

any enemies out there. In fact, he was actually nominated by President Obama. He was not even nominated by this President. He ended up getting 79 votes. Still, the stall was there, and we had to wait and wait and wait. Meanwhile, things are not getting done that should be getting done. Furthermore, the agency positions that we have hardly ever held rollcall votes on are being forced to occupy floor time. There is no reason for these votes except to delay the work of the courts and our agencies.

I am very supportive of the leader's commitment to our courts and how he has prioritized judicial nominees. These nominations are extremely important and will ensure that the rule of law is upheld for, possibly, decades to come, benefiting all Americans.

ENVIRONMENTAL PROTECTION AGENCY

However, there is an Agency that is doing work that is also important to all Americans and needs appointments, and that Agency is the Environmental Protection Agency. If there has been one Agency over the last 8 years that has run around and expanded its authority beyond congressional intent, it is the EPA. Putting confirmed appointees in place at the EPA will allow the President and Scott Pruitt to be successful in their efforts to rightsize that Agency. He has talked about that quite a bit. It is a bloated Agency that needs to be rightsized, and he needs help to do that.

Last week, I highlighted the great things that Scott Pruitt is doing as Administrator. I was able to visit with him yesterday at the EPA and witness firsthand the implementation of new policies that will bring about positive changes in an Agency that has run roughshod over the American people. With the repeal of WOTUS and the Clean Power Plan, with the implementation of TSCA, in reforming the Agency by ending sue-and-settle processes, and by creating greater transparency on the EPA's Science Advisory Committee, he is really doing a great job.

By the way, yesterday, we had this event over there which had to do with the scientists. There are three Scientific Advisory Boards in the EPA. These are supposed to be made up of scientists who advise the policymakers as to what they are supposed to be doing. During the last administration, we discovered in just one of these that six out of seven of the appointees were actually recipients of grants from the EPA. In fact, I was over there, and I gave a little talk about those six. They actually received \$119 million, and they are supposed to be unbiased in making policy. Obviously, this is one of the many things that he is going to make sure will no longer exist.

He is making it impossible for anyone who serves on a scientific advisory board to receive any grants from the EPA. How reasonable is that? Yet that is still a practice they use and one of the many things he is cleaning up there.

There is a lot of work still to do. The Agency needs its Assistant Administrators, who will work to implement many of the initiatives I have worked toward for years. The Environment and Public Works Committee has now voted out five Assistant Administrators and General Counsel nominees, and I hope we can move swiftly to get these well qualified nominees over to the EPA to bring their expertise to an Agency that desperately needs them. Unfortunately, Democrats have targeted two of these nominees and have disparaged them, their work, and their backgrounds.

NOMINATION OF DR. MICHAEL DOURSON

Dr. Michael Dourson will be an excellent Assistant Administrator for the Office of Chemical Safety and Pollution Prevention and will bring much needed expertise and experience to the office in charge of the TSCA reauthorization law. The TSCA bill was a huge success last year. It was done on a bipartisan basis. It is the first major reform bill in 40 years, and we were able to get that through. Yet we need to have a person as the Assistant Administrator to make sure it is done right.

Dr. Dourson has endured a coordinated campaign against him that misrepresents who he is and his record. There are groups working to paint Dr. Dourson as an "industry scientist."

What you will not hear from these groups is that much of his career experience comes from the EPA itself, where he worked for 15 years. During his years at the EPA, Dr. Dourson helped establish the Integrated Risk Information System, which helps identify and document the potential dangers of chemicals found in the environment. He also has the honor of having received four bronze medals from the EPA for this commendable work. Dr. Dourson also served on EPA's Scientific Advisory Board for 6 years and has held leadership roles with a number of relevant toxicology organizations, receiving several awards from his peers.

Since his time at EPA, Dr. Dourson has devoted his career to protecting public health by founding his own nonprofit that works to develop, review, and share risk assessments on various chemicals. His nonprofit work is mostly on behalf of government, with a minority of the work done at the request of various industries—many of these industries are very pro-environmental industries—as well as providing pro bono assistance to those in need of help. In other words, he used his expertise to help people who needed help and were not able to get it in any other way.

Naturally, the industry work is the part that environmental activists have focused on to prove their claims that his research is a rubberstamp for dangerous chemicals. They hold the perspective—which is a myth—that working at the request of industry must mean that you are evil.

As always, the reality is much different. On many occasions the non-

profit has developed risk assessments that did not support the industry sponsor and were the same or lower than the safe levels set by government. Furthermore, he has provided expert testimony against industry on several occasions. Unfortunately, the coordinated attack on Dr. Dourson will persist and a good man's reputation will continue to be put at risk.

I ask that the leader find floor time for Dr. Dourson as soon as possible so he can get back to work at an agency that he served commendably for many years and ensure that those who seek to tear him down do not win.

NOMINATION OF BILL WEHRUM

I also ask that the leader prioritize another nominee that has also faced unfair and false attacks. I have known Bill Wehrum for years, and I have no doubt that he is the best choice to head the Office of Air and Radiation. I regret that his first nomination to the EPA back during the George W. Bush administration was blocked by Senate Democrats. It is my hope that we can correct that wrong and confirm him as one of the Assistant Administrators. He has served the public and is widely recognized for his knowledge of the Clean Air Act.

The Clean Air Act has been very successful. In fact, I was one of the original cosponsors of the Clean Air Act Amendments. It has performed very well. He was very much involved in that also. So there is no one more qualified to head that Office of Air and Radiation than Mr. Wehrum, and I am sure of that. He has been consistently recognized as a leader and top lawyer in environmental law by such groups and publications as Chambers USA, the Legal 500 United States, and Washingtonian magazine.

He, too, has worked at the EPA in the past and will once again serve the Agency and the American people with integrity. Mr. Wehrum is also under attack for working on behalf of industry. The environmental industry—and it is an industry, as they, too, are working to secure money for themselves by pursuing an agenda of their sponsors—is lobbying against Mr. Wehrum because he wants to make regulations workable within the scope of the statute for the regulated community.

This is very curious to me because we want environmental regulations to improve our air quality without putting entire industries out of business—a balance that is a part of the Clean Air Act. Those words are used in the Clean Air Act: The rules need to be workable and implementable without undue harm to our economy.

It is time that we returned some common sense and rule of law to the Environmental Protection Agency. We have taken the first and only step with the confirmation of Scott Pruitt, and Bill Wehrum is the next step toward that goal. Right now there has only been one confirmation, and that is for Scott Pruitt.

With the repeal of the Clean Power Plan sitting before the EPA, I ask that

the leader prioritize Mr. Wehrum's confirmation vote so that we can give the Office of Air and Radiation the leadership it needs to make the important policy objectives of the President and a majority of our colleagues and States a reality.

Again, we have five EPA nominees that have been voted out of committee, and we are now into November and only have one EPA appointee confirmed. We need to do better than that, and I think this is going to happen.

Let me just repeat some of the things that are going on in the Environmental Protection Agency. Scott Pruitt in his meeting yesterday called this to the attention of the American people. We knew it all the time, but people on the outside didn't know it and they were shocked. They found out that in the Scientific Advisory Board of the Obama administration, six of the seven on the board were direct recipients of grants from the EPA and they were making policy decisions for the EPA. Now, how bad is that? In fact, we added it up. I would state to the Chair that it came to \$119 million going to six people who are on the board making decisions that affected the grants to go out. That is the type of thing that he is cleaning up. He has the guts to do it, and he is doing it.

I am anxious to get these two confirmed, and I am hopeful that will take place.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SULLIVAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 11:30 a.m. on Thursday, November 2, there be 30 minutes of postcloture time remaining on the Eid nomination, equally divided between the leaders or their designees; that following the use or yielding back of that time, the Senate vote on the confirmation of the Eid nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Iowa.

REGULATORY REFORM

Mr. GRASSLEY. Mr. President, last month the Environmental Protection Agency—EPA—Administrator, Scott Pruitt, issued a directive to all Agency employees that prohibits the so-called sue-and-settle process. This is good news for good government.

Most of us here are familiar with the term "sue and settle."

These are tactics whereby the EPA has, in the past, resolved certain lawsuits against it through agreements negotiated behind closed doors with politically favored interest groups. As we saw under the Obama administration, some of these agreements committed the EPA to take far-reaching regulatory action, all without an adequate opportunity for those people most impacted to have a seat at the table, as would normally be done through the regulatory process.

Today, I come to the floor to applaud Administrator Pruitt's leadership in working to end these tactics, which make a mockery of laws that Congress has put in place to ensure a transparent and accountable regulatory process. The commonsense reforms outlined in Administrator Pruitt's directive will, no doubt, help restore transparency and accountability, and these reforms should stand as a prime example for all Federal agencies to follow.

Accordingly, I call upon President Trump to use his full authority through Executive order to ensure that similar reforms are adopted across the entire bureaucracy. Regulatory decisions that affect key parts of our economy should be made in an open, transparent, and, consequently, accountable manner. But as we have seen with sue and settle, Washington bureaucrats and their interest group pals would prefer to do things their own way.

It works like this. First, an interest group sues a Federal agency, claiming the agency has failed to take regulatory action required by law. Through the lawsuit, the interest group seeks to compel the agency to take action by a new, often rushed, deadline. These plaintiff interest groups often share a common regulatory agenda with the agency they sue, such as when an environmental group sues the EPA or the Fish and Wildlife Service.

Instead of challenging the lawsuit, the agency and the interest group enter into negotiations behind closed doors to produce either a "settlement agreement" or a "consent decree" committing the agency to take regulatory action. There is no transparency, no accountability, which you would get through normal regulation writing.

Noticeably absent from these negotiations are the very parties who will be most impacted, such as farmers, manufacturers, and even the 50 States themselves, which will be charged with enforcing some of these regulations. In 2010, for example, an environmental interest group sued the Obama administration EPA to force the agency to revise certain wastewater regulations.

Wouldn't it be nice to have the people who are affected by those regulations involved in the process in an open way—the way the Administrative Procedure Act is designed?

Oddly enough, the same day the lawsuit was filed, the plaintiff interest group submitted a consent decree already signed by the EPA, which committed the agency to take prompt regulatory action. Such a scenario should raise serious questions about how truly adversarial these lawsuits and negotiations are.

To add insult to injury, regulations that have resulted from sue-and-settle tactics impose tremendous costs on the American economy. According to the American Action Forum, from 2005 to 2016, 23 sue-and-settle regulations resulted in a cost burden of \$67.9 billion, with \$26.5 billion in actual costs. Sixteen of the rules imposed paperwork burdens on American job creators of more than 8 million hours. Think about that. Nearly \$70 billion in regulatory costs were imposed on American business owners, manufacturers, farmers, and probably taxpayers, all without due regard for transparency and the normal rulemaking process required by the Administrative Procedure Act.

Decades ago, Congress enacted the Administrative Procedure Act for the sole purpose of ensuring transparency, accountability, and, more importantly, public participation in Federal rulemaking. The EPA has been described as the citizens' "regulatory bill of rights." A pillar of the Administrative Procedure Act is the notice-and-comment process, which requires agencies to notify the public of proposed regulations and respond to comments submitted—in other words, transparency.

Rulemaking driven by sue-and-settle tactics frequently results in reprioritized agency agendas and rushed deadlines for regulatory action. This renders the EPA's notice-and-comment process a mere formality. It deprives regulated entities, it deprives the States, and most importantly, it deprives the American public of sufficient time to have any meaningful input on final rules. The resulting regulatory action is driven not by the public interest but by the special interest priorities.

Sue-and-settle tactics also help agencies avoid accountability for their actions. Instead of having to answer to the public for controversial regulatory decisions, agency officials will simply point to a court order and say that their hands are tied, when really they welcomed that process.

The American people deserve better, but don't just take my word for it. The Environmental Council of the States, a national nonprofit, nonpartisan association of State and territorial environmental agency leaders, adopted a resolution in 2013 entitled "The Need for Reform and State Participation in EPA's Consent Decrees which Settle Citizen Suits." The rationale behind it