

truth. What did Thomas Jefferson used to say? He said: If the people know the truth, they will not make a mistake. Hopefully, if we in this body know the truth, we will not either.

The legislative branch of government is a coequal branch of government. Our Founding Fathers in their wisdom designed a system where there would be checks and balances built in so that no one branch could get too far out of line, but that system only works if each branch is willing to assert its authority.

I am hardly the first person to recognize the need or the importance of congressional oversight. Many of our Senate colleagues have conducted effective oversight over the years. I have, our Presiding Officer has, and many Members of this body have.

Here is a call for increased oversight from 2010. It reads:

The legislative branch has its own responsibility to provide oversight over the executive branch agencies. . . . Our mission should be to provide oversight for the current administration to ensure integrity and transparency over policy decisions being made that affect peoples' lives today.

As issues arose in previous Congresses, previous chairmen held hearings into those matters.

Those are not my words. Those are the words of our friend, the chairman of the Environment and Public Works Committee.

Let me just say, that I approved this message.

Here is a call for increased oversight from, I think, April 2016. It reads:

Mr. President, like so much in Washington, D.C., the EPA has grown too big, too arrogant, too irresponsible, and too unaccountable. And people in America deserve accountability.

Again, I agree with JOHN BARRASSO.

Finally, a quote from September 2015 reads:

The agency needs to step back and rethink its priorities. . . . The Environmental Protection Agency has been out of control for far too long. It is time for Congress and President Obama to hold the EPA accountable for its failures, and it is time to rein in this runaway bureaucracy before it does more damage to our communities, to our economy, and to our country.

September 17, 2015.

Some things are too important to be held hostage by partisanship. Oversight shouldn't only be important when a Democrat is in the White House. Oversight shouldn't only be a critical component of Congress's work when Barack Obama or Gina McCarthy are in charge. Oversight of the executive branch is, in fact, our constitutional responsibility here in the Senate, and it should be constant no matter which party is in power in the Senate, the House, or in the White House. Whether an official's actions are right or wrong does not depend on where they fall on the political spectrum.

Even TREY GOWDY—a terrific Congressman from South Carolina, the Republican chair of the House Oversight Committee—recognizes the need for

oversight here, and our Republican colleagues in the Senate have an obligation to hold Mr. Pruitt to the same standards that they held officials who served in past administrations. If Lisa Jackson had been accused of even a fraction of the things it seems as though Mr. Pruitt has done, we would be holding hearings in the Dirksen Senate Office Building in the EPW hearing room every week—and we should be.

Andrew Wheeler worked as a Senate staffer. He worked for our friend George Voinovich, one of my dearest friends in my whole life. He conducted oversight throughout his career. He later worked for Senator JIM INHOFE. Andrew has worked for Members such as Senator INHOFE and Senator George Voinovich, who I know take and took seriously their oversight roles. We should be able to hear from Andrew Wheeler what his plans are to rein in the abuses at EPA before he takes over this important job.

Mr. President, I reserve the remainder of my time.

THE PRESIDING OFFICER. The majority whip.

THE FBI

Mr. CORNYN. Mr. President, I want to say a few words about the Federal Bureau of Investigation, the FBI—our Nation's premier law enforcement agency—and to speak about the men and women who distinguish it.

First, I want to refer to an opinion piece in the New York Times that talks about the former Director of the FBI, James Comey. As the article is entitled, "The Tragedy of James Comey," the story has both positive things to say about Mr. Comey—well deserved—but also some criticism, which I would suggest is also well deserved. Perhaps all of us exhibit both positive and negative attributes. All of us make mistakes, and I don't mean to pick on Mr. Comey unnecessarily, but it sort of lays the foundation for what I want to say.

In the April 8, 2018, New York Times article, the first line is, "James Comey is about to be ubiquitous." In other words, he is going to be everywhere with his book, published next week. Of course, he will be on an "epic publicity tour, including interviews with Stephen Colbert, David Remnick, Rachel Maddow, Mike Allen, George Stephanopoulos, and 'The View.'" So he will be everywhere.

Of course, we expect him to tell his story from his perspective. As a preface for what I want to say about the rank-and-file men and women in the FBI, let me just read a couple of paragraphs.

The writer says:

[Director Comey] was the F.B.I. director overseeing the investigation into Hillary Clinton's private email server. He and his team decided that she had not done anything that warranted criminal charges. And [Director Comey] knew that Republicans would blast him as a coward who was trying to curry favor with the likely future president.

So he decided to go public with his explanation for not charging Clinton and to criticize her harshly. He then doubled down, re-

leasing a public update on the investigation 11 days before the election, even as other Justice officials urged him not to. Department policy dictates that investigators aren't supposed to talk publicly about why they are not bringing charges. They especially don't do so when they could affect [the outcome of] an election.

That, as people will recall, is one of the primary reasons why Rod Rosenstein, the current Deputy Attorney General of the United States, recommended to the President that he dismiss Mr. Comey—for violating Department of Justice guidelines when it comes to talking about an investigation, which should remain confidential, particularly when there is a decision not to charge the person being investigated, and usurping the role of the prosecutor, recognizing that the role of the FBI as a primary investigator is very different. When it comes to the charging decision, that is left to the Department of Justice, not to the FBI.

But, as the article goes on to say:

Comey, however, decided that he knew better than everyone else. He was the righteous Jim Comey, after all. He was going to speak truth to power. He was also, not incidentally, going to protect his own fearless image. He developed a series of rationales, suggesting that he really had no choice. They remain unpersuasive. When doing the right thing meant staying quiet and taking some lumps, Comey chose not to.

As I said, the article has a lot of complimentary material and also some criticism, and I think it is a fair piece. I mention that because so much of what we have heard about the FBI and the Department of Justice recently has been caught up in the emotions and the drama here in Washington, DC, and while appropriate criticism and investigation of past actions at the Department of Justice should take place—former Attorney General Loretta Lynch and why she made the decision not to demand that Director Comey let the Department of Justice make the ultimate charging decision—there is a lot of room for criticism, and I suggest there will be additional information that will be forthcoming and should be produced to Congress as part of our oversight responsibilities. But I think the big mistake Mr. Comey made is assuming that he was a law unto himself and that the rules applied to everybody else but not to him and, as the article says, that he knew better than anyone else.

But all of that I want to contrast with what I experienced recently, back home in Austin where my wife and I live.

I was there during and after the series of five bombings that detonated in packages across the city, killing two people and wounding others. People were very much on edge. It reminds me of the sniper that was on the loose here in Washington, DC, for a while, and people were terrorized—not willing to go and put gasoline in their cars. There was a similar sort of effect with what happened with the bombings in Texas and in Austin.

While the suspect was still at large, I spoke to Austin police chief Brian Manley, and he told me how thankful he was for the army of Federal agents, including FBI agents, who had supported the investigation. He told me that as many as 500 Federal agents, including from the FBI and other agencies, were on the ground while the suspect was on the loose. I am sure it was the agents' methodical investigative work, combined with the work of their State and local partners, that was the big reason why the alleged bomber didn't wreak even more havoc in the Texas capital.

It is important to remember that the FBI's role during the Austin bombings is important to acknowledge in our current political climate, when the Bureau has come under criticism and become the target of so much drama and politics. Of course, that was mainly about the past and certainly not about the new leadership that has been installed at the FBI under the leadership of FBI Director Christopher Wray.

Of course, the debate started during the tenure of Loretta Lynch and Eric Holder at the Department of Justice, but it continued through Director Comey's investigation, as I said, of Hillary Clinton, and it has not gotten any better. But it is important to distinguish between the rank-and-file professionals at the FBI and people who made mistakes and overstepped their bounds and, unfortunately, gave the rest of the organization—tainted their name.

So I want to take a moment to do what Director Wray has done in the past, and that is to reintroduce people to the FBI. The American public needs to be reminded of what the FBI actually does and how pivotal that work is and how long it has been doing it. The FBI has been in existence since 1908, and I think "relentless" is the best way to describe it.

The Bureau's investigations have helped solve crimes like cold-blooded murder, which happened in my home State in 1983. Just last year, the FBI added the suspect to its Ten Most Wanted list, and shortly thereafter the man turned himself in to FBI agents. It took more than three decades, but the FBI pursued all leads until, finally, it got its man.

That is just one example of what happens every day at the FBI. Under the effective leadership of Director Wray, the agency has remained committed to doing things independently and by the book—which I think is perhaps the most important characteristic—for as long as it takes to close the cases.

It is absolutely critical that law enforcement agencies do things by the book and follow the rules and the law. We have seen criticism directed toward Director Comey and former Attorneys General Loretta Lynch and Eric Holder because they did not appear to do things by the book but appeared to be unduly swayed by other considerations and, indeed, broke the rules in the book, so to speak.

Sometimes the fierce independence and tightlipped process by which the FBI is supposed to operate can irk people. We are people with a need for immediate gratification who want to know the answer right now when, in fact, often law enforcement investigators have to do painstaking, time-consuming work, indeed, over years and decades.

Critics say that investigations are taking too long or shouldn't be going on at all. But that is how the agency is supposed to operate—on its own, according to the standardized legal process, step by painstaking step. As Director Wray has said in the past, the FBI's means need to justify its ends, not the other way around. No rock should go unturned in an investigation because that is how crimes are solved and innocent people are exonerated.

For the rank-and-file men and women who work at the FBI, I think it is important for us to send a clear and emphatic message here in the U.S. Senate: We appreciate everything you do to protect the public safety and secure the public trust.

I want to particularly acknowledge the service of the special agent in charge of the FBI San Antonio Division, Christopher Combs, as well as the other men and women under his command. These agents have recently been working some pretty long days and nights, as we can imagine, supporting our local law enforcement during the Austin bombings and the tragic shooting at Sutherland Springs last fall.

These days, it is important that our appreciation for the Bureau not get drowned out by the criticism, with people somehow mistakenly assuming that because a few people have misbehaved, it somehow reflects on the organization as a whole. It is important that we let the men and women of the FBI know we stand behind their detail-oriented approach to enforcing and upholding the law, that we support the FBI's doing the right thing in the right way, pursuing the facts and the evidence independently and objectively, wherever they lead.

More than 37,000 men and women work at the FBI. That is a staggering number of diligent individuals, all of whom play some role in investigating crimes, executing search warrants, conducting interviews, and carrying out counterintelligence investigations across our country.

Today, the FBI helps track down fugitives, terrorists, kidnappers, bank robbers, and more. It publishes its top Ten Most Wanted list, as I alluded to earlier, and tracks down thousands of other leads at the same time. It investigates terrorism, cybercrime, civil rights violations, public corruption, elder fraud, and even weapons of mass destruction.

The FBI provides crisis intervention teams—including mental health professionals and even chaplains—after mass casualty events.

It recently launched Operation Disarray, part of a broader Department of

Justice initiative to disrupt the sale of opioids online. One special agent said the point of this new initiative "is to put drug traffickers on notice: Law enforcement is watching when people buy and sell drugs online. For those who think the Darknet provides anonymity," [the special agent] explained, "you are mistaken."

To that FBI agent, I say: Amen, sir. Nice work.

As his example shows, the very nature of crime itself is changing with advances in technology, and the FBI is busy innovating and adapting to the changed circumstances and ever-enterprising criminals.

Recently, the FBI helped us indict online sex traffickers who used websites like backpage.com to coerce children into sexual servitude. The FBI also provided critical information that led to the thwarting of a terrorist plot to blow up part of the subway system in Manhattan.

Let's not forget these countless examples as we continue to sort out issues related to Russian interference in our last election and what happened during the Hillary Clinton email server debacle. Let's leave politics to those who work in that realm and allow the men and women of the FBI to do their work. Let's not forget that in 1935, when the FBI adopted the official seal, the FBI was synonymous not only with the agency's name but with three traits—fidelity, bravery, and integrity—which appear on the seal to this day and describe what truly motivates the overwhelming majority of FBI personnel.

So I wanted to come to the floor to say thank you to the men and women at the FBI for all they do in protecting this country and pursuing justice. We are indebted to them and stand behind them in this unending quest.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

MR. CARPER. Mr. President, yesterday, Jeh Johnson, our former Secretary of the Department of Homeland Security, dropped by to say hello, and I shared with him the results of an annual Federal survey. As the Senator may know, every major Federal agency has its employees surveyed with respect to its morale. Some agencies have very high morale, and some agencies have not so high.

I am still a member of the Homeland Security Committee. Jeh Johnson and Alejandro Mayorkas, who were the Secretary and Deputy Secretary of that Department, spent 3 years serving in these capacities and working with us on the committee to try to figure out how we could help the employees at the Department of Homeland Security feel better about their work.

I would come here to this floor every month and pick out a different part of the Department of Homeland Security where work was being done and have posters and pictures, just as the Senator has done here today, in order to

make real the service and the sacrifices of the folks, whether they be in the FBI or the Department of Homeland Security. It was one of those things, we found out, that kind of resonated in the Department. It just spread. Even to this day, people remember it and express thanks for that.

I thank the Senator for taking a moment to do, really, something very similar—maybe better—than what I tried to do over those years.

When I was the chairman of the Homeland Security Committee, I will say I had a chance to work with Jim Comey—not every day but a fair amount. I have worked with a lot of great leaders and some who were not so great. The Senator from Texas has as well. Yet I must say that I have enormous respect for Jim Comey, for his integrity and his commitment to doing what is right. I have high regard for Chris Wray, our new FBI Director, but there is a part of me that still wishes Jim Comey were still leading that agency. So we will see what he writes in his book, but I wish him and his family well.

Thank you.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. 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. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, I am here to react to the President's selection of Andrew Wheeler to be the proposed No. 2 at the EPA. This is a selection that continues the Trump administration's essentially complete subservience to the fossil fuel industry in the entire environmental arena.

I have described Scott Pruitt, Rick Perry, and Ryan Zinke, who is over at Interior, as the three stooges of the fossil fuel industry, and I reiterate that today.

Scott Pruitt, in addition to being one of those stooges, also has some of the most extraordinary displays of unethical and self-serving political acts of anybody I have ever seen. I can only imagine what this floor would look like if an Obama appointee had engaged in those kinds of behaviors. In all of those seats, we would have had Republicans shouting and jumping up and down in their being infuriated by that misconduct. Yet, because it is Pruitt, because it is Trump, and because the fossil fuel industry is getting everything it wants out of this guy, the silence is deafening. But that doesn't change the underlying fact that the American people are owed folks in high office who take their public duty seriously. There is very little chance that Mr. Wheeler is going to take his public duties seriously as No. 2 at the EPA. It is not like

it is with the No. 1 at the EPA, where there is a stopgap who is going to defend us.

This is a very dangerous duo. Scott Pruitt is a complete flunky of the fossil fuel industry—largely disgraced but still hanging on there and his only claim to fame being that he will do anything the fossil fuel industry tells him to do. That is why he is hanging on. Now coal lobbyist Wheeler is coming on to be his No. 2. That is a dangerous combination to lead our Environmental Protection Agency.

There was an interesting series of photographs that actually got the photographer fired in this administration for having released these photographs. There was a little meeting over at the Energy Department with Secretary Perry and Bob Murray, who is the head of Murray Energy. He is a coal baron, and he, obviously, has one interest in mind, which is to sell more coal, burn more coal, and to heck with the rest of you, more or less.

This was Mr. Murray as he arrived at the Department of Energy, up in the Secretary's conference room. The bald gentleman is Mr. Murray. The man whose head is obscured behind him in this torrid hug is our Energy Secretary. So you knew things were going to go well for Mr. Murray at this meeting after that nice, cozy reception that he got.

Then the photographer went on and took this picture, which is of Murray Energy Corporation's recommendations to the Honorable Richard Perry as to what he should do about the environment. I will spend some more time on that memo in just a moment. After long delays, we were actually able to get our hands on it. They delayed and they fiddled and they faddled and wouldn't confirm that they had it. When the photograph showed that they had it, they said: OK. We will give it to you when we give our FOIA requests.

Great. Thanks a bunch. So much for congressional oversight.

I hope that if the now majority is ever in the minority in the Senate, that it doesn't get treated this way—being told to line up with the FOIA folks as they are not interested in responding to oversight requests for memos, but that is what we got.

Here is another photograph from that meeting. Here is Mr. Murray telling the Energy Secretary what to do. There is the Energy Secretary—fresh out of his nice hug—being told what to do. Here is Mr. Wheeler, the guy who is going to be the No. 2 at the EPA. He was right in the room where the Murray directions to the Trump administration were being discussed and delivered.

Mr. President, I ask unanimous consent that this document be printed in the RECORD at the conclusion of my remarks.

Here is the action plan. It reads: "Dear Secretary Perry, enclosed is an Action Plan for achieving reliable and low cost electricity in America and to

assist in the survival of our country's coal industry."

What are the recommendations?

Page 1: "SUSPEND THE COAL-FIRED POWERPLANT EFFLUENT LIMITATION GUIDELINES."

Yes. Why would we want limitations on the effluent that a coal-fired powerplant can emit? Why on Earth would anybody want that? No. To suspend those is one of the recommendations.

The second is to withdraw and suspend the so-called endangerment finding.

The endangerment finding is the fact-based finding at the EPA that shows that, in addition to it being a matter of law pursuant to *Massachusetts v. EPA*, carbon dioxide is a pollutant in the air. This is the Agency's finding that it is actually a dangerous pollutant in the air. That is why it is called the endangerment finding. So they want to knock that out so they can knock out regulation of more coal-powered powerplant effluents, including carbon dioxide.

Then they want to eliminate the tax credit for wind and solar. Here is an industry that gets, according to the International Monetary Fund, \$700 billion a year in effective subsidies in the United States of America alone, and their goal is to knock out the little production tax credit that wind and solar get? That is what he asked for.

"WITHDRAW FROM THE . . . PARIS CLIMATE ACCORD." Well, we all know he was obeyed on that.

Here's a particularly good one: "END . . . OZONE REGULATIONS." Let me state what Rhode Island's experience in this is. The midwestern powerplants burn coal and other fossil fuels. They run the exhaust out of smoke stacks. Many of them have raised enormously high smoke stacks to get all that stuff way up into the air, so it is then carried by prevailing winds out of their State—out of their State. As it bakes in the heat as it travels through the air, it becomes ozone. That ozone lands in Rhode Island.

Ladies and gentlemen, children go to the hospital because of asthma complications from ozone in Rhode Island. We have had periods when, on a bright and sunny day, the talk radio, your drive-time radio, announces to Rhode Islanders that today is a bad air day in the State of Rhode Island, and the elderly and babies and any people with breathing difficulty should stay indoors. You are not welcome out-of-doors because of ozone levels.

This guy wants to end ozone regulation. I think not. This guy was his lobbyist in trying to do that. That is what has become of the EPA.

What else? "OVERTURN THE . . . CROSS-STATE AIR POLLUTION RULE." Rhode Island doesn't create much air pollution. The EPA protects Rhode Island from other States' air pollution with—guess what—the cross-state air pollution rule. He wants to overturn it.

Finally, "CUT THE STAFF OF THE U.S. ENVIRONMENTAL PROTECTION

AGENCY IN AT LEAST HALF.” Well, they are doing a pretty good job of destroying the Environmental Protection Agency as an agency that does environmental protection, but I have to say, cutting the Agency in half and firing half of it—that seems a bit much.

They also want Justices of the Supreme Court who rule in favor of coal. They want to replace all the members of the Federal Regulatory Energy Commission, the members of the Tennessee Valley Authority board, and the members of the National Labor Relations Board. There is a bunch in there to make sure that coal safety regulations are undone.

That is what we are dealing with. We are dealing with an agency that has been taken over by the fossil fuel industry, and it has gotten so bad that I want to conclude with this editorial, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

This is an editorial from, of all places, the Charleston, WV, Gazette-Mail. I think the body can take notice that West Virginia is more or less the heart of coal country.

Here is what the Charleston, WV, Gazette-Mail said about where things are at EPA right now. The title is “Editorial: With self-serving Pruitt at EPA, Trump is building a swamp.”

Here are some selections:

Donald Trump campaign crowds loved to chant, “Drain the Swamp!” But if ever there was a political swamp creature, it’s Scott Pruitt, the man Trump picked to head the U.S. Environmental Protection Agency.

The Charleston Gazette-Mail continues:

Pruitt has been a shill for fossil fuel industries since his days as attorney general in Oklahoma, so maybe he saw this—

all his self-aggrandizing expenditures—as his just desserts. But of all the Trump administration flunkies who have used taxpayer money for their personal benefit, Pruitt may be the worst.

That is the word from Charleston, WV.

Some of the examples:

[Pruitt] used a loophole in the Safe Drinking Water Act that’s supposed to let the EPA hire experts quickly in a [drinking water] emergency . . . [to] give tax taxpayer-funded raises to political lackeys.

[He] took first-class, charter, and military flights that cost taxpayers \$163,000.

He . . . tripled the size of his security detail.

He had the EPA spend \$25,000—

I think we actually know that is up to \$43,000 now—

to build a soundproof communications booth in his office.

There is nothing more that the EPA Administrator needs than a cone-of-silence soundproof booth in his office—as if he is running the CIA or something.

They conclude:

There are many reasons why Scott Pruitt shouldn’t be leading the EPA, primarily that he doesn’t seem to believe in science and is more interested in helping big business than, you know, protecting the environment. But his obvious belief that taxpayer money and

resources are given to him for his personal benefit is a big reason, as well.

I thank the newspaper in West Virginia for acknowledging that some conduct is so disgraceful that it goes too far.

When that is the No. 1 person in the EPA, we have no business confirming this person as the No. 2 person for the EPA.

With that, I see colleagues who, I assume, want to speak in favor of this nominee, and I will yield the floor to them.

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

MURRAY ENERGY CORPORATION,
St. Clairsville, OH, March 28, 2017.

Hon. J. RICHARD PERRY,
Secretary, Department of Energy,
Washington, DC.

DEAR SECRETARY PERRY: Enclosed is an Action Plan for achieving reliable and low cost electricity in America and to assist in the survival of our Country’s coal industry, which is essential to power grid reliability and low cost electricity.

We are available to assist you in any way that you request.

Sincerely,

ROBERT E. MURRAY,
Chairman, President
& Chief Executive Officer.

ACTION PLAN FOR RELIABLE AND LOW COST ELECTRICITY IN AMERICA AND TO ASSIST IN THE SURVIVAL OF OUR COUNTRY’S COAL INDUSTRY

SUSPEND THE COAL-FIRED POWER PLANT EFFLUENT LIMITATION GUIDELINES (ELG) AND COAL COMBUSTION RESIDUALS (CCR) RULES OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

The compliance deadlines for both regulations must be suspended. The illegal ELG rule needs to be rescinded. The CCR regulation need to be rewritten delegating the authority to the states in light of the new legislation passed in December.

IMPLEMENT EMERGENCY ACTIONS RELATIVE TO THE SECURITY AND RESILIENCY OF THE ELECTRIC POWER GRIDS

The Department of Energy (“DOE”) must issue an emergency directive to have an immediate study done of the security and resiliency of our electric power grids. DOE will direct that no power plants having an available fuel supply of at least forty-five (45) days be closed during the study period, or a minimum of two (2) years.

“ENDANGERMENT FINDING” FOR GREENHOUSE GASES

There must be a withdrawal and suspension of the implementation of the so-called “endangerment finding” for greenhouse gases.

EPA’s “endangerment finding” under the Clean Air Act serves as the foundation for the agency’s far reaching regulation of the economy in the form of emission limitations for greenhouse gases, including carbon dioxide. The high degree of uncertainty in the range of data relied upon by EPA combined with the enormous regulatory costs without concomitant benefits merit revisiting the “endangerment findings”.

According to EPA’s finding, the “root cause” of recently observed climate change is “likely” the increase in anthropogenic greenhouse gas emissions. EPA relied upon computer-based climate model simulations and a “synthesis” of major findings from scientific assessment reports with a significant

range of uncertainty related to temperatures over 25 years. The climate model failures are well documented in their inability to emulate real-world climate behavior. Models that are unable to simulate known climate behavior cannot provide reliable projections of future climate behavior. As for the scientific assessments underlying the “synthesis” of findings used by EPA, many were not peer reviewed, and there are multiple instances where portions of peer reviewed literature germane to the “endangerment finding” were omitted, ignored or unfairly dismissed.

ELIMINATE THE THIRTY (30) PERCENT PRODUCTION TAX CREDIT FOR WINDMILLS AND SOLAR PANELS IN ELECTRICITY GENERATION

Electricity generated by windmills and solar panels costs twenty-six (26) cents per kilowatt hour with a four (4) cent per kilowatt hour subsidy from the American taxpayers. These energy sources are unreliable and only available if the wind blows or the sun shines. Coal-fired electricity costs only four (4) cents per kilowatt hour. Low cost electricity is a staple of life, and we must have a level playing field in electric power generation without the government picking winners and losers by subsidizing wind and solar power.

WITHDRAW FROM THE ILLEGAL UNITED NATIONS COP 21 PARIS CLIMATE ACCORD

The United Nation’s COP 21 Paris Climate Control Accord, to which Barrack Obama has already committed one (1) billion dollars of America’s money, is an attempt by the rest of the world to obtain funding from our Country. It is an illegal treaty never approved by Congress, and it will have no effect on the environment.

END THE ELECTRIC UTILITY MAXIMUM ACHIEVABLE TECHNOLOGY AND OZONE REGULATIONS

We have won these issues in the United States Supreme Court, and these rules must be completely overturned.

FUND THE DEVELOPMENT OF CERTAIN CLEAN COAL TECHNOLOGIES

The Federal government must support the development of some Clean Coal Technologies, including: ultra super critical combustion; high efficiency, low emission coal firing; combined cycle coal combustion; and others. It should not fund so-called carbon capture and sequestration (“CCS”), as it does not work, practically or economically. Democrats and some Republicans use CCS as a political cover to insincerely show that they are proposing something for coal. But, carbon capture and sequestration is a pseudonym for “no coal”.

OVERHAUL THE BLOATED AND POLITICALIZED MINE SAFETY AND HEALTH ADMINISTRATION OF THE U.S. DEPARTMENT OF LABOR

This Federal agency, over the past eight (8) years, has not been focused on the coal miner safety, but on politics, bureaucracy, waste, and violation quotas. While coal mine employment has been cut in half, the Federal Mine Safety and Health Administration has continued to hire inspectors every year. But, the government has nowhere to put them. Murray Energy Corporation received an average of 532 Federal inspectors per month in 2016.

We must send a Company manager with every one of these inspectors, taking us away from our employee safety inspections and safety training.

CUT THE STAFF OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN AT LEAST HALF

Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules,

thirty-eight (38) times the words in our Holy Bible.

OVERTURN THE RECENTLY ENACTED CROSS-STATE AIR POLLUTION RULE

This regulation particularly punishes states in which coal mining takes place to the benefit of other wealthier east coast states.

REVISE THE ARBITRARY COAL MINE DUST REGULATION OF THE MINE SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR

This regulation provides no health benefit to our coal miners, and threatens the destruction of thousands of coal mining jobs.

OBTAIN LEGISLATION TO FUND BOTH THE RETIREMENT MEDICAL CARE AND PENSIONS FOR ALL OF AMERICA'S UNITED MINE WORKERS OF AMERICA (UMWA)—REPRESENTED, RETIRED COAL MINERS

For four (4) years, Senate Majority Leader Mitch McConnell has refused to address this issue. Some say that this is because the UMWA wrongly opposed him in his recent election. This must be taken care of. And the legislation enacted must address not just those recently orphaned through company bankruptcies and mine closures, but the medical benefits and pensions that were promised to all retired miners by the Federal government itself.

OVERTURN THE MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR, PATTERNS OF VIOLATIONS RULE

This rule is a punitive action of the Mine Safety and Health Administration under its Director for the past eight (8) years, the former Safety Director of a labor union.

APPOINT JUSTICES TO THE SUPREME COURT OF THE UNITED STATES WHO WILL FOLLOW OUR UNITED STATES CONSTITUTION AND OUR LAWS

We must offset the liberal appointees who want to redefine our Constitution and our law.

MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION MUST BE REPLACED

The current Federal Energy Regulatory Commission has a record of favoring actions of the Obama Administration. That has systematically devalued base load generation as a result of the Obama "war on coal". These actions have put the future security and reliability of America's electric power grid at risk. Immediate action needs to be taken to require organized power markets to value fuel security, fuel diversity, and ancillary services that only base load generating assets, especially coal plants, can provide.

MEMBERS OF THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS MUST BE REPLACED

The Board of Directors of this government agency has followed the mandates of the Obama Administration, rather than assure reliable, low cost electricity for the Tennessee Valley Authority's rate payers, whom they are mandated to serve in this manner.

REPLACE THE MEMBERS OF THE NATIONAL LABOR RELATIONS BOARD ("NLRB")

Eliminate the antiemployer bias of the NLRB by appointing members and staff, particularly in the General Counsel's office, who will fairly consider the employer's position and needs and not automatically accede to the unions or unionized employees in every matter considered.

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

[From the Charleston Gazette-Mail, Apr. 5, 2018]

EDITORIAL: WITH SELF-SERVING PRUITT AT EPA, TRUMP IS BUILDING A SWAMP

Donald Trump campaign crowds loved to chant, "Drain the swamp!" But if ever there

was a political swamp creature, it's Scott Pruitt, the man Trump picked to head the U.S. Environmental Protection Agency. Pruitt has been in the news most recently for his cozy relationship with the lobbyist for a Canadian pipeline company. The company, Enbridge Inc., received a high recommendation from Pruitt's EPA for an oil pipeline expansion project.

Enbridge's lobbyist was the firm of Williams & Jensen. The wife of the firm's chairman owns a pricey condominium in Washington, D.C., and was letting Pruitt live there for \$50 a night, sometimes joined by his daughter, and Pruitt only had to pay for the nights he stayed there. That is an unbelievably sweet deal, and while there's no direct evidence of a mutual back-scratching, it sure looks that way. On some level, this is no surprise. Pruitt has been a shill for fossil fuel industries since his days as attorney general in Oklahoma, so maybe he saw this as his just desserts. But of all the Trump administration flunkies who have used taxpayer money for their personal benefit, Pruitt may be the worst.

Despite the White House telling him not to give large raises to two employees who followed him from Oklahoma, Pruitt did it anyway. He used a loophole in the Safe Drinking Water Act that's supposed to let the EPA hire experts quickly in an emergency, not give taxpayer-funded raises to political lackeys. One of those lackeys helped Pruitt find a new place to live, once the EPA administrator had to leave his sweetheart condo deal behind. Using publicly funded employees for such private business is another misuse of taxpayer-funded resources.

During his first year in office, Pruitt took first-class, charter and military flights that cost taxpayers \$163,000, according to EPA records provided to the U.S. House Oversight Committee. Pruitt and a group of aides also socked taxpayers with a \$90,000 bill for a trip to Italy that included a trip to visit the pope.

Pruitt was flying first-class because of public confrontations that involved "vulgar" and "threatening language," according to The Washington Post. Pruitt is clearly very worried about his security; he has tripled the size of his security detail, and is the first EPA administrator to have 24/7 security—again, at taxpayer expense. That security detail includes some EPA agents who would otherwise be investigating environmental crimes, rather than protecting their snowflake boss. (Pruitt's predecessors, Gina McCarthy and Lisa Jackson—who were demonized repeatedly by West Virginia politicians, among others—flew coach, with a much smaller security presence.)

Maybe Pruitt is just paranoid in general. In September, he had the EPA spend \$25,000—all together now, in taxpayer money—to build a soundproof communications booth in his office. He's asked employees not to bring their mobile phones to meetings with him, and he reportedly prefers not to use email—no doubt because emails from his time as Oklahoma attorney general show how much he coozied up to oil and gas producers. There are many reasons why Scott Pruitt shouldn't be leading the EPA, primarily that he doesn't seem to believe in science and is more interested in helping big business than, you know, protecting the environment. But his obvious belief that taxpayer money and resources are given to him for his personal benefit is a big reason, as well.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Wyoming. Mr. BARRASSO. Mr. President, I am here with my colleague from Oklahoma to speak in favor of Andrew Wheeler. I support Andrew Wheeler to serve as the

Deputy Administrator of the Environmental Protection Agency.

During the previous administration, the Environmental Protection Agency issued burdensome regulations that harmed American workers and American communities. Since President Trump took office 15 months ago, the EPA has rolled back many of these punishing regulations, including the so-called Clean Power Plan and the waters of the United States, or the WOTUS, rule.

Under President Trump and EPA Administrator Scott Pruitt, this Agency is now working for commonsense environmental policies—policies that don't harm the American economy and don't punish American families.

Administrator Pruitt needs his full team at the Environmental Protection Agency in order to accomplish these goals. So today, the Senate is going to consider the nomination of Andrew Wheeler to be Deputy Administrator of the EPA. The Deputy Administrator is critical in developing and implementing the policies that fulfill the EPA's mission of protecting human health and the environment.

Mr. Wheeler is very well qualified for the position. He spent over 25 years working in environmental policies. At that time, he served as a career employee at the EPA, working as an environmental protection specialist. This experience makes him uniquely qualified to serve in the role of Deputy Administrator.

He has spent over a decade here on Capitol Hill, shaping environmental law. He served as the staff director of the Senate Environment and Public Works Air Subcommittee from 1997 to 2003. This was followed by another 6 years as a Republican staff director and chief counsel for the full committee, 2003 to 2009. Most recently, Mr. Wheeler has been a consultant for a variety of energy and environmental clients.

Andrew Wheeler's commitment to sound environmental policies has received recognition from across the aisle as well. The ranking member of the Environment and Public Works Committee said this of Mr. Wheeler:

I think having worked in the agency, he actually cares about the environment; the air that we breathe; the water we drink; the planet on which we live.

Stuart Spencer, the president of the Association of Air Pollution Control Agencies, said this of Mr. Wheeler:

Mr. Wheeler has exemplified excellence in his professional endeavors, in his previous government service and private sector experience. In short, he is keenly qualified to hit the ground running at EPA.

I agree. His nomination has garnered the support of a broad base of organizations, including the National Association of Manufacturers, the United Mine Workers of America, and the Chamber of Commerce.

Andrew Wheeler is well qualified to fill this critically important role at the EPA. He is the right person to serve as

Deputy Administrator of the EPA, and I urge every Senator to support this nomination.

With that, I recognize my colleague and friend from Oklahoma, who has been a mentor to me on the committee, the former chairman of the Committee on Environment and Public Works, JIM INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the Senator from Wyoming for the great remarks he made about Andrew Wheeler. You know, it is awfully hard to find anyone who knows him well who will say anything bad about him. I guess the only thing you can criticize him for is that he worked for me for 14 years.

But I will tell you, during that time-frame, over a 14-year period, I don't remember anyone ever accusing him of being unfair, of being negative in any way at all. But a couple of things were said, and I think I need to correct the record. I need to be the one to correct it because I am the guy he worked for over a long period of time—both in my personal office and in my capacity as chairman of the Environment and Public Works Committee. Because I know him so well, I have to correct the record on his behalf.

One allegation made against Andrew in a news article is that he retaliated against a witness at an EPW—that is Environment and Public Works—Senate hearing in 2005 because we were unhappy with the witness's testimony. Nothing in the news article was true or accurate. This was an article that came out just the other day.

The witness in question and the major source of the article was Mr. Bill Becker. He was then the president of STAPPA, the Association of State Air Directors. These are the State directors who are becoming more prominent in what they are able to get through.

Mr. Becker charged at that time that in retaliation for his January 2005 testimony, the committee launched an investigation into his organization's finances.

In reality, the investigation was actually launched almost a year before Mr. Becker appeared before the committee. That is a huge difference. The article cannot be true.

Prior to the hearing, my staff notified the minority staff of the committee that he was currently under investigation, and we recommended against calling Mr. Becker as a witness.

I still have a copy of the memo my staff prepared for me before the hearing in 2005, noting that they had notified the minority staff about the investigation. This is the memo, and I ask unanimous consent that it be printed in the RECORD.

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

TIMELINE OF EPA GRANTS OVERSIGHT INVOLVING FEDERAL GRANTS TO STAPPA-ALAPCO

March 3, 2004—EPW Committee hearing regarding EPA grants management where EPA

IG testified to an it audit involving a non-profit receiving federal funding in violation of the Lobbying Disclosure Act. Inhofe subsequently began a series of information requests announced at the hearing and thereafter gathering information concerning EPA grant management.

May 4, 2004—Email to EPA requesting the amounts of EPA grants awarded to the following organizations from 1988–2004:

Association of State Drinking Water Administrators

Association of State and Interstate Water Pollution Control Administrators

Environmental Council of the States
State and Territorial Air Pollution Program Administrators

Association of Local Air Pollution Control Officials

Association of State and Territorial Solid Waste Management Officials (An email was sent to EPA instead of a letter pursuant to the request of the EPA citing administrative convenience in responding to an email.)

May 20, 2004—Email to EPA following up on previous request for grant amounts to previous requested groups.

July 9, 2004—Letter to EPA requesting information to clarify material EPA provided in response to May email.

July 12, 2004—Telephone conversation with EPA Grants and Debarment Director and EPA Project Manager of STAPPA-ALAPCO grants regarding grants. EPW staff received previous complaints concerning the particular funding arrangement for STAPPA-ALAPCO. EPA confirmed that it has a special funding relationship with STAPPA-ALAPCO as it provides funding directly out of grants that are otherwise to be provided directly to states, and other professional associations do not have such a relationship. State that are members of other professional organizations provide dues funding directly to those organizations. EPA staff also referenced the House Report language Inhofe used in his question to STAPPA-ALAPCO as a specific directive to the EPA requiring state and local air agency concurrence to continue the funding practice.

STAPPA FUNDING REQUEST

WE HAVE HAD CONCERNS ABOUT WHO THEY REPRESENT FOR YEARS

During the late 90's debate on Gasoline/Sulfur STAPPA took a controversial position defending the auto industry against the oil industry. At the time we received letters from 14 Governors taking the opposite position from STAPPA and heard from several State Air Directors who complained that STAPPA did not represent their views.

WE STARTED LOOKING AT THEIR FINANCES LAST SUMMER

May 4, 2004—You requested funding information on 6 different State associations, including STAPPA from EPA as part of our Grants Oversight.

July 9, 2004—Requested additional info from EPA on all 6.

July 12, 2004—We requested more information from EPA on STAPPA alone. We received no complaints about the other organizations and STAPPA's funding arrangement appears to be different from all of the others.

SENATE APPROPRIATES STARTED LOOKING AT THEM LAST FALL

Fall 2004—Senate Appropriations Subcommittee included funding language directed specifically at STAPPA

NOTIFIED MINORITY

Prior to invite to testify, Inhofe staff told Jeffords staff that we would be asking questions about their financing and how they reach their decisions.

All of the IRS information we requested is available publicly and is necessary to deter-

mine if they are giving the EPA the same information they give the IRS. This is part of our long term EPA grants management oversight.

Mr. INHOFE. Unfortunately, facts don't seem to matter when a Trump nomination is at stake. The story that isn't being told is about his character and integrity. People don't remember that the Bush EPA told minority members of the EPW Committee, the Democrats, that they wouldn't respond to their letters.

Well, it was Andrew Wheeler who made it clear to the EPA that they would answer any questions the minority had or, as chairman, I would submit their questions for them. No one is telling that story, but they are spreading other allegations.

Another negative story making the rounds is that Andrew hosted fundraisers for Senator BARRASSO and me while it was known he was going to be nominated as Deputy Administrator of the EPA.

Well, the fact of the matter is that Andrew hosted these fundraisers long before even being interviewed by the White House for this nomination. All the dates are there. The facts are there.

After dispensing with the falsehood surrounding Andrew, the rest of the opposition to him comes down to two things and two things only: He doesn't have the correct view on environmental policy, and he worked for the wrong people, including me. Now, those things are actually stated on the Senate floor, and I understand that. If they consider that to be an opposition or something that needs to be corrected, I believe they are wrong because he was an excellent, excellent employee during that time and all the other times. The fact that he had a choice of someone to support when he had not even been notified that he might be considered for this nomination is significant.

The extreme environmentalists were given free rein under the Obama administration for 8 years, including writing the EPA's regulations, and they can't handle the fact that the American people have said "enough." Trump and Scott Pruitt have been delivering relief for the American people and the economy since they have been in office. Andrew Wheeler will be a great help to Administrator Pruitt in continuing to implement President Trump's vision of returning EPA to an agency of the people, subject to the rule of law. He has worked in EPA before, even winning awards from EPA, and he will be a good steward for the environment.

It is always difficult when you know someone personally and you know their character and you have a personal love for them and for their career and you have played an integral part to hear things of a negative nature said about them. As to a lot of the things they are grouping together, maybe they don't like philosophically Scott Pruitt. I do. I spent 20 years in business, and I know what overregulation

is, and I know that our economy was suffering during the 8 years that we had others in charge. In fact, the proof of that is that the average increase in our economy for 8 years was 1.5 percent. Now, just because of this President and this administration getting rid of some of the overregulations, it is now well in excess of 3 percent.

Now, people ask: How are you going to pay for the road program and rebuilding the military that was torn down during the last administration? They forget about the fact—and no one disagrees with this—that for every 1 percent increase in the economic activity or GDP, that equates to additional revenue to the Federal Government of \$1.9 trillion over a 10-year period. That is the reason we now are in a position to do some of the things we need to be doing in terms of infrastructure and other things and certainly for our military and other areas. So that is significant. That is something that Andrew Wheeler knows well, because we have gone through this in the past.

Andrew Wheeler is a wonderful guy, and I would defy anyone who knows him well to say there is any fault in his character. He is going to do a great job, and they need his help. I appreciate the fact that I believe he is going to be confirmed to that position.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. 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. CARPER. Mr. President, I rise—again today for the second time—in opposition to the confirmation of Andrew Wheeler, at this time to be Deputy Administrator of the Environmental Protection Agency. It is not a decision I came to lightly or without considerable effort to find a different path. I wish to begin this section of my remarks by describing some of the events that brought us to this point.

First, I wish to talk briefly about my own experience with Mr. Wheeler. As a staff member of the Environment and Public Works Committee, working for our dear friend, the late-Senator George Voinovich, and Senator JIM INHOFE, Mr. Wheeler was not someone with whom we agreed on each and every issue. However, Mr. Wheeler did prove to be someone with whom we could work on policies on which we did agree, like, for example, the Diesel Emissions Reduction Act, which reduces significantly diesel engine pollution and emissions from older diesel engines. I would also note that his responses during and after last year's hearings on his nomination were, for the most part, encouraging.

Mr. Wheeler also has some recent professional history that is troubling—and to some, very troubling. During

the Trump transition, the public got a chance to read the so-called Murray action plan. What is that? It is a list of policy proposals submitted to President Trump and other Trump administration officials by Mr. Wheeler's former client for a while, Bob Murray. The Murray action plan includes any number of measures that EPA, in the last 15 months, has begun to implement, like the repeals of the Clean Power Plan and the clean water rule and the decimation of the EPA's career workforce. The document also calls for some measures that EPA has not yet acted upon. For example, Mr. Murray calls for the repeal of the mercury and air toxic standards, rules that limit dangerous pollution from powerplants, even though industry is already complying with those same rules.

Mr. Murray also calls for a reexamination of climate change science and the repeal of EPA's so-called endangerment finding. I will talk a little bit more about that in a minute. It is the conclusion that both the Bush and the Obama administrations reached that found that global warming pollution from cars and SUVs was dangerous. I think I will just take a minute and talk about the endangerment finding right here. People talk about the endangerment finding. I don't think it is well-understood where it came from, and I wish to take just a moment if I can to try to relate it in terms that I can understand and, hopefully, other people can as well.

If you go back to the Clean Air Act, section 202 of the Clean Air Act says that if EPA determines that an air pollutant emitted from motor vehicles endangers public health or welfare, EPA has to write regulations to control those emissions. It has to write regulations to control those emissions. I believe it was in 1999 that environmental organizations petitioned EPA to do just that, and they asked EPA to determine that the greenhouse gas emissions from motor vehicles were dangerous. President Bush rejected their position in 2003, saying that greenhouse gases did not meet the law's definition of an air pollutant.

The State of Massachusetts led a coalition of other States and environmental organizations, though, and they filed a lawsuit against the Bush administration's decision. In April 2007, I think it was, the Supreme Court ruled in favor of Massachusetts and those who filed with Massachusetts. The court told EPA in 2007 that greenhouse gasses are "air pollutants" under the Clean Air Act, and they went on to say that EPA had to determine whether they were dangerous.

Although President Bush's EPA Administrator, Stephen Johnson, was ready to make the so-called endangerment finding for greenhouse gases being emitted from cars and SUVs, the White House would not let him do it. The White House would not let their own EPA Administrator make that finding. So it wasn't until a year

or 2 later—I think it was in December 2009—that the Obama administration's EPA finalized its determination that greenhouse gases from motor vehicles are dangerous. In 2010, EPA and the Transportation Department issued the first joint fuel economy and greenhouse tailpipe standards for cars and SUVs.

In the meantime, many industry groups tried to overturn the EPA's decisions. They filed suits in a number of different Federal courts saying that those groups did not agree with the climate science. They didn't agree with the process that EPA used to arrive at this endangerment finding, and they didn't like the regulation that EPA was writing in 2009. Well, 2 or 3 years later, in 2012, the U.S. Court of Appeals for the DC Circuit, which is the top appeals court in the whole country, right below the Supreme Court, ruled against the industry, upholding both the endangerment finding and the EPA's clean air rules. The Supreme Court declined to take up the industry's appeal. So it stood.

The U.S. court of appeals essentially sustained what EPA, under the Obama administration, sought to do and what Stephen Johnson, who was the EPA Administrator in the Bush administration the last year or 2, sought to do.

So what does all of this mean? What this means is that this is settled law. The highest courts in the land have said that greenhouse gases are air pollutants, they are dangerous, and EPA must regulate them.

Now, with that as a backdrop, let me say that I met with Mr. Wheeler a couple of times in the last year. I asked him directly whether or not he was involved in writing Mr. Murray's proposal—the so-called Murray plan that has been taken as an action plan by this administration and by this EPA under its current Administrator. Mr. Wheeler assured me that he was not involved in writing Mr. Murray's proposal.

He did go on to tell me, however, that one of Murray Energy's priority issues that Andy Wheeler actually worked on was securing health and other benefits for retired miners. I think that is something most of us would support.

Moreover, Mr. Wheeler also assured me that he views the EPA's legal authority to regulate greenhouse gas emissions, which is based on the endangerment finding, as settled law. Let me say that again. Mr. Wheeler assured me that he views the EPA's legal authority to regulate greenhouse emissions, which is based on the endangerment finding, as settled law.

I have no reason to doubt Mr. Wheeler's assurances that, at least on the question of the endangerment finding, he holds a view that is distinct from Bob Murray's, and that is a good thing, at least to me. I am sure that I speak not just for myself when I say that I do not feel similarly assured by Administrator Pruitt.

The Trump White House has said it wants EPA and the Transportation Department to negotiate what I would like to call a win-win on CAFE and tailpipe standards with California. That means the Trump administration's policy must be to leave the endangerment finding alone because the endangerment finding is what gives EPA and California the authority to write the tailpipe greenhouse gas rules in the first place.

But Administrator Pruitt has repeatedly refused to say this clearly. For example, last July, he told Reuters that there might be a legal basis to overturn the EPA's endangerment finding decision. When I asked him in late January not to overturn it for as long as he is Administrator, he refused to make that commitment.

In preparation for Mr. Wheeler's confirmation, I tried very hard to obtain some clarity about just what EPA plans to do with regard to the endangerment finding and the Agency's stated efforts to negotiate new greenhouse gas vehicle standards with California.

My staff and I talked to Bill Wehrum, who is the EPA Assistant Administrator for air—an important job—and with Ryan Jackson, Administrator Pruitt's chief of staff. We spent several weeks exchanging drafts of a letter that EPA planned to send me that sought to do three things, to make clear three things.

First, the letter affirmed the legal authority EPA used to find that the greenhouse gas emissions were dangerous and set vehicle standards. That is No. 1.

Second, the letter affirmed California's Clean Air Act authority to set its own, more stringent, vehicle standards.

And third, the letter committed to negotiate in earnest with California using a process not unlike the one used in past efforts to preserve a single national set of vehicle standards that automakers in California could support—a true win-win.

We actually reached agreement on the text of that letter with those who were negotiating, including Mr. Wehrum, his team, folks from California, and others. I am told Administrator Pruitt initially agreed to let the letter be sent, but then, maybe a week or two ago, a woman named Samantha Dravis, a political appointee at EPA, who I think is from Oklahoma and who recently resigned after reports that she failed to come to work for some 3 months last year, apparently convinced the Administrator to renege on the deal and to not sign the letter.

Ultimately, a significant part of the reason I cannot support Mr. Wheeler is because the Agency refused to follow through on an agreement it made with me on issues that are really important to the country, the auto industry, and California.

The truth is, at this point in time, it is not the only reason we should not be moving forward with this vote. In the

past several weeks, each day brings headline after headline. There they are again. This is just a handful of headlines. This is a target-rich environment in terms of headlines from Scott Pruitt. In the past couple of weeks, each day brings headline after headline, scandal after scandal, report after report about simply what I think is an unconscionably manner in which Mr. Pruitt is running the Agency, as I talked about earlier.

There have been dozens of calls for his resignation that have come from both parties here and in the House. Speculation about how long he will be able to remain in the job is at a very high pitch—very high pitch. It is entirely possible that Mr. Wheeler might be sworn in as Acting Administrator before he spends a single day on the job as Deputy Administrator. We will see.

The truth is, we have never really had the opportunity to ask Mr. Wheeler how he would remedy the reports of excessive spending out of EPA under Mr. Pruitt's leadership—inappropriate travel, retaliation against staff who dare to cross him, unlawful rule repeals, and the gross abuses of power Mr. Pruitt has inflicted on this country—if it were suddenly Mr. Wheeler's job to right those wrongs, which it will be if he is confirmed today.

Neither Mr. Wheeler nor members of the Environment and Public Works Committee were even aware of the extent of many of these problems and scandals when his confirmation hearing was held more than 5 months ago in the Environment and Public Works Committee.

Essentially, in my view, the Senate quite simply should not vote today on this confirmation until we know which job Mr. Wheeler will be filling at the Agency and until we know how he views and how he would remedy the overwhelming number of serious problems he will face when he arrives there.

Let me say one last thing, if I could. I am a big believer in win-win situations and win-win solutions. I think my colleague who is presiding at this moment is also. We partner on a variety of things, including trying to promote recycling, not just here in this body but all across this country, in ways that create jobs and create economic opportunity.

I focus a lot—and I think a lot of my colleagues do—on how do we create a more nurturing environment for job creation and job preservation. We don't create jobs here. Governments and Presidents don't create jobs. We try to help create a nurturing environment for job creation. One of the elements that is important for having that kind of nurturing environment for job creation, frankly, is clean air, clean water, and good public health. Another thing that is important is certain businesses like certainty and predictability.

It has been 10 years or more, but I will never forget when I was visited by a bunch of utility CEOs from all over

the country. They had come to talk with me and my staff about clean air legislation covering four distinct pollutants. They included mercury, CO₂, nitrogen oxide, and maybe one more—all types of legislation for polluters.

I had introduced legislation on the heels of President Bush's proposal. President Bush proposed multipollutant legislation that he called Clear Skies. The version I introduced, with a Republican colleague, was called Really Clear Skies. The four pollutants were VOC, NOC, mercury, and CO₂. That is what it was.

We had these CEOs from utility companies across the country who came to see us. They wanted to talk about our legislation to, over time, ratchet down the emission of those pollutants from their utilities. We talked for about an hour. At the end of the hour, one of the CEOs of the utilities—I think he was from the southern part of the country—said: Look, let me tell you, Senator, what you should do. Here is what you and your colleagues should do with respect to air emissions for utilities. He said: Tell us what the rules are going to be, give us some flexibility, a reasonable amount of time to meet those expectations, and get out of the way. That is what he said: Tell us what the rules are going to be, give us a reasonable amount of time to meet those expectations, some flexibility, and get out of the way.

With respect to CAFE, what we are doing with fuel efficiency requirements for cars, SUVs, and trucks—what we need to keep in mind is providing the same kind of certainty and predictability for the auto industry inside the country and outside of this country as we expect them to increase fuel efficiency over time for cars, trucks, and vans.

Under current law that we adopted, I want to say, about 10 years ago, we ramped up fuel efficiency requirements up through 2025. Between 2021 and 2025, the increases are pretty significant, pretty steep. The current administration wants to almost eliminate entirely those increases between 2021 and 2025 and be really silent on what happens after that.

I go to the Detroit auto show almost every year. In Delaware, until a couple of years ago, we built more cars, trucks, and vans per capita than any other State in the country. I got used to going to the Detroit auto show so often that I would know the people who ran Chrysler and GM so that if they ever thought about closing their plant in Delaware, we actually know whom to talk to. I still go to the Detroit auto show most years.

I went this time and met and talked with representatives from 10 auto companies from this country and around the world. We talked about CAFE and fuel efficiency requirements going forward. To a company, this is what they said to me in private conversation: We need some flexibility in the near term, between 2021 and 2025. In return for

that additional flexibility, we are willing to accept tougher goals extending out as long as 2030—near-term flexibility, longer term requirement for more rigorous standards. They said: Having said that, we don't want to be stuck in a situation where we have to go with one car with higher fuel efficiency requirements or see a model for a car, truck, or SUV with higher requirements for fuel efficiency for California and a different standard for the rest of the country. That just doesn't work for their business model. They need to be able to build one model, one set of standards for California and the other 49 States.

California, where they have had huge air pollution problems over the years, wants to have rigorous requirements.

I said this to the majority leader earlier this week; that there is a way to work through all of this with the auto industry, California, the other States, with EPA, and the Department of Transportation. There is a way to work through all of this that provides a real win-win, that preserves jobs in the auto industry—people building cars, trucks, and vans—and with respect to California's special concern, provides the certainty and predictability the industry needs and also ends up giving us more energy-efficient vehicles, cleaner air, and cleaner water—especially cleaner air. That is a real win-win situation. That is a real win-win situation, and that is where we need to go. We need leadership at EPA, we need leadership from the administration, leadership here, and in States like California to get us there.

Wayne Gretzky is a great hockey player. I am not a huge hockey fan. I watch it a little bit. When Wayne Gretzky was playing, he was believed to be the best hockey player anybody had ever even seen, at least in this country. His nickname was "The Great One." He took a lot of shots. He was not shy about shooting for a goal.

He was once asked: Mr. Gretzky, why do you take so many shots on goals? He said these words: I missed every shot I never took. I missed every shot I never took.

I like to take the shot in a lot of different respects. This is a shot we should take, and, if we do, we will do a lot more than score a goal. We will score a big win for our country. In the end, for people who are driving cars, trucks, and vans in the years to come, we will save them a lot of money, and we will have cleaner air and protect a lot of jobs that need to be protected and need to be preserved.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. UDALL. 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. UDALL. Mr. President, I have come to the floor to talk a little bit about Scott Pruitt and his administration over at the EPA as well as the current pending nomination of Andrew Wheeler to be the Environmental Protection Agency's Deputy Administrator.

The Environmental Protection Agency is in crisis. Scott Pruitt has thrown the Agency into turmoil by gutting its mission to protect public health and the environment and by violating ethics and the taxpayers' trust. I believe Scott Pruitt must resign. Many of our colleagues have said the same. Even the President is questioning whether Mr. Pruitt should stay, and that is exactly why I am concerned that the Senate is not giving the Deputy Administrator nominee the scrutiny he should have. Andrew Wheeler could become the EPA Administrator if Scott Pruitt is forced out or resigns. He should be vetted as if he were the nominee—and there are many reasons to question whether he belongs at the EPA at all.

Just like Mr. Pruitt, Mr. Wheeler has spent his entire political career fighting EPA regulations that protect the environment and protect public health. He has lobbied for many years on behalf of polluters that the EPA regulates. The American people support clean air and clean water. Mr. Wheeler is out of step with the values and principles of the American taxpayers.

I know many Republicans who support environmental protection. We have had many decades of bipartisan support for public health, environmental protection, clean air, and clean water. Folks don't want their kids to have toxic chemicals in their blood or in their bodies. So there is a lot of support by Republicans in this area, and it has been a bipartisan issue.

I call on my Republican friends to press the pause button on Andrew Wheeler's nomination to be Deputy Administrator of the EPA. Let us join together and demand that the President withdraw this nomination and nominate someone who supports the basic mission of the EPA.

It is absolutely clear that Administrator Pruitt does not support the mission of the EPA. In fact, as State Attorney General, he prided himself in fighting everything EPA was doing and filing a number of lawsuits against the EPA.

We need a person at EPA who respects science and understands that climate change is here and now and must be addressed for the sake of our children and grandchildren, a person who is not hostile to environmental regulation in all forms, and a person who is not beholden to special interests. We are supposed to act as a check on the executive, so let's do our job.

When I mention climate change, one of the very first things that Administrator Pruitt did when he got in was sabotage a climate change website. That website had been in place for 10 years. It had been bipartisan through

several administrations. They were accumulating the best knowledge from scientists in this country and the best knowledge from scientists around the world to make it available to the public and to make it available to scientists and their researchers.

When I asked Administrator Pruitt in front of the Appropriations subcommittee, "Now, you have taken this website down. When are you going to put it back up," he said: "Oh, we are just updating it. We are just updating it," and we continue to ask the EPA.

Now, we are almost a year later—1 year later—and Scott Pruitt still refuses to put the website back up. So we really know where he is coming from on that issue.

When Scott Pruitt came before the Senate for confirmation, I voted against him because I expected he would work to undermine environmental health and protections. Mr. Pruitt has met and far exceeded my worst expectations. He lobbied the President to leave the Paris Agreement. The United States is now the only country in the world that is not a signatory to the Paris Agreement.

Mr. Pruitt proposed repealing the Clean Power Plan, our Nation's best effort to attack climate change. It is an important public health measure too. The EPA estimated that the Clean Power Plan could prevent 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in children.

Mr. Pruitt stopped a ban on chlorpyrifos, a dangerous neurotoxic pesticide that EPA's own scientists say should be off the market because it is linked to brain damage in young children. Chlorpyrifos is an example where scientists—and this is what the EPA does—consult with scientists outside the Agency, study within the Agency, and try to come to conclusions with regard to public health. In the case of chlorpyrifos, scientists were increasingly questioning whether it should be out there as a pesticide, so they were restricting its use in homes, they were restricting its use near schools, and finally they decided this is such a dangerous neurotoxin and we should ban it outright. So all the work had been done over 30 years.

Then, here it is, presented to the incoming Administrator—I would bet any other Administrator in the history of our country would have looked at the information, would have looked at what the science said, and they would have banned the chemical. What has Scott Pruitt done? Well, what he has done is, he has said we are going to take a look at it for another 5 years. That is what he posted on his website. There is no evidence that they are doing any review or anything. There is no evidence that chlorpyrifos isn't dangerous and should be banned, but that is the record he has at the Environmental Protection Agency.

He has also tried to suspend methane and smog regulations on oil and gas wells. He tried to roll back mercury

pollution rules for powerplants, and he wants to delay rules to protect against pesticide exposure and formaldehyde emissions. It is absolutely clear, Mr. Pruitt's actions have not respected the rule of law and, fortunately, they have been blocked by the courts.

Now, Mr. Wheeler's environmental record is not much better. It gives no confidence that he will put health and safety first.

Mr. Wheeler has called the Paris climate agreement a "sweetheart deal" for China.

He has fought limits on greenhouse gas emissions.

He is a longtime lobbyist for Murray Energy Corporation—one of the dirtiest coal companies in the country—which also has a terrible safety record. Murray Energy is the largest privately held coal company in the Nation. That raises big questions about conflicts of interest. The EPA is now moving to repeal the Clean Power Plan. It would be a big win for Big Coal at the expense of the American people.

Mr. Wheeler opposed reducing poisonous mercury emissions from powerplants—regulations Scott Pruitt wants to gut. In fact, I don't see anything in Mr. Wheeler's background that indicates he will act as our Nation's top environmental protector.

When Mr. Pruitt was confirmed, we knew he had no problem bending ethics rules. His claim to fame in Oklahoma was currying favor with moneyed interests and doing their bidding, but the number and extent of Mr. Pruitt's ethical lapses might surprise even the most cynical.

The list of abuses grows daily: lavish first-class flights around the world; swanky hotel stays; billing the taxpayers for his personal trips home to Oklahoma; a \$43,000 soundproof phone booth in his office; taking 30 EPA enforcement officers away from investigating polluters to serve as his round-the-clock personal security detail—something no other EPA Administrator has done; speeding down the streets of Washington with sirens and lights blaring to get to fancy restaurants; huge, unauthorized salary increases for his friends; and he even allowed a close aide to just not come to work for 3 months while still getting paid by the taxpayers; detailing EPA staff to find him a place to live. While he siphons hundreds of thousands of dollars off the taxpayers for special perks for himself, he tries to slash millions of dollars for health and safety programs for the American people.

Even his own staff has balked at his extravagances, and the Administrator has met their resistance by retaliating against them, changing their duties, sidelining them. Mr. Pruitt has treated the EPA like his own little personal fiefdom, and EPA employees are like serfs who cater to his whims.

Former EPA Administrator under President George W. Bush, Christine Todd Whitman, recently called his spending "absolutely ridiculous." That

is what Christine Todd Whitman said, "absolutely ridiculous." She charged that his conduct is part of "an extraordinarily ethically tone deaf administration."

It is time for Scott Pruitt's imperial tenure to end. It is time for him to resign and high time for the President to stop defending him and to demand his resignation. But Mr. Pruitt should not be replaced by someone who does not support the basic mission of the Agency—to protect the environment and public health. That is what the EPA Administrator should be focused on; it is absolutely clear.

The EPA's first Administrator, William Ruckelshaus, a Nixon appointee, has sounded warnings about what is going on at the EPA. He said: "My principal concern is that Pruitt and the people he's hired to work with him don't fundamentally agree with the mission of the agency."

The American people value that mission. They want clean air and clean water. They want the health of their children and our seniors protected. It is our responsibility to make sure the EPA protects the American people.

I urge my friends and my colleagues on the other side of the aisle to do our job—to put the nomination of Andrew Wheeler on hold and to work together to demand that the President nominate a Deputy Administrator who will have the trust and confidence of the American people and to work to keep their air and water clean and their families safe and healthy.

There are a couple of articles that I think show what has been happening over at the EPA.

This article says that "nearly a year into the Trump administration, mentions of climate change have been systematically removed, altered or played down on websites across the federal government." As I said earlier, they have taken down this huge, bipartisan project that was in place for 10 years, gotten rid of it and claim they are updating it, but they haven't done anything after a year.

The article goes on to quote a report by Environmental Data & Governance Initiative: "Removing information regarding climate from federal websites does not affect the reality of climate change, but may serve to obfuscate the subject and inject doubt regarding the scientific consensus that climate change is happening and that it is caused by human activity."

Mr. President, I ask unanimous consent that the January 10, 2018, article by the New York Times be printed in the RECORD.

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

[From the New York Times, Jan. 10, 2018]

HOW MUCH HAS 'CLIMATE CHANGE' BEEN SCRUBBED FROM FEDERAL WEBSITES? A LOT.

(By Coral Davenport)

WASHINGTON.—Nearly a year into the Trump administration, mentions of climate change have been systematically removed,

altered or played down on websites across the federal government, according to a report made public Wednesday.

The findings of the report, by the Environmental Data and Governance Initiative, an international coalition of researchers and activist groups, are in keeping with the policies of a president who has proudly pursued an agenda of repealing environmental regulations, opening protected lands and waters to oil and gas drilling, withdrawing the United States from the Paris climate accord, shrinking the boundaries of federal monuments, and appointing top officials who have questioned or denied the established science of human-caused climate change.

The authors of the study said that the removal of the words "climate change" from government websites, and a widespread effort to delete or bury information on climate change programs, would quite likely have a detrimental impact.

"We have found significant loss of public access to information about climate change," the authors wrote.

"Why are these federal agencies putting so much effort into 'science cleansing' instead of using time and resources to fulfill agency responsibilities, such as protecting the environment and advancing energy security?" they wrote. "Removing information regarding climate change from federal websites does not affect the reality of climate change, but may serve to obfuscate the subject and inject doubt regarding the scientific consensus that climate change is happening and that it is caused by human activity."

The report tracks the Environmental Protection Agency's removal of hundreds of websites connected to state and local climate change programs; the removal of information about international climate change programs from the State Department, Energy Department and E.P.A. websites; and the deletion of the words "climate change" from websites throughout the federal government.

In many cases, the report found, "climate change" was replaced by vaguer terms such as "sustainability."

In a separate report, also made public Wednesday, the group found that the Bureau of Land Management had deleted its climate change website and removed text about the importance of climate change mitigation from its main site.

The researchers took care to note that raw government data on climate change, such as historical records of temperatures and emissions levels, had not been deleted. However, Toly Rinberg, a co-author of the report, said: "The data is certainly less accessible. Links to websites that host the data have been removed. That data is still available online but it's been made harder to find on the agency's websites."

Trump administration officials have noted that it is the administration's prerogative to highlight its agenda—repealing climate change policies and promoting the exploration of oil, gas and coal—on its websites. The Obama administration sought to promote climate change policies and elevate the issue in the public eye, but the Trump administration is under no obligation to continue that effort.

And some information about government programs related to climate change, while no longer easily found on the main federal agencies' websites, was still accessible. Liz Bowman, a spokeswoman for the E.P.A., said in an email that pages were "archived and available" on the agency's website.

But the report concluded that of all federal agencies, the E.P.A.—the agency charged with protecting the nation's environment and public health—had removed the most information about climate change. An E.P.A.

website once titled “Climate and Energy Resources for State, Local and Tribal Governments,” which included prominent links to programs like “Climate Showcase Communities,” now contains no mention of the term “climate change” and no prominent links to state and local climate information.

The E.P.A. has also removed a website on the Clean Power Plan, the Obama administration’s signature climate change regulation, which was designed to reduce planet-warming pollution from power plants. The Trump administration has put forth a legal plan to repeal that regulation, and part of that process includes a public comment period. The new report suggests that when people cannot easily find the original rule on the E.P.A.’s website, they may be less likely to submit comments against repealing it.

“Beyond reducing access to actionable information, removing public web resources can undermine democratic institutions such as notice-and-comment rulemaking,” the report’s authors wrote.

Mr. UDALL. A September 27, 2017, article by Reuters with regard to EPA workforce reductions describes EPA’s workforce declining to levels not seen in decades. The article says:

In June, the EPA unveiled a buyout program that would contribute to the biggest cuts of any federal agency in President Donald Trump’s 2018 proposal. The EPA employs about 15,000 people.

After buyouts and retirements, that number could drop to 14,428 by October, the official, who spoke on condition of anonymity, said in an email.

That would be below the fiscal 1988 level, when EPA staffing was 14,440, the official noted.

Mr. President, I ask unanimous consent that the September 27, 2017, article by Reuters with regard to EPA workforce reductions be printed in the RECORD.

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

[From Reuters, Sept. 27, 2017]

(By Eric Walsh)

EPA WORKFORCE SHRINKING TO REAGAN-ERA LEVELS—AGENCY OFFICIAL

WASHINGTON.—The workforce at the U.S. Environmental Protection Agency is on course to fall to its lowest level since Ronald Reagan was president, an agency official said on Tuesday.

In June, the EPA unveiled a buyout program that would contribute to the biggest cuts of any federal agency in President Donald Trump’s 2018 budget proposal. The EPA employs about 15,000 people.

After buyouts and retirements, that number could drop to 14,428 by October, the official, who spoke on condition of anonymity, said in an email.

That would be below the fiscal 1988 level, when EPA staffing was 14,440, the official noted. A further 2,998 employees, or just over 20 percent of the total, are eligible to retire now, the official said.

In an April spending bill, the Republican-controlled Congress set a cap for EPA staffing at 15,000 employees for fiscal year 2017, rejecting proposed increases by the previous administration of Democratic President Barack Obama.

EPA Administrator Scott Pruitt said the reductions were “giving long-serving, hard-working employees the opportunity to retire early.”

“We’re proud to report that we’re reducing the size of government, protecting taxpayer

dollars and staying true to our core mission of protecting the environment and American jobs,” he said in a separate statement.

Pruitt has rolled back a slew of Obama-era regulations limiting carbon dioxide emissions from fossil fuels.

He was also instrumental in convincing Trump to withdraw the United States from the Paris climate accord—a global pact to stem planetary warming through emissions cuts.

While acknowledging the planet is warming, Pruitt has questioned the gravity of the problem and the need for regulations that require companies to take costly measures to reduce their carbon footprint.

Before becoming head of the EPA, he was Oklahoma’s attorney general and repeatedly sued the agency he now runs to block federal environmental rules.

Mr. UDALL. So here we have an attempt by Administrator Pruitt to emasculate the Agency by chasing off some of the best and brightest scientists, buying out people, doing everything he can to intimidate people to leave the Agency, and we are at a point in time where we have a staffing level equivalent to 1988. This is the Agency that protects our water and our air, makes sure the water and air are clean, and protects our children from toxic chemicals. This is a pretty remarkable record.

I ask my Republican colleagues to reconsider the Wheeler nomination, to put a hold on it, to have the proper vetting, and let’s find the kind of individual who is going to respect the mission of the Agency and move us forward in the direction of public health, protecting the environment and our air and water.

I suggest the absence of a quorum.

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

The senior assistant 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, Scott Pruitt is the Administrator of the Environmental Protection Agency. He is charged with running the Agency and ensuring its mission. There are serious questions about Mr. Pruitt’s leadership, but we will get to that later.

Today, the Senate is preparing to vote on the nominee to be the second highest ranking official at the Environmental Protection Agency—Andrew Wheeler. As the No. 2 at the Environmental Protection Agency, Andrew Wheeler deserves the kind of scrutiny that reflects a position one step away from Administrator.

Andrew Wheeler has spent years protecting the coal industry—first from here in the Senate, where he worked to prevent passage of climate legislation, and then as a lobbyist for Murray Energy, one of the largest coal companies in America, which has led the fight by the coal industry to undo the progress we have made on climate policy.

Andrew Wheeler’s coal credentials are without equal. He is without ques-

tion a member of the coal industry’s hall of fame. He was even present in March of last year at the meeting where Murray Energy CEO Bob Murray presented Energy Secretary Rick Perry with the now-infamous secret plan to save the coal industry.

Sadly, I am concerned that Andrew Wheeler’s background means that he will never understand that saving coal is not the Environmental Protection Agency’s job. It is the EPA’s job to regulate coal, to protect public health and the environment, to keep particulate matter from filling the lungs of children in our most vulnerable communities—more than 7,500 people die every year from the pollution from fossil fuel powerplants—to reduce the harmful carbon pollution that is causing climate change, and to end the toxic coal-mining practices that are poisoning our waters and our communities.

The corporate special interests, who have worked hand-in-hand with the Trump administration to block clean energy deployment and force Americans to breathe dirty air from fossil fuel combustion, are exactly the opposite of what we need to be at the head of the Environmental Protection Agency. They are, at the same time, the companies that Andrew Wheeler has represented. Andrew Wheeler has made a career of promoting the policies that make our air and our water dirty and that endanger the public’s health.

Now, with Environmental Protection Agency Administrator Scott Pruitt under siege as a result of Agency mismanagement and scandal, we must have real concern about who will be No. 2 at the EPA. Who is on deck to take over if Scott Pruitt has to leave? Who is going to be sitting there in the chair as the Administrator to make these decisions about clean air, clean water, about the role which coal plays in polluting our environment? Who will that be if Scott Pruitt were to be removed from his position or resign from his position? And, by the way, that is a position from which I strongly support that he be removed—that he resign—but that would then lead to the consequence that Andrew Wheeler would most likely be the new Administrator of the EPA. This individual would then be in charge of the environment of our country. He would be in charge of it. The coal industry would have their person running the Environmental Protection Agency. That is unbelievable. That is the dream of the coal industry—that, finally, after all these years, they get the guy to be in charge of the environment, as the country and the world are moving in just the opposite direction.

Now, would he have been vetted for that role as the head of the EPA? Absolutely not. He is out here on a snoozy Thursday afternoon with his name out here to be considered with the Galleries empty of either publicity, citizens, or the press paying attention to the debate when the consequences of this decision that the Senate is about

to make is of historic magnitude. This man is the coal industry. If you Google the word “coal,” his picture comes up. Coal, ladies and gentlemen, has declined from 50 percent of all electrical generation down to 30 percent just over the last 10 years. Why? Well, because utilities in America are moving toward wind. They are moving toward solar. They are moving toward energy conservation. They are moving toward natural gas, which has half of the pollutants of coal. The coal industry has met its maker in the marketplace. The utilities themselves have moved toward cleaner sources of electrical generation in our country, and the only way that they can stave off this revolution, in their minds, is to have a coal industry representative be the head of the Environmental Protection Agency. Talk about the fox guarding the chicken coop. Talk about some kind of upside-down, bizarro world, where, all of a sudden, at the Environmental Protection Agency, the one industry that has most contributed to the greenhouse gases up in our atmosphere over the last 100 years, now has someone who is next in line to take over the entire Environmental Protection Agency.

So Scott Pruitt is under siege, and we have not asked Mr. Wheeler about his readiness to lead the EPA or how his policies would be different from those of Mr. Pruitt. We don't have any reason to believe his views are any different than Mr. Pruitt's. Does he agree with the policy direction Mr. Pruitt has taken at the Agency? Does he agree with the exorbitant costs associated with the questionable activities Administrator Pruitt has engaged in as head of this Agency?

There is a lot that Andrew Wheeler has yet to answer to if he were to take over as the head of the Environmental Protection Agency, which brings us to the embattled EPA Administrator, Scott Pruitt himself.

Mr. Pruitt's leadership at the EPA has made that Agency as toxic as a superfund site. Administrator Pruitt has consistently undermined the core mission of the EPA—to protect the environment and to protect the health and the safety of all Americans. He has put the interests of the fossil fuel, chemical, and auto industries above the needs of the public's health.

Perhaps the best example of Scott Pruitt's war on good, bipartisan policy is his full frontal attack on fuel economy emissions standards. Last week, Administrator Pruitt and the Trump administration began the process of rolling back these historic standards. In 2007, I worked on a bipartisan basis to enact a provision in the energy law that increased our Nation's fuel economy standards for the first time in 32 years. It is one of the laws that I am most proud of. I was then serving in the House of Representatives and I was able to work with NANCY PELOSI and able to work with John Dingell to push through that measure. Over here in the Senate, DIANNE FEINSTEIN, working

with Senator Stevens and others, were able to bring together a consensus that changed the direction of fuel economy standards in our country. They had not been increased in 32 years because of the viselike grip that the auto industry and the oil industry had on public policymaking with regard to pollution over the preceding 32 years. It was a tragedy. It was a disgrace. It was harmful to the health of Americans, to the national security of Americans, and to the economy of Americans. Yet they had the power to do it.

But this world changed for the first time in 2007. Then building on that law, in 2009, the Environmental Protection Agency and the Department of Transportation began negotiating a historic agreement with State regulators, automakers, labor unions, and the environmental community. In 2012, the landmark fuel economy emissions of 54.5 miles per gallon by 2025 got placed on the books. Consulting with States, auto manufacturers, environmental groups, and other experts, the EPA and the National Academies of Sciences have proved beyond a doubt that the existing standards are appropriate. Automakers are meeting these standards more quickly and at a lower cost than predicted. These fuel economy standards are technically feasible. They are economically achievable. They have revived the competitiveness of our domestic auto industry, which has added 700,000 new jobs since 2010 and sold a record number of vehicles in 2015 and again in 2016.

But Scott Pruitt is threatening American consumers, our national security, and our climate by trying to slam the brakes and make a U-turn on this critical policy. We cannot allow Scott Pruitt to put us in reverse on these strong standards. But it doesn't stop there.

Time after time, Scott Pruitt has undermined the core mission of the EPA to protect the environment, to protect the health and the safety of all Americans. The litany of Scott Pruitt's sins is a Big Oil wish list: repealing the Clean Power Plan; supporting withdrawal from the Paris climate accord; weakening the Clean Water Act; allowing more toxic pollution in our streams and our wetlands; loosening standards for hazardous pollutants like mercury, arsenic, and lead that corporations can spew into our air. With Scott Pruitt's actions at the EPA, more Americans would get sick, more children could get asthma, and more people could die. He has shut out the public from the EPA's rulemakings and decisions. During his tenure, the EPA has hidden countless thousands of pages of publicly funded reports on climate science and other topics from the EPA's main web page.

Now it is emerging that he has betrayed the trust of the American people by pursuing ethically questionable behavior while heading this Agency. His mismanagement of the EPA, his intimidation of scientists, among whom fear is rampant, and his insistence on

undermining key environmental policies is unacceptable. It is impossible to have any confidence in him to lead this Agency. It is time that we issue an eviction notice, change the locks, and kick Scott Pruitt out of the EPA. It is time for him to go.

Amid this dark cloud, it is up to the Senate to ensure that anyone who is going to be responsible for overseeing our Nation's environmental policy is properly vetted for that position. Without more questioning and more examination, we do not know if Andrew Wheeler is that individual. Ultimately, I cannot vote for a lobbyist for the coal industry to lead the Agency that is tasked with making sure that carbon pollution is regulated. So that is the decision that we are being called upon to make here. It is like a shadow confirmation vote for the next Administrator of the EPA. It is an attempt to slip by at the end of the week, with Members of the Senate wanting to get home, the nomination and confirmation of a man who stands for just the opposite of what the credentials of a candidate to run the EPA should be.

We have a massive wind revolution in our country. We have 260,000 people now working in the solar industry in America. There are 50,000 coal miners, 260,000 people in solar, and 100,000 people in wind. Most of the wind and solar jobs were created over the last 10 years. Which direction does President Trump go? Which direction does Scott Pruitt go? Which direction will Andrew Wheeler, the heir apparent to Scott Pruitt, go? It goes toward coal and not wind, not solar, not renewable energy, not this greatest creation of blue-collar jobs in two generations in a single job sector.

Two percent of all new workers in America last year were solar workers who got hired, and they are good jobs. Who are they? They are electricians up on the roof. They are people who are carpenters. They are putting together the equipment. They are blue-collar workers. They are high-paying, secure, long-term jobs.

The President, however, looks to the coal industry with 50,000 coal miners and says: I am going to put in place a man who is committed to protecting that industry while destroying the wind, the solar, and the renewable industry in general and by saying to the automotive industry that you do not have to any longer increase dramatically the fuel economy standards of the vehicles which we drive in our country.

Elon Musk and all these smart, technologically savvy people in our country who are reinventing the way in which we drive are being told: No, the standard is too high. Your goal cannot be achieved. We are going to roll back those goals. That is Scott Pruitt. That is Andrew Wheeler. That is Donald Trump. That is what this debate is about here on the floor. It is a debate about the future of our country. It is a debate about the future of our planet.

It is about the future, about the direction in which we are going to be heading. Are we going to be looking at the world through a rearview mirror, back toward a technology of the 19th century, coal, or are we going to be looking toward the future? That future is one of solar and wind, renewable energy, and all-electric vehicles. It is a revolution that saves the planet, creates jobs, protects our security by backing out of importing oil from other countries.

The fuel economy standards in our country that are on the books right now that Scott Pruitt and Donald Trump want to roll back, back out 3½ million barrels of oil a day that we never have to import from OPEC and the Middle East. Do you know how many barrels of oil we import each day from the Middle East? Three and one-half million barrels of oil. That should be our goal.

Right now, the President is debating whether he should have more missile strikes in Syria in the Middle East and what the impact would be in Iran and Saudi Arabia, but, meanwhile, simultaneously, out here on the floor, we are debating a nominee who is going to be the hand-picked successor to Scott Pruitt to water down those fuel economy standards, water down that protection, which were given to young men and women so they will not have to go over to the Middle East in order to protect those ships of oil which come into our country. That is just morally indefensible when we know these revolutions are moving, they are creating jobs, and they are working.

That is why this nomination today goes right to the heart of the future of our country and the future of our planet. That is who Andrew Wheeler is. He represents the worst of what this Trump administration is trying to do to our country.

We should be the leader, not the lagger. We should be the point of light for the planet, going to a goal that we know can then be exploited around the rest of the world. That is what the 21st century should be all about, where children have to look back in the history books to find that there ever was a time when we were burning coal that was polluting the lungs of children and the planet, when we had a chance to move toward wind, solar, renewable energy, and all-electric vehicles. That should be our goal today. That is why I urge, in the strongest possible terms, a rejection of his nomination.

We should be having a full-blown debate, not this truncated process that is being imposed upon us here today. This is just plain wrong. This nomination is too important. This is the heart of what the green generation in America wants us to debate. Which way are we going, backward or forward? Which way are we going, toward a clean planet or a further polluting of the planet?

In his encyclical, Pope Francis made it very clear, No. 1, that the world is dangerously wanting; No. 2, that it is

being caused largely by human activity; and, No. 3, that we have a moral responsibility to do something about it as the principal polluter over the last 100 years; because, No. 4, those who are going to be most adversely affected are the poorest and most vulnerable on the planet, and we have to do something about it.

That is why a “no” vote today is correct, because Andrew Wheeler is going to take us in the wrong direction, just the opposite of where Pope Francis urges us to go.

I yield the rest of my time to Senator CARPER.

The PRESIDING OFFICER (Mr. PERDUE). The Senator so yields.

The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I want to start by thanking my colleague from Massachusetts for the clarity and passion he brings to this debate.

I, too, am here to strongly oppose the nomination of Andrew Wheeler to be the Deputy Administrator of the Environmental Protection Agency.

Before I talk about Mr. Wheeler, I want to join my colleague from Massachusetts to talk a little bit about Scott Pruitt and the current management over the EPA. Because the people of our country rely on a strong, effective, and healthy EPA to keep our air and water clean and to make sure people are not living among toxic substances, we need strong leadership there.

In the State of Maryland, the EPA is also important to protect a great national and natural treasure, the Chesapeake Bay. The bay States include many of the States in this area. We have made great progress over the years through the EPA's Chesapeake Bay Program. It was recognized many years ago that when you have a bay such as the Chesapeake, where multiple States feed into it, so that when you see pollution in Pennsylvania, Maryland, Delaware, or Virginia, it ends up in the bay, you need a national response, and you need an agency like the EPA to bring people together. That is why the EPA's Chesapeake Bay Program was created. Yet we now have a Director of the EPA, Scott Pruitt, who doesn't recognize the vital and unique role the EPA plays in protecting the Chesapeake Bay.

We know that because, if you look at the budget Scott Pruitt and President Trump submitted to the Congress, they zeroed out funding—zeroed out funding—a big goose egg for the EPA Chesapeake Bay funding. That is what they did in year 1.

Then, when Senator CARDIN and I and others said: This is a really important national effort; in fact, it has had bipartisan support in the Congress, it has bipartisan support among the Governors of all the Chesapeake Bay States, then they said: OK. We are going to provide just 10 percent of the moneys that had been provided for that program.

This is a \$73 million-a-year program. It actually needs more to achieve its

full effectiveness, but Administrator Pruitt and President Trump provided only \$7.3 million in their budget, which would devastate the bay program.

Fortunately, on a bipartisan basis, this Senate and the House of Representatives have continued full funding for the Chesapeake Bay Program for the past 2 years. I thank my colleagues for recognizing the vital importance of that program, not just to the bay States but really to protecting a national treasure.

I guess it shouldn't be surprising that Scott Pruitt's first budget zeroed out funding for Chesapeake Bay protection because, back when he was the attorney general of Oklahoma, he filed an amicus brief in a case that would have neutered the ability of the EPA to actually enforce the pollution protection standards for the Chesapeake Bay.

We can set forth all sorts of standards, we can set forth all sorts of restrictions in terms of pollution that can fall into the bay, but if you don't have the ability to enforce it, it means nothing. It means people can pollute with impunity.

Even before he took the current job, Scott Pruitt telegraphed to all of us that he didn't care about enforcing pollution standards for the Chesapeake Bay.

We have also seen other recent actions where it is clear he has a disregard for adequate protections for clean air and water. The Senator from Massachusetts was just talking about a recent proposal to roll back the auto emission standards, auto emission standards that are essential to addressing the challenge of climate change, that are also vital to making sure we have energy independence—standards, by the way, that would save consumers a whole lot of money that would otherwise be going to the oil companies and the gas companies.

In fact, those new emission standards would save the average American family \$300 per year. Apparently, Mr. Pruitt and President Trump want to see those \$300 come out of the pockets of American consumers and go right to the bank accounts of big oil companies.

It is maybe not surprising, given the very close relationship between Administrator Pruitt and the Koch brothers, who worked very hard and worked over time on his confirmation to be EPA Administrator. With Administrator Pruitt, they are getting the policies they want—policies that are not good for the health of the American people but very good for the bottom line of the Koch brothers and some of the biggest oil companies in the country.

The Chesapeake Bay and the rolling back of the auto emission standards are just two examples of a record that fails the American public when it comes to the environment under this current EPA.

I also want to talk about the work environment today at the Environmental Protection Agency because my State of Maryland is the home to many

terrific public servants—Federal employees, including many dedicated employees of the EPA. You can listen to them, but you can read about accounts in many of the publications we have seen about the incredibly low morale at the EPA.

Leadership starts at the top, and Scott Pruitt has taken an agency with strong morale and led it down the tubes. I guess it is not surprising, since he has been seeking to cut the EPA team, the professionals there, by roughly 20 percent. I should say, he is talking about cutting those folks who are working every day on behalf of the American people at the same time he is increasing the number of political appointees at the EPA—people who really do nothing more than the politics of the Administrator. So he is increasing the number of high-paid political appointees while proposing to cut, by 20 percent, the EPA workforce that looks out for the American people.

Under his directorship, already 700 employees have left the Agency either because they found it a hostile place to work or were actually forced out. So I do find it ironic that the Agency that is supposed to protect the country from toxic pollution has created a toxic environment under its own roof.

Beyond my concerns about how he actually manages his staff, concerns about undermining protections for the Chesapeake Bay and other environmental efforts, we have seen a total disregard for basic public ethics from the current Administrator. His conduct is not appropriate for a public official and has violated the public trust time and again. It seems every day now, when you open a newspaper or look online, you can find another example of the current Administrator abusing the public trust.

We have to ask ourselves whether Andrew Wheeler is going to be someone at the EPA who addresses those serious problems we have with the current Administrator. How will he help stabilize the situation? Will he be any kind of counterbalance on these important issues? The clear answer, from the record, is no. In fact, the clear answer is that Mr. Wheeler would just reinforce Mr. Pruitt's worst instincts. One might say he is a carbon copy of Mr. Pruitt. And when we look at his history—Mr. Wheeler's history—we find a very cozy relationship between the nominee, Mr. Wheeler, Mr. Pruitt, the current Administrator, and an army of lobbyists for the coal industry. In fact, Mr. Wheeler, as we have noted, has been a lobbyist for that industry. When we look at his relationships, we find that he was advising Murray Energy. Murray Energy was at that time a top donor to Scott Pruitt's super PAC. This was before Mr. Pruitt became the Administrator of the EPA. He had a super PAC. Murray Energy, for whom Mr. Wheeler lobbied, was one of the top donors to that Pruitt super PAC.

The relationship between Pruitt and Wheeler and Bob Murray gets even

cozier when we see that Bob Murray was a co-plaintiff in 8 of the 14 lawsuits that Pruitt brought against the EPA before Pruitt became the Administrator. So I want to get this right. We have Mr. Wheeler, who is the lobbyist for Mr. Murray, and Mr. Murray joined with Pruitt in filing 8 of 14 lawsuits against the EPA. So we can see that we have a very cozy relationship there and one that will only reinforce, not counterbalance, Mr. Pruitt's worst instincts at the EPA.

Among those challenges is the question of climate change. Just yesterday, in the Environment and Public Works Committee, we had a hearing. We had a hearing on using Federal incentives to have more carbon sequestration, to try to take carbon out of the environment, and carbon recapturing technology.

What was interesting was that every single one of the witnesses—those called by the majority and those called by the minority—every one of them, when asked whether climate change represented a serious threat, answered yes. All of them acknowledged that human activity was contributing to that climate change—every one of the witnesses, right down the table.

It is also interesting that that legislation, which has bipartisan support, uses taxpayer dollars and, combined with the tax measures we passed recently, creates tax incentives for carbon capture. So we are agreeing on a bipartisan basis to use public funds for the purpose of reducing carbon pollution. The only reason to do that would be that we agree carbon pollution represents a threat.

I will tell my colleagues who believes carbon pollution represents a threat: the U.S. military. I represent the Naval Academy. A little while back, I went out there and talked to the head of the Naval Academy, who talked about the fact that even today, sea level rise is creating threats, and we can actually see the results of sea level rise with the flash flooding down in Annapolis, MD, which is home to the Naval Academy. That is just one small example. Yet, if we look at Mr. Wheeler's record and statements, we find just another person with their head in the sand, and that is not the kind of person we should have as the No. 2 at our national Environmental Protection Agency.

I was looking to see if the No. 2 appointment might provide some kind of counterbalance to Mr. Pruitt. Unfortunately, everything we find shows not only that they had this prior, very cozy relationship—lobbyist, Attorney General, and a lot of coal industry companies—but on all of the issues that are important to protecting the health of the American people, we have a Deputy nominee who is actually going to take us in the wrong direction.

So I urge all of my colleagues to oppose the nomination of Andrew Wheeler.

I yield the remainder of my postcloture time to Mr. CARPER.

I see that Mr. LEAHY is on the floor. The PRESIDING OFFICER. The Senator from Vermont.

GUN SAFETY

Mr. LEAHY. Mr. President, I thank the Chair. I am a proud Vermonter. My family has lived there for over 150 years.

Yesterday, Vermont set an example for the Congress, and for the Nation. A Democratically controlled legislature and a Republican Governor, in a rural State with a strong gun-owning tradition and very few gun laws, worked together to debate, forge, and enact meaningful, commonsense gun safety laws.

Yesterday, Governor Phil Scott, who is a Republican, signed three bills into law. They expand background checks, require those under 21 to complete training before purchasing a firearm, create extreme risk protection orders, and ban bump stocks and high-capacity magazines. Vermont did that, and other States are also acting. It makes me wonder why Congress can't do its job and follow that example.

In Vermont, this was a debate about what the people of the Green Mountain State could do to keep their communities, schools, and citizens safe. We had some difficult conversations in my home State. Difficult compromises were made. And for the Republicans and Democrats in our legislature, these were difficult votes. In our State, as in every other, there are honest differences on this and many other issues. Vermonters made their voices heard, particularly a brave new generation of student activists inspired by their peers in Parkland, Florida.

This isn't the first time that our small but brave State has stepped in and stepped up to tackle difficult but significant issues. On July 1, 2000, Vermont became the first State to offer same-sex couples the same legal rights and responsibilities of traditional marriage.

David Moats, the Pulitzer Prize-winning editorial page editor of the *Rutland Herald*, wrote a book about this debate entitled "Civil Wars: A Battle for Gay Marriage." Ted Widmer, writing in the *New York Times Book Review*, said this in his review of the book:

Near the end of "Mr. Deeds Goes to Town," the Vermonter played by Gary Cooper dishes out a series of homespun metaphors for how government is supposed to treat people, from helping to push a car up a hill to saving a swimmer who's drowning. Obviously, life isn't quite that simple. This will take time. But in the long run, the question will be answered in the vast middle where most Americans live, and where they privately decide what is right and wrong.

In his remarks at yesterday's bill signing—and I note that the Governor signed the bill sitting at a table outdoors in front of the statehouse, where people who were opposed and people who supported it could watch what he was doing—at that bill signing, Governor Scott spoke as well about civility and public discourse. In a democracy,