

BUSINESS MEETING

Wednesday, February 1, 2017

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:47 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, Moran, Rounds, Ernst, and Sullivan.

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

Senator Barrasso. Good morning. I call this business meeting to order.

I have been informed that no Democrats will be in attendance this morning, in an effort to intentionally delay and obstruct the nomination of Attorney General Scott Pruitt to be the Administrator of the Environmental Protection Agency.

It is a disappointing turn of events. But let's review some history.

On January 21st, 1993, EPA Administrator nominee Carol Browner, under Democrat President Bill Clinton, was confirmed by the Senate. This is one day after he took office.

On January 30th, 2001, EPA Administrator nominee Christy Todd Whitman, under Republican President George W. Bush, was confirmed by the full Senate.

On January 22nd, 2009, EPA Administrator nominee Lisa Jackson, under Democrat President Barack Obama, was confirmed by the full Senate, two days after he took office.

Today is February 1st, and the Minority has now obstructed even having a vote in Committee on President Donald Trump's nominee, Oklahoma Attorney General Scott Pruitt. I hope this is not the new normal.

We cannot afford for the EPA to go without an Administrator for the foreseeable future. This will impact future EPA Administrator nominees. These precedents for this delay will likely have long-term impacts after today's nominee has left office.

This boycott not only affects the EPA, but it also prevents this Committee from organizing. No one can complain about the Trump Administration and its policies, if they sabotage the very formation of the Committee that is supposed to conduct the oversight.

There are a number of consequences to not having a fully functional EPA and a fully functional Senate Environment and Public Works Committee. There are key issues for the EPA and the Senate EPW Committee that we could and should be working on, including Waters of the United States policy, Cold War legacy pollution cleanup, addressing brownfields, and ensuring implementation of the new TSCA legislation, to name a few. None of this is made better by this boycott. This amounts to nothing more than political theater at the expense of working on issues that we care about.

The Ranking Member and the Minority have complained about the nomination process. Let's set the record straight.

Attorney General Pruitt has been through an extremely thorough and fair process. I would like to read some quotes

from the members of the Minority who have praised the unprecedented hearing we had on the nominee while the hearing was occurring.

The Ranking Member stated, "I appreciate the way you've conducted this hearing today. I appreciate all the members coming and coming back again and again."

My colleague from New Jersey stated, "First of all, to you, sir, this is my first time going through nomination hearings. You have been very generous with the way you have been conducting these hearings. I think it is important," he said, "that we note that, and I appreciate the number of rounds that you are doing."

My colleague from Rhode Island stated, "I think that you have been fair."

These members are correct. The hearing was fair. It was historic in its length of time for member questions of the nominee.

Let's be clear. Attorney General Pruitt has answered more questions than any past EPA Administrator nominee in recent memory. He answered a total of more than 1,200 questions. He answered over 1,000 more questions than the EPA Administrator nominees for the incoming Obama, Bush, and Clinton Administrations.

The letter that the Ranking Member sent me, dated January 30th, highlighted what he believed were a lack of substantive answers from the nominee. To that I would quote my colleague from Rhode Island in 2013, when he stated during the McCarthy nomination business meeting that "It is not the Minority's right to get nominees to agree with them in advance." The Minority may not like all of Attorney General Pruitt's answers, but he has given them answers.

Ranking Member Carper made a prescient prediction during the first nomination business meeting for Gina McCarthy in 2013 when he said, "Someday there will be a Republican president." He said, "Someday the Republicans are going to be in the majority in the Senate." He said, "And that Republican president is going to have his or her cabinet in place." He said, "I think you can nominate a governor. A president nominates good people, honest people, hard-working people. They ought to get at least a vote." He continued by saying, "They ought to get a vote and I think they ought to get our support."

Well, Mr. Pruitt ought to get at least a vote. He ought to get a vote. He ought to get our support.

With that, I would recognize other members of the Committee who would like to speak.

Senator Inhofe.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE JAMES M. INHOFE, A UNITED STATES  
SENATOR FROM THE STATE OF OKLAHOMA

Senator Inhofe. Thank you, Mr. Chairman. In case you were wondering why our audience looks a little more distinguished than normal, we are graced by the Oklahoma Wheat Growers Association, all of whom know the nominee personally.

Thank you for the chance to get on the record, as we all want to do, concerning this nominee. He is a personal friend of those of us in Oklahoma and he has gone beyond being responsive to this Committee. And I think it is important to get into the record, because we are making the record here, what he has actually been through.

He went through four rounds of questions. That is more rounds than any other nominee in the recorded history of this Committee. In addition, he has answered 206 of our questions during that time. However, that was just the beginning of it because, once the hearing was over, our friends on the other side of the dais submitted 1,078 questions for the record.

Now, the Chairman has talked about some of the previous nominees. In this case, during the Browner nomination, she had a total of 137 questions for the record. He had 1,078. During Christy Todd Whitman, she had 178 questions for the record. And when Lisa Jackson was here, she had only 133.

So he had 1,078 questions for the record, including the extra questions from Senator Carper asked Pruitt, in his December 28th letter, as Pruitt promised he would. This means that he answered 1,000 more questions than any other Administrator nominee in the past three presidential administrations.

Last week EPW, that is Environment and Public Works, Democrats held a shadow hearing inviting partisan environmentalists to talk to each other, including a former employee of the Oklahoma Attorney General's Office under Pruitt's predecessor, who was sued and settled out of court for extreme workplace harassment. Great witness. Yet, even with all the unnecessary questions at the Democrat shadow hearing, Pruitt continued to talk with Ranking Member Carper by phone on Monday for 30 minutes, answering even more questions. I know about this phone call, and no questions were asked, none.

Ranking Member Carper asked the same recusal questions posed at the January 18th nomination hearing, even though he has a letter from the EPA Career Ethics employee stating, "Pruitt has satisfied all ethics requirements and has entered into the same recusal agreement as former Administrator Lisa Jackson."

The other side just happens not to like the answer.

Now, I am going to ask unanimous consent that we have a letter entered into the record after my remarks.

Ranking Member Carper complained that Pruitt's description of the Illinois River agreement was wrong. Pruitt has negotiated the first enforceable limit on phosphorous in the Illinois River. That is simply a fact.

He complained about Pruitt's answers on whether EPA can control mercury from power plants, alleging Pruitt opposes it simply because he was on the winning side of the Michigan v. EPA legislation, where the Supreme Court found EPA didn't bother to consider the costs of EPA's own rules, contrary to law.

Finally, he complained about the answers to only 9 questions out of 1,078 questions where Pruitt had to refer to the process under Oklahoma's Open Records Act to get a comprehensive response to the questions. Here are some examples of the Democrat member's questions, and you can decide whether or not referral to the Open Records Act was appropriate.

Senator Cardin, in his 29th question, Senator Cardin, who is not here today but a member of this Committee, he said, "Please provide all communications you have had with representatives of agricultural and other companies regarding water quality litigation between Arkansas and Oklahoma."

Senator Carper's 119th question: "For each listed matter in the State of Oklahoma has been a litigant or petitioner against the EPA, please provide any and all documents, including any and all written electronic correspondence, audio tapes,

electronic records, video tapes, photographs, telephone messages, voicemails, emails, facsimiles, daily agendas, and calendars information about meetings and/or discussions, whether in person or over the phone, agendas, minutes, and a list of participants for those meetings and/or discussions, and transcripts and notes of any such meetings or discussions from the date on which your office first began to prepare the litigation at hand to the date of the letter between you or other employees in your office and each representative of each non-governmental entity with whom you or your office communicated about the litigation." That is all in one question. They are all part of the 1,078 questions.

Senator Markey's 61st question: "For each year since 1995," that is 22 years of records, "please provide information regarding the State of Oklahoma's environmental enforcement efforts, specifically descriptions of each environmental enforcement action, including investigations and enforcement proceedings initiated by the AGs," that is Attorney General's Office, "including the date of the action it was initiated, the name of the subject of the action and the nature of the action and environmental violation that led thereto, the annual budget and the number of employees, and" -- this is still Senator Markey's 61st question -- "describe each environmental enforcement action, including investigations and enforcement

procedures that was closed, including a description of the resolution of the matter, whether a fine or penalty was levied and, if so, the amount of such fine or penalty, whether non-monetary remedies were required and, if so, what, and whether criminal prosecution was initiated in the matter and, if so, what the resolution to the prosecution was." That is the end of that question.

Senator Whitehouse's 84th and 85th questions: "Please list all matters you and your office have had with the U.S. Department of Interior or the EPA since you became Attorney General of Oklahoma. For the purpose of this and the following question's matters refer to lawsuits, including lawsuits in which your office filed a friend of the court brief, enforcement actions, investigations, rulemakings, and any other matter which included adjudication between parties."

Let me repeat that Scott Pruitt has answered 1,000 more questions than any other nominee in the last three presidential administrations, and Scott Pruitt went through four rounds of questions. That is more rounds of questions than anyone has had to be subjected to in the history of this Committee. So it is time, I think, that we move on and get him voted out, and he is going to make a great Administrator of the EPA and a refreshing change.

Thank you, Mr. Chairman.

[The prepared statement of Senator Inhofe follows:]

Senator Barrasso. Senator Inhofe, was there something you wanted to introduce to the record?

Senator Inhofe. Oh, yes. I mentioned that earlier at this point in the record, and that is the letter I referred to.

Senator Barrasso. Without objection.

Senator Inhofe. Here it is.

Senator Barrasso. Thank you.

[The referenced information follows:]

Senator Barrasso. Senator Capito.

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Mr. Chairman. I am here today to strongly support Scott Pruitt's nomination to be the EPA Administrator. We need a functioning Environmental Protection Agency and Americans deserve the change at the EPA that they voted for this fall.

The American people are being denied this because of the Democrats' decision to boycott today's Committee business meeting. As has been mentioned, Scott Pruitt has been through a very thorough, and thank you, Mr. Chairman, for that, incredibly thorough process. The gentleman from Oklahoma, I got exhausted just listening to the questions, but the Attorney General has answered over 1,200 questions by the time you add the written questions and the questions that were offered during the Committee hearing. No recent nominee for the EPA Administration has ever answered more questions, as we have heard.

And I understand that my Democrat colleagues may not agree with Attorney General Pruitt's answers or with his philosophy, but disagreement with a nominee's position cannot justify a decision to boycott a scheduled Committee vote. Democrats should, instead, give the nominee the same consideration that has been given to the other nominees from both parties.

As we heard, Carol Browner had a hearing January 11th and was confirmed on the 21st of January. Christy Todd Whitman, in 2001, had her hearing on the 17th of January, was confirmed on the 30th. And in 2009 Lisa Jackson had a hearing on January 14th and was confirmed on January 22nd, two days after the President's swearing in.

Scott Pruitt's hearing was two weeks ago. He has been very visible and very open to questions. So today here we are, February 1st, later than the date of confirmation for his recent predecessors, and his nomination is continuing to avoid action in this Committee.

And the Democrats are just wasting time with stunts like today's boycott. I found a quote that I had heard, and I kept looking it up, trying to figure out who to attribute it to, but 80 percent of life is showing up. They are living on 20 percent of life right now. They are not even showing up. If a student doesn't show up, they flunk the class. If a worker doesn't show up, they get fired from their jobs.

So our constituents elected us to do our job, and that includes coming to Committee hearings and voicing our opinions. They have had more than ample opportunity to hear from Attorney General Pruitt. Now is the time for this Committee to vote. Senators can vote yes or they can vote no; they can express

their opinion. But failing to show up does not serve our constituents.

Now, I agree with Senator Sanders, who is a member of this Committee, and we probably don't agree on a whole lot of other things, but he said, in 2013, "When people have honest difference of opinion, we debate it." That is what Congress is made to do. But when the goal is simply obstructionism, I would draw this conclusion: We are not responding to the needs of the American people if there is not an EPA Administrator.

So if the Democrats were present for this vote, we could debate our honest differences. I would point out, as I do every time, that there are tens of thousands of coal mining jobs in my State that have been lost in large part to EPA regulations. We could discuss the hardships of the misguided rules that have caused for farmers or natural gas workers or manufacturers. We could also talk about the great work that the EPA does to bring about clean air and clean water. And we could decide then if Scott Pruitt should be the next Administrator.

I am very disappointed we are not going to have a two-sided debate here. He has a distinguished record of enforcing our environmental laws as they are written and working to protect clean air and clean water without unduly costing jobs and economic growth.

I again commend the Chairman for the thorough confirmation process that he has conducted, and I look forward to voting in favor of Attorney General Scott Pruitt to be our next EPA Administrator.

Thank you.

[The prepared statement of Senator Capito follows:]

Senator Barrasso. Thank you, Senator Capito. Thank you very much.

Senator Boozman.

STATEMENT OF THE HONORABLE JOHN BOOZMAN, A UNITED STATES SENATOR  
FROM THE STATE OF ARKANSAS

Senator Boozman. Thank you, Mr. Chairman. It truly is disappointing that members of our Committee are unable to come together to vote on the nomination of Attorney General Scott Pruitt for the position of Administrator of the EPA.

I understand that my friends on the other side of the aisle are not happy with the Trump Administration and are doing everything possible to delay voting on many of his cabinet nominees. However, as then-Chairwoman Boxer, in 2007, stated, "Elections have consequences."

The truth is that no one has been fairer or more patient than Chairman Barrasso. I urge my Democrat colleagues of the Committee to quit stalling a vote on the nomination. Attorney General Pruitt has been through a grueling nomination process and has done everything that has been asked of him. This includes answering more questions, as we have heard, than incoming nominees for the same position in the Obama, Bush, and Clinton Administrations.

Many of my Democratic friends will say he has not sufficiently answered many of their questions. I would like to point out there is a stark difference between not having a question answered and receiving an answer that you do not like or can't agree with. I would also add many of the 1,078

questions for the record, which he answered in a timely fashion, were essentially the same questions he was asked at his nearly six hour-long hearing two weeks ago. It is unreasonable for my colleagues on the other side of the aisle to expect a different answer to the same question.

Here are the answers that matter:

Attorney General Pruitt has agreed to be transparent in EPA's rulemaking process, something that the Obama Administration refused to do.

He has agreed to bring stakeholders and the private sector to the table when developing rules, assuring that everyone's voice will be heard.

He has promised to be forthright with Congress and get us answers in a timely fashion whenever we have questions or concerns, something former Administrator McCarthy was unable to do while running the EPA.

And, lastly, he has promised to follow the rule of law, ensuring that the EPA will go back to its core mission, protecting the environment by carrying out the laws developed by Congress. This will ensure that the EPA will not become a political arm of the Trump Administration.

It is time for us to put aside partisan squabbles and vote on this very qualified and respected candidate to lead the EPA. Now is the time to roll up our sleeves and get to work.

Attorney General Pruitt's responses to the questions put before him during the confirmation hearing earned the opportunity to be considered by the full Senate, and that begins with this Committee voting on his nomination.

I know some of my colleagues aren't happy with who is in the White House, but President Trump is not only President for Republicans, he is the President of all American citizens, and deserves to have the people in place to help him do the job he was elected to do.

In 2009, the full Senate approved seven of President Obama's cabinet nominees his first day in office. It is almost two weeks and this chamber hasn't voted on seven of President Trump's nominees. Republicans have the votes necessary to confirm many of the Trump Administration's nominees, and that worries the Democrats, who have fundamental differences with the new Administration.

I can honestly say I understand why Democrats are upset. I was upset when President Obama was forcing rules and regulations down the throat of Congress. But I say to my Democrat friends, being in the Minority in the Senate, House, and losing the White House does not mean your job is done. You have an incredible opportunity as an EPW member to keep the new Administration in check, to ensure Attorney General Pruitt keeps his word, is transparent and available to stakeholders and Congress. We need

to work together rather than obstructing the will of the American people.

Though it is not happening today, I am pleased to support Attorney General Pruitt's nomination in this Committee and allow our colleagues a vote on the Senate Floor. Attorney General Pruitt is a strong candidate and I look forward to working with him as the EPA Administrator.

Thank you, Mr. Chairman.

[The prepared statement of Senator Boozman follows:]

Senator Barrasso. Thank you, Senator Boozman.

Senator Wicker.

STATEMENT OF THE HONORABLE ROGER F. WICKER, A UNITED STATES  
SENATOR FROM THE STATE OF MISSISSIPPI

Senator Wicker. Thank you, Mr. Chairman.

I too support Scott Pruitt, and let me just say I think objective observers who watched his testimony would have to agree that it was an impressive display of knowledge and patience. Attorney General Pruitt demonstrated that he is intelligent, articulate, thoughtful, patient, and knowledgeable. And I think because of that he will eventually be confirmed.

You know, we are going to get through this, and the people on the other side of the dais are friends of mine. I am disappointed in them today. And, frankly, I was disappointed in their conduct during the hearing, taking a complicated issue and asking the witness to answer yes or no, yes or no, when we all know that those issues didn't call for a yes or no answer; putting up a poster of campaign contributors to the Republican Attorney General's Association and somehow suggesting that that impeached the ability of Attorney General Pruitt to be Administrator of the Environmental Protection Agency.

It was silly. It was beneath them. And, again, we will get past this. But it was a disappointment to me, as friends of my colleagues on the other side.

This action today by the Democratic members of this Committee is not about the qualifications of Attorney General

Pruitt to be head of the EPA. It is simply about their disappointment with the results of the November election, pure and simple. And I would say to my colleagues, you are making yourselves look bad. And there were other statements that I was hearing on television last night, after the President made his Supreme Court nomination.

We are ultimately going to be judged in the court of public opinion, and I think the American people are ready to put the election, the close election that we had in November, behind us, accept the results, and move forward to govern this Nation. I am proud of this nominee. I am pleased that the President has put him forward. I am disappointed in my Democratic colleagues. But this nominee will be confirmed and we will move on.

Thank you, Mr. Chairman.

[The prepared statement of Senator Wicker follows:]

Senator Barrasso. Thank you very much, Senator Wicker.

Senator Fischer, thank you so much for deferring your time to Senator Ernst, who has an unavoidable scheduling conflict.

Senator Ernst.

STATEMENT OF THE HONORABLE JONI ERNST, A UNITED STATES SENATOR  
FROM THE STATE OF IOWA

Senator Ernst. Thank you, Mr. Chair.

Thank you, Senator Fischer, very much.

I would like to echo the same sentiments of many of my colleagues that are here today, and I would like to state for the record that this Committee and all Republicans in the Senate are committed to a fair and full confirmation process, and I know Chairman Barrasso has worked really hard to make sure that that is the case for Mr. Pruitt.

Vetting nominees is an important role, and one that I take seriously, as do my colleagues. But there comes a point when vetting has been turned into obstruction, and that is what we are witnessing here today.

Mr. Pruitt has answered more than 1,200 questions from this Committee. Twelve hundred questions. That is over 1,000 more answers than the incoming nominees for EPA Administrator from the last four administrations.

Lisa Jackson, nominated by President Obama to be EPA Administrator at the start of his presidency, and viewed as a very controversial pick by many on this Committee, was asked 202 questions; 202 questions compared to 1,200.

So I would ask my colleagues on the other side what is the true purpose of their witch hunt. Because if the answer is to

get more clarity on Mr. Pruitt's policy views or positions, Chairman Barrasso has given you an unprecedented amount of time and opportunity to get those answers, surpassing Committee standards set in 2003, 2005, 2009, and 2013. In fact, some of you even publicly acknowledge that you were pleased with how this Committee conducted the confirmation hearing.

So I would remind my Democratic colleagues of their words in 2013, back when this Committee was considering Gina McCarthy and roles were reversed. Take, for example, Senator Cardin, who said, "It has nothing to do with information not made available. It has everything to do with obstructionism."

Mr. Chairman, I am going to wrap up my comments here, but I would leave my colleagues on the other side with one final thought. Will they take the blame for an EPA that is not fully operational, heaven forbid, even if we have an environmental crisis?

When people have honest differences of opinion, we debate it. But when the goal is simply obstructionism, I would draw this conclusion: "We are not responding to the needs of the American people if there is not an EPA Administrator." And, folks, those are not my words, those are the words that came from Senator Bernie Sanders from 2013.

Thank you, Mr. Chairman.

[The prepared statement of Senator Ernst follows:]

Senator Barrasso. Thank you, Senator Ernst.

Senator Fischer.

STATEMENT OF THE HONORABLE DEB FISCHER, A UNITED STATES SENATOR  
FROM THE STATE OF NEBRASKA

Senator Fischer. Thank you, Mr. Chairman. And I thank you for your thorough hearing process that we had with Attorney General Pruitt. As you have said, we had unlimited rounds. Any number of questions were asked during the public hearing. We had given this man 1,200 questions to respond to and he has. So I thank you for really going above and beyond what I have seen happen not just in this Committee, but any other committee here in the United States Senate, no matter if it is chaired by Republican or Democrat. So thank you, Senator Barrasso.

I would also like to thank Attorney General Pruitt. Throughout the hearing, if you were able to watch it, he treated this Committee and he treated this process with the utmost respect. He had a very respectful demeanor. He answered every question, I believe, thoroughly; and if he was unable to answer at the time, he provided the information later.

I know Oklahoma can be proud of the gentleman that we had before us. Not only was he respectful, but he was also articulate, and he spoke with a calmness and a surety when he gave us his answers. It was obvious how intelligent he is. It was obvious that he is well qualified for this position because of his not only vast experience, but his vast knowledge on many of these issues.

It is disappointing that our Democrat colleagues are not here today doing their job, and that job is to be able to debate with us, to be able to discuss so that we can continue this open, transparent, and accountable process that every Senate Committee hearing should be. That is what it should be, that we continue to do that. But instead we are seeing filibustering now at the Committee level.

You know, I have had many, many disagreements with the previous Administrator, but we always showed a mutual respect for each other. And when Administrator McCarthy came before this Committee, we would have frank conversations, we would have open conversations, and we did it in full view of the public so that every citizen had the opportunity to see what our discussions were. I thank our former Administrator for the respect that she showed this Committee. I thank her for the civility that all members of this Committee showed to her. And it is more than disappointing that we are not able to see that today.

I don't believe that Americans want to see this from their representatives. Americans want all of us to be able to have respectful conversations and do so in a manner that promotes the values of this Country, and that is that we respect each other, we continue to have dialogue, and we continue to work for the people of this Country. So I hope that our colleagues on the

other side, our Democrat colleagues, will come to the Committee so that we can show that respect for each other and the respect for the process and the respect for the United States Senate and the Government that we have in this Country. And I hope that they will come before us so that we can get to work, so that they can get to work, because that is what the American people expect us to do. They expect us to do our jobs.

Thank you, Mr. Chairman.

[The prepared statement of Senator Fischer follows:]

Senator Barrasso. Thank you, Senator Fischer.

Senator Moran.

STATEMENT OF THE HONORABLE JERRY MORAN, A UNITED STATES SENATOR  
FROM THE STATE OF KANSAS

Senator Moran. Mr. Chairman, thank you very much. Thanks for calling this meeting. I am sorry for the circumstances we find ourselves in. I would just like to make three points.

First of all, I would like to compliment you and the way that you have conducted this process. I don't see how anyone could reach a conclusion that it has been anything but fair, appropriate, the way that a Senate committee should be conducted.

Secondly, I would like to just comment briefly on the quality of the nominee. As a Kansan from a neighboring State, we hold people from the Midwest in high regard, and I found the Attorney General to fit the qualifications of an individual that I would find great comfort in. And his testimony here showed significant knowledge, information, experience, with also a practical side of how environmental regulations have huge consequences upon the opportunities that Americans have. How do we keep the American dream alive at the same time of keeping the environment clean and desirable?

Many of us choose to live in the Midwest. I choose to live in Kansas for a number of reasons, but one is because the sunsets, the sky, the water. It is a beautiful place and we all want it to be that way. We also know that we also need economic

activity. We want our kids to have a chance to be raised on a farm, but also to become farmers. We want the opportunities to be available to all, and so we have to find the right balance, and I found the Attorney General's testimony very satisfactory in that regard.

Finally, Mr. Chairman, perhaps most importantly to me today, is one more example of the dysfunction of the United States Senate by the actions taken by our colleagues on this Committee. I have said this numerous times, mostly to Kansans. I don't think I have ever said it in public here, but I was elected to the United States Senate now six years ago, in 2010. There is absolutely nothing in my background that would suggest I would grow up to be a member of the United States Senate; nothing in my family, no particular qualifications other than I am an American citizen.

And as some of you have heard me say, when I arrived at the United States Senate, I was welcomed to the Senate by the then Majority Leader Harry Reid. And Senator Reid was very kind to me, welcomed me to the Senate. We were standing on the Senate Floor and he asked me how I liked being here, and I indicated to him how honored I was by Kansans giving me the chance to try to make a difference on their behalf.

But I said, you know, Leader, sir, it doesn't seem to me like we are going to do anything. And Senator Reid's reply to

me was, oh, Jerry, you just need to understand we are not going to do anything. And that was very disappointing, discouraging to me, again, from a sense -- I don't mean this in any kind of personal accomplishment way, but to become a member of the United States Senate by the grace of God, kindness of Kansans, only to discover that the plan was to do nothing.

So for much of my time in the United States Senate I have been working on behalf of every Senator, Republican, Democrat, all 100 of us, to have the sense that we have jobs to do and work to be done, and we all ought to have a chance to advocate on behalf of our constituents.

I come from Kansas, and in many ways we may have different points of view than people who come from other places in the Country. This Country is a diverse place. The United States Senate is a place in which that diversity is overcome. It is a place in which the diversity of this Country should be overcome. And it takes goodwill and common sense, a desire to accommodate other people's points of view; an understanding that someone may disagree with you, but it doesn't make them evil; an understanding that someone may disagree with you, but maybe you can learn something from that disagreement and modify your own position. But none of that can happen at the United States Senate, and today the example is this Committee doesn't

function. So it is discouraging to see, once again, that we are in the mode of we are not going to do anything.

I don't expect to win every battle, and I recognize that often my points of view, coming from where I come and the philosophy that I hold, is a minority point of view. But I certainly have the responsibility to advocate and hope that someday our point of view may be something that becomes a majority point of view. I don't expect success today, but I expect the opportunity to pursue success in the future.

And if we can't even meet together, if we can't even have the debate, the discussion, ultimately votes taken, majority rules, then we never have the chance to convince each other that we are wrong or we are right; and we are missing something important to the legislative process. So it is just one more disappointment in a circumstance that we ought not face.

Finally, I would say I have tried to set the expectations that so maybe after the next election, if we can just get through an election, maybe we can set aside the differences and then come together and govern. Maybe there is something that has to happen. Early in my time in politics people would say, well, we can't do it right now, there is an election coming around the corner. Usually that was a month or a few weeks out. Then over time it has become, well, there is an election this year; and now there is an election this cycle. We can't

continue to use an election as the excuse for inability to do anything.

And today we don't even have that as an excuse; the election is behind us. We have a new President to serve in office for the next four years, and we ought not stand for the inability for us to govern, to reach conclusions, make decisions based on the fact that this is politics. We have become, too often, governing by tantrum now, governing by soundbite, governing by press conference; and the governing needs to take place among members of the United States Senate, and it can start right here with the Committee on EPW.

Mr. Chairman, again I thank you for the way you have conducted the hearing. I express my gratitude for a nominee who is willing to put himself and his family through the process of trying to serve his Country. And I would ask all my colleagues, Republicans and Democrats, to find ways for us to solve problems by working together. I thank the Chairman.

[The prepared statement of Senator Moran follows:]

Senator Barrasso. Thank you, Senator Moran.

Senator Rounds, thank you for your patience in deferring to  
Senator Sullivan.

Senator Sullivan.

STATEMENT OF THE HONORABLE DAN SULLIVAN, A UNITED STATES SENATOR  
FROM THE STATE OF ALASKA

Senator Sullivan. Thank you, Mr. Chairman.

Thank you, Senator Rounds.

I too want to express my appreciation for how you have run this hearing. I think it was probably the most thorough hearing for an EPA Administrator probably in U.S. history. It was done in a very respectful manner and all the members, as you indicated, Democrats and Republicans, very much appreciated it.

You know, sometimes in these hearings you can't make the hearing because you are out at another hearing, but just for the record, right before this hearing I was out in the hallway and the vast majority of our colleagues were literally meandering in the hallway right in front of the hearing room. So I invited them to come in and, unfortunately, they politely declined. So it is not like they are busy. Literally kind of circling the hallway. A little embarrassing there.

You know, Mr. Chairman, we have differences of opinion in this Committee. That is often a good thing. We debate them; we share ideas. We give the voters the very best we have and then we let them make their own decisions; and on election day that is what happened. The people chose President Trump over Secretary of State Hillary Clinton. And when they did that, they did so knowing that he would appoint a new cabinet. And

they voted for action and they voted for a smooth transition, and they expected us in these committees to give us an open and fair and thorough nominating process, confirmation process for the members of the cabinet; and that is what you did and that is what we all did.

And I think as the hearing revealed, Attorney General Pruitt is highly qualified for the EPA Administrator job. The EPA needs a serious course correction after the lawless leadership of Gina McCarthy, and Mr. Pruitt has shown that he has the commitment, the intellect, the experience to lead this change, and I think that is going to be critical for America. It is certainly going to be critical for my State of Alaska.

So, Mr. Chairman, what is going on here? As I noted at the outset, my colleagues are out literally meandering in the hallway. This is simply a senatorial temper tantrum. A senatorial temper tantrum. And as all the parents here know, temper tantrums waste a lot of energy, but they don't accomplish anything. The American people deserve better, and I ask my colleagues on the other side of the aisle to come back to the Committee. Let's get to work.

And here is the important thing that I think it is really important to recognize. Sometimes this Committee is viewed as a very partisan Committee. But this is a Committee that actually gets things done. And with the new head of the EPA we can do

that in a bipartisan way. I am glad to see the former chairman is here. My first two years in the Senate, this Committee was the most active Committee, TSCA, the highway bill, the WRDA bill, with Republicans and a Democrat in the White House, and we still got those things passed. So I would ask my colleagues to cease the temper tantrum. Let's get back to work, because it is important for the American people and that is what they want.

Thank you, Mr. Chairman.

[The prepared statement of Senator Sullivan follows:]

Senator Barrasso. Thank you, Senator Sullivan.

Senator Rounds.

STATEMENT OF THE HONORABLE MIKE ROUNDS, A UNITED STATES SENATOR  
FROM THE STATE OF SOUTH DAKOTA

Senator Rounds. Thank you, Mr. Chairman. I think a lot of things have already been said today that needed to be said by members of our party, the party which is actually showing up for this particular Committee hearing.

I am going to be brief, but it comes to mind that a gentleman that led South Dakota, former governor by the name of George Mickelson, used to say that things get done by people that show up. He didn't say things get done by people that don't show up or that are protesting.

The reality is that our friends on the other side of the aisle, and we know them personally, they are good people, they have decided that this is a protest; and it is a protest because they are not going to receive a nominee that they wanted. When they lost the election, it was hard on them, and they are still feeling that pain; and because of that their protest here by not showing up slows down the work of the Senate. It won't stop the work of the Senate, but it does show one of the reasons why it is so hard to get lots of different things done that I think the American people really wanted to see get done.

You know, Scott Pruitt is the Attorney General. He comes in with the qualifications clearly in a position to make changes within the Environmental Protection Agency that many of us

wanted to see. He believes in sound science. He is one of the guys that understands that regulations really do impact the day-to-day lives of American citizens. He understands that State and local units of government should have a say in how those regulations are established.

EPA, when it works correctly, works in a federalist role, one in which they cooperate and coordinate with State and local units of government. I thought he would add value at the EPA, and I think in the future he will. Simply delaying the change in leadership at the Environmental Protection Agency does not help our Country. I think for our friends on the other side of the aisle, when we were growing up, our mom and our dad used to tell us that it isn't one of those things that is appropriate to simply say, if I am mad at the game that is chosen, I will take my ball and go home; and yet that is kind of what we are seeing here. And it will change but, in the meantime, we have to work our way through this.

I think we have to be the adults in the room. We have to act like adults in the room. I think we will follow the rules, but we will eventually approve Mr. Pruitt as the next Administrator for the Environmental Protection Agency. But in the meantime it has slowed down the process within the United States Senate, a lot of things in which most Republicans and Democrats can agree on. Time on the Floor of the Senate is

extremely valuable, and it is one that I think Republicans and Democrats both agree that that time, when it is as valuable as what it is, can't be wasted.

Unfortunately, what we are seeing from our colleagues is every opportunity that they can to slow down the work in the United States Senate continues. They have slowed down, they have declined in many cases to give time back even when they are done with the debate; and this is just one more glaring example of a dysfunction within this body that could really work better than what it does today.

So I think rather than simply beating them up over this time and time again, we should simply remind them that I think we all know that there is a better way to get this stuff done, and simply not showing up for a Committee hearing is probably one of the more childish things and one of the more childish behaviors when it comes to protesting.

I think the value here could have been, if they were on the other side of the aisle and simply pointed out their point of view, and if they disagreed or if they had reasons why Mr. Pruitt should not be identified as the next Administrator, to be able to come in and voice those and to lay out their arguments appropriately in opposition to our arguments in favor of him would have been a healthy discussion that would have been an example to young people across this Country about the way that

our Government should work; and that open and public debate and discourse, that is a health part of this process. But simply not showing up because you lost an election is probably not the most appropriate way to set an example for the next generation.

So, with that, Mr. Chairman, I would acknowledge the way in which you have handled this series of Committee hearings, it has been fair. Mr. Pruitt has answered over 1,000 more questions than anybody else applying for this job has in the past. And it simply is clear that our friends on the other side of the aisle have chosen what I believe to be the wrong way to protest the loss of an election, and they have provided additional reasons to point out the dysfunction that sometimes occurs in what should be a very deliberative body in the United States Senate.

With that, Mr. Chairman, thank you for what you have done to try to move this process forward.

[The prepared statement of Senator Rounds follows:]

Senator Barrasso. Thank you very much, Senator Rounds.

I thank all the members for being here.

I want to just close with stating that not having a vote on this nominee today, not organizing this important Committee is a shame. I believe no one is served, no environmental goal is achieved by the Democrats acting in this obstructionist way.

I want to quote one of my colleagues from Oregon, on the other side of the aisle, when he stated, in May of 2013, "What we have today is an embarrassing dereliction of public responsibility." He said, "And the word embarrassing doesn't capture the grave harm that is coming from members of this body deciding to abuse the advice and consent obligation that this body has, this Senate has under our Constitution."

To the members of this Committee, I tell you I pledge to move the nomination of Attorney General Scott Pruitt to be Administrator of the Environmental Protection Agency as expeditiously as possible.

This Committee is in recess subject to the call of the Chair. Thank you very much.

[Whereupon, at 11:35 a.m. the committee was recessed, subject to the call of the Chair.]