

CONTINUED BUSINESS MEETING

Thursday, February 2, 2017

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:45 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Inhofe, Capito, Boozman, Wicker, Fischer, Sessions, Moran, Rounds, Ernst, and Sullivan.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. The Committee is called to order.

We are reconvening our business meeting to consider the nomination of Attorney General Scott Pruitt to be EPA Administrator, the Committee funding resolution, and the Committee rules.

Yesterday, the Minority members of the Committee chose to boycott this business meeting. It is disappointing that they chose that course of action, but we will not allow it to obstruct.

As I stated yesterday, this Committee has conducted an extremely thorough and fair process of reviewing Attorney General Pruitt's nomination. That includes a hearing of unprecedented length, number of questions, and timely responses from the nominee. It is unprecedented for the Minority to delay an EPA Administrator for an incoming President to this extent.

We had an election last November, the people spoke, and now it is time to set up a functioning Government. That includes a functioning EPA. To do that, this Committee has to do its work.

[The prepared statement of Senator Barrasso follows:]

Senator Barrasso. So at this time I ask for a motion to suspend Rules 2(a), 4, and 8 of the Rules of the Environment and Public Works Committee for the duration of this business meeting.

Senator Inhofe. Mr. Chairman, I so move.

Senator Barrasso. Is there a second?

Senator Capito. Second.

Senator Barrasso. All those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. All opposed, say nay.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it, and Rules 2(a), 4, and 8 of the Rules of the Committee of the Environment and Public Works are suspended for the duration of this business meeting.

At this time, I would like to call up Presidential Nomination 44, Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

Could I have a motion to approve and report the nomination favorably to the Senate?

Senator Inhofe. Mr. Chairman, I so move.

Senator Barrasso. Is there a second?

Senator Wicker. Second.

Senator Barrasso. On this matter I ask for a recorded vote. The Clerk will call the roll.

The Clerk: Mr. Booker?

Mr. Boozman?

Senator Boozman. Aye.

The Clerk. Mrs. Capito?

Senator Capito. Aye.

The Clerk. Mr. Cardin? Mr. Carper? Mrs. Duckworth? Mrs. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Fischer?

Senator Fischer. Aye.

The Clerk. Mrs. Gillibrand? Ms. Harris? Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey? Mr. Merkley? Mr. Moran?

Senator Moran. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders? Mr. Sessions?

Senator Sessions. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Whitehouse? Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 11.

Senator Barrasso. The nomination of Attorney General Scott Pruitt to be EPA Administrator is approved and reported.

Next, I would like to call up the Committee funding resolution, which funds the Committee from March 1st of this year through February 28th of 2019 in three financial periods reflecting the funding levels the Rules Committee assigned to the Committee.

Do any Senators seek recognition to speak about this resolution?

If not, could I have a motion to approve and report the resolution to the Senate?

Senator Inhofe. I so move.

Senator Barrasso. Is there a second?

Senator Rounds. Second.

Senator Barrasso. All those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it and the Committee funding resolution is approved and reported.

Next I would like to consider the Committee rules. Do any Senators seek recognition to speak about the Committee Rules?

If not, could I have a motion to adopt the Committee rules for the 115th Congress?

Senator Inhofe. I so move.

Senator Barrasso. Is there a second?

Senator Wicker. Second.

Senator Barrasso. All those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. The Committee rules are adopted.

Let me make clear to everyone what just happened. Yesterday, the Minority members of the Committee chose to boycott our business meeting because they do not support the nomination of Scott Pruitt. As we pointed out yesterday, elections have consequences, and a new President is entitled to put in place people who will advance his agenda, the agenda that the people voted for when they elected him President.

Today we suspended several of the rules of the EPW Committee for this business meeting only. We took this extraordinary step because the Minority members of the Committee took the extraordinary step of boycotting the business meeting to approve an EPA Administrator for an incoming administration.

We have been in consultation with the Senate Parliamentarian, and she has informed us that the procedure that we have followed today is proper under the Senate rules and no point of order will lie against the Pruitt nomination. The Minority has put us in this uncharted waters. Never before in the history of the EPA has a new president's incoming administration's nominee been boycotted. The last three nominees for new incoming administrations were all confirmed by the end of January.

Yesterday, February 1st, the Minority blocked even having a vote in Committee of the nominee. Attorney General Pruitt sat through the longest EPA nomination hearing in history and answered the most questions. The complaints about Attorney General Pruitt's answers to questions is simply a smoke screen.

Let me be clear. The leadership of the Minority chose to do a blanket boycott of many of the President's nominees in committees across the Senate, regardless of their merit. The Minority wants political theater. The Nation needs a new EPA Administrator. At the end of this meeting, the Committee rules

will be back in full effect. I expect to conduct all further business of this Committee under those rules and hope that from this point forward we will be able to work together in a bipartisan manner.

Before we adjourn, it is important to note that in 2009, then-Chairman Boxer reported legislation from this Committee without meeting the quorum requirements under the Committee rules. With regard to boycott comparisons with Gina McCarthy's nomination, the EPW Republicans were not stopping President Obama from setting up his Government. Gina McCarthy was a second term nominee. President Obama's political appointees, including Gina McCarthy, were already at EPA advancing President Obama's agenda.

This concludes our business meeting. I ask for unanimous consent for staff to make any technical corrections to any of today's measures. Without objection.

This business meeting is concluded. The committee stands adjourned.

[Whereupon, at 10:52 a.m. the meeting was adjourned.]