

Mr. GARDNER. I now ask for a second reading and, in order to place the bill on the calendar under provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY,
FEBRUARY 2, 2017

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, February 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 38; finally, that there be 6 hours of debate remaining, equally divided in the usual form.

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

ORDER FOR ADJOURNMENT

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator WHITEHOUSE.

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

The Senator from Rhode Island.

STREAM PROTECTION RULE

Mr. WHITEHOUSE. Mr. President, we are gathered here this evening to seek to defend against the Congressional Review Act effort to overturn the clean stream protection rule. It is interesting that this first Congressional Review Act measure that we are taking up should be one that puts money into the pockets of the fossil fuel industry and lifts their obligation to clean up public streams that they have ruined with their pollution.

As I have been in the Senate, I am in my second term, and I am more than halfway through it. By Senate standards, I don't expect that is very senior, but it is enough that I have seen some patterns develop.

One of the patterns I have seen develop is that my friends on the other side of the aisle talk a really good game on deregulation, on regulatory reform. They give speeches on the burden of undue regulation. They give speeches about the cost of regulation. Over and over they seek deregulation. But when it comes time to actually do something, every single time that I can remember, the deregulatory effort goes to the benefit of two groups. One is Wall Street and the other is polluters. The rest is just talk.

Sure enough, here we are with the first Congressional Review Act effort,

and the choices are money in the fossil fuel company's pockets versus our natural heritage of clean streams for ourselves and our children. And which way do we go? Put the money in the fossil fuel pockets—to heck with the clean streams. This would be 0.3 percent of coal industry revenues to clean up after the mess they have made.

I grew up and I was taught that if you spill something, you clean it up. If you make a mess, you clean it up. But in this building, if it is the fossil fuel industry, if you make a mess, too bad, we will take care of you. You are our guys. We don't care about the stream. We don't care about the people who live downstream. We don't care about people who might fish in it. We don't care about the fact that this is God's creation. We care about making the coal companies happy.

It happens over and over. If it is not polluters, it is Wall Street. If it is not Wall Street, it is polluters. As to all this talk about deregulation, watch where it goes—Wall Street and polluters. Here we are with the archetypical challenge between private benefit and public harm. The very purpose of government—even conservative commentators say—is to protect the public from being harmed by those who cause them harm as they pursue their private benefit. What could be more the case than coal waste polluting public streams? We don't care; we are going to go to bat for the coal companies. I tell you, there are special rules around here for the fossil fuel industry.

We heard President Trump's promises to drain the swamp of the outside influence of corporate special interests and lobbyists in our government. Well, particularly when it comes to fossil fuel interests, that oft-repeated promise seems to have evaporated in the murky haze of his transition. From the very outset, operatives of the Koch brothers and other fossil fuel interests have infiltrated his team.

Some of the biggest swamp alligators have floated up as his nominees to run federal agencies that protect our public health, that enforce our laws, that maintain our natural resources, and even those who carry out our international diplomacy. With all these nominations, the President isn't draining the swamp. He is filling it with exactly the kind of big special interests that most Americans voted to keep out.

Our Republican colleagues are jamming and stacking the confirmation hearings in a rush to fill in this swamp Cabinet before the American people can get a good look at the nominees. By the way, the byproduct of all of this is the swamp gas of climate denial.

A strong majority of voters polled since the election called on President Trump to do more to address global warming. So let us look at the record of this fossil fuel swamp Cabinet.

Today, we voted on ExxonMobil CEO Rex Tillerson to be our Secretary of State. Like President Trump, Tillerson

and ExxonMobil have been talking out of two sides of their mouths about climate change. Sometimes Tillerson acknowledges climate change exists, pointing to a revenue-neutral carbon fee like the one I have introduced as the best way to address it. At other times, he plays up imagined scientific uncertainty and overestimates the costs of action. In 2012, Tillerson said:

I'm not disputing that increasing CO₂ emissions in the atmosphere is going to have an impact. It will have a warming impact.

As far back as 2009, he backed a revenue-neutral carbon fee like the one I introduced as the best way to address the problem. But in 2013, he questioned whether we should do anything at all to slow climate change, asking: "What good is it to save the planet if humanity suffers?"

That is the climate deniers' false premise—that humanity will suffer from our solving a problem that they face.

In 2015, Tillerson told an ExxonMobil shareholder meeting that he thought the world should wait for science to improve before solving the problem of climate change. He couldn't find one State university in this country that would agree with him. He says that because it is the fossil fuel industry stall strategy. It is so ironic coming from the longtime head of ExxonMobil to say we should wait because it has been well documented by the Los Angeles Times, by Inside Climate News, and by others that ExxonMobil—despite conducting some of the leading climate science for decades—has played a deviant role in undermining public understanding of these dangers.

For years, Exxon has underwritten a shadowy network of denial organizations—we have called it here on the Senate floor the web of denial—with the purpose of delaying any steps to reduce the use of fossil fuel. Between 1988 and 2005, ExxonMobil contributed over \$16 million to a network of phony-baloney think tanks and pseudo-science groups that spread misleading and false claims about climate science. In response to public outrage about ExxonMobil's role in funding climate denial—it knew it had been caught—it claimed that it would stop and that it had stopped. But in 2015, ExxonMobil was still funneling millions to groups pedaling climate denial. According to its own publicly available "2015 Worldwide Global Giving" report, over \$1.6 million, or one-fifth of ExxonMobil's public information and policy research contributions went to organizations active in deceiving the public about climate change—groups like the American Legislative Exchange Council, the National Black Chamber of Commerce, the Hudson Institute, and the Manhattan Institute.

Under Tillerson's leadership, Exxon spent untold millions of dollars obstructing climate action and burying real science in a cloud of nonsense. The nonprofit research organization Influence Map found that ExxonMobil spent

at least \$27 million obstructing climate action in 2015 alone. This was after they had said publicly that they would knock it off. Tillerson even fought his own shareholders. The Institute for Policy Studies reports shareholders of ExxonMobil have introduced 62 climate-related resolutions over the past 25 years. Under his guidance, management has opposed every one of them.

Rex Tillerson once openly mocked a shareholder who asked about investing in renewables. Tillerson responded that renewable energy only survives on the backs of enormous government mandates that are not sustainable. “We on purpose choose not to lose money,” he said. Well, one of the ways they choose not to lose money is by spending huge amounts on a big, complex PR machine to churn out doubt about the real science and to protect the enormous market failure that forces the rest of us to pay for the cost of Exxon’s carbon pollution. To say that renewable energy only survives on the backs of government mandates and subsidies is a bitter irony from the CEO of a company in an industry that has been calculated by the International Monetary Fund to get subsidies of \$700 billion a year in the United States alone from not having to pay for the damage that its product causes.

Now, \$700 billion a year is quite the subsidy. We heard this special brand of fossil fuel doublespeak in his confirmation hearing. “The increase in greenhouse gas concentrations in the atmosphere are having an effect,” he said. “Our ability to predict that effect,” he continued, “is very limited.”

Wrong. Our ability to predict that effect is clearly established. The scientists who study our planet’s climate system know that is the case. They understand that our carbon pollution has already driven unprecedented changes in the climate, and they know that rising concentrations of greenhouse gases will bring rising temperatures, higher sea levels along our coast, a warmer and more acidic ocean, and changes in weather patterns.

None of this is subject to serious doubt in the scientific community. When asked whether he sees climate change as a national security issue, Tillerson replied, “I don’t see it as the imminent national security threat that perhaps others do.”

Well, let’s talk about those “others” for a minute. They are the “others” who are in charge of defending our country and its interests, the people whose job it is to monitor global trends and prepare for future threats. They are intelligence and security experts like the former Director of the CIA, the Chair of President George W. Bush’s National Intelligence Council, the former commander of the U.S. Pacific Command.

The “others” include the top brass at the U.S. Department of Defense, which has in its Quadrennial Defense Reviews for years described climate change as a

“global threat multiplier.” These “others” might just know what they are talking about, and they are not burdened with the conflict of interest of being the CEO of a company that is sponging a \$700-billion subsidy off the American taxpayers every year. Perhaps the problem is that Mr. Tillerson is too steeped in the fossil fuel industry to hear the “others” who have dedicated their careers to defending the American people.

The United States ought to represent to the world a model of democratic leadership and honesty. That is how we get away with saying that we are a city on a hill. That is how we explain to the world that we hold up a lamp in its darkness. The telling responses from Mr. Tillerson’s hearing matter because he will be the one to direct or abdicate America’s global leadership on this critical issue.

We may be blind in this Chamber to the fact that the fossil fuel industry is calling the shots, pulling the strings, has control over our democracy, and is going around breaking our democratic checks and balances in order to seize control. But the rest of the world knows. You don’t think the rest of the world can see why this body will do anything on climate change when every American State university knows that it is coming on, when every American scientific society knows that it is coming on, when our defense professionals know that it is coming on and warn us about it, when NASA and NOAA know that it is coming on and warn us about it?

You don’t think that the people of Russia and China and Germany know that we are the ones who have a craft driving around on the surface of Mars? You don’t think they know how good our scientists are, and you don’t think they know that the NASA scientists are telling us climate change is serious, it is coming at us, it is going to be catastrophic if we don’t act—we have to do something? They know that.

Everybody sees it. It is in plain view. What is missing is that Congress will not act because the tentacles of the fossil fuel industry swarm through this place. The world sees it and knows it and history will judge us for it.

Tillerson has spent his career leading an international oil company that has been consistently and fundamentally dishonest with the world as to what ExxonMobil knew about climate change. His professional life has been centered on extracting—extracting fossil fuels from the earth, extracting drilling concessions from corrupt regimes, extracting special tax favors from Congress, and extracting profits for his shareholders.

Well, American leadership in a dangerous world is about more than that. That is why I could not support his nomination. He is just one of several individuals nominated by President Trump who cannot accept the science of climate change or who harbors close ties to the fossil fuel industry or both—usually.

Oklahoma attorney general Scott Pruitt is Trump’s nominee for Administrator of the Environmental Protection Agency, the bureau most directly responsible for leading the U.S. effort to stave off the effects of climate change. Mr. Pruitt has such deep political and financial ties to fossil fuel companies and front groups that it is hard to tell where they give off and he begins. He has served as the industry’s mouthpiece and attack dog for years.

When he was asked during his Environment and Public Works Committee confirmation hearing to explain his dealings with the fossil fuel industry through secretive, dark money groups that he operated, which have been tied to specific companies he would be charged with regulating should he be confirmed, he provided misleading, incomplete, and evasive answers.

So we submitted substantive followup questions, asking him to set the record straight. Once again, he chose to provide evasive and empty responses. Right now, his record is a black hole of special interest secrecy about his dark money links to the fossil fuel industry. That ought not to be acceptable to anybody in the Senate.

We have a constitutional duty to provide advice and consent on administration nominations. Any Senator who believes that Congress should have a role in overseeing this administration should take note of this. In response to questions following up on Pruitt’s hearing, rather than providing information sought by the committee, he instructed the Senate to file open records act requests for the information with the State of Oklahoma.

If Pruitt is willing to tell Senators who are poised to vote on his nomination to go to the back of a very long, first-come, never-served line to learn more about his conflicts of interest, I can hardly imagine how unresponsive he will be when Congress asks for information about changes he wants to make to the renewable fuel standard, changes he wants to make to clean air protections, changes he wants to make to our clean water protections or to toxic regulations.

By the way, he has stonewalled for more than 2 years, producing 3,000 emails between him and his office and identified fossil fuel companies and front groups—stonewalled an open records request for 2 years. His office admits there are at least 3,000 of them. Of the 3,000 emails between him and the fossil fuel industry that his office has admitted exist, how many do you suppose he has produced for the Environment and Public Works Committee—out of 3,000? Pick a number. I will tell you what the number is: zero; not one.

The party that for a long time had a really determined interest in emails suddenly has no interest in these emails at all. Emails? What emails? If it is fossil fuel companies on the other end of the emails, suddenly it does not matter. Pruitt does not want the Senate and the American people to know

about his dealings with his polluter patrons. But we should know. It is our job to know. The public should know—but not when it is fossil fuels.

President Trump also nominated Senator SESSIONS of Alabama as Attorney General, the position responsible for enforcing Federal environmental laws, like the Clean Air Act. He has invented the notion that the sky is not right in Alabama for solar power, saying, “In my home State of Alabama, one would think we have a good bit of sunshine, but in truth, we have a lot of clouds, and solar is not effective in our area.”

In a 2015 interview with the Family Research Council, Senator SESSIONS said he was not even sure that global warming exists. That same year in a hearing with the EPA Administrator, Senator SESSIONS claimed that “carbon pollution is CO₂, and that’s not really a pollutant; that’s a plant food, and it doesn’t harm anybody except that it might include temperature increases.”

This is the man who wants to be Attorney General of the United States, who says he is going to follow the law. There is a Supreme Court case on point that says carbon is a pollutant. What does he say? Carbon pollution is CO₂, and it is not really a pollutant. That is just plain not the law.

By the way, try telling my Rhode Island fishermen, whose stocks are disappearing from the warming waters off our coast, that CO₂ does not harm anybody. Trying telling it to Senator MERKLEY’s shell fishermen in Oregon who have had shellfish hatcheries wiped out by acidified seas coming in.

I asked Senator SESSIONS at the confirmation hearing whether, as Attorney General, he would make decisions in environmental cases based on scientifically accepted facts. Senator SESSIONS, to his credit, responded that he would and said that the “theory” of global warming “always struck me as plausible.”

Well, if he is confirmed, he will have to hold a lot of these fossil fuel companies accountable under our environmental laws, and I hope he will familiarize himself with the science that he committed to follow because I intend to hold him to his pledge.

Last, over at the Department of Energy, Trump chose former Governor Rick Perry of Texas, a one-time Presidential candidate who campaigned on eliminating altogether the Department

he now hopes to lead. Perry also does not accept the scientific consensus on climate change.

He has said:

Historically in Texas we’ve always had substantial periods of drought. World temperatures have also been changing for millennia. I truly believe the science is not settled on the issue of man-made global warming.

Well, he had not checked with Texas universities when he said that. He was the Governor of Texas. He has not even checked with his own universities.

I went down to Texas. I had a hearing with climate scientists from the major Texas universities. They came in and said what they knew: It is real. It is coming. We are already seeing it. It is important. We have to get ahead of it. It is caused by CO₂. We can solve that. Let’s get to work.

It is not a complicated message. It is coming from his home-State universities.

Why would a Governor not follow the message of science developed and propagated by his own home-State universities? Why? Because the fossil fuel industry is so powerful that it will not let people recognize the truth. In the confirmation, Perry continued to hedge his bets. He said:

I believe the climate is changing. I believe some of it is naturally occurring, but some of it is also caused by man-made activity. The question is how do we address it in a thoughtful way that does not compromise economic growth, the affordability of energy or American jobs.

Well, if Governor Perry were actually being thoughtful about it, he would heed economic analyses like the Risky Business Project that show if we don’t address climate change in a serious way, worsening storms, rising seas, warmer temperatures, and other extreme weather events will cost the United States billions of dollars. Just ask the insurance industry. In fact, ask our own CBO who testified today that these are concerns we need to look at.

President Trump’s Cabinet nominees should be working for the American people. But their public records show that they are more likely to listen to the Koch brothers, to ExxonMobil, to Devon Energy, to Murray Energy, to the special interests and the fossil fuel industry, and that they will not listen to our military, they will not listen to our national labs, they will not listen to NASA, even though they have that

rover driving around on Mars and presumably know a little something about science. They are more likely to protect the profits of polluters than protect the health of Americans.

Mr. President, there is too much at stake here to let Washington sink into the polluters’ swamp. This whole scenario is an embarrassment to our country. It is going to be a lasting stain on our national reputation.

Bringing us back to this Congressional Review Act, here we go again. The Congressional Review Act action was brought to benefit coal company polluters at the expense of our natural heritage, our children, and our common good, just so they don’t have to clean up the mess they left behind, just so they don’t have to clean up ruined public streams. It is just the latest demonstration that in this Congress, fossil fuel is king, doesn’t care for our future, doesn’t care for anything but what goes into its own pockets, and it is a disgrace.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 9:25 p.m., adjourned until Thursday, February 2, 2017, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SUPREME COURT OF THE UNITED STATES

NEIL M. GORSUCH, OF COLORADO, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE ANTONIN SCALIA, DECEASED.

DEPARTMENT OF JUSTICE

ROD J. ROSENSTEIN, OF MARYLAND, TO BE DEPUTY ATTORNEY GENERAL, VICE SALLY QUILLIAN YATES, RESIGNED.

RACHEL L. BRAND, OF IOWA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE DEREK ANTHONY WEST, RESIGNED.
STEVEN ANDREW ENGEL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE VIRGINIA A. SEITZ, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate February 1, 2017:

DEPARTMENT OF STATE

REX W. TILLERSON, OF TEXAS, TO BE SECRETARY OF STATE.