

whether he has served the public or whether he has served the polluters. That is the question before us. He said: Well, apply to the attorney general's office of Oklahoma for those emails and information.

This is rather unique. I don't know if this has ever happened in the history of the United States, the nominee saying: Yes, you can acquire that information by applying to me, back in my role as attorney general, knowing full well that he had absolutely no intention of actually providing that information.

Then yesterday a court stepped forward and said: Yes, this information must be provided. This is not the type of information that can be compiled overnight, so they gave Attorney General Scott Pruitt a couple of days—until next Tuesday—to be able to compile this information and provide it. And when it is provided, it will simply be the equivalent of PDF documents—scanned copies, if you will—of the printed copies of the emails and correspondence. Then it has to be shipped out to the group that applied for the information, and then they have to digitize it and send it out for us to have it here. It is still not searchable. Then we need time to go through it.

Well, it is convenient that we delay this vote until after we have this information because we are not going to be here next week. So whether we hold the vote at this moment, scheduled for 1 p.m., as we are leaving for a week or we hold it until when we return, on the Monday we return, it doesn't have any impact on slowing down this body. It would cost nothing in terms of the processing of the President's nominees to delay this vote until we return, at which time we will have the emails, and we will have had time to examine them, and the public will have had time to examine them, and that would honor our responsibility.

The Constitution was laid out in a fashion to put full responsibility on the individuals staffing the key agencies and Cabinet departments with the President. The Founders, the writers of the Constitution, wrestled with who should have that responsibility. They thought perhaps the appropriate check would be to have the Congress—they refer to it as "Assembly" in their dialogues—the Assembly decide who would be the folks staffing the executive branch at the highest levels of management. They said that was a problem because there wouldn't be full transparency. The public wouldn't be able to determine why one person was chosen or another person was chosen. There might be all kinds of trades taking place between the Senators. One might say: If you give me my choice for this Cabinet post, I will give you your choice for another, and the public wouldn't even know how those deals were being struck.

So the public accountability was honored by our Founders by saying the President will nominate, but in case the President goes off track and starts

to nominate people of unfit character—unfit character—the Senate will have the responsibility to review the person's record and stop that nomination. That is our responsibility. That is the deterrence that Hamilton used, that we would take the process of this Chamber to ensure we do not confirm someone of unfit character. But to make that determination, we must have access to those emails, which are going to be distributed next Tuesday.

Madam President, I yield the floor to my colleague.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Thank you, Madam President.

Mr. INHOFE. Madam President, will the Senator yield for a UC request?

Mr. SCHUMER. I will be happy to yield for a UC request.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the remarks of the Senator from New York, I be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Does that meet the favor of my friend from Oregon? Is that OK?

Mr. MERKLEY. Could we have that unanimous consent request restated?

Mr. SCHUMER. The Senator from Oklahoma asked for 5 minutes immediately after my remarks.

Mr. MERKLEY. No objection.

Mr. SCHUMER. No objection.

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

Mr. INHOFE. I thank the Chair.

EXECUTIVE BRANCH INVESTIGATION

Mr. SCHUMER. Madam President, I rise today on two topics—the need for Attorney General Sessions to recuse himself from the executive branch investigation into General Flynn and the nomination of Attorney General Pruitt to be the EPA Administrator.

First, on the matter of executive branch investigations into General Flynn's contact with the Russian Ambassador, I rise again to stress my expectation that Attorney General Sessions will recuse himself from this investigation.

This morning we learned—according to reports in the Washington Post—that General Flynn may have lied—to FBI investigators about the content of his phone call with the Russian Ambassador prior to the election. That is a potential felony offense, and it must be looked at and, if validated, potentially prosecuted by law enforcement officials at the Department of Justice. That review must be independent and thorough and completely by the books. In order for it to be so, the Attorney General must recuse himself pursuant to Department of Justice guidelines that prohibit members of the Department from participating in investigations of close political allies or friends.

The guidelines are crystal clear. I have read them on the floor before, but

they are worth reading because there is no wiggle room here. It is absolutely clear:

No Department of Justice employee may participate in a criminal investigation or prosecution if he has a personal or political relationship with any person or organization substantially involved in the conduct that is the subject of the investigation or prosecution. . . . Political relationship means a close identification with an elected official, candidate, political party, or campaign organization arising from service as a principal adviser or official.

Those are the words of the DOJ guidelines. Those are not my words, but they are common sense. We don't want conflict of interest in our prosecutors. We don't want the appearance of a conflict in something as sacred as law enforcement here in America.

It is patently absurd to think that the Attorney General—a man who served alongside General Flynn on Candidate Trump's campaign council—is prepared to lead this investigation in an impartial way and in full compliance with those longstanding Department of Justice rules. There would be a complete appearance of a conflict and might, indeed, be a conflict itself. By the guidelines, it certainly is. There is no wiggle room here. AGs have recused themselves at least eight times over the past two decades to avoid the appearance of bias—twice under President Obama, five times under President Bush, and once under President Clinton.

To conclude my remarks on this topic, I want to show—and I ask unanimous consent that an op-ed coauthored by then-Senator Sessions calling on Attorney General Loretta Lynch to recuse herself in the matter of Secretary Clinton's emails be printed in the RECORD.

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

[From FoxNews.com, Nov. 05, 2016]
GIULIANI, SESSIONS, KEATING, ET AL.: TIME FOR LORETTA LYNCH TO APPOINT A SPECIAL COUNSEL

(Editor's note: The authors of the following column are all supporting Donald Trump for president)

We are concerned about the egregious damage that has been inflicted on two revered government agencies: the Department of Justice and Department of State. The primary missions of both have been derailed for political purposes.

The Department of Justice has been thwarted by its top officials' refusal to conduct a proper investigation of former Secretary Clinton's unsecured email server and the Pay for Play accusations based on millions of dollars paid to President Clinton personally and the Clinton Foundation by entities having issues before the State Department, all while she was Secretary.

Attorney General Lynch and former President Clinton met on the Phoenix, Arizona tarmac days before Secretary Clinton was to be interviewed by the FBI for possible criminal activity. It has been reported that her staff ordered witnesses not to take pictures and no one was present during their 39-minute conversation. General Lynch never recused herself from decisions on the Clinton

investigation after her self-admitted “mistake,” as it has also been reported that she continues to deny the FBI the authority to convene a Grand Jury, which is necessary for any meaningful investigation.

SECRETARY CLINTON’S CONDUCT AT THE DEPARTMENT OF STATE CORRUPTED OUR FOREIGN POLICY

It has also been reported that General Lynch opposed Director Comey from fulfilling his obligation to Congress by informing members of the discovery of 650,000 emails on Anthony Weiner’s and Huma Abedin’s computer, the existence of which had been concealed from government authorities.

Recusal is a formal process. It is a written document specifically describing the scope of the recusal and designating the official in charge of the recused matter. If General Lynch went through the proper procedure for recusal, she has not publicly shared it.

Secretary Clinton’s conduct at the Department of State corrupted our foreign policy. She and President Clinton turned the agency into a Pay for Play adjunct of the Clinton Foundation and their personal bank account, the latter via his personal “speaking” fees. UBS, Switzerland’s largest bank, contributed over \$600,000 to the Foundation and loaned it over \$30,000,000. UBS was grateful that Secretary Clinton had intervened in the IRS’ demand to UBS to provide identities of 52,000 depositors. Secretary Clinton announced the settlement of only 4,450 identities in an “unusual intervention by a top U.S. diplomat,” according to the Wall Street Journal. UBS additionally paid President Clinton personally \$1,500,000 for a series of questions and answers with top management.

President Clinton reaped \$6,200,000 personally from foreign governments and businesses for speeches while she was Secretary of State. For example, Ericsson, a Swedish corporation, had sanction issues pending before the State Department regarding telecom sales in certain countries. Ericsson paid President Clinton \$750,000 for one speech. Days later the State Department announced the sanction list and Ericsson was not affected. Why should any spouse of a Secretary of State be permitted ever to receive one cent from a foreign entity?

Because of our grave concern for integrity in government we ask for a Special Counsel. When a high public official is accused of serious wrongdoing and there is a sufficient factual predicate to investigate, it is imperative the investigation be thorough, with dispatch and without partisanship.

Secretary Clinton is the subject of two spheres of criminal conduct: her deliberate, systematic mishandling of official and classified emails and her abuse of a family-controlled, tax-exempt Foundation, and corporate and foreign donations for her own economic and political benefit.

These allegations arose well before this election year.

Clinton’s mishandling of emails became public in March 2015, and allegations over abuse of the Foundation arose well before that. There has long been sufficient factual predicate to require these matters be fully investigated.

The appropriate response when the subject matter is public and it arises in a highly-charged political atmosphere is for the Attorney General to appoint a Special Counsel of great public stature and indisputable independence to assure the public the matter will be handled without partisanship.

In 1991-1992, a Special Counsel was appointed for three separate matters: House Bank, Iraqgate, and Inslaw. It was also done in 2003 in the Valerie Plame matter.

Instead of moving with dispatch to ensure a vigorous investigation of Secretary Clinton, it appears that the Justice Department, along with State, have enabled the Clinton campaign to “slow roll” the inquiry.

General Lynch continues to exert control of a matter that she should have assigned to another official.

We are distressed by widespread and credible reports that FBI agents have been hindered by the Justice Department’s withholding of basic investigative tools, such as grand jury subpoenas, which are fundamental in a complex investigation.

It is time to do what should have been done long ago—appoint a Special Counsel.

Rudolph W. Giuliani—Former Associate Attorney General and U.S. Attorney in Southern District of New York

Senator Jeff Sessions—former U.S. Attorney for Alabama’s Southern District

Frank Keating—Former Associate Attorney General, U.S. in District of Kansas and Special Agent FBI

Victoria Toensing—former Deputy Assistant Attorney General in the Criminal Division of the U.S. Justice Department

Henry McMaster—former U.S. Attorney, District of South Carolina

Rudy Giuliani is the former Mayor of the City of New York.

Mr. SCHUMER. Senator Sessions, right here, called for Loretta Lynch—then Attorney General—to recuse herself because of a conflict of interest under the very same guidelines we cited. We hope and we pray that Senator Sessions doesn’t have an enormous double standard by refusing to recuse himself now when he asked the previous Attorney General to do so. We hope that President Trump will abide by the guidelines and encourage Senator Sessions to go by the guidelines and not again invoke any double standard.

This op-ed makes it crystal clear. What was good enough for Loretta Lynch, who did step aside, is good enough for Attorney General Sessions, and it would be outrageous—outrageous—for him to be in charge of this investigation.

The op-ed says: “When a high public official is accused of serious wrongdoing and there is a sufficient factual predicate to investigate, it is imperative the investigation be thorough, without dispatch and without partisanship.”

So I hope Attorney General Sessions takes the word of Senator Jeff Sessions to heart. Every day that goes by without a recusal from the Attorney General, the cloud hanging over this investigation and over this administration gets darker and darker. And every time the President and Attorney General Sessions confer, again, the cloud hovers over them: What did they talk about? Was it this investigation?

So I hope Attorney General Sessions will do the right thing and recuse himself. Justice, the American way, and separation of powers require no less.

Madam President, today we will vote on another Cabinet nominee who is clouded by potential conflicts of interest and whose views are almost antithetical to the very purpose of the Agency to which he is nominated.

Mr. Pruitt is a climate science denier—some say skeptic, but this is not an issue where you can be skeptical; either you accept the overwhelming opinion of climate scientists and researchers or you don’t.

Here is Scott Pruitt on climate change on Oklahoma talk radio:

Well, reasonable minds can disagree what is actually happening, whether it is happening, number one, whether there is change in climate that is occurring, that the trajectory of it is something that is sustainable and whether that is actually happening . . . the debate about climate change is just that, a debate.

I would invite this nominee to walk through Long Beach or Long Island or Staten Island in New York City in the days and weeks after Superstorm Sandy rocked my State. None of those residents—the thousands who lost homes, the hundreds of thousands who suffered injury, damage, economic problems from the flood—they don’t debate it, nor should he. There was no debate there. Folks lost everything that belonged to them. There was no debate about that. Forty-eight people in my State died—no debate about that.

Climate change will lead to more devastating natural disasters like Sandy, which was the third 100-year storm to strike my State in a decade. Climate change will make asthma and respiratory diseases worse. It is increasing the range of deer ticks that cause lyme disease—no debate about that. We have to do something about climate change.

Scott Pruitt as head of our Nation’s Environmental Protection Agency likely wouldn’t lift a finger. But it is part of a lifelong pattern. Instead of fighting for average Americans, Mr. Pruitt decided to make a name for himself among the far right by endlessly suing the EPA in ways that would benefit large special interests that also happen to be campaign contributors. In 13 of his 14 lawsuits against the EPA, he joined corporations and trade associations that had contributed to his campaign.

Just yesterday, an Oklahoma judge ruled that Scott Pruitt must turn over approximately 3,000 emails relating to his communications with the fossil fuel industry—the very industry he represented in these lawsuits. We won’t get those emails until Tuesday. So you would expect my colleagues on the other side of the aisle to be up in arms. Emails. Remember, emails? We should get them out, they said, about Hillary Clinton—the same group. In 2013, Gina McCarthy waited 122 days to be confirmed for EPA Administrator because she wasn’t honoring a commitment, they felt, to transparency.

There were several inquiries into the emails of Lisa Jackson, another EPA Administrator. But the majority and majority leader are proceeding right along and rushing Attorney General Pruitt through the process. We know why. They want you, my fellow Republicans, to vote for Mr. Pruitt before

those emails come to light. If they weren't worried about them, then why rush? It is not the worst thing in the world to take a few extra days to properly vet someone who will have immense power over our Nation's streams, skies, even the lead level in our homes and water supply.

Those emails could contain material information about his confirmation. But unless we move the confirmation back, the Senate will not get a chance to review those emails before voting on his nomination.

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

Mr. SCHUMER. I ask unanimous consent for 30 more seconds.

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

Mr. SCHUMER. I urge my Republican colleagues to stop rushing this nomination and ensure that we collect all relevant information on these troubling conflicts of interest.

Madam President, I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, since I did not object to the additional 30 seconds, I ask unanimous consent that my 5 minutes be changed to 5 minutes and 30 seconds.

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

Mr. INHOFE. Madam President, a quick comment about climate change: No one—no one—has denied that the climate is consistently changing. All the Scriptural evidence, historical evidence, and archeological evidence says, yes, it has always been changing and always will change. But what they are trying to infer is that because of that, then the world is coming to an end because of what? Manmade gases—anthropogenic gases—manmade gases. That is what the real hoax is, but I am not going to waste my time on that. However, I will next week, I might add.

The Senator from New York talked about the fact that we have an attorney general who has sued the EPA many times. Let me just remind everyone—and I don't think I have heard this on the floor, but I have watched Democrat after Democrat after Democrat come by and just brutally attack Scott Pruitt, a guy I know to be an honorable man. I don't know of one attorney general who has served with him who doesn't agree with that.

In terms of suing, I think it is important to understand that almost every Democrat who has stood up and said disparaging things about Scott Pruitt and talked about the fact that he has sued the EPA countless times—their attorney general from their State has also sued the EPA. I will read the States: The attorneys general from Wisconsin, Colorado, Ohio, Nevada, Indiana, New Mexico, Missouri, Florida, Michigan, and Montana, all have Democratic Members of the Senate who have been criticizing Scott Pruitt.

Their own States have filed lawsuits against the EPA.

The other thing I want to mention, which I think is very important, is a letter from our newest Senator, LUTHER STRANGE. Senator STRANGE is the replacement for our Honorable Jeff Sessions, who now is the Attorney General. This letter is signed by two pages of attorneys general from all over America—Democratic States, Republican States, States where Democrats have come to this floor criticizing him. I will read the last two paragraphs of the letter from LUTHER STRANGE signed by all of these Democratic and Republican Attorneys General:

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

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

Keep in mind, this is coming from Democratic attorneys general.

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

This is signed by about 22 attorneys general, Democrats and Republicans.

Madam President, I ask unanimous consent this letter, along with the list of States who have had occasion to sue the EPA, the same as Scott Pruitt has, be printed in the RECORD.

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

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

Hon. JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, DC.
Hon. TOM CARPER,
Hart Senate Office Building,
Washington, DC.

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

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

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

Attorney General Pruitt is committed to clean air and clean water, and to faithfully

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

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

The Administrator of the Environmental Protection Agency plays a critical role in our Nation's government. Attorney General Pruitt has proven over the course of his career that he has the right character, experience, and knowledge to serve as the Administrator of the EPA. We urge the Senate to confirm his nomination.

Sincerely,

Jeff Landry, Attorney General, State of Louisiana; Alan Wilson, Attorney General, State of South Carolina; Luther Strange, Attorney General, State of Alabama; Marty Jackley, Attorney General, State of South Dakota; Patrick Morrisey, Attorney General, State of West Virginia; Adam Laxalt, Attorney General, State of Nevada; Mark Brnovich, Attorney General, State of Arizona; Herbert Slatery, Attorney General, State of Tennessee; Curtis Hill, Attorney General, State of Indiana; Brad Schimel, Attorney General, State of Wisconsin; Ken Paxton, Attorney General, State of Texas; Bill Schuette, Attorney General, State of Michigan.

Doug Peterson, Attorney General, State of Nebraska; Chris Carr, Attorney General, State of Georgia; Sean Reyes, Attorney General, State of Utah; Wayne Stenehjem, Attorney General, State of North Dakota; Leslie Rutledge, Attorney General, State of Arkansas; Pam Bondi, Attorney General, State of Florida; Lawrence Wasden, Attorney General, State of Idaho; Tim Fox, Attorney General, State of Montana; Derek Schmidt, Attorney General, State of Kansas; Josh Hawley, Attorney General, State of Missouri; Peter Michael, Attorney General, State of Wyoming; Mike DeWine, Attorney General, State of Ohio.

TWO CASES IN WHICH STATES WITH DEMOCRAT SENATORS VOTING AGAINST PRUITT HAVE SUED THE EPA

Clean Power Plan: OK is one of 27 states suing

Wisconsin: Baldwin
Colorado: Bennett
Ohio: Brown
Indiana: Donnelly
Virginia: Kaine and Warner
Missouri: McCaskill
Florida: Nelson
Michigan: Peters and Stabenow
Montana: Tester
Waters of the US: OK is one of 32 states suing

Wisconsin: Baldwin
Colorado: Bennett
Ohio: Brown
Nevada: Cortez Masto
Indiana: Donnelly
New Mexico: Heinrich and Udall
Missouri: McCaskill
Florida: Nelson

Michigan: Peters and Stabenow
Montana: Tester

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I ask unanimous consent that I be allowed to speak for 2 minutes, followed by Senator HEINRICH for 10 minutes and Senator TESTER for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank the floor staff who were here through the night last night and also the staff of the Republican cloakroom and the Democratic cloakroom. They have enabled us to continue this process at great expense to their energy and fatigue. As Senators, we all appreciate the team that has made this possible.

I also want to draw attention to a letter from 773 EPA employees, who state:

We write as former employees of the Environmental Protection Agency (EPA) to share our concerns about Oklahoma Attorney General Scott Pruitt's qualifications to serve as the next EPA Administrator in light of his record in Oklahoma. . . . Our Perspective is not partisan. Having served under both Republican and Democratic presidents, we recognize each new Administration's right to pursue different policies within the parameters of existing law and to ask Congress to change the laws that protect public health and the environment as it sees fit.

However, every EPA Administrator has a fundamental obligation to act in the public's interest based on current law and the best available science. Mr. Pruitt's record raises serious questions about whose interests he has served to date.

Madam President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Madam President, on August 5, 2015, 3 million gallons of acid mine drainage laden with heavy metals and other contaminants were released into Cement Creek by an Environmental Protection Agency contractor investigating contamination at the Gold King Mine in San Juan County, CO.

Contaminated water flowed down Cement Creek, down the Animas River, and into the San Juan River, resulting in water use restrictions and emergency responses in Colorado, New Mexico, Utah, the Southern Ute Reservation, and the Navajo Nation. We need only look at the photos of the bright orange water streaming through these various drainages to see how terrible this spill was for the affected communities and for water users. The Gold King Mine spill placed a heavy burden on States, tribes, local governments, and communities, and the spill hurt businesses, farmers, and ranchers throughout the region.

Since the spill, I have visited impacted residents and communities and worked closely with local, State, and tribal leaders to make sure water is monitored for contaminants, and costs from the spill are repaid.

Last year, I was proud to help pass a measure in Congress which will ensure that State and local and tribal governments will be fully reimbursed for their emergency response costs and which establishes a long-term water quality monitoring program in cooperation with local stakeholders.

However, on January 13 of this year, the EPA and Department of Justice issued an outrageous decision that the EPA is not liable under the Federal Tort Claims Act for damages to water users caused by this Gold King Mine spill. This decision represents a broken promise from the EPA that it would fully address this environmental disaster.

Now, while the agency has taken steps to clean up the mine, no farmer in New Mexico or on the Navajo Nation has received a dime of compensation, and distrust of the government has understandably deepened across the Four Corners region.

During his confirmation hearing before the Senate Committee on Environment and Public Works last month, President Trump's nominee to run the EPA, Oklahoma attorney general Scott Pruitt, said that he would review the Agency's decision not to make payments to claimants affected by this spill.

If he is confirmed as EPA Administrator, Mr. Pruitt must take immediate steps to restore trust among the people of Colorado, New Mexico, Utah, the Southern Ute Tribe, and the Navajo Nation, who have already waited far too long for the EPA to keep its promise and compensate them for the harm that has been caused.

I will hold Mr. Pruitt accountable for cleaning up toxic, abandoned hard-rock mines in the West, such as Gold King, and I will hold him accountable for making sure the water that New Mexico communities and farmers rely on is safe.

We shouldn't wait for more disasters to strike. New Mexico communities deserve full and complete protection for their land, their water, and their livelihoods.

Unfortunately, I have real reason to doubt Mr. Pruitt will take this responsibility and core mission of the EPA seriously in his new role. As the attorney general of Oklahoma, Mr. Pruitt has built a long track record that is antithetical to the EPA's core mission to keep our Nation's land, water, and air clean. Mr. Pruitt repeatedly fought against the EPA as it implemented measures to safeguard our clean air and clean water.

Rather than protecting the health of Oklahoma families, he has filed lawsuits against the EPA to stop rules that would have reduced smog and soot crossing State lines, protected against emissions of mercury, arsenic, acid gases, and other toxic pollutants from power plants, and improved air quality in national parks and wilderness areas.

Mr. Pruitt has shown little regard for the safety of our drinking water, filing

a lawsuit to stop the EPA's clean water rule, which would protect the natural filtering system that supplies drinking water to one out of every three Americans.

Mr. Pruitt sent a letter to the EPA opposing even preliminary research into the impacts of hydraulic fracturing on our water resources. Mr. Pruitt has been a friend to polluters, helping them to use his office as a conduit for their special interests. He has sent letters on official letterhead to the EPA, the Department of the Interior, the Office of Management and Budget, and even to the President of the United States, copied and pasted nearly verbatim from language written by industry lobbyists.

Perhaps most damning of all, Mr. Pruitt has repeatedly denied the scientific consensus on the human influence on climate change, including in an op-ed recently published in May of last year. It takes a willful disregard for data-driven science to ignore the increase in extreme weather events that we are now seeing on a regular basis, thanks to climate change.

Just last Saturday in Mangum, OK, an all-time record of 99 degrees Fahrenheit was set on February 11. Imagine that; 99 degrees in the heart of winter. Folks, I wish I were making this up, but no snowball on the floor of the Senate can erase these facts.

It was Mr. Pruitt, the Attorney General of Oklahoma, who sued the EPA to prevent measures to limit greenhouse gas emissions, the very cause of climate change. Americans need a leader at the EPA who will take action on climate change, and we need someone who is guided in their decisions by the best available science.

I have heard from thousands of New Mexicans who have made a strong case that Mr. Pruitt is not the right person for this job. I will not vote to confirm Scott Pruitt. But I will say that if my colleagues move forward with this nomination, they can be sure that we will hold Mr. Pruitt accountable for decisions that hurt the health of New Mexico families. That includes making sure Mr. Pruitt rights the wrongs inflicted on communities in the Four Corners region by the Gold King Mine spill. It is going to take many years to clean up the legacy of 100 years of hard rock mining and the impacts on our watersheds in northwestern New Mexico and on the Navajo Nation.

In New Mexico, we have a saying: "Water is life." The water we drink and the air we breathe are not negotiable.

My constituents in New Mexico cannot afford to see the EPA stop working to protect us from air pollution, to conserve our water resources, and to work to reverse the damaging effects of climate change.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Madam President, I can tell you it is bittersweet to be here

today. As we sometimes say back home: I've got some good news; I've got some bad news. On the good news side, we are here today to confirm Attorney General Scott Pruitt to be the next Administrator of the EPA. While he should have been passed through the Senate weeks ago, we are here now. We are here today. We are going to get it done in a couple of hours. That is good news.

As they say about Montana, we are a unique blend of Merle Haggard and John Denver, and mastering that melody is always a challenge. When you do, it results in a commonsense approach to environmental stewardship, and I can tell you Scott Pruitt is the guy to do it.

I literally left my office to come here and make these remarks, and guess who I was meeting with in my office. It was Scott Pruitt.

You know what we talked about?

He came into my office. When you come into my office, you can see Montana all over the walls. You are going to see me with a fly rod in my hand. You are going to see pictures of trout that we have caught and released back into the streams and rivers of our State. We talked about fly fishing in Yellowstone Park. He loves to fly-fish.

In fact, he asked to me: Do you know where Cooke City, MT, is?

I said: Scott, Cooke City, MT? Let me show you. I have a map of the Beartooth in my office with pins in all the lakes that I have blown to. In fact, I spent 65 miles in the Beartooth Wilderness in August on horseback and on foot, above 10,000 feet, with an elk hair caddis and my fly rod, chasing golden trout and cutthroat trout. We spent a lot of time talking about that. We talked about elk hunting and deer hunting in Montana.

Scott Pruitt understands the important role that States play, especially in a State like Montana. I am confident he is going to restore this balanced focus, this Merle Haggard and John Denver balance that Montanans are pleading for. He will bring that back to the EPA, rather than this heavy-handed Gina McCarthy out-of-touch Federal approach.

Let me tell you a couple of stories of what is going on in Montana and why Scott Pruitt is exactly the right guy for the job. Today in the small town of Colstrip, MT, they face a real struggle to survive. Colstrip is a generating station and neighboring mine and the life-blood of this small town.

Over the years, the Colstrip plant has continued to develop. They have adopted new technologies, and they made remarkable reductions in emissions and pollution. Yet it has been met with an onslaught of new environmental regulations that are having drastic compliance costs on our State.

Let me share some of those. Under this EPA power plan that was launched by Gina McCarthy, Montana needs to cut its emissions by 47 percent—the largest reduction in the Nation, lead-

ing almost inevitably to the entire shutdown of Colstrip.

In fact, according to a study conducted by the University of Montana, they said this plan will cost our State 7,000 jobs, \$500 million in lost revenues, and \$1.5 billion in gross sales for our State. And Montana moves from being an energy exporter to being an energy importer. That is outrageous, and the people of Montana know it.

For what? For what the Obama administration had projected to have a 0.02-degree impact on global temperature in the next 100 years—negligible. In fact, I confronted Gina McCarthy on that in a hearing, and she did not refute my data.

Similarly, the waters of the United States serves yet another example of the detrimental effects of Gina McCarthy's and President Obama's EPA, which has harmed Montana's farmers and ranchers. As I mentioned, one of my favorite things to do is get into the fresh air of Montana, the clean waters of Montana, up in wilderness country with my fly rod in my hand. We all want clean water. We all want clean air. I have yet to meet a single Montanan who says I don't want clean air; I don't want clean water.

The WOTUS rule was a clear effort by the Obama administration to gain control over Montana's livelihoods. It was a private property taking, seeking to regulate virtually every ditch and pond that could be occasionally wet across the State of Montana.

While, thankfully, this incredible overreach by the EPA and the Obama administration has been stopped by the courts, I am looking forward to working with Scott Pruitt to defend Montana farmers and ranchers and to defend Montana property owners from this unnecessary and harmful rule.

Scott Pruitt understands the important role our States play and not to levy unnecessary and overreaching Federal regulations—regulations that could decimate a State's economy. That is unacceptable.

I will tell what you else I talked to Scott Pruitt about; that is, the importance of cleaning up our Superfund sites. This is a critical responsibility of the EPA. We need to unleash American innovation, American cooperation—not cut off affordable energy sources at its heels.

Regarding Superfund cleanup, as Scott and I concluded our meeting, we talked about the Berkeley Pit in Butte. He has committed to getting that environmental disaster cleaned up. He assured me he will address these issues head-on.

The largest Superfund site in the United States is right there in Butte, MT. We had snow geese that came across our State migrating. They landed in the toxic waters in the Berkeley Pit, and thousands of snow geese died just by landing in the water. Scott is committed to getting that fixed. It has been on the list for over 20 years. It is time to fix it, and Scott is committed, saying: Let's get this done.

That is why he is going to be a great Administrator, to protect the environment in Montana.

That is the good news. We are going to move Scott Pruitt through today, and I am looking forward to casting a "yes" vote for our next Administrator of the EPA.

NOMINATION OF RYAN ZINKE

Let me share the bad news. Just this morning, Leader MCCONNELL came here to move Congressman ZINKE's nomination to be the next Secretary of Interior and debate that on the floor. Let's have unanimous consent; let's get that done.

Guess what. The Democrats objected. Why?

RYAN ZINKE and I went to Boise State in 1979. He will be the first Cabinet appointee in the history of the State of Montana going back to statehood of 1889, and the Democrats are blocking us from getting that done today for no good reason.

He passed with a bipartisan vote of 16 to 6 in the Energy and Natural Resources Committee. He is going to be an outstanding addition to President Trump's Cabinet. I don't understand why it is being blocked.

We can get that done this afternoon—done. Let's get it done now. Instead, RYAN ZINKE is being stopped from assuming his position as Secretary of the Interior. Guess what. We have a long list of things to do in Interior.

I am the chairman of the National Park Subcommittee. We have a backlog of maintenance. We have to get ZINKE in place now to start strengthening our national parks. He is going to be a great addition.

I am pleading with my colleagues. I am asking why. Give me a good reason why you are objecting to moving Congressman ZINKE's nomination forward now? Why are you holding up this historic vote for Montana?

This will be the longest a President has waited for his team to be in place since George Washington. It is ridiculous. We need a Secretary of the Interior who will be a westerner, one who understands that Montana is that balance between Merle Haggard and John Denver; a Secretary who understands that, in Montana, our largest neighbor is the Federal Government; and a Secretary who understands how important our national parks are for us and for the 6 million folks who visit them every year. RYAN ZINKE is a great guy for that job, but we can't even have a vote. So we wait.

We wait on the Democrats' political games to unfold. We wait on Democrats' political posturing. We wait on the Democrats' next delay tactic.

Montanans are saying: You know what, we are tired of these reindeer games. Let's put the President's team in place. Let's at least move RYAN ZINKE through in the next couple of hours.

That should not be a heavy lift, but they are obstructing putting Congressman RYAN ZINKE, who is ready to go—