

The assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING OUR ARMED FORCES

LANCE CORPORAL TAYLOR CONRAD

Mr. CASSIDY. Mr. President, I honor today the life and sacrifice of one soldier in particular, U.S. Marine Corps LCpl Taylor Conrad, who was 24 years old and was a Central Louisianan.

Our military men and women deserve recognition. They sacrifice time away from family and friends and put themselves in harm's way to advance our country's interests. Every day, they risk their lives to secure our safety. In the case of Taylor Conrad, along with three of his fellow marines, he tragically lost his life last week when their helicopter crashed during a training mission in California.

A Louisiana native and Central High School graduate, Taylor exemplified the qualities of a good marine. He was tough, compassionate, and wanted to help others. In high school, Taylor played football and was an accomplished powerlifter. He also volunteered in the Best Buddies program, which matches students with schoolmates in the special ed program.

A teacher said:

The one thing that made Taylor such a special friend with our kids is he didn't approach them in a way that he felt sorry for them. He approached them in a way where he truly wanted to be their friend.

The school's athletic director said Taylor's "love for those who need the most is something I'll never forget." There was one child who would never speak except, with Taylor, he would laugh. That was the effect Taylor had on others.

After school, Taylor decided to serve our country by joining the Marines. He went on to become a CH-53 helicopter crew chief in the 3rd Marine Aircraft Wing's Heavy Helicopter Squadron 465. One marine who served with Taylor had this to say of him:

He was the gold standard. He pushed everybody and he cared about everybody. I wouldn't be the Marine I am now if it wasn't for him.

Our hearts go out to everyone whose life was touched by Taylor. We especially pray for his family, including his daughter, who was born just last October. Their loss is great, and their hearts are heavy. I want them to know that Louisiana and our entire country mourn with them because our loss is great too. When they lost a brother, a son, and a dad, we lost a good man, a great marine, and a fellow American.

Thank you.

NOMINATIONS FOR THE U.S. DEPARTMENT OF EDUCATION

Mr. President, I would like to speak about nominations for the U.S. Department of Education and the approval of them or, I should say, their lack of approval.

It is no secret that Democrats in Congress hate President Trump. For months, they have held up his nominees for key positions in the government. This strategy may serve in their hatred of President Trump, but it is harmful to our country.

One example is the nominee for the Federal Railroad Administration, whose nomination was held up for months after he had been approved unanimously by the committee of jurisdiction for his appointment in the Federal Government. As a result, there have been multiple fatal crashes in the railroad system—Republicans were on a trip when one of them occurred—that may have been prevented had there been leadership on that railroad commission.

We have a sense that there can be a consequence to this kind of unremitting "whatever Trump proposes we are going to oppose, no matter, just because it is Trump" when folks die in railroad accidents. I will note, after the last set of fatalities, that hold was lifted, and the nomination was allowed to proceed.

Sometimes it is not so clear that damage has occurred from this kind of "whatever Trump proposes we shall oppose." In multiple cases, it involves the Department of Education. One example is the nomination of BG Mitchell "Mick" Zais for Deputy Secretary of the U.S. Department of Education. President Trump nominated General Zais in October 2017. It has been over 6 months since his nomination, and we still do not have a Deputy Secretary of the Department of Education.

General Zais is qualified for the position. He served as South Carolina's elected State superintendent of education, the president of Newberry College, and as a commissioner on South Carolina's Commission on Higher Education. He also served his country honorably and faithfully as an infantry soldier in the U.S. Army for 31 years—again, retiring as a brigadier general.

A little known fact about the general is that he is dyslexic—an issue I care passionately about that affects 20 percent of our Nation's population. He knows firsthand of the struggles of one with dyslexia and how, with the proper evidence-based resources, our children with dyslexia can learn to read and have as successful futures as any other. Ensuring children with dyslexia have the resources they need to succeed is a legislative priority for me and also will be for General Zais, as he indicated, when he is finally confirmed.

Democrats have imposed 30 hours of debate on nominees they support by forcing cloture votes. They have forced more cloture votes in the first year of the Trump administration than in the entire first terms of the last four Presidents combined. These delay tactics have consequences for the rail system just as they do in the education of our children. It is a tragedy that Democrats are blocking or playing games with our children's futures.

One example—and it is not a very good example, not good for those affected—is with the National Assessment of Educational Progress, or NEPA, which released its Nation's Report Card. The results show that our Nation's children have not made gains in reading and math. In 2017, nationally, only 40 percent of fourth graders were considered proficient in math, and only 36 percent were reading at grade 4 levels.

This is unacceptable. If a child learns to read in grades 1, 2, 3, after that, he or she reads to learn, and if one can't read by the fourth grade, one may never be able to read to learn as effectively as one needs in order to succeed in today's economy. Democrats hate Donald Trump so much, they would rather risk a child not learning to read than to have their future prospects dimmed and easily approve a Trump appointee.

Mr. President, the time is now to stop the obstruction. Let's put our Nation's children's educational needs first and confirm the remaining nominees to serve at the U.S. Department of Education.

This is not about Donald J. Trump; this is about the children of our country who, if they don't learn to read or do math proficiently, will have a future that is less than it should be, and that should be a bipartisan concern.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Delaware.

Mr. CARPER. Mr. President, I rarely rise three times in the same day to give a speech. This is a special day for me and maybe for the Senate. But I want to assure my colleagues that the concerns many of us have been expressing about the current chaos at the Environmental Protection Agency and the nomination of Andrew Wheeler—the person who could predictably replace the EPA Administrator—are not ours alone. Editorial boards around the country, including those from newspapers in Republican-leaning States, are expressing concerns regarding EPA Administrator Scott Pruitt's recent slew of ethical lapses—it would be charitable to call them lapses. It is these failings by Mr. Pruitt that Andrew Wheeler will be expected to address if he is confirmed by the Senate.

I can assure the citizens of all these States, the editorial boards of all these papers, and all my colleagues that the Environment and Public Works Committee has not considered the nomination of Andrew Wheeler with these ethical failings in mind. Mr. Wheeler has been nominated to serve as the individual who will oversee day-to-day operations of an EPA currently in chaos. We have had no opportunity to ask Mr. Wheeler about the Administrator's questionable behavior, nor have we had a chance to ask him how he plans to right a ship that has so clearly lost its way.

I am sobered but not shocked to read what people who have their fingers on

the pulse in their communities have to say about the current leadership in the Environmental Protection Agency. It is truly maddening and deeply sad to see the indictments on an agency that we in Congress have vested with the responsibility of protecting our children, supporting our elders, and ensuring a world in which we and all the life around us can thrive.

What are newspapers around the country saying about the leadership of the Environmental Protection Agency these days?

As a kid growing up in Virginia, I never read the *Virginian-Pilot* in Danville and Roanoke. This is what they said in Virginia through a newspaper called the *Virginian-Pilot* on April 6, 2018, about a week ago. The headline of the editorial is “EPA’s Pruitt a terrible choice.”

They said:

Short of nominating an actual oil derrick or a landfill to the post, President Donald Trump couldn’t have done worse than tapping Scott Pruitt to lead the Environmental Protection Agency.

They went on to say:

And yet, it’s unlikely that his sinister approach to managing the EPA will be Pruitt’s undoing. Rather, it’s almost certain to be a comparatively banal brand of corruption that is infuriatingly commonplace in the highest echelons of the Trump administration.

The editorial goes on to say:

Having a director of the Environmental Protection Agency wholly uninterested in protecting the environment is a national embarrassment, and Americans deserve much better than the worst option available.

The next quote comes from *Charleston, WV*, and it is from the *West Virginia Gazette-Mail*. It is focused more on a favorite Presidential theme.

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.

On the issue of favoring his fellow Oklahomans on the EPA staff, the *Charleston Gazette-Mail* editorial continued:

Despite the White House telling him not to give large raises to two employees—

I think one raise was \$29,000 and another was \$56,000 per year—

—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.

Nor did the Administrator’s security concerns pass muster. The *Charleston Gazette-Mail* went on:

Pruitt is clearly very worried about his security; he has tripled the size of his security detail, and is the first EPA administration 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.

Those are the newspaper’s words, not mine.

The editorial goes on to say:

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.

The *Charleston Gazette-Mail* editorial concludes:

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.

Let’s go down to Texas. The *Houston Chronicle* weighed in on this. I don’t know if we have a poster on this one, but here we go. This is what they said at the *Houston Chronicle* on April 6, this month. The headline of the editorial is “The time has come for EPA Administrator Scott Pruitt to resign.”

It reads in part:

On the next episode of the Trump administration’s reality show, the latest character the President needs to vote off the island is Environmental Protection Agency Administrator Scott Pruitt.

Indeed, it’s hard to figure out how Pruitt has survived so far into this season. The host of this show says he wants to drain the swamp, but the EPA boss is so deep in the muck, he could play the creature from the *Black Lagoon*.

The *Houston Chronicle* concluded:

So Pruitt seems destined to become the next character cut from Trump’s chaotic reality show. Dropping this bad actor can’t happen fast enough.

Even in Mr. Pruitt’s home State, some people are fed up with his antics. The *Tulsa World* editorialized in this way—this was on April 6. The title is “With a controversial agenda, EPA Administrator Scott Pruitt must live above suspicion.”

In part, the editorial reads:

Some of the latest accusations are embarrassing. He should have known better, and he may pay a heavy consequence for them.

The paper goes on:

From his first day in office, Pruitt has been under the microscope of scrutiny from those who disagree with the president’s thinking on environmental issues. If that’s not entirely fair, it also should have been obvious to Pruitt that he would have to live a life that was above suspicion. In ways that have nothing to do with money, he couldn’t afford to fly first class.

The second Oklahoma newspaper, the *Edmund Sun*, had more particular advice for the President, along these lines:

Donald Trump has never needed help mirroring himself in controversy, and that was true before he ever moved into the White House. But he could do himself a favor, and gain some begrudging respect from detractors, by drop-kicking Scott Pruitt to the curb.

The fact that he defied a White House decision should by itself make Pruitt ripe for termination. Staffers and Cabinet members far more ethical than Pruitt have been shown the door. Trump should cut him loose, and get rid of the rope and the scissors he used to make the snip.

Under the best of circumstances and even in the most accountable administrations, consideration of a nominee to

serve as EPA Deputy Administrator is a huge responsibility for this body. As the *Miami Herald* rightly points out, this is no normal circumstance and surely not a normal EPA that Mr. Wheeler would enter. He would have to be ready for a job that none of us can say at this time that he is ready to tackle—cleaning up a huge mess at EPA.

The *Miami Herald* notes:

The flurry of ethical questions surrounding Environmental Protection Agency Administrator Scott Pruitt is now a blizzard. The emerging picture is of a chief environmental officer not only fighting a war on science as he promotes oil and gas interests but also arrogantly betraying the public trust.

The *Miami Herald* concludes:

Time and again, Trump has accepted arrogance and incompetence on his staff as long as loyalty remains beyond question.

Meanwhile, in Akron, OH, in its editorial entitled “Deep in the Swamp at the EPA,” on April 8, the *Akron Beacon Journal* notes that some folks in the White House knew just how bad Scott Pruitt was.

John Kelly showed the right instinct.

John Kelly is the Chief of Staff.

According to news accounts, the White House chief of staff advised President Trump that Scott Pruitt, the administrator of the Environmental Protection Agency, needed to step down in view of his ethical misdeeds and spending excesses.

The *Beacon Journal* concludes:

Scott Pruitt should go. This isn’t about policymaking, dismaying and damaging as the direction of the agency has been. The problem is his conduct in office. Pruitt has abused the public trust, in the way he has spent taxpayer dollars, in the perception he invites.

Apparently, Mr. Pruitt is not showing folks in the Show Me State what they want to see in an EPA Administrator either. In an editorial on April 7, 2018, the *St. Louis Post-Dispatch* said:

There are many good reasons why President Donald Trump should fire Scott Pruitt as administrator of the Environmental Protection Agency. Top on our list are his multiple failures to do his job protecting the environment. He’s gone so far as to say that if global warming is real, it might be a good thing.

Do you know what. I wholeheartedly agree with the *St. Louis Post-Dispatch*.

In conclusion, I share these editorials because I think they illustrate the situation that Mr. Wheeler will face should he be confirmed, and that is a very difficult situation. As the No. 2 person at EPA, Mr. Wheeler will be responsible for fulfilling the Agency’s mission and doing so in a way that earns, once again, the public’s trust. There is a long way to go to regain that trust, and Mr. Wheeler will have a Herculean task in front of him to help the Administrator do so, should he be confirmed today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, I rise to voice my opposition to the nomination of Andrew Wheeler to be Deputy Administrator for the Environmental Protection Agency.

The Senators standing up this afternoon to fight this nomination are not just opposing Mr. Wheeler. We are trying to shine a light on the fact that this administration has one of the worst environmental records in history. And you don't have to take my word for it because this unprecedented assault on our Nation's bedrock environmental laws has drawn strong criticism from former Democrat and Republican Environmental Protection Agency Administrators.

The American public overwhelmingly supports the laws and regulations that protect our air and water. And my constituents don't buy the false trade-off between protecting the environment and jobs. To them they come hand in hand. The facts on the ground have proven that these are red herring arguments.

There are so many examples of how this administration's disdain for science has led them to try to undo decades of progress on the environment. I want to focus on three issues that are particularly damaging and serve as an indication of why Mr. Wheeler's nomination and record are so troubling.

First is the example of Mr. Wheeler lobbying on behalf of fossil fuel interests. My concern is that Mr. Wheeler would have a prominent role in reviewing the air pollution rules that govern coal plants, rules that he got paid millions of dollars to help attack.

A number of press reports have exposed how one of Mr. Wheeler's biggest lobbying clients, Murray Energy, was a driving force behind Secretary Perry's ill-considered resilience proposal. That proposal ignored the Energy Department's own staff report and was an attempt to try to say that coal was the only reliable source of energy for the electricity grid, which would have forced citizens to pay more on their utility bills. They said that is a wrong conclusion. And it was a transparent attempt to try to prop up one of the administration's favorite energy sources, which really would have made everything more expensive for consumers and certainly would have changed the focus of what we need to do to decarbonize our energy system.

But the biggest problem here was how the proposal would have hit consumers, as I said, with billions of dollars in added costs. Bailing out old coal plants wasn't just bad policy; it was a breathtaking raid on consumer pocketbooks. The regional grid manager found that the Secretary's proposal would nearly double the cost of wholesale energy in the Nation's largest electricity market.

Fortunately, the Federal Energy Regulatory Commission unanimously rejected this proposal. But if Mr. Wheeler comes to EPA as the No. 2, what other misguided proposals like this are they going to propose or try to fight, even though the science within the own agencies says they are wrong-headed? How much time will we have to waste exposing these bad ideas? We should instead be making investments in policy and infrastructure that will help us be more competitive in the future.

I am also troubled by the administration's backward view on how the United States can achieve so-called energy dominance by focusing more on coal. In my assessment, the days of this strategy are numbered.

Selling away our cheap natural gas to foreign buyers. Or eking a little more life out of our grandfathered coal plants. Or drilling, as the administration has proposed, in every part of the United States and off our shores, is not the way to be competitive for the future. I am concerned that Mr. Wheeler holds and will support these backward views.

When he was criticizing the Paris Climate Agreement, he called it a "sweetheart deal" for China because it gave them a manufacturing edge, but he really got it backwards.

That is because China itself has been investing in renewable energy. By 2040, it will have invested over \$6 trillion in clean energy technologies, according to the International Energy Agency. China also adopted a 5-year solar energy plan calling for 105 gigawatts of solar capacity by 2020. They have proposed an aggressive stance moving forward, and I want to make sure that U.S. companies who have great technology get a fair crack at making investments there and particularly in the area of energy efficiency, which is already accounting for about a \$2.2 trillion investment in 2016.

So we know that we can move forward on a cleaner energy economy, and we want to know that we have the leadership that are going to support this critical transition. I am perhaps most troubled that, during his confirmation hearing, Mr. Wheeler refused to acknowledge the indisputable reality that humans are the cause of dangerous accumulation of greenhouse gases.

The fact that greenhouse gases are going to warm our planet and cause acidity in our oceans is something my State knows well.

In Washington, climate change has serious consequences for human health and our economy. Climate change has resulted in extreme weather patterns, putting lives and property in danger. It has impacted water quality, and it has caused other impacts to our salmon and shellfish industries, big parts of our seafood economy. Climate change has created drought conditions, has jeopardized our farm economy, and it is even changing the chemistry of Puget Sound.

Mr. President, responding to climate change is more than just an environmental issue. It is an economic imperative.

Senator COLLINS and I requested from the Government Accountability Office an analysis about the full costs of climate change.

That is because, after seeing how it impacted us with fires, how it impacted our shellfish industry, how it impacted so much of our coastline, we wanted to know how much climate is costing taxpayers. Well, the GAO report said it will cost taxpayers more than \$1 trillion in the next 10 to 15 years.

So I know that Mr. Wheeler thinks this may not be part of his day job, but rolling back strong environmental laws that help us move forward will put us further and further behind and cost us billions of dollars more than we need to be paying.

We need to uphold these critical environmental standards and laws that protect our clean air and clean water so that we can make progress, so that we can diversify our economy, and so that we can make the right investments.

I believe Mr. Wheeler is the wrong choice for this position. I think he is the wrong person to help us meet those standards.

We need a Deputy Administrator who isn't there trying to just jam coal down the throats of American consumers and businesses, but rather advocating for the next generation of Americans, who will need to be able to compete and compete in a cost-effective way.

I urge my colleagues to join me in voting no on Andrew Wheeler to be the Deputy Administrator at EPA.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, in Federalist Paper No. 76, Alexander Hamilton wrote that it was the job of the Senate to "prevent the appointment of unfit characters." That is certainly the mission for which we have responsibility today—to make sure that the unfit characters do not have roles of power and influence within our government.

Andrew Wheeler, the nominee who is before us for the No. 2 job at the Environmental Protection Agency, raises a series of questions and concerns related to whether or not he is fit for office. This is a man whose entire career working for the fossil fuel industry stands in direct opposition to the mission of the Environmental Protection Agency—a mission to protect the health of the American people and the well-being of our planet.

At such a volatile moment for the EPA, when the Agency is plagued by scandal, ethical misbehavior, and pandering to polluters, this nomination deserves the closest of scrutiny. After all, it is quite possible that, before long, whoever fills the role of No. 2 at the EPA could be acting in the No. 1 spot.

It is clear that Andrew Wheeler is not fit to be that person.

When President Richard Nixon created the Environmental Protection Agency in 1970, he recognized that we all share “a profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place both habitable by and hospitable to man.”

For more than 47 years, the EPA has worked under Democratic Presidents and Republican Presidents to protect our natural environment and preserve our planet as a habitable and hospitable place. That has included controlling toxic and poisonous chemicals, improving air and water quality, and enhancing vehicle efficiency and emissions control. The list of EPA’s accomplishments goes on and on, but it can be summed up like this: Americans value clean air. Americans value clean water. Scott Pruitt does not, and Mr. Wheeler does not.

Administrator Pruitt has turned his longstanding disdain for the EPA into a crusade to destroy it. Think about the hard work of protecting our air and our water. There is a lot that goes into that. You can think about the equivalence of constructing a house. You need to have somebody who knows the foundation, knows the plumbing, knows the wiring, knows the carpentry, knows the drywall, and knows the roofing. You have to combine all of that with someone to get the windows installed right and the insulation installed right. It is a lot of work to create a structure that protects our air and water from the thousands of chemicals that can do it harm, but it only takes one person to knock down that carefully constructed house—one person, one wrecking ball.

Scott Pruitt is that wrecking ball in the EPA, knocking down the carefully constructed work of decades of efforts by some of the Nation’s leading scientists and most dedicated team members.

There is a lot of frustration among those dedicated scientists, and 700 employees have left or have been forced out. Critical clean air and clean water regulations have been stalled or left in limbo. Enforcement of existing regulations has virtually disappeared. Regionally, EPA offices have been routinely stripped of the power to investigate, while advisory committees that have usually been made up by scientific, objective individuals are now being filled with industry skills. To put it bluntly, under Scott Pruitt, the EPA is conducting a war against clean air and clean water. This is really a shameful situation, and that is just the policy side.

Then we have the ethical side. There is the Administrator’s desire to waste our taxpayer money on \$40,000 private phone booths, first-class travel, and swanky accommodations; the Administrator’s determination to retaliate against those who have pointed out the restrictions that he is violating; and an

Administrator who has increased the salaries of his friends in an unapproved fashion. There is little to think that any of this would change with Andrew Wheeler in either the No. 2 or No. 1 position.

It starts with the fact that neither man takes seriously the profound threat to our planet from carbon pollution. I believe that these individuals are smart, that they actually know the enormous damage that carbon pollution is doing to our planet.

After all, it is hard to miss. You can see it this last year in the ferocity of Hurricanes Irma, Maria, and Harvey. Why were they so fierce? Because 90 percent of the heat produced by climate chaos was trapped by the oceans, and that hotter ocean energizes the storms to a higher level of impact. You can see them in the forest fires that raged in Montana, across Oregon, and down into California. Year after year, the fire season is longer and fiercer. There are more forests burned.

You can see it in the insect population. You can see it in the mosquitoes that carry Zika. You can see it in the success of the pine beetles, when it is too warm to kill them in the winter. So they do great, and the trees don’t. You can see it in the oysters that now have to have the water in which they are born be artificially buffered because it is now too acidic for baby oysters.

And why is it too acidic? Because the ocean absorbs carbon dioxide from the air, creating carbonic acid.

It is hard to miss. It is hard to imagine when you see the ocean, where so much carbonic acid has been placed through our ocean through polluted air that it has changed the acidity of the ocean, but that is exactly what it has done.

Now, the EPA does a lot of wonderful work under a normal administration, be it Democratic or Republican. It tracks greenhouse emissions. It works on money-saving regulations, like renewable fuel standard programs. It conducts analyses to compare different policies to see which one would be more effective and what the range of impacts would be. It conducts world-class research on the science. It partners with States and local communities and governments on efficiency and renewable energy. But that is under a normal administration and a normal Administrator. There is no partnering now. It is just simply the wrecking ball.

Scott Pruitt said scientists disagree about the extent of global warming in connection to the actions of mankind. Actually, NASA has very precise estimates or recordings of the changes in the carbon dioxide in the atmosphere and the temperature changes that are occurring from that.

You can find people, primarily those who are funded by the fossil fuel industry, who dispute that and sow confusion. It is certainly the strategy of the fossil fuel folks, who are choosing their

greed over our planet. They are selling out America, and those who shill for them are selling out America.

They say: Well, you know, out of 100 scientists, we can find 2 or 3 who disagree. Well, how often do you have somebody who goes to 97 doctors and have them say: You have cancer. And they say: Oh, but, wait; I can find one doctor somewhere. If I pay them enough, they will say I don’t have cancer, and then I am healed—except that they wouldn’t be healed and they would soon be dead.

In Oregon, we have seen the impact on the Klamath Basin, the worst ever droughts time after time over the last 15 years. Talk to the people in Texas, Louisiana, Florida, Puerto Rico, and the Virgin Islands, whose communities were devastated by last year’s hurricanes.

In the last 10 years, the time I have been in office, we have seen half the coral reefs around the world either die or be deeply damaged—in the time since I was elected in 2008. As to the fact that our economists have calculated the monetary terms of damage for the United States from last year’s storms and fires to be well over \$300 billion, the fact that quality of life would be profoundly affected by the movement of diseases, the fact that the moose are dying in New Hampshire and lobsters are migrating north from Maine, none of that matters because these folks keep coming back and saying: You know, it is just not clear what is happening. It is not even an understanding of the basic scientific principle. Really? That is just such a lie.

As far back as 1959, Edward Teller, the eminent scientist, was warning folks in the petroleum industry. When he gave his speech at the 100th anniversary of the petroleum industry, he said: “First of all, these energy resources will run short as we use up more and more of the fossil fuels.” True enough, it turns out that there is a lot more than anyone thought in 1959. But then he said, second, that it turns out that carbon dioxide produced by burning fossil fuels has a big problem.

You can look through it and you can’t smell it so it doesn’t seem like a pollutant, but it turns out it traps heat. He proceeded to say that would be a big problem because it would melt ice in the world and raise the sea levels and that would flood our cities. He didn’t have all of the science that has been generated since 1959, but he had a basic understanding of the physics of the problem.

What have we seen? We have seen, from that time until now, a 25-percent increase in carbon dioxide in the atmosphere, and that is a big deal. So we have seen, year after year, it become hotter and hotter. In fact, 2015, 2016, and 2017 were the three hottest years ever recorded. In fact, 17 of the 18 hottest years on record occurred within the last 18 years. Yet these individuals stand up and say: Do not worry. Be happy. There is no problem.

But there is a big problem, and putting folks whose bread is buttered by the fossil fuel industry in charge of clean air and clean water is a colossal mistake for our Nation.

Mr. Pruitt's association with the fossil fuel industry is well documented. He went as far as to send a letter to the EPA on his stationery accusing regulators of overestimating how much air pollution energy companies drilling new natural gas wells in Oklahoma were causing. The letter was written almost word-for-word by a company, not by a scientific expert, nor did it have input from scientific experts.

This type of cozy relationship has continued throughout his tenure at the EPA. Take, for instance, his efforts to stall or eliminate regulations, delay implementations of new ones to help polluters at the expense of the health, safety, and livelihood of millions of Americans. He has issued a memorandum saying the regional EPA offices first have to seek permission from headquarters before investigating polluters, investigating violations, or requesting information. So he has sought to really completely stop the investigation into malfeasance and misconduct damaging our environment—all to help his associates who are in private industry.

The list goes on and on.

We see the same thing with Mr. Wheeler working so closely as a lobbyist for the same fossil fuel industry; specifically, Murray Energy. How can you say an individual will enforce the rules when he represents the industry? That is the challenge.

Our U.S. President said he was going to drain the swamp, but Scott Pruitt is the swamp. He is the person who is proceeding to fail to enforce our clean air and clean water laws. He is the person who is stopping his team from investigating violations. He is the person who is allowing his friends to have their pay increased, or actively working to increase their pay, when it is outside of the regulation. He is the person wasting our taxpayer money in all kinds of ways that have been documented, from security details to trains of cars blowing lights so he can get someplace in the city 5 minutes faster, violating the rules; demoting people who try to hold him accountable—every possible ethical and professional violation.

The nominee before us is a straight backup to that kind of misconduct. He should absolutely not be confirmed by the U.S. Senate. He should not get a single vote from a single Member here because the American people want the rules on clean air and clean water enforced. So let's vote for enforcement.

NOMINATION OF MICHAEL POMPEO

Mr. President, just a short time ago, I was in the hearings regarding Michael Pompeo to be our Secretary of State. I think my concerns can be summed up by this: I read to him the two provisions of the War Powers Act that give the President the power to put our

troops in motion on foreign soil. One of those is a direct and explicit congressional authorization, and the second is a direct threat or attack on the United States or our forces or our assets.

I asked him: Do you think the President of the United States can put forces into action outside of those two provisions, congressional authorization or a direct attack on America?

He said: Yes.

In other words, he absolutely, 100 percent disavows our Constitution, which says the power to make war rests in Congress, not at the whim of the President.

This was one of the most important provisions in the debate about the design of our Constitution; that it should not be easy to go to war. The Constitution gives that power explicitly to Congress. Mike Pompeo says it doesn't matter. It doesn't matter, even if there is not a threat to the United States, an attack on the United States; it doesn't matter, even if there is no congressional authorization, the President can do what he wants. You really can't make that argument and honestly take an oath of office to abide by the Constitution.

That is why I will adamantly oppose his nomination as Secretary of State.

Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I know of no further debate on the nomination.

The PRESIDING OFFICER. Is there any further debate on the nomination?

Hearing no further debate, the question is, Will the Senate advise and consent to the Wheeler nomination?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

The PRESIDING OFFICER (Mr. SULLIVAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 71 Ex.]

YEAS—53

Alexander	Enzi	Kennedy
Barrasso	Ernst	Lankford
Blunt	Fischer	Lee
Boozman	Flake	Manchin
Burr	Gardner	McConnell
Capito	Graham	Moran
Cassidy	Grassley	Murkowski
Collins	Hatch	Paul
Corker	Heitkamp	Perdue
Cornyn	Heller	Portman
Cotton	Hoeven	Risch
Crapo	Hyde-Smith	Roberts
Cruz	Inhofe	Rounds
Daines	Isakson	Rubio
Donnelly	Johnson	Sasse

Scott	Thune	Wicker
Shelby	Tillis	Young
Sullivan	Toomey	

NAYS—45

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Cortez Masto	Menendez	Van Hollen
Durbin	Merkley	Warner
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Harris	Nelson	Wyden

NOT VOTING—2

Duckworth McCain

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the further rollcall votes in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, Jerry Moran, David Perdue, Mike Rounds, John Thune, Roy Blunt, Richard Burr, Tom Cotton, Jeff Flake.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: The Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 24, as follows: