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:

[Rollcall Vote No. 72 Ex.]

YEAS—74

Alexander	Flake	Murkowski
Baldwin	Gardner	Murphy
Barrasso	Graham	Nelson
Bennet	Grassley	Paul
Blumenthal	Hatch	Perdue
Blunt	Heitkamp	Portman
Boozman	Heller	Reed
Burr	Hoeven	Risch
Capito	Hyde-Smith	Roberts
Cardin	Inhofe	Rounds
Carper	Isakson	Rubio
Casey	Johnson	Sasse
Cassidy	Jones	Schatz
Collins	Kaine	Schumer
Corker	Kennedy	Scott
Cornyn	King	Shelby
Cotton	Klobuchar	Sullivan
Crapo	Lankford	Tester
Cruz	Leahy	Thune
Daines	Lee	Tillis
Donnelly	Manchin	Toomey
Durbin	McCaskill	Warner
Enzi	McConnell	Wicker
Ernst	Menendez	Young
Fischer	Moran	

NAYS—24

Booker	Hassan	Shaheen
Brown	Heinrich	Smith
Cantwell	Hirono	Stabenow
Coons	Markey	Udall
Cortez Masto	Merkley	Van Hollen
Feinstein	Murray	Warren
Gillibrand	Peters	Whitehouse
Harris	Sanders	Wyden

NOT VOTING—2

Duckworth	McCain

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 24.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John W. Broomes, of Kansas, to be United States District Judge for the District of Kansas.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Broomes nomination?

The nomination was confirmed.

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 senior assistant legislative 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 Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

Mitch McConnell, John Hoeven, John Kennedy, Johnny Isakson, Jerry Moran, Cory Gardner, John Cornyn, James E. Risch, Thom Tillis, Pat Roberts, 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 Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Ms. DUCKWORTH) are necessarily absent.

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

The yeas and nays resulted—yeas 94, nays 2, as follows:

[Rollcall Vote No. 73 Ex.]

YEAS—94

Alexander	Gillibrand	Nelson
Baldwin	Graham	Paul
Barrasso	Grassley	Perdue
Bennet	Harris	Peters
Blumenthal	Hassan	Portman
Blunt	Hatch	Reed
Booker	Heinrich	Risch
Boozman	Heitkamp	Roberts
Brown	Heller	Rounds
Burr	Hoeven	Rubio
Cantwell	Hyde-Smith	Sasse
Capito	Inhofe	Schatz
Cardin	Isakson	Schumer
Carper	Johnson	Scott
Casey	Jones	Shaheen
Cassidy	Kaine	Shelby
Collins	Kennedy	Smith
Corker	King	Stabenow
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCaskill	Warner
Durbin	McConnell	Warren
Enzi	Menendez	Whitehouse
Ernst	Merkley	Wicker
Feinstein	Moran	Wyden
Fischer	Murkowski	Young
Flake	Murphy	
Gardner	Murray	

NAYS—2

Hirono	Sanders

NOT VOTING—4

Coons	McCain
Duckworth	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 2.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Rebecca Grady Jennings, of Kentucky, to be United States District Judge for the Western District of Kentucky.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the Jennings nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action for the nominations confirmed during today's session.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 140.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 140) entitled ''An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.'', do pass with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. Mr. President, I move to concur in the House amendment to S. 140.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative 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 motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Qualification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Mitch McConnell, Cory Gardner, Orrin G. Hatch, Tom Cotton, Steve Daines, Roy Blunt, Mike Crapo, James E. Risch, Johnny Isakson, John Thune, Thom Tillis, James M. Inhofe, Pat Roberts, John Hoeven, John Boozman, Jeff Flake, Jerry Moran.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

MOTION TO CONCUR WITH AMENDMENT NO. 2227

Mr. MCCONNELL. I move to concur in the House amendment to S. 140, with a further amendment.