

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

The 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 David Steven Morales, of Texas, to be United States District Judge for the Southern District of Texas.

Mitch McConnell, Johnny Isakson, Roger F. Wicker, John Boozman, John Cornyn, Mike Crapo, Shelley Moore Capito, Steve Daines, Roy Blunt, Deb Fischer, David Perdue, Todd Young, John Thune, Mike Rounds, John Hoeven, Thom Tillis, Lindsey Graham.

The PRESIDING OFFICER. The mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David Steven Morales, of Texas, to be United States District Judge for the Southern District of Texas, shall be brought to a close?

The yeas and nays are mandatory.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from California (Ms. HARRIS) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber wishing to vote or to change their vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 74 Ex.]

YEAS—57

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blackburn	Grassley	Portman
Blunt	Hawley	Risch
Boozman	Hoeven	Roberts
Braun	Hyde-Smith	Romney
Burr	Inhofe	Rounds
Capito	Isakson	Rubio
Cassidy	Johnson	Sasse
Collins	Jones	Scott (FL)
Cornyn	Kaine	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Sinema
Crapo	Lee	Sullivan
Cruz	Manchin	Thune
Daines	McConnell	Tillis
Enzi	McSally	Toomey
Ernst	Moran	Wicker
Fischer	Murkowski	Young

NAYS—41

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

NOT VOTING—2

Booker Harris

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 57, the nays are 41.

The motion is agreed to.

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The bill clerk read the nomination of David Steven Morales, of Texas, to be United States District Judge for the Southern District of Texas.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

HEALTHCARE

Mr. DAINES. Madam President, 2 years ago, I exposed the Democrats' plan for socialized medicine and allowed every Senator here to take a clear stand and reject this disastrous idea once and for all. Unfortunately, very few Senate Democrats were willing to oppose socialized medicine then. Well, they are back at it again today. So now I am here again to shed some much needed light on what seems to be a never-ending game to score political points and, even worse, to set the stage for terrible policy—a continuing call for socialized medicine.

We are seeing this false narrative of “free socialized medicine” making headlines, but you see, it is not actually free; somebody has to pay for it. In fact, every single one of us and our kids and our grandkids will be paying for it for a long time if this nonsensical plan becomes reality.

Montanans face enough hardships with rising prescription drug costs and rising premiums. The Democrats' socialized medical scheme will cost the American taxpayer \$32 trillion over 10 years—\$32 trillion—not to mention that this scheme would kick millions off their healthcare plan and eliminate private health insurance.

In combination with the left's absurd Green New Deal, what we are seeing here today is a pattern when it comes to the Democrats' very liberal and leftist agenda. They don't blink an eye when their liberal policies cost the taxpayers trillions of dollars, and they aren't coming up with feasible solutions.

In fact, too many Montanans are faced with the very tough choice of choosing between health and putting food on the table. Prescription drug prices are out of control. Montanans are sick and tired of being sick and tired. They want Congress to do something. They want results. They want outcomes. That is why I have been fighting for a commonsense solution like my bill, the CREATES Act, which addresses high prescription drug costs and improves access to care in our rural communities.

The left's pie-in-the-sky proposal promises a great deal, but we all know the extent of empty promises in this town. These proposals do nothing but throw hard-working Montanans under the bus, foot the massive tax bill to the taxpayers, and prop up failed policies just to appease a radicalizing base across this country in the Democratic Party. The people of Montana want better than this. They deserve better than this.

To my colleagues who are attempting to make a hard run to the left to score some points within your base, I simply ask this: Will you please put your country over your party? Will you put the interests of the people over your own self-political interests, or will you continue to peddle the lie of socialized medicine to the American people?

I think it is time we get to work, hunker down and roll up our sleeves and produce real results that the people of Montana and across our Nation deserve. They deserve serious answers, and they deserve serious solutions, and it is long overdue that we give them that.

Thank you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

NOMINATION OF JOHN P. ABIZAID

Mr. KAINE. Madam President, I rise to speak today about the vote we cast earlier confirming GEN John Abizaid, Retired, to be U.S. Ambassador to Saudi Arabia.

I was proud to vote for him. I think he is very well qualified for that position. The position has been vacant since 2017. Other critical countries in this most important region are without Ambassadors—Egypt, Jordan, and Pakistan.

General Abizaid has his work cut out for him, and I want to speak specifically about some of the challenges in Saudi Arabia now.

I believe there is a great day of reckoning that is now pending in the U.S.-Saudi relationship.

Last week, the House of Representatives passed a Senate resolution ordering the President to stop U.S. military action in support of Saudi Arabia's intervention in Yemen's civil war. The Senate had earlier acted on that bill in 2018. It went to the House and died. The Senate took up the bill again recently, and the House passed it. The bill is now on its way to the President's desk.

The President has indicated that he is likely to veto the bill, to continue U.S. support for Saudi military activity in Yemen. If that happens, the bill will come back to the Senate, and the Senate will then have the opportunity to vote on whether that veto should be overridden.

The House vote to withdraw U.S. support for this military activity was 247 to 175. The Senate vote was 54 to 46.

The Yemen civil war has been a humanitarian disaster. Many of my colleagues have spoken at length about this, so I will not speak at length. Just to underline key points, it has been a humanitarian disaster, and the United States should not be involved. Saudi intervention has made it worse.

As of November 2018, nearly 7,000 civilians have been killed, nearly 11,000 had been wounded—the majority by Saudi Arabia-led coalition airstrikes, many of which are targeted and prosecuted in amateurish ways. Those statistics are according to the Office of the U.N. High Commissioner for

Human Rights. The actual human casualties are actually much higher because the war has led to famine and disease outbreaks that have killed many more. Thousands have been displaced by fighting, and millions are suffering from shortages of food and medical care, with the country on the brink of famine. There are 12 to 13 million civilians at risk of starvation largely because of the effects of this civil war.

In addition to the poor prosecution of this military activity by Saudi Arabia, there are other issues we have to grapple with.

A Virginia resident who is a Saudi citizen, Jamal Khashoggi, who was a journalist for the Washington Post, criticized the Saudi policy in Yemen. For his advocacy against the war, the Government of Saudi Arabia lured him into their consulate in Istanbul and then tortured and assassinated him, dismembering his body with a bone saw. Then the Saudi Government engaged in a massive misinformation and disinformation campaign, lying to the United States and to the world about what had happened, saying that he had left the Embassy on his own, saying that it had been an accident, coming up with all manner of excuses before the even cursory investigation demonstrated that he had been assassinated.

The U.S. intelligence community is unified in their assessment of what happened to this Virginia resident—a gross violation of human rights to assassinate a journalist, especially in a safe haven, which is what a consulate is supposed to be.

In addition to the brutal murder of Jamal Khashoggi, Saudi Arabia has been arresting civil rights activists for years, including, recently, two Virginia residents—Aziza al-Youssef, who is a Saudi citizen who studied at Virginia Commonwealth University in Richmond and then went to back to Saudi Arabia to teach women computer science. Her son, Salah al-Haidar, also has been arrested for advocating for women's rights. What rights are they advocating for? The right of women to drive. The right of women to make some of their own decisions under Saudi law. Decisions by women cannot be made independently but must generally be agreed to by a father or a husband. Simply for advocating that women be treated as equal, with equal rights, these Virginia residents and many others have been jailed and tortured.

One would think that the United States would be up in arms about the assassination of a U.S. resident journalist, about the arrest of U.S. residents, including U.S. citizens advocating for women's rights, but that is not the case. The President refuses to submit a report determining whether Jamal Khashoggi's murder was a human rights violation.

The Magnitsky Act was designed to promote cooperation between the legis-

lative and the executive branches. When Congress has information that suggests there is a significant human rights violation by a foreign government, we write a letter to the President. The President has 120 days to investigate and then offer a determination as to whether there was a human rights violation. It is a cooperative dialogue. We wrote the letter, 120 days passed, and President Trump and the administration will not answer it. They will not say there was a human rights violation. They will not say there wasn't a human rights violation.

I am not aware of their doing this for any other nation. For Saudi Arabia, they are ignoring the clear requirements of the Magnitsky Act. President Trump said: "It could very well be that the Crown Prince had knowledge of this event—maybe he did and maybe he didn't." That comment is at odds with the assessment of the U.S. intelligence community that this assassination was an official act of the Saudi Arabian Government that would not have happened without the knowledge of the Crown Prince, M.B.S.

The relationship following these arrests and this assassination has not been downgraded or suffered repercussions within this administration—in fact, to the contrary. Two weeks ago, right before an Armed Services Committee hearing where Secretary of Energy Rick Perry was testifying, we learned that the Trump administration has approved secret transfers of nuclear technical information from American companies to Saudi Arabia on seven occasions since 2017. These transfers are called Part 810 authorizations. They require an approval of the Department of Energy. Under my cross-examination, Secretary Perry was forced to confirm that, yes, the administration has authorized on seven occasions transfers of this nuclear know-how to Saudi Arabia.

In the past, when these transfers were approved, they were made public so that the American public and Congress could exercise oversight on which nations in the world are being given nuclear technology, but in this instance and possibly others in this administration, the approvals were kept secret.

Why are they secret now? We know that Saudi Arabia is intent on building a nuclear program. That is well covered. But they haven't agreed to the nonproliferation rules that would prevent the development of nuclear weapons. The Nuclear Non-Proliferation treaty is a bedrock principle of international law that the United States has supported for a very long time.

The principle is simple. We would not want countries to get nuclear technology unless they give us guarantees that technology is only for peaceful use, medical research, power production but not to produce nuclear weapons.

We are transferring this technical know-how to the Saudi Arabian Gov-

ernment secretly, without yet requiring that they sign on to the important safety protections in the NPT. It is only logical that Congress would want to know more about these approvals to make sure they don't spark a nuclear arms race in the Middle East.

In the recent hearing, I asked Secretary Perry about whether the secret approvals of nuclear information transfer occurred before or after the October 2018 murder of Jamal Khashoggi. He claimed not to know. He has indicated he would provide that information in response to written questions. I submitted the written questions. He has still not provided the information. It is wrong to do these transfers without letting Congress know; it is wrong to do these transfers when Saudi Arabia has not yet agreed to the principles that would disallow nuclear proliferation; and it would certainly be wrong to agree to transfers of this kind of information after the assassination of Jamal Khashoggi, but as of yet the administration hasn't given us the data.

Beyond just the timing, who is getting these secret approvals? Secretary Perry said the approvals were secret because there is proprietary information. Companies might not want to have information that they have developed through their own research available to all, but that doesn't explain it. You don't have to give the proprietary information to indicate what company has gotten an approval on what day to do the transfer.

Who is getting these secret approvals? One major nuclear firm, Westinghouse, has been reported as a frontrunner in the competitive effort to do nuclear reactor construction in Saudi Arabia. Westinghouse is owned by the same investors who bailed White House adviser Jared Kushner out of a bad real estate deal. Remember, Jared Kushner was originally denied a security clearance in the White House due to concerns about foreign influence and personal financial conflicts. Additional reporting connects disgraced National Security Advisor Michael Flynn—who has been convicted for lying about his ties to and communication with foreign governments—to the push for the Saudi nuclear deal.

Finally, earlier today, I asked Secretary Pompeo in a Foreign Relations Committee hearing about public reports in *The National Interest*, in September of 2018, that say the Saudis have a robust anti-ballistic missile program that has been largely built on Chinese missiles—missiles from China that were constructed originally to carry nuclear warheads—but that the Saudis have apparently used with non-nuclear payloads or outfitted with non-nuclear payloads.

The *National Interest* article that I entered into the RECORD, dated September 21, 2018, indicated that, in Saudi Arabia, these missiles have been arranged so some of them would be directed toward Tehran and others would be directed toward Israel. All of these

issues are on the table: poor prosecution of a civil war leading to humanitarian disaster, the murder of a U.S. resident journalist, the arrest of U.S. residents for women's rights activism, secret transfers of nuclear technology without letting Congress know, and then the story I asked Secretary Pompeo about today. The buildup of an anti-ballistic missile program based significantly on Chinese missiles leads me to ask: Why would we help Saudi Arabia in a disastrous war in Yemen? Why would we turn a blind eye to Saudi human rights abuses? Why would we transfer nuclear know-how and plan for a nuclear deal with Saudi Arabia when they haven't agreed to non-proliferation rules that we expect other Nations to agree to in a way that would possibly spark an arms race in the Middle East? My final question is, who in the United States is benefiting from this?

When I asked the Secretary of State this morning, again, on the dates of the nuclear approvals and did they occur before or after the assassination of Jamal Khashoggi, I am sure he knew I was going to ask him that question. I asked Secretary Perry the question 2 weeks ago. I submitted that question for the record. He knew I was going to ask him that question, and he said he couldn't give me any information about the approvals; he would have to get back to me about them.

Congress is not a student government. Congress is supposed to, as the article I branch, exercise oversight over important matters. There is hardly anything more important than the spread of nuclear technologies that could be used to proliferate weapons of mass destruction anywhere in the world, especially in a region as dangerous as the Middle East.

These are the items that Ambassador Abizaid will need to deal with in his new role, but we need to exercise proper congressional oversight of this relationship because there are so many problems with it right now that are not being addressed by this administration. I think only Congress can address them. I hope my colleagues will join me with that oversight.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF DAVID BERNHARDT

Mr. WYDEN. Madam President, the Senate is just hours away from voting on whether to confirm David Bernhardt to head the Interior Department. He would replace Ryan Zinke, who was forced from office in the eye of an ethical hurricane. I am here tonight to put the Senate on notice that I believe, if David Bernhardt is confirmed as Interior Secretary, another ethical storm will be on us in the very near future. The Zinke ethics hurricane was bad enough. America should not be harmed again if it is followed by a Bernhardt ethical typhoon.

I believe the Bernhardt nomination ought to be stopped in its tracks right

here, right now. At a minimum, the Senate ought to put on hold this whole matter until we can gather more information so an informed decision can be based on all the facts.

At this moment, with the debate hurtling possibly toward an end, there are four pending requests by a dozen Senators, including myself, for inspector general investigations of the issues involving Mr. Bernhardt. In the other body, there are a host of requests for investigations as well. There has been a lot of speculation about how all of these issues have been aired.

This is old news, say some. The fact is, that is not right. This doesn't go back months. My concerns aren't information that has been sitting out in public view for years. The prospect of an investigation is developing in real time right now. I am going to run through some of the basic facts before getting into deeper details.

First, according to the Office of Government Ethics, Mr. Bernhardt has 27 different former clients who are posing a potential of unlimited numbers of conflicts of interests—oil clients, coal clients, water clients, major ag and resources clients. All of them have business before the Department that the Interior Secretary is supposed to be running for the benefit of the public, not for special interests.

My sense is, with all of these conflicts, Mr. Bernhardt would have basically two choices; one, he could comply with the ethics pledge and pretty much recuse himself from everything. Lord knows what he would be doing all day because he would have to recuse himself; or two, he would basically do business and just violate the ethical principles.

Lately, he seems to have been on what seems like a victory parade on Capitol Hill, touting what he says is a record of being a champion of ethics, but if you take a look at that record and take a look at what was said during his confirmation hearing, as my son William Peter Wyden, age 11—pictures available on my iPhone after my presentation—would say, that Bernhardt statement was one big whopper.

Mr. Bernhardt served as Deputy Secretary to Ryan Zinke. All through this parade of environmental horrors that were visited upon us, Mr. Bernhardt was the key man in that office. There is not one shred of evidence that Mr. Bernhardt objected to Ryan Zinke's corruption. There is no evidence of it. Just think about it. He is always described as the guy who made the Interior Department run and that he was the key to all of these pieces. Ryan Zinke is out there with flagrant conflicts of interest and the like. Yet there is no evidence that Mr. Bernhardt—the self-styled expert on ethics—ever objected to anything.

Second, not even 2 weeks ago, Mr. Bernhardt came before the Energy and Natural Resources Committee for his nomination. He admitted that he had a role in blocking a landmark scientific

report on toxic pesticides—the kind of report that career, nonpartisan scientists and staff spend years developing in close consultation with Department lawyers. Mr. Bernhardt's excuse for blocking the report was that it needed to be “read by the lawyers,” and he gave the impression to the Energy and Natural Resources Committee and the country—people were following it on C-SPAN—he gave the impression, when he said it needed to be read by the lawyers, as though that was not already the routine. His claim doesn't pass the smell test. I believe he lied to the Energy and Natural Resources Committee.

Third, let's talk about his lobbying. Mr. Bernhardt deregistered as a lobbyist to join the Trump transition team before the President's inauguration. There is evidence he kept right on lobbying, nonetheless, in violation of the law. There is a whole lot of talk about mislabeled invoices and simple errors that attempted to explain it all the way. The fact is, there were multiple cases in which Mr. Bernhardt was engaged in activities that made him the de facto lobbyist, carrying on with the same job he had been doing all along.

So you have a pattern of unethical behavior right in front of our eyes. He said he had to do this lawyering. There hadn't been any lawyering. Then we go back and look at the rules, and they say that in these situations, there is lawyering all the way through the process. That is why I am very troubled about his trustworthiness.

After Ryan Zinke's departure, every Senator ought to be interested in restoring integrity and honor to the Interior Department. Yet the Trump administration has double downed on its commitment to graft by nominating David Bernhardt for this job. As I mentioned, there are pending requests for inspector general investigations. I have also called for an investigation by the U.S. attorney. Neither of those has had adequate time to respond, but the majority leader has rushed this nomination to the floor.

To indicate how fast the nomination is moving, the President obviously nominated Mr. Bernhardt to lead the Interior Department less than a month ago. Less than 2 weeks ago, the Senate Energy and Natural Resources Committee held the confirmation hearing on his nomination. Exactly a week later, the committee voted to approve it. One week after that, the Senate may choose to vote on his final confirmation. I just think it is a grave mistake to be moving forward with so many serious unanswered questions, and let me go through the history about why.

The Interior Department is still reeling from Ryan Zinke and what I call this self-generated ethical hurricane. In addition to overseeing the largest rollback of Federal land protections in American history, Ryan Zinke triggered so many Federal inquiries and investigations before he resigned in