

The PRESIDING OFFICER. The Senator from Wyoming.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate resume legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I rise to submit to the Senate the budget scorekeeping report for April 2019. The report compares current-law levels of spending and revenues with the amounts the Senate agreed to in the Bipartisan Budget Act of 2018, BBA18. This information is necessary for the Senate Budget Committee to determine whether budgetary points of order lie against pending legislation. The Republican staff of the Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section 308(b) of the Congressional Budget Act, CBA.

This is my third scorekeeping report this year. My last filing can be found in the CONGRESSIONAL RECORD for February 27, 2019. The information included in this report is current through April 8, 2019.

Since my last filing, three bills with significant budgetary effects cleared Congress, the Pesticide Registration Improvement Extension Act of 2018, P.L. 116-8; the John D. Dingell, Jr. Conservation, Management, and Recreation Act, P.L. 116-9; and the Medicaid Services Investment and Accountability Act of 2019, H.R. 1839.

Budget Committee Republican staff prepared Tables 1-3.

Table 1 gives the amount by which each Senate authorizing committee exceeds or is below its allocation for budget authority and outlays under the fiscal year 2019 enforceable levels filing required by BBA18. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. Over the current 10-year enforceable window, authorizing committees have increased outlays by a combined \$3.4 billion. For this reporting period, as in my last report, 8 of the 16 authorizing committees are not in compliance with their allocations. One of these committees, Finance, further exacerbated its violations this work period with the passage of the Medicaid Services Investment and Accountability Act. CBO estimates that this measure will increase mandatory spending for all enforceable periods, including an increase in outlays of \$27 million over the Fiscal Year 2019-2028 period. The Agriculture Committee reduced the size of its violations with the passage

of the Pesticide Registration Improvement Extension Act, which CBO scores as reducing outlays by \$5 million in Fiscal Year 2019 and by \$23 million over the Fiscal Year 2019-2023 period. The Energy and Natural Resources Committee, which was not in breach of its allocation for the last reporting cycle, continued to reduce spending with the passage of the John D. Dingell, Jr. Conservation, Management, and Recreation Act. CBO estimates that this measure will reduce spending by \$10 million over both the 5- and 10-year enforceable windows. This savings is credited to its allocation, as shown in the table.

Tables 2 provides the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in sections 312 and 314 of the CBA. Appropriations for Fiscal Year 2019, displayed in this table, show that the Appropriations Committee is compliant with spending limits for Fiscal Year 2019. Those limits for regular discretionary spending are \$647 billion for accounts in the defense category and \$597 billion for accounts in the nondefense category of spending.

The Fiscal Year 2018 budget resolution contained points of order limiting the use of changes in mandatory programs in appropriations bills, CHIMPs. Table 3, which tracks the CHIMP limit of \$15 billion for Fiscal Year 2019, shows the Appropriations Committee has enacted \$15 billion worth of full-year CHIMPs for Fiscal Year 2019.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by Congress.

For Fiscal Year 2019, CBO estimates that current-law levels are \$2.9 billion above and \$3.3 billion below enforceable levels for budget authority and outlays, respectively. Revenues are \$426 million below the level assumed in the budget resolution. Further, Social Security revenues are at the levels assumed for Fiscal Year 2019, while Social Security outlays are \$4 million above assumed levels for the budget year.

CBO's report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule. The PAYGO scorecard shows deficit increases in Fiscal Year 2019 of \$1,957 million—\$427 million revenue loss, \$1,530 million outlay increase; over the Fiscal Year 2018-2023 period of \$3,373 million—\$894 million revenue loss, \$2,479 million outlay increase; and over the Fiscal Year 2018-2028 period of \$442 million, \$634 million revenue loss, \$192 million outlay decrease.

This submission also includes a table tracking the Senate's budget enforcement activity on the floor since the enforcement filing on May 7, 2018. Since my last report, no new budgetary points of order were raised.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (–) BUDGET RESOLUTIONS

	(In millions of dollars)		
	2019	2019–2023	2019–2028
Agriculture, Nutrition, and Forestry			
Budget Authority .....	2,414	4,249	3,123
Outlays .....	1,401	1,797	70
Armed Services			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
Banking, Housing, and Urban Affairs			
Budget Authority .....	21	285	382
Outlays .....	20	285	382
Commerce, Science, and Transportation			
Budget Authority .....	41	77	91
Outlays .....	11	74	90
Energy and Natural Resources			
Budget Authority .....	0	–10	–24
Outlays .....	0	–10	–24
Environment and Public Works			
Budget Authority .....	2	4	–333
Outlays .....	2	4	–333
Finance			
Budget Authority .....	378	1,128	–889
Outlays .....	159	1,120	–892
Foreign Relations			
Budget Authority .....	0	–5	–20
Outlays .....	0	–5	–20
Homeland Security and Governmental Affairs			
Budget Authority .....	0	2	4
Outlays .....	43	48	49
Judiciary			
Budget Authority .....	13	209	497
Outlays .....	13	205	492
Health, Education, Labor, and Pensions			
Budget Authority .....	0	–36	–84
Outlays .....	0	–36	–84
Rules and Administration			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
Intelligence			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
Veterans' Affairs			
Budget Authority .....	4	3	–729
Outlays .....	4,402	4,400	3,668
Indian Affairs			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
Small Business			
Budget Authority .....	0	0	0
Outlays .....	0	0	0
<b>Total</b>			
Budget Authority .....	2,873	5,906	2,018
Outlays .....	6,051	7,882	3,398

TABLE 2.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS<sup>1</sup>

	(Budget authority, in millions of dollars)	
	2019	
	Security <sup>2</sup>	Nonsecurity <sup>2</sup>
Statutory Discretionary Limits .....	647,000	597,000
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies .....	0	23,042
Commerce, Justice, Science, and Related Agencies .....	5,499	58,619
Defense .....	606,340	129
Energy and Water Development .....	22,440	22,200
Financial Services and General Government .....	31	23,392
Homeland Security .....	2,058	47,353
Interior, Environment, and Related Agencies .....	0	35,552
Labor, Health and Human Services, Education and Related Agencies .....	0	178,076
Legislative Branch .....	0	4,836
Military Construction and Veterans Affairs, and Related Agencies .....	10,332	86,804
State Foreign Operations, and Related Programs .....	0	46,218
Transportation and Housing and Urban Development, and Related Agencies .....	300	70,779
<b>Current Level Total</b> .....	647,000	597,000
<b>Total Enacted Above (+) or Below (–) Statutory Limits</b> .....	0	0

<sup>1</sup> This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

<sup>2</sup>Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, April 10, 2019.

dent's signature. Those acts would have significant effects on outlays in fiscal year 2019. Sincerely,

KEITH HALL,  
Director.

TABLE 3.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

Table with 2 columns: Program Name, 2019 Budget Authority (millions of dollars). Rows include CHIMPS Limit for Fiscal Year 2019, Senate Appropriations Subcommittees (Agriculture, Commerce, Defense, etc.), and Current Level Total.

Hon. MIKE ENZI,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2019 budget and is current through April 8, 2019. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the allocations, aggregates, and other budgetary levels printed in the Congressional Record on May 7, 2018, pursuant to section 30103 of the Bipartisan Budget Act of 2018 (Public Law 115-123).

Since our last letter dated February 27, 2019, the Congress has cleared and the President has signed the Pesticide Registration Improvement Extension Act of 2018 (Public Law 116-8). The Congress has also cleared the Medicaid Services Investment and Accountability Act of 2019 (H.R. 1839) for the Presi-

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF APRIL 8, 2019

Table with 4 columns: Category, Budget Resolution, Current Level, Current Level Over/Under (-) Resolution. Rows include On-Budget (Budget Authority, Outlays, Revenues) and Off-Budget (Social Security Outlays, Social Security Revenues).

Source: Congressional Budget Office.  
<sup>a</sup>Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2019, AS OF APRIL 8, 2019

Table with 4 columns: Category, Budget Authority, Outlays, Revenues. Rows include Previously Enacted, Enacted Legislation (Authorizing, Appropriation), Passed/Pending Signature, Entitlements and Mandatories, and Memorandum (Revenues 2019-2028).

Source: Congressional Budget Office.

n.a. = not applicable; P.L. = Public Law.

<sup>a</sup>Includes the budgetary effects of legislation enacted by Congress during the 115th Congress.

<sup>b</sup>Sections 1001-1004 of the 21st Century Cures Act (P.L. 114-255) require that certain funding provided for 2017 through 2026 to the Department of Health and Human Services—in particular the Food and Drug Administration and the National Institutes of Health—be excluded from estimates for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Deficit Control Act) or the Congressional Budget and Impoundment Control Act of 1974 (Congressional Budget Act). Therefore, the amounts shown in this report do not include \$771 million in budget authority, and \$767 million in estimated outlays

<sup>c</sup>For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level does not include those items.

<sup>d</sup>The Continuing Appropriations Act, 2019 (P.L. 116-5), as amended, extended several immigration programs through February 15, 2019, that would otherwise have expired at the end of fiscal year 2018. The estimated budgetary effects of those previously enacted extensions are charged to the Committee on Appropriations, and are included in the budgetary effects of P.L. 116-6 shown in the "Appropriation Legislation" portion of this report. In addition, division H of P.L. 116-6 further extended those same programs through the end of fiscal year 2019. Consistent with the language in title III of division H of P.L. 116-6, and at the direction of the Senate Committee on the Budget, the budgetary effects of extending those immigration programs for the remainder of the fiscal year are charged to the relevant authorizing committees, and are shown in the "Authorizing Legislation" portion of this report.

<sup>e</sup>Section 30103 of the Bipartisan Budget Act of 2018 requires the Chair of the Senate Committee on the Budget publish the aggregate spending and revenue levels for fiscal year 2019; those aggregate levels were first published in the Congressional Record on May 7, 2018. The Bipartisan Budget Act of 2018 also allows the Chair of the Senate Committee on the Budget to revise the budgetary aggregates:

Table with 4 columns: Category, Budget Authority, Outlays, Revenues. Rows include Original Aggregates Printed on May 7, 2018, Revisions (Pursuant to sections 311 and 314(a) of the Congressional Budget Act of 1974), and Revised Senate Resolution.

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD AS OF APRIL 8, 2019

	[In millions of dollars]			
	2018	2019	2018–2023	2018–2028
Beginning Balance <sup>a</sup> .....	0	0	0	0
Enacted Legislation: <sup>b,c</sup>				
A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to “Incident Auto Lending and Compliance with the Equal Credit Opportunity Act” (S.J. Res. 57, P.L. 115–172) .....	*	*	*	*
Economic Growth, Regulatory Relief, and Consumer Protections Act (S. 2155, P.L. 115–174) <sup>d</sup> .....	*	22	329	490
Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017 (S. 204, P.L. 115–176) .....	*	*	*	*
An Act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes (H.R. 3562, P.L. 115–177) .....	*	*	*	*
VA MISSION Act of 2018 (S. 2372, P.L. 115–182) <sup>e</sup> .....	*	*	*	*
Whistleblower Protection Coordination Act (S. 1869, P.L. 115–192) .....	*	*	*	*
All Circuit Review Act (H.R. 2229, P.L. 115–195) .....	*	*	*	*
American Innovation \$1 Coin Act (H.R. 770, P.L. 115–197) .....	0	3	3	0
Small Business 7(a) Lending Oversight Reform Act of 2018 (H.R. 4743, P.L. 115–189) .....	*	*	*	*
Northern Mariana Islands U.S. Workforce Act of 2018 (H.R. 5956, P.L. 115–218) .....	0	0	0	–3
KIWI Act (S. 2245, P.L. 115–226) .....	*	*	*	*
To make technical amendments to certain marine fish conservation statutes, and for other purposes (H.R. 4528, P.L. 115–228) .....	*	*	*	*
John S. McCain National Defense Authorization Act for Fiscal Year 2019 (H.R. 5515, P.L. 115–232) .....	*	*	*	*
Miscellaneous Tariff Bill Act of 2018 (H.R. 4318, P.L. 115–239) .....	0	304	690	–118
Tribal Social Security Fairness Act of 2018 (H.R. 6124, P.L. 115–243) .....	0	*	–1	–3
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2019 (H.R. 6157, Division B, P.L. 115–245, Division B) .....	0	0	18	18
Nuclear Energy Innovation Capabilities Act of 2017 (S. 97, P.L. 115–248) .....	*	*	*	*
Department of Veterans Affairs Expiring Authorities Act of 2018 (S. 3479, P.L. 115–251) .....	*	2	*	–3
Elkhorn Ranch and White River National Forest Conveyance Act of 2017 (H.R. 698, P.L. 115–252) .....	*	*	*	*
FAA Reauthorization Act of 2018 (H.R. 302, P.L. 115–54) <sup>f</sup> .....	*	44	42	26

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD AS OF APRIL 8, 2019—Continued

	[In millions of dollars]			
	2018	2019	2018–2023	2018–2028
Patient Right To Know Drug Act of 2018 (S. 2554, P.L. 115–263) .....	*	*	–11	–52
Orrin G. Hatch–Bob Goodlatte Music Modernization Act (H.R. 1551, P.L. 115–264) .....	0	0	13	–24
Congressional Award Program Reauthorization Act of 2018 (S. 3509, P.L. 115–268) .....	0	*	2	4
America’s Water Infrastructure Act of 2018 (S. 3021, P.L. 115–270) .....	0	2	16	–230
SUPPORT for Patients and Communities Act (H.R. 6, P.L. 115–271) <sup>g</sup> .....	0	*	*	*
Hizballah International Financing Prevention Amendments Act of 2017 (S. 1595, P.L. 115–272) .....	0	*	*	*
To authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes (H.R. 1037, P.L. 115–275) .....	0	*	*	*
Gulf Islands National Seashore Land Exchange Act (H.R. 2615, P.L. 115–279) .....	0	*	*	*
Frank LoBiondo Coast Guard Authorization Act of 2018 (S. 140, P.L. 115–282) .....	0	10	34	0
Making further continuing appropriations for fiscal year 2019, and for other purposes (H.J. Res. 143, P.L. 115–298) .....	0	*	*	*
Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018 (S. 2152, P.L. 115–299) .....	0	*	*	*
A bill to establish a procedure for the conveyance of certain Federal property around the Dickinson Reservoir in the State of North Dakota (S. 440, P.L. 115–306) .....	0	0	0	–4
A bill to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes (S. 2074, P.L. 115–308) .....	0	0	0	–7
Anwar Sadat Centennial Celebration Act (H.R. 754, P.L. 115–310) .....	0	*	*	*
Larry Doby Congressional Gold Medal Act (H.R. 1861, P.L. 115–322) .....	0	*	*	*
Reciprocal Access to Tibet Act of 2018 (H.R. 1872, P.L. 115–330) .....	0	*	*	*
Protecting Access to the Courts for Taxpayers Act (H.R. 3996, P.L. 115–332) .....	0	*	*	*
Agriculture Improvement Act of 2018 (H.R. 2, P.L. 115–334) .....	0	1,399	1,785	0
Nicaragua Human Rights and Anticorruption Act of 2018 (H.R. 1918, P.L. 115–335) .....	0	*	*	*
21st Century Integrated Digital Experience Act (H.R. 5759, P.L. 115–336) .....	0	*	*	*
Chinese–American World War II Veteran Congressional Gold Medal Act (S. 1050, P.L. 115–337) .....	0	*	*	*
USS Indianapolis Congressional Gold Medal Act (S. 2101, P.L. 115–338) .....	0	*	*	*

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD AS OF APRIL 8, 2019—Continued

	[In millions of dollars]			
	2018	2019	2018–2023	2018–2028
Naismith Memorial Basketball Hall of Fame Commemorative Coin Act (H. R. 1235, P.L. 115–343) .....	0	0	0	0
Sanctioning the Use of Civilians as Defenseless Shields Act (H.R. 3342, P.L. 115–348) .....	0	*	*	*
Correcting Miscalculations in Veterans’ Pensions Act (H.R. 4431, P.L. 115–352) .....	0	*	*	*
Strengthening Coastal Communities Act of 2018 (H.R. 5787, P.L. 115–358) .....	0	*	*	*
Walnut Grove Land Exchange Act (H.R. 5923, P.L. 115–361) .....	0	*	*	*
To amend the Federal Election Campaign Act of 1971 to extend through 2023 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission (H.R. 7120, P.L. 115–386) .....	0	*	*	*
First Step Act of 2018 (S. 756, P.L. 115–391) .....	0	11	120	317
Abolish Human Trafficking Act of 2017 (S. 1311, P.L. 115–392) .....	0	*	*	*
CENOTE Act of 2018 (S. 2511, P.L. 115–394) .....	0	*	*	*
NASA Enhanced User Leasing Extension Act of 2018 (S. 7, P.L. 115–403) .....	0	0	5	5
Veterans Benefits and Transition Act of 2018 (S. 2248, P.L. 115–407) .....	0	*	*	*
Stephen Michael Gleason Congressional Gold Medal Act (S. 2652, P.L. 115–415) .....	0	*	*	*
Veterans Small Business Enhancement Act of 2018 (S. 2679, P.L. 115–416) .....	0	*	*	*
Forever GI Bill Housing Payment Fulfillment Act of 2018 (S. 3777, P.L. 115–422) .....	0	*	*	*
National Integrated Drought Information System Reauthorization Act of 2018 (S. 2200, P.L. 115–423) .....	0	*	*	*
To authorize early repayment of obligations to the Bureau of Reclamation within the Northport Irrigation District in the State of Nebraska (H.R. 4689, P.L. 115–429) .....	0	*	*	*
75th Anniversary of World War II Commemoration Act (S. 3661, P.L. 115–433) .....	0	*	*	*
Chemical Facility Anti-Terrorism Standards Program Extension Act (H.R. 251, P.L. 116–2) .....	0	*	*	*
Medicaid Extenders Act of 2019 (H.R. 259, P.L. 116–3) .....	0	8	63	*
Further Additional Continuing Appropriations Act, 2019 (H.J. Res. 28, P.L. 116–5) .....	0	*	*	*
Consolidated Appropriations Act, 2019 (H.J. Res. 31, P.L. 116–6) <sup>h</sup> .....	0	125	229	9
Pesticide Registration Improvement Extension Act of 2018 (S. 483, P.L. 116–8) .....	0	–5	–23	0
John D. Dingell, Jr. Conservation, Management, and Recreation Act (S. 47, P.L. 116–9) .....	0	0	–10	–10
Medicaid Services Investment and Accountability Act of 2019 (H.R. 1839) .....	0	32	69	27

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD AS OF APRIL 8, 2019—Continued  
(In millions of dollars)

	2018	2019	2018–2023	2018–2028
Impact on Deficit	*	1,957	3,373	442
Total Change in Outlays	*	1,530	2,479	–192
Total Change in Revenues	*	–427	–894	–634

Source: Congressional Budget Office

Notes: P.L. = Public Law. \* = between –\$500,000 and \$500,000.  
<sup>a</sup>On May 7, 2018, the Chairman of the Senate Committee on the Budget reset the Senate's Pay-As-You-Go Scorecard to zero for all fiscal years.  
<sup>b</sup>The amounts shown represent the estimated effect of the public laws on the deficit.  
<sup>c</sup>Excludes off-budget amounts.  
<sup>d</sup>Pursuant to section 232(b) of H.C. Res. 290 (106th Congress), the Concurrent Budget Resolution for Fiscal Year 2001, the budgetary effects related to the Federal Reserve's surplus funds are excluded. As a result, the amounts shown do not include estimated increases in revenues of \$655 million in fiscal year 2019, \$570 million over the 2019–2023 period, and \$454 million over the 2019–2028 period.

<sup>e</sup>The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 512 of the Act.  
<sup>f</sup>Division I of P.L. 115–254 contains the Supplemental Appropriations for Disaster Relief Act, 2018, which provided \$1,680 million in supplemental appropriations for fiscal year 2019, and designated as an emergency requirement pursuant to section 251 of the Deficit Control Act. At the direction of the Committees on the Budget, and consistent with the language in section 1701, those amounts are shown as discretionary spending.  
<sup>g</sup>The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 8231 of the Act.  
<sup>h</sup>The budgetary effects of title I of division H are excluded from the Senate's PAYGO scorecard, pursuant to title III of division H of the Act.

ENFORCEMENT REPORT OF POINTS OF ORDER RAISED SINCE THE FY 2019 ENFORCEMENT FILING

Vote	Date	Measure	Violation	Motion to Waive	Result
127	June 18, 2018	H.R. 5515—John S. McCain National Defense Authorization Act for Fiscal Year 2019.	4106(a)-Senate-Pay-As-You-Go Violation <sup>1</sup>	Sen. McConnell (R-KY) <sup>2</sup>	81–14, waived
192	August 23, 2018	S. Amdt. #3695 to H.R. 6157, the Defense, Labor, HHS, and Education Appropriations Act <sup>3</sup> .	314(a) CHIMP with Net-Costs	Sen. Leahy (D-VT)	68–24, waived

<sup>1</sup> Senator Sanders raised a section 4106(a) of H. Con. Res. 71 (115th Congress) point of order against the bill because the bill would increase the on-budget deficit.  
<sup>2</sup> By unanimous consent the Senate proceeded to a roll call vote to waive the point of order.  
<sup>3</sup> This surgical point of order would have struck lines 7–8 of page 270 in Division B (Title III) of the substitute amendment, which was related to the Pell Grant program. This provision was a Change in Mandatory Program (CHIMP) estimated to increase spending by \$390 million over 10 years.

NOMINATION OF DAVID BERNHARDT

Mr. VAN HOLLEN. Mr. President, President Trump has nominated David Bernhardt to be Secretary of the Interior.

The Department of the Interior has broad management responsibilities over our public lands and waters, wildlife, and is also responsible for maintaining the trust responsibilities on behalf of the United States with Indian Country. They also have over 70,000 Federal employees.

There have been significant questions raised about Mr. Bernhardt's decisions and priorities in his position as Deputy Secretary and Acting Secretary that have directly benefitted his former clients, while harming our public lands and wildlife.

There are a number of troubling issues with Mr. Bernhardt's record on the critical issues before the Department of the Interior, but there are two that are of particular concern to me.

First, I am particularly concerned about Mr. Bernhardt's role in the Solicitor's Opinion, M-37050, on the Migratory Bird Treaty Act, MBTA. The Solicitor's Opinion, or M-Opinion, on the MBTA was released on December 22, 2017, without any public or scientific input or environmental analysis, abruptly removing longstanding protections for migratory birds. These protections have been implemented in a bipartisan manner from every administration since the early 1970s. It is likely that millions of birds have been saved thanks to this law and the leadership of the Department. The MBTA has significantly reduced the number of birds killed from oil waste pits and other threats, and it has provided accountability and recovery funds after oil spills such as Deepwater Horizon. This change has been opposed by 17 former Interior officials from every Republican and Democratic administration since the early 1970s, as well as Flyway Councils representing nearly every State wildlife agency in the country.

In letters exchanged between me and the Department of the Interior, they have admitted that due to the M-Opin-

ion on the MBTA, they will no longer be able to secure fines or penalties for violations of the MBTA from companies responsible for an oil spill that non-intentionally kills migratory birds similar to the British Petroleum (BP) Deepwater Horizon disaster of 2010, which killed an estimated 1,000,000 migratory birds.

Furthermore, despite the MBTA's strong record in saving birds through reasonable enforcement, one of Mr. Bernhardt's former clients, the Independent Petroleum Association of America, IPAA, urged the Department of the Interior to gut the MBTA and remove protections for birds and any requirements to take actions to minimize impacts to birds from their activities.

Just this week, we learned that there have been at least three oil spills recently that appear to have killed migratory birds, in which the Department of the Interior admitted in internal emails they can't respond to due to the MBTA M-Opinion.

So in the case of the MBTA, we see a dramatic change in the Department of the Interior's legal interpretation of a key wildlife law that appears to have benefitted a former client of Mr. Bernhardt.

The second issue of critical concern to me is offshore drilling. I hail from a coastal State and a State that is firmly opposed to any oil and gas drilling off of our coastline. Mr. Bernhardt has overseen the Bureau of Ocean Energy Management's, BOEM, development of an oil and gas leasing plan that dramatically expands risky offshore drilling and that has prompted bipartisan criticism at all levels of government. The Department of the Interior, under Mr. Bernhardt's leadership, has simultaneously been working to weaken offshore drilling safety standards put in place in response to the Deepwater Horizon oil spill and at the recommendation of a bipartisan commission that investigated the disaster.

I have serious questions about whether Mr. Bernhardt can do his job without confronting conflicts of interest at every turn, and I fear that he will put powerful special interests before the public interest.

For these reasons, I opposed David Bernhardt's nomination as Secretary of the Interior.

VOTE EXPLANATION

Ms. HARRIS. Mr. President, I was absent for vote No. 76 the motion to invoke cloture on Executive Calendar No. 200, the nomination of David Bernhardt to be Secretary of the Interior. Had I been present, I would have voted no on the motion to invoke cloture.

COLORADO RIVER DROUGHT CONTINGENCY PLAN AUTHORIZATION ACT

Ms. MCSALLY. Mr. President, on Monday, the Senate passed my bill, and yesterday, we passed identical House legislation to ensure this went to the President as quickly as possible. I would like to take a few minutes to thank those involved with these agreements and again highlight the importance of this historic achievement.

The Colorado River Drought Contingency Plan, also known as the DCP, was negotiated between the seven Colorado River Basin States to respond to this prolonged drought. It is designed to protect Lakes Mead and Powell from reaching certain critical water elevations that would trigger severe water supply and hydropower impacts, including the risk of reaching crisis levels where operational control of the Colorado River System is lost.

The set of five agreements that makes up the DCP builds off of the tools and water saving commitments made by the basin States in the 2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead to further address water security and respond to actual water conditions as demanded by responsible water resource management. These added savings bring the risk of the Mead hitting 1,000 feet over the next 7 years to near zero.

I am especially proud of the work done on these agreements in Arizona, which takes the biggest and most immediate reduction in water supply under the DCP. Through inclusive,