

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.

\*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.

\*The amounts shown represent the estimated effect of the public laws on the deficit.

\*Excludes off-budget amounts.

\*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.

\*The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 512 of the Act.

\*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.

\*The budgetary effects of this Act are excluded from the Senate's PAYGO scorecard, pursuant to section 8231 of the Act.

\*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,