at this misbehavior, first she says: That is an abject failure. Second, she says: That is unreasonable under the statute. And third, she says: Produce them Tuesday.

This was a guy who didn't think he could produce them Tuesday. He couldn't produce them for 2 years, and now the judge says Tuesday.

So when you are looking at his adherence to law, his respect for law, it

seems to me that this is yet another example in which off he goes. The beneficiaries are himself and all the big fossil fuel companies that he was engaged with. That is who the beneficiaries were.

The people who lost were the ones who were supposedly the beneficiaries of the law—the public, the right to know, transparency.

So it makes for an interesting comparison to his version of compliance with the law. And if that is the best he can do complying with an Oklahoma statute that he is obliged not only to comply with but to enforce, what reasonable conclusion would my colleagues draw about his willingness to follow Federal law, which he also despises?

Mr. SCHATZ. Well, I thank the Senator for the question.

This is what is happening today. It would be enough if we were in the process of debating and confirming a climate-denier to the EPA. It would be enough that this person is a plaintiff in 17 lawsuits against the EPA. It would be enough that he is a plaintiff in these lawsuits against the EPA and he refused to recuse himself if he is running the EPA. As Senator MARKEY says, he is going to be plaintiff, defendant, and judge in these lawsuits.

All of that would be enough, but today a judge is compelling him to release around 3,000 emails that have squarely to do with the debate that we are having, which is this: Is this person a little too close to the industry that he is going to regulate?

As I said before, gosh, I hope these emails, as they are disclosed, show nothing. I hope that my suspicions, my fears, my concerns are without foundation. But I think about the Republicans, the good Republicans on the other side of the aisle who are voting for this man tomorrow.

Boy, they had better hope there is nothing in those emails. They had better think very carefully about what is in those emails. They might want to delay this vote themselves because, look, if there is nothing in those emails, then we can vote two Mondays from now—no harm no foul. You have career professionals at EPA doing their job. EPA will run for another 5 or 6 business days. It is OK.

We are the world's greatest deliberative body. We go slow on almost everything, and we are rushing on this. Why are we rushing?

Well, I was trying to figure out all week why we were rushing. Then I understood that the court was going to rule today, and they are jamming this. They are ramming this down the American people's throats.

I would just offer this to my Republican colleagues: These emails are going to be disclosed, and maybe you guys and gals know that there is nothing to be concerned about in terms of the content of these emails, where the Oklahoma attorney general is corresponding with a bunch of fossil fuel

companies. Maybe it is all good in those emails.

But the thing is, if that is the case, why did he refuse for 750 days to offer the emails up? I mean, it literally takes more work to not provide the emails than to provide the emails. You have to lawyer up to not do something. You are going to lawyer up as the Oklahoma attorney general to not comply with an Oklahoma statute. This takes a special effort.

Why would somebody want to undertake such a special effort to not comply with State law? I don't know. But I think we may find out on Tuesday.

Gosh, I hope I am wrong. But I have a feeling that the people who are most nervous right now about what is in those emails—in addition to the American public who care about clean air and clean water—are the Republicans who are being forced to vote at 1 o'clock without seeing them. They are being forced to vote on this person to run the EPA that they know is unpopular.

I mean, I understand that in some States this guy is tremendously popular because it is very easy to blast the EPA. In some portion of the Republican conference, Scott Pruitt is totally popular. I get that.

There is a nontrivial number of Members on the Republican side who actually don't want to be on the wrong side of the public when it comes to clean air and clean water, but they are going to be on the wrong side of the public when it comes to clean air and clean water. And it might get worse next Tuesday.

I really wonder why you would work so hard to not disclose the contents of 3,000 emails over a 750-day period.

I want to quote from Mr. Pruitt again on climate change:

Global warming has inspired one of the major policy debates of our time. That debate is far from settled.

Here is what the scientists say: "The scientific understanding of climate change is now sufficiently clear to justify taking steps to reduce the amount of greenhouse gases in the atmosphere." This is from the U.S. National Academy of Sciences in 2005. This wasn't just some sort of recently arrived at conclusion.

Here is Mr. Pruitt again on climate:

We've had ebb and flow. We've had obviously, climate conditions change throughout our history. That's scientific fact. It gets cooler, it gets hotter. We don't know the trajectory, if it is on an unsustainable course. Nor do we know the extent by which the burning of fossil fuels, man's contribution to that, is making this far worse than it is.

I mean, sorry, this is not what the scientists say. This is what I say. That is just bunk. There was a point at which that was a tenable position, even if it was scientifically bunk, easily 15 years ago. It was politically kind of workable 10 years ago—maybe even 8 years ago and, depending on your community, 5 years ago. But there is a majority of Republicans who understand the urgency of climate change.

The only place where the reality of climate change continues to be debated fiercely is in the halls of Congress.

Local people in every community across the country understand that this thing is settled fact. This thing is upon us. You don't have to be some wonk. You don't have to understand ocean acidification. You don't have to understand exactly what is going on. You just have to, A, listen to experts who know about climate, who know about weather, who know about atmospheric science. Even if you don't believe any of the experts, you just have to believe your own experience. There is not a person out there—whether they are a fisherman on the Big Island or a farmer in the Midwest or a hunter in the Southwest—there is not a person out there who isn't experiencing the weather getting strange.

Everybody understands that 1 day of weird weather does not climate change make. But there is just no doubt that severe weather and odd weather is getting more frequent and more odd and more severe.

Here is what the scientists say about climate change:

The scientific evidence is clear: Global climate change caused by human activities is occurring now, and it is a growing threat to society.

Here is Mr. Pruitt again:

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

I mean, this is so far out of the mainstream that it would be funny if it weren't terrifying. It would be funny if it weren't terrifying to think that the person who is going to run the Environmental Protection Agency, the person who is going to be in charge of administering the Clean Air Act and Clean Water Act is saying: Is it truly man-made and is this just simply just another period of time where the Earth is cooling, increasing in heat? I mean, is it just a natural type of occurrence, as opposed to what the Obama administration says?

I would be happy to yield to the Senator for a question. I will note that we have a joke where I am the good cop and he is the bad cop, but I think over time, we are merging.

Mr. WHITEHOUSE. Well, I wanted to go back to lawyering for a minute in response to the Senator's comments about the predicament that the other side is being put into—being asked to vote on the nominee, knowing that the disclosure of thousands of emails between the nominee and the industry and companies that he is going to suppose to regulate is imminent—is imminent. As the distinguished Senator from Hawaii said, maybe there is nothing in those; maybe this is just an empty concern. But over and over and over, emails have been really important at breaking investigations open. Certainly, our friends on the other side—until the election in November—

had a fascination with emails, a fixation with emails. They couldn't get enough of other people's emails. And now suddenly everybody is looking at the ceiling, examining the ceiling tiles when it is time to wonder about these emails.

There is a doctrine, if I recall successfully back in the days when I was a more active lawyer, called willful blindness, which is the wrongful act of intentionally keeping oneself unaware of something—the wrongful act of intentionally keeping oneself unaware of something. If that doesn't describe what is being done right now to the Republican Senators about these emails with this vote, I don't know what does, but what I do know is that willful blindness under the law is a culpable state of mind. It is a culpable state of mind in civil cases, where you can be held liable because of deliberate willful blindness, and it is a culpable state of mind in criminal cases, where you can be found guilty of a criminal offense based on a finding of willful blindness.

So this is no small predicament that the majority leader is creating for his Republican Members in the mad rush to get this fossil fuel tool voted on before this stuff all comes out, and it is either going to be good or it is going to be bad, and if it is bad, there will be a price to pay for having ignored this emerging avalanche of emails. If they are good, fine, no harm done, but who really gets hurt if it is bad?

We are going to be examining Pruitt over this, when they come out. If these are bad things, there could be investigations that ensue and an enormous amount of stuff can take place, but there will be ownership on the other side of the aisle for the willful blindness they are displaying toward this package of emails that we now know are on their way and that we know were wrongfully withheld because the judge said so. The judge said it was an "abject failure" under the law. The judge said it was unreasonable. So we know it is wrong, and still, still, comes the vote.

You have to wonder what the power force is here that makes that happen. In astronomy, there are dark stars, black holes. Because they are dark and because they are black, you can't see them in the sky. You have to deduce their presence when light bends around them and when their gravitational pull affects the behavior of other heavenly bodies. When you look for those weird, anomalous behaviors in space, that is a signal that some dark star is out there operating. This is a lot of weird and anomalous behavior. And what is the dark star that is causing the majority leader to put all the Republican Senators, other than SUSAN COLLINS, in peril, in terms of willful blindness to this release of emails, which everybody knows now is coming and which everybody knows now was wrongfully delayed—wrongfully and deliberately delayed—by this attorney general as the enforcer of the disclosure of his own emails.

Mr. SCHATZ. Well, I think—

Mr. WHITEHOUSE. If there was a question in there.

Mr. SCHATZ. You were asking about the willful blindness.

Mr. WHITEHOUSE. There you go.

Mr. SCHATZ. I want to make an observation that there are a couple of kinds of willful blindness. One is willful blindness about climate change in the first place, a desire not to hear the truth, a desire to put blinders on when it comes to these issues. I will note that not every time but almost every time we have a debate on climate, we have a nice complement of Democrats on this side and a totally empty Chamber on the other side. It is not that they don't know what is going on, it is that they know exactly what is going on, and they don't want to deal with it. They don't want to deal with it, and they are good people and patriotic people, but there is a reason to believe this willful blindness is not coincidental.

I would just implore the Senate Republicans who respect the Senate, who understand our special role under the Constitution to give advice and consent on nominations for Cabinet positions, that this isn't some minor sub-Cabinet position. This isn't some matter of little import. I understand both sides employ tactics to delay action on the Senate floor. That is kind of part of the way this body works, right? The minority slows the majority down, and we try to come to some kind of consensus, sometimes a unanimous consent agreement or whatever it may be, to try to make this place work a little better, and it is maddeningly slow, but it forces bipartisanship, right?

I understand the accusation that sometimes gets made that we are just trying to delay for delay's sake. At the beginning of this week—look, I ran for the Senate because of climate. That is how passionately I feel about this issue, but I understood how this thing was lining up, and I said: Look, let's fight the fight. There is no magic between 28 hours and 30 hours. There is no magic between 29 hours of talking about this and 26 hours of talking about this. I was prepared to fight the fight and move this week. I didn't want to employ extraordinary delay tactics. I was actually even arguing with some of my colleagues, with whom I agree so much on climate, about the sort of efficacy just delaying for another couple of hours, but we are not trying to delay another couple of hours for no particular reason. There are 3,000 emails that a judge in Oklahoma is compelling Scott Pruitt to provide to the public, and not 6 weeks from now or 6 months from now but 3 business days from now. On Tuesday morning, the public and, maybe in this instance even more importantly, the Members of the U.S. Senate, who are in a position to determine whether this is the right person to run the Environmental Protection Agency, are going to see the contents of these emails. Do you know what? It is probably nothing. These 3,000 emails

that are correspondence between the Oklahoma attorney general, the head of the Republican Attorneys General Association, and a bunch of fossil fuel companies—this guy who has sued the EPA and tried to undermine the Clean Air Act and Clean Water Act 17 times, this guy who refuses to recuse himself from running the EPA, from being both a plaintiff and a defendant, I am sure the 3,000 emails he has delayed releasing for 750 days—I am sure the 3,000 emails he has delayed releasing for 750 days and is only going to have to provide them to the public because a court is making him, I am sure there is nothing in them. But just in case, why don't we just find out what is in them? Because it seems to me that if they are awful, it would give pause to Republicans.

I just don't get why the Republicans—I understand why people want to jam this through before maybe something bad happens on Tuesday, but if I were a rank-and-file Republican, I would be saying: This looks a little goofy. We don't normally vote on Fridays at 1 p.m., we normally vote on Thursdays at 2:15 so everybody can race off to the Reagan airport and go home. If it is 2:15, I can't get home until Friday, but most people can get home. We vote on Thursday afternoons, and in rare instances do we vote on Fridays—debt ceiling, continuing resolutions, big stuff. We have been moving on nominees kind of at a normal pace. Listen, it has been tough. We have a lot of late nights here. We thank the Senate staff for hanging in here with us. We apologize for the difficulty that you have to undertake to make the Senate work and for us to do our constitutional duties, but isn't it weird that we are just jamming this through on a Friday afternoon?

If I were a rank-and-file Member, I would go to my leadership and say: Hey, this is getting a little weird. I don't want this thing to blow up when I am back home at a townhall.

I would be happy to yield to the Senator from Oregon. There is no better climate champion than JEFF MERKLEY. It is probably a two-way tie with the junior Senator from Oregon and the Senator from Rhode Island. Before yielding to a question, thank you for your dedication on this issue for the people of Oregon and for the people of this country, but I am happy to yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the opportunity that my colleague from Hawaii has given me to ask a question. Particularly, I appreciate his willingness to be on the floor making this case because being the guardians of clean air and clean water in the United States of America is an incredible responsibility, and the individual we place in this position as Director of the Environmental Protection Agency is going to make decisions that will affect the life and death of mil-

lions of American citizens, that will affect the quality of life of millions of American citizens.

When the Director of the Environmental Protection Agency proceeds to say we are to fight for the mercury standard, that means that fewer children will be exposed to a persistent neurotoxin that stunts the development of our children's brains. On the other hand, if that individual says: I am not concerned about that or I think I will just look the other way because I want to help the fossil fuel industry make a few more bucks, and he decides that weighs more heavily than the health of our children, then the health of our children is impacted. That is true with one form of pollutant and another, and they are just across the landscape. This is an incredibly important position. That is why understanding the viewpoints of the nominee is so critical.

My understanding is that the individual who controls access to the emails in Oklahoma is the attorney general; am I correct in that understanding?

Mr. SCHATZ. Yes, the Senator is correct.

Mr. MERKLEY. So we have a situation where an individual has accepted a nomination from the President for this incredibly important position and then has turned around and said: By the way, I am the guardian of the gate for the very records the Senate needs to see in order to determine if I am a fit character for this position, and he says: No, I will not allow the Senate to see my records.

My question to my colleague from Hawaii is as follows: Just the fact that a nominee, accepting a nomination and knowing the Senate has a responsibility to vet the nominee, who turns around and says, but you can't have access to my records, shouldn't that in itself disqualify that individual from consideration?

Mr. SCHATZ. I thank the Senator for the question. I just want to ask the Presiding Officer what the parliamentary situation is; has my 60 minutes expired?

The PRESIDING OFFICER. It has not.

Mr. SCHATZ. How much time remains?

The PRESIDING OFFICER. The Senator has used 54 minutes.

Mr. SCHATZ. I thank the Presiding Officer.

I don't know if it is disqualifying. I would say it is strange, in the extreme, to have the chief law enforcement officer of a State and the head of the Republican Attorneys General Association not comply with his own State statute. This isn't trivial. Not that it would be OK for the attorney general not to comply with any law, but this isn't a nontrivial issue. This is letting the public know the nature of your correspondence with industry—especially since I think it is fair to say that I think even he would agree that he has

distinguished himself among attorneys general as a lead advocate against the EPA and as an advocate for fossil fuel-generating companies. So it is not unreasonable for the public to say: Well, let me understand what the nature of your correspondence was.

My very basic question to the Members of the Senate on the Republican side is, Why in the world would we vote at 1 o'clock before we get these emails? I understand that if we had said, give us 6 months so we can see these emails, that would be preposterous. That would be us delaying for delay's sake. Listen, we feel so strongly, I think it is fair to say about this nominee that we might have even tried that, but then in that case the majority would be within their rights to say: We are not going to let you delay for delay's sake.

But this is not delay for delay's sake. There is information that is exactly on point.

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

Mr. SCHATZ. Yes.

Mr. WHITEHOUSE. With respect to delay for delay's sake, when a judge finds that the emails can be made available and the judge finds today that the emails can be made available by Tuesday and the attorney general has kept them bottled up for more than 750 days, it would seem that the accusation that delay for delay's sake does not belong with the Democratic minority on this issue. Would it not be a badge that would fit rather well on the attorney general from Oklahoma?

Mr. SCHATZ. I thank the Senator from Rhode Island for that question. The Senator is right that he has been delaying because he wants to be confirmed as the EPA Administrator before these emails become public. There is no other reason that I can think of that is so important that we get the EPA Administrator in. Remember, we have the HUD nominee, we have the Department of Commerce nominee, we have the Department of the Interior nominee, and we have the Department of Energy nominee, who has responsibility and stewardship over our nuclear arsenal. We have decided we are not going to run until Friday afternoon getting a person in charge as the Secretary of Energy to take care of our nuclear arsenal, but it is a really big hurry—and we have to literally prevent Members from meeting with NATO allies—to get this guy through. I really didn't understand earlier in the week what the big rush was and why Pruitt and why now.

Listen, every Wednesday we are in some kind of negotiation about what kind of legislation and what kind of matters come before the Senate, and both sides sort of puff up their chests and make threats about going through the weekend, and we usually come to some sort of agreement. Yet this week there was no budging, and now I get it. They were afraid this judge was going to do what this judge did. This judge is requiring these emails to come out,

and I think they are terrified about what these emails say.

Do you know what? There is only one way to prove me wrong, which is to call our bluff and delay. Let's go two Mondays from now. We have a recess, and we will all read the emails. Then it will be great. We will find out that there was nothing untoward, nothing improper, nothing concerning about these 3,000 emails between the Republican attorney general from Oklahoma and these oil and gas and coal companies. I think maybe something is in those emails. Maybe I am wrong. I hope I am wrong. For the country, for the planet, I hope I am wrong.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to engage in a colloquy with the Senators from Hawaii and Rhode Island over the course of the coming hour.

The PRESIDING OFFICER. Has the Senator from Hawaii yielded the floor?

Mr. SCHATZ. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I believe that will be charged to my time, but I have asked for that to be the case.

The PRESIDING OFFICER. The Senator is correct.

Mr. MERKLEY. Mr. President, in this conversation about these emails, the thing that keeps striking me is that our fundamental question is, Is the individual, is the nominee, given his record in Oklahoma, going to be an advocate for the environment, an advocate for the health of the citizens of the United States of America, an advocate for upholding clean water and clean air that have done so much to improve the quality of life for Americans, or is the individual, Scott Pruitt, going to be, instead, an advocate for the oil companies and the coal companies and the gas companies? That question goes to the heart of whether the individual, Scott Pruitt, is fit to carry this responsibility.

The American people have been very pleased with the enormous changes in the quality of the environment over the last 30 or 40 years, and it has added a tremendous amount of improvement to their lives. Here we have somebody who, possibly, is not going to advocate and fulfill the responsibilities of the office but who is going to use the office as director of the EPA as an extension of the complex matrix of fossil fuel companies and work on their behalf and not on the people's behalf.

I will invite my colleagues, if they have insight or questions related to this question of whether Scott Pruitt is going to serve the interests of the people or the interests of the fossil fuel companies, to feel free to weigh in.

Mr. WHITEHOUSE. I thank the Senator from Oregon.

Mr. President, I note the diagram that I am showing beside me here on the floor, which is the work of an aca-

demic professor. He is one of a considerable number of professors and researchers who are looking at the fossil fuel-funded climate-denial operation as a socioeconomic creature. They are studying it. It is rather new. This is a diagram done by Professor Robert Brulle of Drexel University, one of the many academics and researchers who are looking into what I call the denial beast, because obviously if you are ExxonMobil, if you are the Koch brothers, you don't want to be out front yourself. You want to put outfits with names that sound much more benign out there—the Heartland Institute, the George C. Marshall Institute. These groups get thrown up by the fossil fuel company, stuffed with their money, filled with their employees, and they all run around saying more or less the same thing, which is, don't worry about climate change; don't worry about our carbon emissions.

When the Senator from Oregon refers to a complex matrix that this individual serves, this is just one visual description of that complex matrix of fossil fuel interests with which he has been so closely involved.

Here is one other example. This is Mr. Pruitt's fundraising from all of these energy companies and then the different ways he raised money. Liberty 2.0 was his super PAC. We still don't know a single thing about it. We haven't talked about the dark money life of Scott Pruitt because—why?—our colleagues on the other side won't require those questions to be answered. They are perfectly willing to scoot him through without knowing a single thing about his dark money operation—his attorney general reelection, which was chaired by a fossil fuel billionaire; the Oklahoma Strong Leadership PAC, which was his leadership PAC that took constant fossil fuel money; the Rule of Law Defense Fund, which was the laundering operation for bringing money to the Republican Attorneys General Association.

If you were one of these big companies and if you could drop money into the Rule of Law Defense Fund, it would wash your identity clean of the money, and then the money could go over to the Republican Attorneys General Association as if it were a gift from the Rule of Law Defense Fund, when all they did was launder the identity off of the fossil fuel donor. Then you had, of course, the Republican Attorneys General Association, which was so loaded up with fossil fuel interests that they had special, secret, private meetings with these big donors at their retreats. It was right on the secret agenda of the retreats, which we have been able to get our hands on.

I add that to the equation because when the Senator from Oregon talks about a complex matrix of fossil fuel interests, he is not kidding. This is a very, very significant matrix of fossil fuel interests, and that is what Scott Pruitt has been serving, not the public and not his duties.

Mr. MERKLEY. My colleague from Rhode Island put up the web. Maybe “web” is a better word than “matrix” because it looks like a giant spiderweb. What is being ensnared in this spiderweb, in this web of denial, in this “denial beast” as you have labeled it, is the truth.

What the complex group of organizations does is to put out information from every possible direction. They hold conferences; they hold workshops; they write letters to the editor; they write opinion editorials in our newspapers; they organize research—all so that it can reverberate in a way that an ordinary citizen hears from here and here and here the same lie—the lie that it is not clear whether carbon dioxide from burning fossil fuels is damaging our environment.

Here is the truth: We know very clearly the damage that is being done by burning fossil fuels, by burning natural gas, by burning coal, by burning oil, but there is so much money, so much profit, that they can build this enormous web of organizations to mislead the public, and that is half of it.

Then there is the second chart my colleague put up, which lays out these funds of dark money. This is really about the corruption of our democratic Republic. Maybe if I come over here, this will be in the same frame of reference. These funds flow through in a fashion that they contaminate the debate among citizens in election after election after election. This dark money is corrupting the very soul of our democracy—our elections.

Here is the interesting connection. Right now, a judge has ruled and said: “There was an abject failure to provide prompt and reasonable access to documents requested.” Our nominee is in control of these emails, his own emails. He has been stopping access to them because he has that power as attorney general of Oklahoma because he is afraid of the information the public will learn from his communications.

The lines on the chart that my colleague from Rhode Island put up showed his connection to fund after fund after fund. In his communications with these groups, which may possibly be among the communications that the judge has just said will be released to the public, wouldn't it be interesting to find out what he said related to those organizations? Was he serving the public, or was he serving the fossil fuel industry?

This information will be available next Tuesday, but the majority leader has said, essentially, that he is willing to deny Americans the right to know the truth about Scott Pruitt. He is willing to deny Americans the right to know the truth about these emails. He is willing to deny Americans the right to know about these leaks between organizations and whether Scott Pruitt served the public trust or served the fossil fuel industry, served the Koch brothers.

It is an offense to this body and it is an offense to the American citizens'

right to know that we might be voting tomorrow without getting the information necessary to make a considered judgment on this nominee.

Mr. SCHATZ. Will the Senator from Oregon yield to a question?

Mr. MERKLEY. Yes.

Mr. SCHATZ. I thank the Senator from Oregon.

I have been thinking a lot about the job of the EPA Administrator. It is one of those things we have taken for granted over many, many years, that we are going to get someone who is going to sort of play it right down the middle of the fairway, but now we are forced to sort of challenge all of our assumptions with respect to what we can expect in an EPA Administrator.

When I think about the Clean Air and Clean Water Acts, they are very important, especially for young people who are so passionate about the environment, as they may not know what life was like and what the environment was like before the Clean Water Act. The majority of waterways in the United States were not swimmable. You had rivers catching on fire.

I went to college in Southern California in, I guess, 1990 through 1994, and the success of the Clean Air Act is incredible. I mean, L.A. still has its smog, but because of CAFE standards, because of the Clean Air Act, because of other environmental regulations, you don't have nearly the air quality problems that you had even 20, 25 years ago, and this is a nationwide success story.

Kids had to stay home from school because of air pollution. I know everybody understands that is happening in Shanghai and in Beijing, parts of Africa, parts of the developing world, parts of the industrializing world. But 10, 20 years ago, you would have smog alerts, and kids would have to stay home from school in the United States of America. You had kids who couldn't function because of their asthma. So what is at stake is not a bird or a butterfly.

I got my start in politics because of conservation issues. I am interested in forest ecology and reef ecology, but I understand a lot of people live a different life than that, and they are not in a position to be worrying about birds and butterflies. But everybody worries about clean air and clean water.

So I was wondering if the Senator from Oregon could talk a little bit about the foundation of this debate. I saw the Senator from Rhode Island do this incredible exposition—as I have seen before, and nobody is better at this—in describing the forces behind what is going on. But I would like to talk about the premise that undergirds this debate, which is not about fossil fuel companies versus conservationists; it is about clean air versus dirty air, and it is about clean water versus dirty water.

I know that is something that the Senator from Oregon is very passionate about, and I wonder if he might com-

ment on the basic idea of a clean and healthy environment and the bipartisan consensus that we ought to have related to that.

Mr. MERKLEY. Mr. President, I appreciate the questions from my colleague from Hawaii. As we stand here tonight, I think about how Hawaii is a State completely surrounded by water. It is very vulnerable to changes in the environment, very vulnerable to the introduction of invasive species, very vulnerable to changes in the acidity of the ocean, which is affected by carbon dioxide, and very vulnerable to the rising sea level.

I appreciate so much that as a citizen of Hawaii as well as now a leader for the voice of the State here in this Chamber, he keeps going back to his fundamentals of concern for our broader environment.

As you were asking this question, I was thinking about President Richard Nixon creating the Environmental Protection Agency in 1970. He recognized that we all share “a profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man.”

Well, that is a pretty clear statement that things were in trouble and we needed to operate a rescue. I think about that in the context of growing up in Oregon and, as I grew up, through my church and through my Boy Scout troop, we would go and do different projects to try to clean up messes that had been left. One of those was that we had a problem with these plastic six-pack rings that held all of the six cans together and the birds that were on the Pacific Flyway would stick their head through one of these plastic rings that would have held the top of a soda can, and they wouldn't be able to get it off, and they would end up choking or dying. Also, these plastic rings were being digested by the animals, and it was affecting them.

Then we had these flip-tops where you would open a can of soda by pulling off a triangular piece of metal and it would be a little hook that would sit on the beach or the pathway, and then somebody would step on it and cut their foot open or an animal would eat it, and this nice little curved object would tear up their throat and kill them. Those issues of: Why? Why do we have to operate with these consumer products in the fashion that are creating these specific hazards? The answer was: We didn't.

There was a bill in the Oregon legislature, and we eliminated the plastic rings that birds were sticking their heads through. And then we had a proposal—and I can't really recall if it was done by initiative or by the legislature—to eliminate these flip-tops. The industry said: You cannot eliminate these flip-tops. People will not be able to open their cans of soda. It will be a terrible tragedy for America. There is no solution. You cannot touch this. Adamantly, they said: Nothing can be

done. It is an impossible problem to solve.

But we passed the law. We adopted that law, either by initiative or by the legislature, and a magical thing occurred. Within what seemed like a few days—maybe it was a few weeks—those peel-off flip-tops disappeared and were replaced by a different mechanism that opens that same triangle, but stays attached to the can.

Well, I have seen this time and again where there is a proposal where we need to improve our habits as humans, and as we are engaged in making our consumer products more complimentary to the environment, we are told: It can't be done. It will be too expensive. It will be too difficult. And then, when we say no, it can be done, and we pass a law, the solutions appear. And everyone says: Oh, that works just fine.

So now we don't have those plastic rings. Now we don't have those peel-off flip-tops that sit on the ground.

But we would go out in my Scout troop or in my church group and we would clean up and we would think that this would be so unnecessary to have these, and I saw the changes that occurred.

Then people said: What about all of these aluminum cans and glass bottles that are sitting all around here on the pathways around our State. Oregon had a strong ethic for the environment, but we were littered by all of these aluminum cans and steel cans back then, and also by glass bottles and broken glass bottles. If you have cleaned up a broken glass bottle, you know that it is real a pain to do that. And if you step on the shards from a glass bottle, you regret that somebody else shattered it and left it on the ground.

So we said: Why can't we change that? So the legislature put forward the idea and said: Let's just put a deposit on this so when you turn it in, you get 5 cents back. So we had the first bottle bill in the Nation, and that bottle bill got a huge percentage of those cans and those bottles returned that were left out in the public. And if somebody did leave something in the public space, somebody else would come along and say: There is a nickel; I will grab it and return it.

I must say that the amount of deposits in Oregon hasn't kept pace with inflation. When my kids were small, I would say: There is a bottle; grab it. There's a nickel. And they would say: It is just a nickel, Dad. A nickel isn't what it was three or four decades ago. But nonetheless, it still was an innovation that served as well.

About that same time, Oregon was worried about the developments of its beaches because we had a huge public trust with the beaches. The beaches belonged to all the people in the State, but the law was a little bit vague in this regard. But there was a provision that said that essentially public byways would remain public byways, and those beaches were established then by law in Oregon as belonging to all of the

people of the State, and that access would be available to all of the people in the State. So nobody could take a piece of beach and say: This is mine. It belonged to everyone. So we gained our public beaches during that time period.

Then, someone else said: Well, look, we are seeing what is happening with congestion in some other States. And, with apologies to my fellow Senators from California, a lot of Oregonians turned to California and said: We are seeing a lot of sprawl, we are seeing a lot of congestion, and maybe we can do something about that and change the way that development occurs.

So under the governorship of Tom McCall, who, by the way, was a Republican and who, like Richard Nixon, believed in the environment—it was Richard Nixon who was President when we did the Clean Water Act and the Clean Air Act, and we established the EPA, and it was the Republican Tom McCall who preserved the beach bill and the bottle bill and this land use planning bill that said: Let's put a boundary around each town and city, and you will not be able to build outside of that boundary so that we don't have sprawl. And some said: Well, we want to still have the right to build anything. So a compromise was struck. And it was that the tax rate outside of those boundaries would be much lower. So, with that, the farmers said: That is a sweet deal, we will take that. And the forest industry said: We will take that. Meanwhile, it meant that our city started to develop more densely with intense services, and we avoided the sprawl that had been experienced elsewhere.

I mention each of these issues—the bottle bill, the beach bill, the land use bill, the fact that we got rid of the flip-tops—because these were strategies to make us be able to operate in a more sustainable fashion, in accordance with the vision that Richard Nixon laid out when he created the Environmental Protection Agency.

Let me read that one more time. He said that we all share "a profound commitment to the rescue of our natural environment and the preservation of the Earth as a place both habitable by and hospitable to man."

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

Mr. MERKLEY. He will.

Mr. SCHATZ. Through the Chair, I would just like to ask the Senator a question. It strikes me that Governor McCall, President Nixon, I am thinking of Governor Schwarzenegger, I am thinking of SUSAN COLLINS, although I am almost sheepish to continue to single her out; it may not always be helpful to her to be singled out as the lone pro-climate person on the Republican side of the fence on this issue—but it strikes me that your beginning as an environmentalist was not based on being liberal or progressive, but your community's values, your family's values, your church's values, your Scout troop's values.

We had a really interesting lunch today with a preacher from North Carolina talking about framing political issues as moral issues. It really touched me because I am telling you, it breaks my heart to think—I mean, look, for some of these arguments about the size and the scope of the government, we just have different views on what the right size and scope and role of the Federal Government is. Some of these questions about geopolitics—tough stuff. You try to get it right. You try to have a coherent world view. Tough stuff. If you serve in the Senate long enough, you are going to get some stuff exactly right, and you may be wrong a few times.

But what really breaks my heart is to see the once-bipartisan consensus, which was based on common sense and morality that we just don't pollute our oceans, our streams, our aquifers, the air we breathe; that we try to preserve our environment for each other and for posterity; and a basic understanding that people who own businesses—especially once those businesses are incorporated and especially if those businesses are publicly traded—have a different set of imperatives. It is really hard to get each individual business that is in the mining industry or the electricity generation industry or the extraction industry or the transportation industry or the manufacturing industry to voluntarily worry every day about clean air and clean water. It is kind of like not their job. They are supposed to make stuff. They are supposed to extract stuff. They are supposed to make electronics. They are supposed to make this economy work.

So one of the ideas of the Clean Air Act and the Clean Water Act and the Endangered Species Act is that we have an obligation to creation itself for those of us who are religious and for those of us who are not. That is a moral obligation, not a political obligation. We have a duty that has nothing to do with us being Democrats, and that duty doesn't stop because they decided to run for office as a Republican.

I am wondering if the Senator from Oregon could comment on the sort of degradation of the bipartisan consensus around protecting our environment, which used to be a sort of 90-percent issue, a bipartisan issue. I am wondering how the Senator from Oregon feels about that.

Mr. MERKLEY. I appreciate that question. It is something we have witnessed unfold over the last two decades. It was not that long ago Republicans—both parties—for example, would stand up and say: We have a serious threat to our planet. That threat is the temperature of the planet is increasing, that we are suffering the impacts of methane and carbon dioxide pollution, and we must address that threat, but in the last few years, we have seen a steady diminishment of Republican commitment to address that threat. What does that correspond to? It corresponds very precisely to the

growth of dark money from the fossil fuel industry.

I hate to lay out this story because it is offensive to anyone—any patriotic American who wants to see government of, by, and for the people—to hear this story about the massive corruption of our body politic by this dark money.

If I go back a few years and look at a set of campaigns the last time I ran for office, that dark money became involved in Senate campaign after Senate campaign after Senate campaign, and it very much had an impact on the composition of this body. As those races were won with dark money from the fossil fuel industry, the willingness of some individuals to stand up and speak truthfully, forthcomingly, and powerfully about the challenge to the environment diminished and diminished and diminished. That really has to change. It is why we have to take on this role of dark money. It is the factor that means there is no longer a Governor McCall—a Republican who is fighting for the beach fill, a Republican who is fighting for the bottle bill, a Republican who is fighting for the land use bill to make our environment work better.

As a kid, we had rivers in Oregon you couldn't swim in, and now you can. Now, they are not perfect. They still show a touch of humankind on them, but the point pollution—the pipes full of toxic materials that went in the river—those are gone. What we have left primarily is nonpoint pollution, which is a much harder thing to tackle, but even that we are working to control through buffers and a variety of regulations to try to clean that up. We have made big improvements.

That, to my colleague from Hawaii, I would have to say is the factor that has changed this body.

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

Mr. MERKLEY. I will.

Mr. WHITEHOUSE. I draw the Senator's attention to this graphic my office has prepared which reflects certainly my recollection. When I came to the Senate, I want to say there were at least five Republican-sponsored climate change bills floating around. Senator John Warner, a Republican of Virginia, had one; Senator SUSAN COLLINS, a Republican of Maine, had one; Senator JOHN MCCAIN, a Republican of Arizona actually ran for President on a strong climate change platform; Senator LINDSEY GRAHAM, a Republican of South Carolina, was working with Senator Kerry on one; Senator LAMAR ALEXANDER, a Republican of Tennessee, had one.

So there was a regular heartbeat of activity in this body on climate change, a bipartisan heartbeat of activity. Then, pow, came Citizens United 2010, and it has been flatlined since. It is the power of money unleashed into our politics, and nobody plays harder and nobody plays rougher and nobody

plays meaner with the power of money than the fossil fuel industry that Scott Pruitt serves.

Mr. MERKLEY. I appreciate the Senator's chart because I think it demonstrates, in a much more precise way, what I was describing, the corrupting role of dark money. Here, the Senate has illustrated how that money was really unleashed by the Citizens United decision and how the impact has been dramatic, just squelching the ability of my Republican colleagues to share this effort to create a sustainable planet.

I think, when we are asking for these emails to be reviewed before we vote, we are asking the question: Does Scott Pruitt share the mission that Richard Nixon stated when we created the Environmental Protection Agency? If you are going to head the Agency, do you share the mission? We want to know whether Scott Pruitt has, in Richard Nixon's words, "a profound commitment to the rescue of our natural environment." We want to know whether Scott Pruitt has a profound commitment to the preservation of the Earth as a place habitable to mankind. We want to know whether he has a commitment to the preservation of the Earth as hospitable to mankind.

Henry David Thoreau kind of summed it up like this: What use is a house if you don't have a tolerable planet to put it on? That is a good question. It is a commitment to the fact that where we live is just not the house, the structure of our bedroom and our kitchen and dining room, where we live is on this beautiful blue-green planet. That is our home, and we must care for it just as we do the structure of our house.

When I ask this question: Is Scott Pruitt committed to the mission of rescuing our natural environment, I think there will be answers to that in these emails. That is why we should see these emails, as the judge has said that we should see those emails. He said there was an abject failure to provide prompt and reasonable access. By whom? The person who blocked it was the attorney general of Oklahoma, who is the nominee whose record we are examining—the attorney general of Oklahoma. The reason this body hasn't had these emails, the reason the American public has not been able to answer the question: Are you committed to the mission of the Environmental Protection Agency, is because Scott Pruitt prevented us from being able to answer that question.

He has been quite clear in other circumstances which amplify our concerns. On the Agency he has been nominated to lead, he describes himself as a "leading advocate against the EPA's activist agenda." Just with those words, we sense a certain hostility to the work the EPA does to try to clean up the air, clean up the water, and hold polluters accountable. Activists. Isn't it a good thing to fulfill the mission you are charged with doing? It is not a pejorative. It is an important commit-

ment to work hard to fulfill the responsibilities of the office.

That is one piece of evidence, but here is another. Devon Energy sent a letter to Scott Pruitt and said: Would you please make this the position of your office and address it to the Environmental Protection Agency, to the Honorable Lisa Jackson, head of the EPA.

Here is the letter as it was sent to Scott Pruitt by Devon Energy, saying: Won't you take our position as your position. Here is the letter that was sent on. This is the first page. There was a longer amount to it. As we can see, these paragraphs in yellow were lifted 100 percent over here into the letter. There was one sentence that was dropped out in the course of this lengthy letter. I think it is less than 5 percent of the letter was dropped out. Essentially, he took their letter and printed it on his stationery as the position of the attorney general on behalf of the people of the State of Oklahoma.

So I asked him in the hearing whether he felt he was representing Devon Energy and making his office an extension of this corporation or whether he was serving the people of the State. He had earlier said he would like to hear from everyone and get all sides of something. He said: Well, I consider, in printing Devon's letter as Oklahoma's attorney general's letter, simply advocating for an industry that is important to Oklahoma—so making the oil position the position of the attorney general's office.

I said: Well, earlier you stated that you liked to hear the various sides of an issue and consider the input. Whom else did you talk to about this issue before you simply took the position of the oil company?

The answer was: No one.

So we can only conclude that, at least in this one instance, the nominee before us didn't look out to the people he was representing as attorney general. He didn't look after the body of law, the body of opinion, the body of effects. He didn't consult with anyone, except one organization—Devon Energy.

I must say, this is evidence, at this moment, of not serving the people, as an officer of the people is committed to do, but serving a company. So is this an anomaly or is this essentially the way he operated day in and day out? The answer is in the emails that we do not have. That is why it is a travesty if we vote tomorrow without getting those emails next Tuesday and enabling the public to examine them.

We normally have 30 hours of debate postcloture after we officially close debate. We don't quite close it but say there is another 30 hours of debate. That is what we are in right now, and that is why we are here tonight. Wouldn't it make sense to suspend this debate until after the citizens of the United States of America have a chance to pour through those emails and know the answer? Is this what we

can expect; that we will have an Administrator of the Environmental Protection Agency who is serving Devon Energy and the Koch brothers and this dark money cartel or is he going to serve the citizens of the United States of America? That is what we want to know the answer to.

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

Mr. MERKLEY. I will.

Mr. WHITEHOUSE. One of the points I think could be made here with respect to the emails is that the first tranche of emails—the ones the judge instructed be released on Tuesday—are communications with Scott Pruitt's donors, with Devon Energy right here, with Peabody coal—which I don't see on the list—and with API, the American Petroleum Institute, which is right here. That funding has gone into his political operation.

It is worth understanding how that pays off. I don't know if we can see this, but this says "confidential." I don't know if that is clear on the screen. This is the confidential agenda for a Republican Attorneys General Association meeting, at a nice place—the Greenbrier in West Virginia. It is pretty swish. Look here on the agenda: Private meeting with Murray Energy. There is Murray Energy, right in the energy donors. He is attorney general. Look at what they get—a private meeting with the Republican attorneys general on the confidential agenda. If you go to the next day, the morning meeting is an issue briefing on the dangerous consequences of the Clean Power Plan and other EPA rules, and guess who the lead panelist is—Attorney General Scott Pruitt of Oklahoma.

What you have is this link between a big political donor, Murray Energy, and a private meeting for Murray Energy on the confidential agenda and a followup meeting at the same retreat on attacking the Clean Power Plan. And guess who a lead plaintiff with Scott Pruitt is in the lawsuit against the Clean Power Plan? Boom—Murray Energy.

There is a little machine here that turns between money in from the fossil fuel industry and litigation out on behalf of the fossil fuel industry. These emails aren't just matters of general interest. These emails may provide some good connection, some good evidence into what exactly that little feedback loop entails, because there are plenty of circumstances, and, as somebody who spent years as an attorney general and years as the U.S. Attorney, those little feedback loops is sometimes called corruption.

Depending on what those emails say, that could easily be prosecutable corruption. Rather than answer that question, of whether this link between big donors and action on cases using the badge of the State of Oklahoma as a shield to protect the fossil fuel interests, which were the donors, and talking about it in confidential meetings, in private meetings on confidential

agendas—to me, that smells pretty high all by itself, before you have actually dug into it and seen what the emails say and gotten to the potentially really stinky part.

The fact that this is being jammed through is not without consequence for the Republicans on the other side who are not being given the chance by their leadership to say: Hold it. Whistle. Let's give this a couple of weeks. Let's see if there is something beyond how bad it is already—that perhaps might even make this chargeable stuff—before we are forced to vote on this guy.

Once again, the fact that they are being forced to vote on this guy in this circumstance is very, very unusual behavior. And unusual behavior, to me, signals powerful forces.

I could not agree more with the Senator from Oregon about the importance of these emails and their potential significance. I agree with my friend from Hawaii that I hope there isn't anything really bad here, but the likelihood that there is is very strong. The dogs are hunting.

Mr. MERKLEY. One of the things that I want to return to is why we are so concerned about this complex matrix of corruption, of dark money changing the outcome of campaigns, changing the makeup of the Senate, changing the type of rules that are adopted and the laws that are passed, because behind it all is a rising tide of pollution that is changing the chemistry of our air and changing the temperature of our planet.

This is a very simple chart here, and this shows temperature and carbon dioxide. If we look at this carefully, you can see that the carbon dioxide rises and the temperature rises. This is what has happened. The scientists have looked back hundreds of thousands of years. Carbon dioxide goes down, and the temperature goes down. Carbon dioxide goes up, and the temperature goes up because carbon dioxide is essentially a blanket.

If you increase the thickness of that blanket—that is, the density of the carbon dioxide—more heat is trapped on the Earth's surface. When we realize the age of the Earth, which is measured in billions of years, the time that we have been here in human civilization is pretty brief. And the time that we have been burning fossil fuels for energy is very brief—150 years—a very small blink of the eye.

In that time, we have changed the chemistry of the air. We have increased the size and the weight of the blanket substantially. Prior to the burning of coal, for many thousands of years, the carbon dioxide level had varied up and down, but the top level was 280 parts per million. That is this blue line.

What we see is that the carbon dioxide level has steadily climbed as we burn the coal, the natural gas, and the oil. As we have done that, the black line is going up and down. It has varied a little bit from year to year. It has steadily increased as well.

There are many folks who look at this and say that is just lines on a chart. If you project into the future, that is just a computer model. It can have different assumptions, and you can tweak that computer model. But this is a powerful, powerful explanation of facts on the ground that we are seeing every day.

Let's look at the facts on the ground. Let's set aside the computer models. Let's even set aside this chart showing temperature rising as the carbon dioxide levels rise.

What do we see in my home State of Oregon? What we see is that we have warmer winters, and those warmer winters mean that the pine beetles don't die off in the same way they do when there is a very cold winter. So they come out, and they attack more trees and more trees are killed. That is damaging to our forests. We see that effect.

What else do we see? We see a change in forest fires. Our forest fire season has grown enormously, by more than 2 months over about the last 40 years. Two months is a big additional portion of the year with fires raging, and the fires have been more intense. Partly, they are more intense simply because the forest is different.

The old-growth forests were more resistant to fire than the second-growth forests, and that is a result of our logging practices. In addition, there is the dryness of the forest. The forest is more dry. Sometimes the wood on the floor of the forest is as dry as a kiln-dried two-by-four. Then we have these weather patterns that involve more lightning, and there are more lightning strikes that are starting fires. So we have drier forests.

We have more lightning strikes. We have more dead trees, and we have more damage from these fires. We see a significant impact on our forest. How about on our farming? Farming depends on water. We have had three worst ever droughts in the Klamath Basin over the last decade and a half—three worst ever droughts. It had a huge impact on ranching in that basin and a huge impact on farming in that basin.

As we see that impact, we realize that on the frontline—on the very frontline—in the battle with rising temperatures is rural America, where we have industries that depend on our natural resources, on our forests, on our fishing, and on our farming.

Let's turn to our fishing for a moment. As the winters have gotten warmer, we have seen that in most winters—not in all but in most winters—the snowpack has been decreasing. What does that do? Partly, it affects farming because you have less water stored in the form of the snowpack, but it also affects the mountain streams. So you have warmer, smaller mountain streams for trout and for salmon.

For those who love to fish in Oregon—and so many people do love to

fish in Oregon; in fact, people come from many parts of the world to come and fish in Oregon—you now have streams that are less hospitable for that purpose.

Let's think about what is happening on the coast of Oregon. On the coast, we are a Pacific Rim State. We have the vast Pacific Ocean. Ponder this question. Is it possible that you could burn so much coal and so much oil and so much natural gas in 150 years that you could put so much carbon dioxide into the air, that the ocean could absorb a good share of that, and you could change the chemistry of the ocean?

I have to tell you this. Apologies to my colleague from Hawaii. This is the most beautiful coastline on the planet. You have these incredible mountains dashing into the ocean. You have these gorgeous Pacific waters. You have all kinds of wildlife, all kinds of fishing industry. The Oregon coast is one of the most spectacular places in the world. I must say that, in fairness, I have really enjoyed seeing the Hawaii coastline as well. It is different. It is beautiful and rugged in a different way, but spectacular.

There you are on the coast of Oregon, and you are looking out from those mountains that come crashing into the sea. We have capes—one cape after another. The cape is a big projection of land. You can stand on top of those capes, and you can see out to the horizon of the ocean. You can't see any land. You realize you can only see about 20 miles with the curvature of the Earth, but you know that the ocean goes on and on, far more than a thousand miles. And you say: That is a lot of water. That is an incredible amount of water on the planet Earth. It surely can't be possible that we have changed the basic chemistry of the ocean through the burning of carbon dioxide.

Then you talk to the marine biologists who measure what makes up the Pacific Ocean, and they tell you: You know what, the burning of coal and oil and natural gas is changing our ocean in a way that is making it less hospitable to life.

Here is what they are talking about. The ocean through wave action absorbs that carbon dioxide that we have been putting into the Earth. In fact, the carbon dioxide level in the air would be much, much higher if it weren't for the oceans pulling a good deal of it out. And then, in the water of the ocean, the carbon dioxide becomes carbonic acid.

When you hear the word "acid," you say: Well, that doesn't sound very good. And you are right. That acid, then, has an impact on the ability of marine organisms to create shells. One specific example of this are the oysters on the Oregon coast. The oysters, as little babies, start to pull molecules out of the water and form shells. If the water is more acidic, it is much more difficult for them to do that, and the

result is they die. They put all their energy into that effort. They can't do it. So they die.

In about 2008—the year I was running for office—we had this big die-off of baby oysters in the hatchery on the Oregon coast. It was a big scientific puzzle: What is causing this? What is the virus or the bacterium that is causing this?

The scientists got together, and with a lot of help from Oregon State University, the industry got together and they studied this, and they couldn't find that there was a virus causing this action. They started looking for a bacterium. Well, they looked. They didn't find that either.

What else could it be? It has to be one disease agent or another. It turned out that it wasn't a disease agent. It was the increasing acidity of the Pacific Ocean.

Now, this morning, the owner of that hatchery happened to be coming through DC and came to my "Good Morning Oregon" reception. I hold this every Thursday morning that I am here. People can show up. We have a little bit of good Oregon coffee and a warm chance to reacquaint ourselves with old friends and to hear what folks who are visiting are thinking. He said to me this morning: Buffering is now continuous.

What did he mean by that? What he meant was, when they discovered it was the acidity that was killing the baby oysters, they had to start taking this seawater—they have a big pipe that pulls seawater up into the oyster hatchery, and they have another pipe that recirculates it back into the ocean. They had to start artificially reducing the acidity of the seawater so the baby oysters could thrive. What he said this morning is: We now have to buffer continuously. The condition has become so bad, it is bad on any given day. So that is where we are.

If the acidity of the ocean has changed from the burning of coal and oil and natural gas, isn't it time for us to wake up and pay attention? Isn't it time for us, as the stewards of the environment here in terms of making laws, to be paying attention? Shouldn't we be thinking again about those words that President Richard Nixon said when he created the Environmental Protection Agency in 1970; that we all "share a profound commitment to the rescue of our natural environment."

How are we going to rescue our natural environment from the harm of burning fossil fuels if we keep burning fossil fuels? That is the question before us, and the answer is that we can't. We have to stop.

We have to, in a modest period of time, a rather short period of time—really, in the course of human civilization, just a microsecond of time—we have to move from burning fossil fuels to basing our economy on energy from clean and renewable sources. We have to do this very conscientiously. We have to do it through grassroots ac-

tion. We have to do it through a framework that we create here at the national level. Both are powerful. Let's do both.

In the middle of that is the Environmental Protection Agency. That is why it is so important that we have a Director of the EPA who is committed to the vision of rescuing our natural environment, and that is why we need to have access to these thousands of emails before we vote in the U.S. Senate.

I think that as we consider this, we need to ponder that the conditions we see in Oregon—that are derived from global warming, increasing temperatures—are not simply happening in my State. I used those examples because I come from Oregon. I represent Oregon. You can see these things right where I am, but you can look across our Nation, you can look across our planet, and see the effects everywhere.

If you take the 100 largest glaciers in the world and track their average retreat, it is dramatic. There are those, by the way, who say if you want to see a glacier at Glacier National Park, you better go soon because a number of glaciers in Glacier National Park have retreated substantially.

You can go to other parts of the country and see other impacts. For example, if you go to the Northeast, you have the challenge—just like the pine needles aren't being killed in the winter, the ticks aren't being killed, and the ticks are infesting the moose, and the moose are dying because you have these big clumps of ticks sucking the blood from the adults and from the babies. The list goes on.

Our colleague from Maine says: We are concerned about our lobsters. Our lobsters are migrating up the coast to find a temperature of water that used to be in Maine, and now they are moving north toward Canada.

You can talk to those who track insects, like certain types of mosquitoes that carry the Zika virus, and their range is spreading. There is an insect called a sandfly that thrives in Central America, that is starting to show up in the United States of America because the temperature is changing, and that sandfly carries a disease called leishmania. This disease basically is extraordinarily difficult to cure, and it is a single-cell parasite. When you get bit by a sandfly, you get an enormous number, if it is an infected sandfly, of these parasites that start eating a hole either in your organs or in your skin—very difficult to cure.

As I describe this, I am just touching the surface. I haven't talked about the Great Barrier Reef, much of which has died over the last couple of years off Australia, and the list goes on and on.

So to close, we need a Director of the Environmental Protection Agency who has that profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place habitable by and hospitable to humankind. That is why we need the emails,

and that is why this vote should be delayed until they have been examined fully by the public.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from New Jersey.

Mr. BOOKER. Mr. President, very good to see you. I want to again, as I stated in the past, thank the staff. We are obviously pushing late into the night, and there are unsung heroes who are here in the U.S. Senate working in a nonpartisan way, keeping the Senate going. I want to thank them all for being here tonight. Definitely, the folks who are typing with their fingers are heroic. They have muscles in them. Thank you very much for your work. Of course, I want to just highlight the pages and thank them for yet another late night, when they still have calculus homework, I am sure, to work on.

Mr. President, I am honored to be able to join my colleagues, three of whom themselves are some of the great voices, in my opinion, in the United States on issues of the environment, issues of protecting the health and safety of our communities: Senators MERKLEY, WHITEHOUSE, and SCHATZ. I am grateful to be able to stand with them, joining them in a chorus of conviction about our opposition to the nomination of Scott Pruitt to serve as the Administrator of the Environmental Protection Agency.

The EPA is a critical Federal Agency. It was established through an Executive order by President Nixon and charged with the protection of human health and the protection of the environment. Given the pressing health issues, environmental challenges we face in our Nation, and frankly the growing environmental challenges around our planet today, we should make sure we are confirming an Administrator who has a conviction for the protection of the health and safety of people; that he or she prioritizes the well-being of Americans and is focused tirelessly, exhaustively, on making sure the mission of the Agency is made real, that other factors, conflicts, wealth of industries—that their No. 1 concern is not all of those things but is really the health and safety of people, of Americans, because we know what it means when the health or safety of Americans is undermined.

This idea of life, liberty, and the pursuit of happiness is completely compromised if cancer rates are going up because of toxic dumps or superfunds or asthma rates are epidemic because of toxins in the air.

We need a person who is in charge of making sure we are not prioritizing polluters or industries; that we are prioritizing people first and their safety. This is not just a moral calling of this Agency, but it is actually a practical one too. It is an economic one, too, because the cost to society of pollution, we already know, is extraordinarily high.

I see this in the community where I live. I am a proud resident of Newark,

NJ, but I see a polluted river, the Passaic River, that has caused health issues, that has taken away sports and recreation, actually taken away a source of bounty of fish and clams and other shellfish. In addition to that, now it is costing taxpayers hundreds of millions of dollars to clean up the waste and mess that was made by corporations that were allowed to get away with that polluting. That is the common sense of this.

Not only is it an issue of justice—something our country stands for, this ideal of justice—not only is it compromising life and liberty and the pursuit of happiness, but it also ultimately costs us so much more not to be vigilant in the protection of our environment. It is actually stealing, as we have seen all across this country—stealing from future generations. As you pollute now, you are stealing from future generations and calling it profit.

So this is what I see as a person who is in charge of this Agency, someone who is putting health, common sense, pragmatism before the short-term avarice that often has undermined the great bounty of this Nation.

In this particular case, in this moment in time, with this Agency started by a Republican, we now have a President who is not only putting someone up who is singularly unqualified—and as a person who worked with EPA Administrators, Republican and Democratic, we had a great Republican Governor from New Jersey who was the head of the EPA. Republicans and Democrats, if you compare this person, it is my conviction that he is singularly unqualified to lead the Environmental Protection Agency at this moment. That is Scott Pruitt.

I do not believe Scott Pruitt will lead this Agency in a way that upholds this critical mission in our country. Again, I don't care if you are in a so-called red State or so-called blue State, I don't care what your background is, your religion, your race, if you are living in an environment that is toxic—the air, the water—it is undermining your ability to enjoy the liberty and the freedom and justice of our country.

So if you look at this individual, Scott Pruitt, if you look at his track record, you will see that his actual work has undermined the mission of the Agency that he is now nominated to lead.

At his confirmation hearing, Scott Pruitt stated, as attorney general for the State of Oklahoma, he was responsible for protecting the welfare of Oklahoma citizens. This was his statement. Yet during his 6 years as attorney general, Scott Pruitt spent his time doing the bidding of the polluters, and filing or joining 14 lawsuits against the EPA's effort to clean up the air and water of a State, challenging water and clean air rules.

On top of this, on top of his track record, not for doing things to improve the quality of the air and water but doing things consistently to fight the

EPA—on top of this, on one of the largest issues going on with our planet right now, Mr. Pruitt says clearly that he denies the science and the reality of climate change.

So many in his own community who have come to this building to give their voice and their facts believe this person being nominated has a nonexistent record in Oklahoma when it comes to protecting the environment and that he actually aided and abetted many of the people who were doing some of the worst harm to the water and to the air.

Mr. Pruitt seems to say this is a philosophical thing; that he is a Federalist. What amazed me, as I dealt with Mr. Pruitt, engaged with him during the hearings, is it exposed the fact that he not only tried to get the Federal Government to stop acting to clean up the air and water and constrain the avaristic polluting of these industries, but he actually worked to make sure the State government didn't have the power to do it as well, as I will show momentarily.

But here is somebody who is not into philosophy. The driving force is his picking polluters over people. Mr. Pruitt also has serious conflicts of interest. What is amazing to me is that he has stonewalled the Senate, claiming to us that all of the emails from his agency that should be open—listen, we went through a whole Presidential campaign with all of this talk about email. How ironic is it that we are now putting someone up for EPA Administrator who suddenly is not allowing open public record requests to view his emails.

This is hiding, as Senator WHITEHOUSE has gone through—not allowing the public to see what is their right to see—the emails and communications he has had with polluting industries, as well as other organizations plowing money into his campaign and others. Not only has he denied us access to that, but he has used lies that this could not be produced.

Well, we have just had a judge in Oklahoma, contrary to what he said, force the viewing of these emails. This is really important. Here is a judge who literally calls his failure to release the emails an abject failure, that not releasing these emails in accordance to the public information laws of the State—the judge called it an “abject failure” to not produce this information and called it “unreasonable under the law”; those are the quotes—and ordered him to release these thousands of emails, to release the first tranche on Tuesday.

These are records pertaining to communications with Devon Energy, Peabody Coal, and other organizations. These should be released on Tuesday. We are going to see a lot in these emails.

Then he was ordered to release another tranche to organizations like ALEC, the American Legislative Exchange Council that supports a tremendous amount of partisan policy, the

State Policy Network, and other organizations. Those will be released in 10 days.

By the way, the requests for those go back to April 27, 2016. So one thing I have to say that I object to—and actually I am shocked and appalled that, suddenly, when you have a judge now forcing the release of these emails, which are going to give us transparency, which are going to answer the questions many of us have been asking about the conflicts he might have and how he used or potentially abused his power working in collusion with private industry, we can now see all of this plainly. But suddenly, now, this vote on Mr. Pruitt has been scheduled for tomorrow. Why not wait to let the Senators who have been asking for these emails for months—now that we are finally getting them, why are we now rushing a vote before we get to analyze his record?

So for these reasons—his lack of qualifications, his demonstration of working against the mission of the Agency, his denial of something as important and significant and planetarily consequential as climate change, his clear demonstration of his work on behalf of polluting industries, and the potential for serious conflicts of interest—we should not only oppose him, but at the very least what we should be asking is to have the vote postponed until the transparency that has been requested by Senators is achieved.

Any of these deficiencies individually should have us move the vote or vote against, but let me take some of these issues now. Let me look right now at the issue of climate change and his positions. The EPA is the most important Agency in the United States in the fight against climate change. Through its authority under the Clean Air Act, the EPA is tasked with regulating harmful air pollutants, including carbon dioxide.

I do not believe that Scott Pruitt will adhere to this EPA mandate. It is an EPA mandate that he has shown a disregard for that he will be tasked with enforcing. He not only has no record of enforcing it, but even believing in the harm that these pollutants can cause. He has openly questioned the need for climate change action on numerous occasions. He is on the record for pondering whether climate change is even happening at all.

Less than a year ago, he told a public audience the debate about climate change is just that, a debate. He has said that climate change is a religious belief and a political bumper sticker. Scott Pruitt appeared to walk back that language on climate denial during his confirmation hearing before the committee of jurisdiction, the Environment and Public Works Committee, last month. He claims that science tells us that the climate is changing, and human activity in some manner impacts climate change. The human ability to measure with precision the extent of that impact is subject to con-

tinuous debate and dialogue, as well it should be.

Well, I am happy to see that he is moving. But here Mr. Pruitt now is taking a different tactic. He is acknowledging that our climate is changing, without accepting the scientific consensus that human activity is the primary cause. But this seemingly softer language is actually a damaging tactic and in many ways is just as damaging as outright climate denial.

This is a hallmark of the new strategy: Hey, let's admit the climate is changing, but let's try to cast doubt on whether human activity is doing it. The language may be different, but the implication is the same: If we don't know how much human activity contributes to climate change, hey, then we don't need to do anything about the crisis.

This reminds me of Big Tobacco. There were these big tobacco scientists who made their living insisting that the link between cigarettes and lung cancer was uncertain. To cast doubt on it was their strategy—that link between lung cancer and smoking. This is a strategy we have seen before, again and again and again. Even though there is a consensus of science about smoking—or in the case of climate change—cast doubt, cast doubt. That is what Scott Pruitt does; he is a merchant of doubt when it comes to climate change.

He is attempting to sow uncertainty where there is, in fact, considerable certainty. As a result, he is deliberately undermining and misrepresenting the reality of the case. This is the person we want to put—who is intended by the President to be put at the head of the Environmental Protection Agency, someone who is a merchant of doubt.

Well, let me just go through the climate change evidence. Let's be clear about the facts. There are extraordinary indicators to provide strong evidence not just for climate change but for rapid, human-caused climate change. Atmospheric carbon dioxide now is higher than at any point in recorded history; 15 of the 16 warmest years on record have occurred since 2001; the pace of global sea level rise has doubled in the last decade; surface ocean acidity has increased by 30 percent since the beginning of the industrial revolution.

Those are dramatic changes in what is happening to our oceans. The evidence of this is global, from the bleaching of reefs to the killing of the biomass, to the extinction of species.

Arctic sea ice is declining by over 13 percent per decade. Just yesterday, scientists published a large research synthesis that has detected a decline in the amount of dissolved oxygen in oceans around the world, a long-predicted result of climate change that is expected to have severe consequences for the marine ecosystem and fisheries.

Some 97 percent of the actively published climate scientists agree that

these climate change trends—I would say crises—are extremely likely due to human activity. Scientists this month released an estimate that human activity is causing the climate to change 170 times faster than natural forces alone would cause.

I just sat with an incredible author who wrote “The Sixth Extinction,” a book that documents the rapidity with which we are now in a period of global climatic extinction, with species disappearing from the planet Earth at a speed that she compared, in the larger perspective of time, to the impact of a massive asteroid that was one of the major extinction periods. This is happening rapidly, like no period before in history, except that of massive climatic events like the asteroid hitting Earth. This is a crisis. The crisis is already being felt in terms of human impacts. Right now, we know that, unabated, these climate trends will continue to have impacts, and they will grow more devastating for our planet, especially for our children and our grandchildren.

By 2045, some east coast cities could flood three times a week. Scott Pruitt's home State may not have to worry about this, but New Jersey, a coastal State—we now have everyone from people in the military to businesses, to leaders in government, all realizing that this is going to have a serious effect on our State and we have to start preparing now to deal with that crisis.

Weather patterns are going to become more erratic. Hurricanes and other major storms in the North Atlantic will become stronger and more intense. Drought and heat waves will increase in parts of Arizona, California, Texas, and, yes, even Oklahoma could exceed 100 degrees for over 120 days a year. The U.S. crop yields will drop significantly. Estimates suggest that under a business-as-usual scenario, by 2100, wheat yields could drop 20 percent, maize by 40 percent, soybeans 40 percent, causing global spikes in food prices.

The rising seas, with more intense storms and worsening drought, could create climate refugees. In fact, we are seeing climate refugees already form small island states. The United States is already facing the reality, with many of these people from around the globe, that several communities in low-lying coastal areas in Alaska and Louisiana are in the process of relocating to higher ground. It is happening right now, where you are seeing evacuations from coastal areas that are no longer habitable.

Regarding climate refugees, I would like to quote Pope Francis. He said:

Many of the poor live in areas particularly affected by the phenomenon related to warming, and their means of subsistence are largely dependent on natural reserves and ecosystem services such as agriculture, fishing and forestry. They have no other financial activities or resources which can enable them to adapt to climate change or to face natural disasters. Their access to social services and protection is very limited.

The Pope continues:

There has been a tragic rise in the number of migrants seeking to flee from growing poverty caused by environmental degradation. They are not recognized by international conventions as refugees; they bear the loss of the lives they have left behind, without enjoying the legal protection whatsoever. Sadly, there is widespread indifference to their suffering, which is even now taking place throughout our world.

All of this—and perhaps lastly—it is this global insecurity that will grow. Major climate events like drought and floods have clearly been linked to violent conflicts around the globe. Climate extremes are worsening tensions in some parts of the world. There is a widespread international scientific agreement on the scope of this problem and international urgency about doing something about it.

The Intergovernmental Panel on Climate Change has unequivocally concluded that there is a clear human influence on the climate system. To keep global temperatures from rising more than 2 degrees Celsius, the IPCC estimates that we need to reduce emissions by 40 to 70 percent by 2050, compared to the 2010 levels. Warming beyond this level, 2 degrees Celsius, is often cited as that threshold.

Warming beyond this level will result in surface temperatures above anything our planet has experienced in the last 100,000 years. Given current emissions scenarios, keeping temperature increases below this 2-degree threshold will be extremely challenging, but this only underscores the urgent need for rapid and dramatic emissions reductions.

Unsurprisingly, given these numbers, there is also an international agreement on the need for action. We are seeing people come together and make strong commitments. In 2015, 195 countries adopted the first-ever binding global climate change agreement in Paris. The national commitments established in the Paris Agreement would put us on a trajectory to limit warming to 2.7 degrees Celsius—not enough of a limit, but it is a start. It is a start and a remarkable moment in planetary cooperation.

There is no question that given planetary cooperation, there is no question that given a consensus of scientists, there is no question that, given the factual urgencies being created by climate change, Scott Pruitt is on the wrong side of history in refusing to acknowledge global scientific and political consensus on climate change and the urgency that we need to act. We are potentially going to put someone who stands against this global consensus in charge of the EPA.

Much of the opposition to climate action in our country is motivated by false narratives about economic costs—people who are selling this idea that somehow doing the responsible thing is going to hurt our economy. The idea that addressing climate change could actually make us less of a wealthy nation is propaganda, and it is propa-

ganda that is being pushed by the people who are doing significant amounts of the polluting, the people whom Scott Pruitt has spent time advocating on behalf of.

Last year, Mr. Pruitt parroted the argument that fighting climate change is bad for the economy. He parroted that on an Oklahoma radio station, arguing that climate action is “hurting our ability to manufacture, to grow our economy, it’s hurting the fossil fuel industry, it’s an assault, and it’s all done outside of the Constitution and the law, which makes it even more egregious.”

That is a strong statement. Besides the fact that addressing climate change is very much within the law, this economic devastation narrative is simply patently false. Just last month, a renowned climate economist who had long argued that emissions reductions would damage economic growth actually changed his mind after running a more accurate analysis of carbon dioxide’s impact on temperature.

In fact, responding to climate change will help grow new parts of our economy. Last year, nearly half a million Americans were employed in whole or in part by the solar energy and wind energy industries. Wind energy jobs grew by 32 percent in 2016, and solar jobs grew by 25 percent. Solar jobs, in fact, have tripled since 2010. We should be focusing on actively expanding our promising clean energy sector. Frankly, we should be racing, as the great Nation of innovation that we are, to lead in these areas and not let our competitors get there first. We should be doing the breakthroughs, making the investments, growing the jobs.

Scott Pruitt is one of the last stand-offs. In fact, the GOP—the Republican Party—is the only major political party in the developed world that refuses to acknowledge that climate change poses a problem. All of our other allies—their right parties, their left parties; you name it—all the other major political parties on the planet Earth recognize that this is a problem, but it is unconscionable that we, here in America, are still pushing a narrative that is contrary to the global consensus and the consensus of science, that denies the reality of human-caused climate change and the urgent need for action.

Recent polling says that nearly 8 out of 10 registered voters—people on the right and the left, especially with our millennial generation—support regulating carbon dioxide as a pollutant. Seven out of 10 registered voters support setting strict carbon dioxide limits on coal-fired powerplants, a core aspect of the Clean Power Plan that Scott Pruitt and the Trump administration have vowed to repeal. Seven out of 10 registered voters think the United States should participate in the Paris Agreement, another critical moment where the planet was coming together in cooperation. Seven out of 10 voters agree that we should be a part of

the global movement to cooperate on dealing with climate change.

Nothing in Scott Pruitt’s record as Oklahoma attorney general suggests he will uphold Americans’ desire for climate action. A public servant who abides by the wishes of polluting industries, instead of the wishes of the American people, instead of the real tangible health challenges in their own State—someone who is standing with the industries and contrary to people suffering in their own State—has not earned the right to be our Administrator of the EPA.

Look at his record in Oklahoma. Well, let’s just start with air pollution. At his confirmation hearing, I asked Scott Pruitt if he knew how many children in his State had asthma. He did not know. So I informed him. According to the data published by the American Lung Association, more than 111,000 children in Oklahoma—more than 10 percent of all the children in Oklahoma, so more than 1 out of every 10 children in Oklahoma—has asthma. This is one of the highest State asthma rates in the Nation. This is a crisis.

As former mayor of Newark, I know the devastating impact that asthma has on parents and children. This is the number one health-related reason why kids miss school not only in my city, not only around my State—it is still one of the top reasons, if not the top—but in our Nation.

I have talked to parents and teachers about this crisis, about kids who are struggling to breathe, children rushed to emergency rooms, children missing school. This is literally undermining kids’ ability to succeed in school and to get the benefits of life from academic success.

In a State where more than 1 out of every 10 kids—a State where more than 10 percent of your children—have asthma, clean air should be an urgency.

So what did Scott Pruitt do, as it relates to air pollution? Well, he actually took every major possible opportunity to help the polluters, joining with them to block the EPA from taking action to clean up the air and protect the children in his State.

When I say “joining with them,” and that is not a hyperbolic exaggeration. Scott Pruitt sent a letter to the Environmental Protection Agency in 2011, accusing Federal regulators of grossly overestimating the amount of air pollution that natural gas companies were releasing from well sites in Oklahoma. The letter was sent to the EPA on Mr. Pruitt’s official attorney general letterhead. So we might assume its contents represented the State’s official stance on what was best for the welfare of Oklahoma families and children because, as he testified, his job was to represent what was best for the welfare of Oklahoma’s families and children.

This is what he said in his testimony here in the Senate. This is what he said. That was his job. So he is writing a letter, challenging the EPA, saying they grossly overestimated the amount

of air pollution that natural gas companies were releasing.

Well, the problem is that we would be wrong if we had thought that this was something that his office came up with. No, what Mr. Pruitt did was actually take a letter written by lobbyists at Devon Energy, one of the State's largest oil and gas companies, change maybe a few words—maybe three, maybe four—and, basically, took these words, took off their letterhead, put the same letter on his letterhead, and passed it along to the EPA.

Remember, Devon Energy is one of those organizations that we want the emails from, back and forth between his office.

Now, did he go out from his position and do research on air quality? Did he interview families with asthma? Did he test air quality? How did he come up with his conclusions that what the EPA was doing was wrong?

Well, clearly he couldn't write his own letters. He just took the information from Devon Energy, put it on his letterhead, and sent it off. He was doing the bidding of one of the people, one of the companies that was undermining the air quality for the 1 out of 10 children that have asthma.

So we, as U.S. Senators, who believe in thorough vetting—we hear a lot about intense vetting for refugees; I am a guy who just wants a thorough vetting for nominees—asked for his communications, using public FOIA, or the Freedom of Information Act. What are your communications with this company that seems to be writing your letters for you?

What he said to us was—he stonewalled: I can't get those things to you.

Well, thank God a judge in Oklahoma has now ordered him to release it, calling a failure to do so an abject failure.

Well, great, we are going to see the letters to understand what kind of cooperation or even collusion he had with these companies, but we are going to see them too late because the vote is tomorrow. We are going to get that information a day, 2 days, a few days too late.

So here is someone who says his job, as attorney general, was to represent the welfare of children and families. Here we have a State with a crisis in air quality, a crisis in asthma, and where the EPA is working to do something about air quality in the State, and he is coming to conclusions that we don't know if they are his or not, but we know there are industries that do not want to change their practices at all and want to continue to pollute the air.

Whose side is Scott Pruitt on—the side of the children in his State, 1 out of every 10 who has asthma, or of Devon Energy? And we want to put him in charge of the EPA, without even having a thorough understanding of what his relationship was with these companies.

Well, my colleague did his own exhaustive research about the campaign

funding he had received and more support from companies like this, and it creates an implication. Well, let's get to the bottom of what is happening. Let's see the emails before we vote. What do these say to these corporations?

I asked him: He allowed polluting companies to write emails to the EPA on his letterhead; did he let any children with asthma or their parents write letters that he then just put on his letterhead—people who were suffering from the poor air quality?

Later, the director of government relations at Devon Energy emailed Mr. Pruitt's office—this, we do know—to express gratitude to the attorney general for sending the letter.

Beyond this note of thanks, there were other clear benefits of this type of behavior for Mr. Pruitt. Energy industry lobbyists and executives worked tirelessly to help Mr. Pruitt raise his profile as president of the Republican Attorneys General Association. As president of this nationwide group, Mr. Pruitt set up something called the Rule of Law Defense Fund, a super PAC that allowed corporations benefiting from the actions of Mr. Pruitt and other Republican attorneys general to make unlimited and anonymous donations. This super PAC raised \$16 million in essentially untraceable fundraising in 2014 alone.

Companies were partnering with him to fight the EPA in its efforts to fight for cleaner air in a State with children struggling from widespread asthma challenges. This would be bad enough, but this in many ways is only the beginning of Mr. Pruitt's collaborations with air polluting corporations. Scott Pruitt filed two lawsuits challenging the EPA mercury and air toxics standards.

So the EPA is working to clean up mercury. He filed lawsuits against the EPA to stop them. These were the first Federal standards to require powerplants to limit their emissions of such toxic air pollutants. The EPA's final rule set standards for known hazardous air pollutants emitted by coal- and oil-fired powerplants above a certain generating capacity.

This rule sought to limit Americans' exposure to airborne toxics like mercury. Mercury in the air settles on the surfaces of water and land where rain washes it further into surface water. Once in the water, mercury is converted to a toxic chemical called methylmercury, and this accumulates in increasing levels up the aquatic food chain. It is one of the reasons that doctors often will advise pregnant women not to eat certain fish because of the high mercury content. Why is there a high mercury content in some of those fish? This is the reason: mercury spewing out into our air, coming down and settling on land and water, getting into our waterways, and working its way up the aquatic chain, ultimately getting into our food.

Humans, especially young children and pregnant women, are vulnerable to

mercury exposure from consuming contaminated fish or shellfish. This is a tragedy. Over 400,000 newborns are affected by mercury pollution each year in the United States—400,000 of our children, the greatest hope for our country, 400,000 children affected by mercury pollution each year in the United States.

What does mercury exposure do? It damages the brain, heart, kidneys, lungs, and it damages the immune system of people of all ages but, again, particularly vulnerable populations. It is a horrific toxin. This is not an argument. It is scientifically clear that the largest source of mercury air emissions are our power companies. It doesn't mean we want to shut the powerplants down; it doesn't mean we want to stop them. We want to take measures to remove the mercury emissions.

So what happened in the State of Oklahoma to hundreds of thousands of our children? What happened in the State of Oklahoma? The man who was on the job—he told the U.S. Senate that his job was protecting the welfare of the people. What Mr. Pruitt did is attack the EPA. He said that they lacked the legal authority to regulate powerplant mercury emissions and other hazardous pollutants under the mercury and air toxics standards. He did not do this once; he did it twice. When the EPA moved under the mandate they had, he tried to stop them twice.

He went even further than that because he apparently doesn't even believe that mercury is toxic to humans. In his challenge to the EPA's mercury rule, this is what he wrote: "The record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

Reading this was astonishing to me. This was written by someone whom we want to put in charge of the Environmental Protection Agency? I am sure that even his family was told not to eat certain fish because of mercury. It is astonishing to me that he would say that "the record does not support the EPA's findings that mercury . . . pose[s] public health hazards."

Mercury is a scientifically proven, well documented, deadly neurotoxin, and the person we are about to elevate to head the Environmental Protection Agency when he had the chance to fight to protect people from mercury not only fought to stop efforts to restrain mercury being put into the air and into our water, he went as far as to say: Hey, this stuff isn't so bad.

While he was focused on attacking these mercury standards and denying its status as a toxic metal, the number of lakes in Oklahoma with mercury-related fish consumption advisories has doubled since 2010. Think about this. The attorney general, in charge of protecting people, has the Federal EPA saying: Hey, you have a problem here. Let's address it. The mercury levels in your lakes have doubled since 2010. The scientists and experts in your State are

releasing advisories to your community that state: Don't eat the fish from Oklahoma's lakes. His response is to fight against efforts to clean that up in support of those industries, as we are finding out, that are pumping money into his super PAC.

If I lived in a community and I lived next to a river that had deadly toxins in it—I have spent my entire professional career as a city councilman, as a mayor, and now here to fight to clean the Passaic River. I swore an oath to defend people. I am fighting for them.

What did Pruitt do when he had a shot to be there for the people who were living by lakes that literally had a doubling of the advisories about fish consumption? What did he do? Did he stand for the people or the polluters? What did he do? It is clear what he did. He stood with the polluters.

But there is more. Scott Pruitt filed a lawsuit challenging EPA's 2015 national ambient air quality standards for ozone. The Clean Air Act required the EPA to set national ambient air quality standards for air pollutants considered harmful to the public health and the environment.

Under this authority in 2015, the EPA strengthened the standards for ground-level ozone from 75 to 70 parts per billion, based on substantial scientific evidence about ozone levels on health. This updated ozone standard improved public health protections, particularly for children, older adults, and people who suffer from lung diseases like asthma. The new standard will prevent hundreds of thousands of asthma attacks. This is not rhetoric; this is scientifically based. The reductions will save hundreds of thousands of asthma attacks.

As already stated, Oklahomans have some of the highest incidence of asthma in our country. But like the mercury contamination in the lakes, this excessive asthma rate did not stop Scott Pruitt from trying to block EPA from regulating harmful air pollutants under the national ambient air quality standards. So this is Scott Pruitt.

The list goes on and on and on, of his attacks on the environment, of his doing the bidding of the polluting corporations, of literally taking his letterhead and taking their letters and putting them on his letterhead and using that, not his own research, not his own interviews with scientists, not his work connecting to people with asthma—which, unfortunately, in his State with one of the highest asthma rates isn't hard to find—not talking to the people who were in his State releasing advisories not to eat the fish because of increased mercury content. What he did was the bidding of the polluting industries, and he sued the EPA again and again and again and again and again.

The EPA estimated in 2015 on their regional haze rule—this is the Agency he is about to take over—that implementing the rule would prevent 1,600 premature deaths, 2,200 nonfatal heart

attacks, 960 hospital admissions, and over 1 million lost schooldays and workdays. That is the EPA's estimate on one rule, the regional haze rule.

Think about that. He is going to lead an Agency where the scientists in that Agency are going to be telling him: Hey, this rule that you fought against is going to save lives. What is his response going to be?

Can we as Americans trust that he is going to run an Agency where he relies on science or is he going to run an Agency where he relies on polluting industries to give him advice on what he should do? If he relies on them, there will be 1,600 more premature deaths, 2,200 nonfatal heart attacks, 960 more hospitalizations. We will suffer. People will suffer.

Scott Pruitt also filed a lawsuit challenging the EPA cross-state air pollution rule. This rule tightens limits on the amount of sulfur dioxide and nitrogen oxide pollution that powerplants in 28 States in the eastern United States are allowed to emit. Once in the air, this pollution drifts across state borders, meaning that States that had no role in contributing to the pollution suffer the repercussions. It is this type of interstate pollution that EPA is especially well positioned to address.

Further solidifying his stance as a staunch opponent of climate action, he filed four lawsuits. He filed four lawsuits challenging the EPA Clean Power Plan. He also sued the EPA to challenge the Clean Air Act 111(b) standards for carbon dioxide emissions from new powerplants. And in all those lawsuits except one, Scott Pruitt joined with the polluting companies that were also suing the EPA.

So amidst all this in the confirmation hearing, I asked Scott Pruitt, given all those lawsuits he had filed with the polluters against the EPA to block the EPA from reducing air pollution—he had even filed one lawsuit on behalf—he literally was advocating for polluting industries to the point where he was even using their letter on his letterhead to make his point. So my question was, in all this fighting against the EPA, all of this, using their words, using their facts, not the scientists in your community, not the scientists telling you about the mercury in the lakes and the fish that you shouldn't eat and one of the highest asthma rates in the Nation, I asked him: Have you ever filed at least one lawsuit on behalf of those 111,000 children in your State with asthma? Have you filed one lawsuit on their behalf to try to reduce the air pollution and help those kids? Have you ever filed one lawsuit as attorney general of the State? And his answer was no.

Had he ever tried as Oklahoma attorney general to take any action—any action to help those children who struggle with asthma? What reason did Mr. Pruitt give for failing to even try? Mr. Pruitt stated that he lacked the statutory authority to file that type of legal action.

Let's think about that for a minute. Again, it doesn't take a law degree to understand the problems with that statement. You see, Scott Pruitt was more aggressive than any other attorney general in our country's history in suing the EPA, often using completely novel theories in court that lost—novel theories that lost. He was trying to find all kinds of ways on behalf of polluting industries to stop the EPA and thought of using creative legal approaches for doing it. Yet, when it came to the children in his State, 111,000 children suffering from asthma, one of the highest rates in our country, could he think of one novel thing to do on their behalf? Did he file one lawsuit to try to help those children? No, he claimed he lacked the legal authority.

What Scott Pruitt lacked was not legal authority. What I believe he lacked was any interest in trying to truly help those kids, to stand up for people against polluters. Those sick children were not powerful. They didn't have millions of dollars for a super PAC. They couldn't make campaign contributions. It seems, when it comes to their advocacy, that they were not important enough for him to even try.

When Mr. Pruitt was questioned by a reporter on his practice of letting polluting companies write letters challenging EPA regulations, which he then copied onto his official attorney general letterhead and he then sent, this is what Scott Pruitt said. This is his defense for letting polluting companies write letters that he put on his letterhead and then sent off to the EPA, advocating for them: "That is actually called representative government in my view of the world."

That is, simply, not an acceptable world view for the head of the Environmental Protection Agency. His view of representative government isn't any one of those 111,000 children. His idea of representative government isn't a family living next to a lake from where they are advised not to eat the fish anymore. His idea of representative government isn't pregnant mothers who are worried about eating fish that are caught in the State. His idea of representative government is giving voice to the polluters—to the powerful, money-laden interests—and not to those of the people.

If Scott Pruitt wants to be the EPA Administrator, we as Americans should insist that we have transparency into what he did in his work beforehand—what he did on air quality, which I just went through. But the truth of the matter is that it is the same story for water pollution in the State, and it is the same story for other health and safety issues that the EPA was doing.

I conclude by saying that it is unfortunate that, at a time when we are finally going to get transparency into Scott Pruitt and what he has been doing as attorney general, after his stonewalling week after week, month after month, saying he wasn't going to release these records—by the way, the

person in charge of enforcing Oklahoma's Freedom of Information Act is the attorney general. So it is kind of ironic that the attorney general was refusing to enforce them himself—the laws that public officials have to abide by in the State. It finally took a judge to order him to release that transparency. Now we are going to get these letters and see more about his connections to polluting companies—what kind of potential collusion went on and what conversations went on. Was he fundraising even from his official capacity? What was happening?

Alone, that is unfortunate that we are not, at least, postponing this vote until we get transparency in the Senate. Our role, as spelled out by the Constitution, is to advise and consent the President on these choices, and we are about to vote on somebody on whom we don't have full transparency to give advice.

The final point is that here is someone who is going to be the head of an agency that was started under the Nixon administration that is focused on protecting the health and safety of Americans, and he has demonstrated in no way his commitment to doing that—that he is putting people first. More than that, he has the ability to pull back these regulations that he himself has been fighting and that the scientists are saying will literally save lives.

It is not just what he will do. It is what he won't do in that job that is so threatening and so potentially devastating to families and communities like the one he is coming from. I cannot support someone who denies climate change, someone who clearly prioritizes polluting companies over people, someone who has spent his career in not protecting folks but in fighting the EPA.

I end where I began, with this Nation's ideals of life, liberty, and the pursuit of happiness. I would hope that an EPA Administrator, regardless of party, would understand the sanctity of those ideals and those aspirations. This person is clearly, clearly not someone who will support the common good but narrow interests to the detriment of, not just of his State, not just of our United States, but to the detriment of our children's future and of the future of the very planet.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I just want to follow up on what Senator BOOKER has been talking about.

This is a historic nomination tonight. This reminds the country so much of James Watt being nominated in 1981 to be the Secretary of the Interior. That turned out disastrously. He had to resign. This reminds the Nation of the nomination of Anne Gorsuch, in 1981, as the head of the EPA. That ended disastrously. She had to resign.

We are just repeating history here today as we are going through the very

same stages of an administration—a radical rightwing, anti-environmental administration—that is trying to dismantle environmental laws across our country. It did not end well back then, and this will not end well. Scott Pruitt, as attorney general of the State of Oklahoma, has not demonstrated the qualities that are going to be necessary in order to protect the environment of our country.

Today, many of us recognized a day without an immigrants. Businesses across the country closed, students did not attend classes, and workers did not head to their jobs—in protest. In my own home State of Massachusetts, the museum at Wellesley College took down all of the works of art that were created and donated by immigrants. Bare walls, empty desks, shuttered restaurants—all of these things—show us just how essential, how fundamental immigrants are to our economy and to the very fabric of our Nation.

Now imagine if tomorrow we recognized a day without the Environmental Protection Agency. Imagine that—with no Environmental Protection Agency; no Clean Air Act enforcement; no clean water rule enforcement; no one to clean up abandoned Superfund and toxic waste sites; more climate change; more kids with asthma; more rivers with toxins running through them; more families with cancer; more environmental injustice for communities of color because it is those communities, the most vulnerable communities, that will suffer the worst consequences on a day without the EPA.

If Scott Pruitt has his way, it won't just be a day without the EPA. It could be a nation without the EPA. That is what Scott Pruitt wants. That is what congressional Republicans want. That is what Donald Trump wants—no more clean air and water protections, no more pollution controls, no more environmental justice. That is Scott Pruitt's favorite day. That is Scott Pruitt's EPA.

That is why we are out here tonight. We are out here tonight to begin this warning to the country that there is trouble brewing if Scott Pruitt is, in fact, confirmed as the next head of the Environmental Protection Agency.

What is it that we can look forward to?

The oil, the gas, the coal industries opposed many of the Obama administration's commonsense protections for our air, for our water, for our climate.

One by one, Republicans in Congress are working to legislatively overturn many of those protections. They now have twice deployed a very rarely used procedural tool known as the Congressional Review Act to benefit the coal, the oil, the gas industries by rolling back environmental protections. Republicans are planning to use the Congressional Review Act to hand out even more giveaways to the fossil fuel industries in the coming weeks.

You can pick any industry you want—coal, oil, mining, timber, graz-

ing. You go through, and no matter how you spin it on the Republican “Wheel of Giveaways,” some industry gets a big giveaway. They are trying to decide right now what is the next one they will bring out here that waters down the protections that the American people need in each and every one of these areas. But don't question for a second if that is what this whole year is going to be about. Just take oil. There will be big tax breaks for oil coming very, very soon—like they need it. The same thing is going to be true in area after area. We have our helpful tool here, the GOP “Wheel of Giveaways,” to help viewers at home keep track of which industries the Republicans are making the weekly winners.

Now, by nominating Scott Pruitt to head the EPA, President Trump and Senate Republicans have found their new host for this great Republican show—the “Wheel of Giveaways”—and that will be Scott Pruitt, attorney general of Oklahoma, because Scott Pruitt has already made a career of handing out prizes to the fossil fuel industry in our country.

As attorney general of Oklahoma, he sued to block the EPA from restricting toxic mercury pollution from powerplants in order to benefit the coal industry—that is right—blocking protections from mercury that could affect the lungs of children in his own State and, ultimately, across the whole country.

Then, as attorney general of Oklahoma, he questioned the EPA's estimate of air pollution from new natural gas wells in Oklahoma. By doing that, he took natural gas and oil, and he made sure that would, as well, be something that wasn't subject to the types of regulations that were necessary in order to protect the public health and safety.

Then he moved on, as attorney general of Oklahoma, to push for a rollback of protections of our Nation's waterways to the benefit of corporate polluters. Corporate polluters love to use the waterways of our country as one big sewer. Why do you have to store that dirty water? Why do you have to make sure that it is just not put in some safe place when you can just use rivers? Just dump all of that garbage right in the river. Put all of that pollution right in the river. Who cares what impact it has upon families? Who cares what impact it has upon children?

So, again, this “Wheel of Giveaways” is really a way to ensure that the polluting industries don't have to pay to clean up the messes they create, just pass it on to innocent families, because with Scott Pruitt as the new host of the Republican “Wheel of Giveaways,” we know who will always win every time, every week, during all 4 years of the Trump administration. It will always be the oil industry, the natural gas industry, the coal industry, the polluters of all stripes that otherwise the EPA would be regulating and protecting the public health and safety of our country.

It is going to ultimately be those American families who are left to lose protections which for generations we have fought to put on the books in order to ensure that we increase life expectancy and reduce exposure to asthma and other diseases that otherwise, because of these polluting companies, are going to be visited upon hundreds of thousands and millions of families within our country.

When we think about this whole issue of the environment, many times we say: Well, the Republicans—the coal industry, they say there is a War on Coal in the United States of America, an absolute war, a war out there to destroy the industry. However, upon closer examination, it turns out that it is the free market that has been working to replace coal with other sources of energy.

A decade ago—here are the numbers—50 percent of all electricity in the United States came from coal; now it is down to 30 percent of all electricity in our country. What has replaced coal? Well, the free market has actually substituted natural gas, which has grown from a little over 20 percent of U.S. electrical generation a decade ago to 35 percent of all electricity in our country right now. And coal has been replaced by clean energy—by wind, which has grown to 5 to 6 percent of our generation from almost nothing, and solar, which is up to 1 percent of all of our electrical generation. And between wind and solar, there are additions of 1.5 percent every single year between those two sources, to renewable electrical generation capacity in our country. So we can see that every year that goes by—over a 15-year period, for example, that would be 22 percent of all electricity would be wind and solar if we just keep on the current pace.

From the coal industry's perspective, that is terrible. That is a War on Coal, what natural gas is doing, what wind and solar are doing. But the reality is that they are losing it in the marketplace. ADAM SMITH is spinning in his grave—so quickly, by the way, that he would actually probably qualify as a new source of energy. So the Republican complaint is that the free market is killing coal; it is a war. It is capitalism, actually, and it is working. So the only way they can stop it, the only way they can slow it down, is to get somebody like Scott Pruitt to be the new head of the Environmental Protection Agency. This isn't a conspiracy; it is actually a competition, and the competition for those clean energy jobs is global.

Back in the 1990s, I was the author of a law that moved over 200 megahertz of spectrum. In 1993 in America, the average phone that was wireless was the size of a brick. It looked like the phone Gordon Gekko had in the movie "Wall Street." People didn't have one. It cost 50 cents a minute. But I was able to move over 200 megahertz of spectrum in 1993, and four new companies were able to compete. They both went dig-

ital, and by 1996, this is what people had in their pocket—under 10 cents a minute, and all of a sudden everyone had this phone. It just killed that phone that was the size of a brick.

But then another remarkable thing happened. Within 8 or 10 more years, there was a guy out in Silicon Valley, and he came up with an idea for an iPhone, and that revolution just kept moving because we had opened it up to competition.

You can imagine there were devotees to the black rotary dial phone who kept saying: Oh my goodness, it is a war on the black rotary dial phone, all of these new devices. But it wasn't. It was just technology. It was a revolution. It was capitalism, and it had finally been opened to that competition after 100 years.

Well, that is what has happened in electrical generation. We finally have passed laws that open it up to competition. It is not a secret. And the only way to shut it down is to have someone like Scott Pruitt as the head of the EPA because then, all of a sudden, you can have an EPA chief who says: We are not going to have any new rules on climate change. We are not going to have any more rules that reduce the amount of pollution that goes up into the atmosphere. We are not going to have any more rules that ensure that President Obama's Clean Power Plan is implemented in our country, which would again telescope the timeframe that it would take in order to deploy these massive amounts of new renewable electricity sources in our country and expedite the pace at which natural gas resources get deployed in our country.

So that is really what this is all about. It is a special interest giveaway—pick your industry. How do we protect it? How do we make sure we don't move beyond the 20th century? How do we not have this incredible green generation be able to invent the new energy technologies of this century, the same way that they invented the new telecommunications technologies at the end of the 20th century? How do we stop them? Well, you have to really find people who are willfully committed to it.

Let's go to Scott Pruitt. Scott Pruitt, as the attorney general of Oklahoma, unbelievably sued the EPA 19 times. Now, what attorney general sues the EPA 19 times? Well, let's look at the subjects he sued on—clean air, clean water, soot, mercury, haze. It is almost like a laundry list of the dirtiest issues that America would want us to have an Environmental Protection Agency working on. And he sued over and over and over again. And even as he is being considered for confirmation, after I questioned him in the hearing, saying: Will you recuse yourself from any consideration of any issue that you have already sued the agency on that is still pending, he said he would not recuse himself.

So I said to Mr. Pruitt in that hearing: Well, if you don't recuse yourself

and you still have eight pending cases, that will make you the plaintiff, the defendant, the judge, and the jury on these matters that are at the heart of the clean air, clean water agenda that the American people want to see implemented in the 21st century.

What was he doing in Oklahoma? What was he trying to accomplish? Well, I decided to ask Mr. Pruitt some questions.

Question No. 1: I asked Mr. Pruitt to describe the actions he took as Oklahoma's attorney general to enforce the State's environmental laws. His response: He told me to go file an open records request.

Secondly, I asked Mr. Pruitt how much of the budget he controlled as attorney general did he devote to Oklahoma's Office of Environmental Enforcement. Do you know what he told me? He said: Go file an open records request.

No. 3: I asked Mr. Pruitt how many individuals he employed in the Office of Environmental Enforcement. Do you know what his answer was? You are asking for too much information. Go file an open records request.

No. 4: I learned that Mr. Pruitt had hired one of his campaign contributors to sue the EPA, so I asked him to show me the contract. And do you know what he told me? You are right. You guessed it. He told me to go file an open records request.

So his answer to me over and over again was go FOIA yourself. But that is not a sufficient answer to a Member of Congress because we actually get the right to ask for critical information on the environmental records of those who are applying for the job of chief environmental protector of our country. And if you are looking for evidence to convict Scott Pruitt on the charge of protecting public health and the environment, he is unwilling to give it to you.

During his confirmation hearing, we heard a lot about Scott Pruitt respecting States' rights. Scott Pruitt's record shows that he is in favor of States' rights but only when it is good for the State of Oklahoma and the oil industry of Oklahoma. When I asked him about protecting the rights of States like California and Massachusetts to do more to protect their environment, he declined to support their rights to do that for their States.

So under Scott Pruitt, EPA is going to turn into Every Polluter's Ally. He won't be there as the cop on the beat to ensure that those protections are in place to ensure that every American—all 320 million—is given the protections they need. No. It will no longer be an Agency that is a watchdog for the environment; this is an Agency that is going to be a lap dog for polluters across our country. And if that is the case, then we are going to see a rollback in the health, the safety of those protections that all Americans have come to expect in the area of the environment.

When we raised the issues of his conflict of interest in the committee, we received unsatisfactory answers. When we raised the issues of providing us the information we were going to need in order to fully understand his complete record, we were not given the answers we need.

Now let me once again come back to 1981 and 1982. What did James Watt do at the Department of Interior? Well, he wound up selling off for bargain-basement prices the coal resources in the Powder River Basin in Wyoming. It was a scandal of massive proportion. It led to his resignation. It was avoidable but predictable because he made very clear what his attitude was about all of these resources.

The same thing was true over at the EPA with Anne Gorsuch. It was an Agency that the Reagan administration, in actual reports, said that the goal of the EPA Administrator would be to bring the Agency to its knees—to its knees—and that became the goal during the Gorsuch time at the EPA. So another resignation.

We have here with Scott Pruitt someone who has the same agenda, the same goals, and the same unfortunate allies to accomplish those goals.

So I am going to continue, along with my colleagues, for the rest of the evening to bring this case to the American people. We believe this is a preview of coming attractions. We want America to know who Scott Pruitt is because when he begins to take action in March, in April, and in May, if he is confirmed, then they will know who he is very simply because everything we are saying tonight is going to be a preview of those coming attractions.

So at this point, I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, earlier today I spoke on the floor about Oklahoma attorney general Scott Pruitt and his nomination to lead the Environmental Protection Agency. Since that time, an Oklahoma judge has now ruled that Scott Pruitt must comply with a 2-year-old request to release email correspondence between the attorney general's office and fossil fuel companies, like oil company Devon Energy and coal company Murray Energy.

After an over 2-year struggle, these communications will finally come to light starting next Tuesday, but the Senate is due to vote on Scott Pruitt's nomination tomorrow afternoon, Friday, at 1 p.m. Now, that smells to the high heavens. The American people in the Senate have a right to know what is in all of those emails that have finally been ordered to be released by a

court. Instead, what the Republican leadership is going to do is rush to judgment, forcing Members of the Senate to vote on this confirmation without knowing what is in all of these emails that have been subject to litigation for the last 2 years.

Now, it is a little bit fishy because Republicans have been obsessed with emails for over 2 years. They have spent millions of dollars on attempts to gain access to emails during the Presidential campaign, but now they are denying the Senate and the American public the right to examine Scott Pruitt's emails. That, again, is not OK. The only thing Senate Republicans seem to want to deny more than climate change is the right of Senators to review these 3,000 emails. That, again, is not OK. So we are going to be in a very funny situation at 1 tomorrow afternoon. The emails are on the way. We are going to find out what was in all of those emails. We are going to find out what kind of correspondence Attorney General Pruitt had with all of these different entities with which he was communicating, but the Senators will not have it for a basis of casting a vote.

Now, maybe it is benign, but maybe it is not. Maybe that is why this vote is being rushed. It is being rushed so the Senators don't know what is in there; that they are blind as they vote. Then, as each email becomes public, as each new revelation becomes public in the weeks and months ahead, people are going to look back at this body and they are going to say: Why could you not wait just another week so Senators could know what was in those emails? I think there is a reason why many people have arched eyebrows that are going up so high that it would hit the roof a ceiling. There is a reason to be skeptical that something is happening here that is meant to be a rush to judgment to avoid all of the evidence being placed in front of the Senators and the American people in terms of his nomination.

Members of the faith community are weighing in as well. They have opposed Mr. Pruitt's nomination. I want to read portions of a letter that the bishops of the Episcopal Church of Massachusetts sent to President Trump:

The Episcopal Church stands strongly for the protection of the environment. We respect the facts of science. We support the laws and policies that address the reality of climate change.

Our respect for our government leaders and our reverence for the earth as God's creation impel us to write you to express our dismay about your selection of Scott Pruitt to head the Environmental Protection Agency.

These are the bishops of the Episcopal Church of Massachusetts. They continue:

We wonder why a person who has consistently and adamantly opposed all laws and policies that provide even minimal "protection" to the environment should be entrusted with leading such an agency.

President-elect Trump, you have promised economic development. Like you, we value a

stable and prosperous economy. However, a thriving economy depends on a healthy environment. The more we weaken and dismantle the E.P.A.'s vital protections of our natural world, the more we threaten the common good.

You have also promised to strengthen our national defense. Like you, we value national security. However, our country's top military intelligence have concluded that climate change is a "threat multiplier" that is already creating instability around the world and will likely create significant security challenges in the years ahead. If someone who casts doubt on the reality of climate change becomes the head of the E.P.A., our national security will be compromised.

As citizens of this beloved country, we intend to write our members of Congress, urging them to block the nomination of Scott Pruitt to lead the E.P.A. We will pray for a better choice.

The letter is signed by the following faith leaders: Right Reverend Douglas J. Fisher, Bishop Diocesan of Western Massachusetts; the Right Reverend Alan M. Gates, Bishop Diocesan of Massachusetts; the Right Reverend Gayle Harris, Bishop Suffragan of Massachusetts; the Right Reverend Barbara C. Harris, Bishop Suffragan of Massachusetts; the Right Reverend Roy F. Cederholm, Bishop Suffragan of Massachusetts.

The reality is, this is not just a question of these Episcopal bishops, but Pope Francis came to the Congress just last year and preached a sermon on the Hill, saying the planet is dangerously warming, human activity is causing it, and we have a moral responsibility to take action as Americans, as the House and Senate, a moral responsibility to protect this planet that God created and those who are the poorest and most vulnerable who will be most exposed.

This is a moral issue of the highest magnitude. The leaders of religions all across our country are praying for us, begging us to do something in order to protect this planet. Scott Pruitt does not intend on taking those actions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, I want to continue on the subject that I was just referencing. This is a story from Oklahoma that is on the wires right now across the country.

Headline: "Judge orders Oklahoma Attorney General Scott Pruitt to release emails related to fossil fuel industry."

Let me read a little bit of this news story. This is Oklahoma City.

A judge has ruled that Americans have a right to know how much of a relationship Oklahoma Attorney General Scott Pruitt has with oil and gas leaders before becoming the head of the Environmental Protection Agency.

For years, Pruitt has been an outspoken adversary of the EPA and is currently suing the agency.

In December, President Donald Trump selected Pruitt to lead the agency despite concerns from lawmakers.

A 2014 New York Times report claimed that Pruitt's ties to Devon Energy Corporation directly influenced decisions he made while in office in Oklahoma.

Through open records requests, the New York Times obtained a letter written by Devon's attorneys, which was then taken to Pruitt.

The article states, "The attorney general's staff had taken Devon's draft, copied it onto state government stationery with only a few word changes, and sent it to Washington with the attorney general's signature."

In 2014, KFOR asked for a comment to the allegations, but received a statement focusing on the benefits of the oil industry. . . . Six Senators from the Senate Environment and Public Works Committee asked Pruitt to list his connections to energy companies so they can decide whether those interactions will affect how he will run the EPA. . . . The Center for Media and Democracy filed nine open records requests with the AG's office, beginning in January 2015.

"Probably the largest request we have is for communication: emails, phone calls, [and] scheduling related to his involvement with various energy companies, as well as his involvement with the republican attorney general's association," attorney Blake Lawrence said.

The group alleges that Pruitt received nearly \$350,000 in campaign contributions from the fossil fuel industry. They want his dealings with those in the industry made public—and soon.

"Just last week our office contacted the Center for Media and Democracy to notify them that release of their request was imminent. The fact that they have now filed suit despite our ongoing communications demonstrates that this is nothing more than political theater," AG spokesman Lincoln Ferguson said in a statement.

According to the Hill, Democrats asked Pruitt for the documents as part of his confirmation hearing, but he declined. Instead, he told them to file public records requests themselves.

Now, a judge has ordered the Oklahoma Attorney General's Office to turn over close to 3,000 documents related to Pruitt's communications with oil, gas, and coal companies, according to E&E News.

Pruitt's office has until Tuesday to release the emails, but his confirmation vote was originally believed to be held Friday, Feb. 17.

Meaning today, in 5 more minutes.

"Scott Pruitt and Senate Republicans have made a mockery of the confirmation process, permitting the nominee to escape scrutiny and hide his deep ties to the fossil fuel industry. What is he hiding in all of these emails? The vote to confirm Pruitt must now be delayed until every senator can see just who Pruitt is and what he will do if permitted to run the EPA," a statement from the Sierra Club read.

That is where we are right now, ladies and gentlemen. We are 6 minutes to midnight on Thursday night. The vote is now scheduled in 13 hours 5 minutes here on the Senate floor.

These emails are going to be released next Tuesday so there can be a public examination of them, to finally determine what is the relationship between Scott Pruitt and these industries that he will be given responsibility to regulate.

What are they hiding? Why are they rushing? Why will they not give the

American people the ability to find out what is inside these emails before there is a vote on the Senate floor? Because once that vote takes place, he will be the head of EPA, and then we will find out what conflicts may exist, what relationships may exist, what decisions had been made. But, no, the Senate leadership will not give the American people the respect they deserve to ensure that all of that information is out for public viewing so they can make an informed judgment as to the exact nature of the relationships between this nominee for the EPA and industries that he has had responsibility for regulating in Oklahoma and he will have responsibility for regulating as the head of the national Environmental Protection Agency.

It is an absolutely unacceptable policy to know that critical information that makes it possible for the public and the Senate to understand a candidate for such a powerful office is to be available and yet not in fact considered as part of this historic decision.

For me, it is a "March of Folly." It is just another example of how the Republican Party, the GOP, has become the gas and oil party. That is really what it stands for now, just committed to ensuring that they cover up what is in these emails. They don't give the public the chance to be able to understand what these potentially explosive relationships may be so the Senate can deliberate fully on whether Mr. Pruitt does in fact qualify to be an impartial head of the Environmental Protection Agency of our country and ultimately of the world because the world looks to us to determine where climate change is going, where environmental protections are going, not just for our own citizens but for theirs as well. What we do is replicated inevitably, intricately in the rest of the world.

This man will have one of the most powerful positions on the planet. Emails are available right now if we just wait to help us in our deliberation. It is really a tragedy. It is a sad commentary upon this institution that rather than just delaying, examining, and then giving the public the information they need in the Senate, instead we rush to judgment. We rush to judgment, but ultimately the judgment of history is going to be on us if it is determined, through these emails, that Mr. Pruitt is unqualified for this position; that the conflicts which he has had disqualify him for this position; that the emails disclosed to us the conflicts of interest that are going to ultimately impair his ability to be impartial in his regulation of clean air and clean water and mercury and haze and soot and smog and this whole litany of issues that go right to the public health and safety of every American.

From my perspective, it is a sad day in the Senate when the information is now available, a brief delay would make it possible for each Senator to be able to make an informed decision, and yet the Senate moves on, not waiting,

not listening, not willing to give the American public the information they will need to make an informed decision that they can then give to their Senators to make a wise decision that could lead to much stronger protections that they can receive from this critical Agency that is the overseer of the environment in our country.

Again, I oppose Mr. Pruitt's nomination. I would ask for a delay. I know it is not going to happen. I understand why, but it is a sad day in the history of the Senate.

Mr. President, I wish to reclaim the remainder of my time and yield the floor.

MORNING BUSINESS

COMMITTEE ON RULES AND ADMINISTRATION

RULES OF PROCEDURE

Mr. SHELBY. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator KLOBUCHAR, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

MEETINGS OF THE COMMITTEE

Rule 1. The regular meeting date of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR-301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

Rule 2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (a) through (f) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a