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# Congressional Record

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WASHINGTON, THURSDAY, APRIL 11, 2019

No. 63

## House of Representatives

The House was not in session today. Its next meeting will be held on Friday, April 12, 2019, at 2:30 p.m.

## Senate

THURSDAY, APRIL 11, 2019

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty Savior, the way, the truth and the light, shed Your light today upon the pathway of our Senators. Be for them a source of light, life, and wisdom, as You use them for Your purposes. Lord, keep them on the road of integrity, guiding their thoughts, words, and deeds. As they walk the straight and narrow path, may they not stumble or slip. Give them the wisdom and grace to be worthy stewards of Your mercy, grace, and love. Keep their hearts in warm fellowship with their colleagues and their ears open to the voices of the people they serve.

We pray in Your wonderful Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of David Bernhardt, of Virginia, to be Secretary of the Department of Interior.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 2 minutes as in morning business.

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

#### MEDICARE

Mr. GRASSLEY. Madam President, some officials are proposing radical changes to our healthcare system. These proposals include Medicare for All, Medicare Buy-in, Medicaid for All, and expansion of the Affordable Care Act. All of these are versions of government-run healthcare.

These are, of course, better campaign slogans than serious solutions to the problems facing Americans.

On a certain level, I have found that most people would rather have control over their own healthcare than have the government make those decisions

for them. A single-payer healthcare system would be devastating for our seniors, people with disabilities, and people with preexisting conditions.

I yield the floor.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

#### NOMINATION OF DAVID BERNHARDT

Mr. McCONNELL. Today the Senate will vote to confirm the President's choice to serve as Secretary of the Interior. As I have discussed this week, David Bernhardt is no stranger to the Department. He has served twice before. In fact, this body has confirmed him twice before. Each time his professionalism and dedication proved us right. As Solicitor and as Deputy Secretary, Mr. Bernhardt has offered capable leadership and a firm grasp on the complex policy environment surrounding our Nation's public lands.

His expertise has not gone unnoticed. Praise for Mr. Bernhardt has poured in from a list of more than 40 stakeholder organizations; from agriculture, trade, conservation, and Native American organizations.

They describe him as a leader whose "experience is sorely needed." They laud his commitment to "make the lands he manages accessible to the recreating public."

So we have before us an opportunity to confirm a well-qualified steward of our Nation's public lands and resources. Yesterday, a bipartisan majority of our colleagues voted to end debate on his nomination, and I hope each will join me in voting yes once more later today.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S2399

Of course, confirming Mr. Bernhardt will be just the latest in a series of many Executive Calendar accomplishments. Following on the heels of last week's turn back toward the Senate's historic tradition concerning nominations, we have been able to approve a number of the President's nominees at a much more reasonable pace in the last several days.

I have noted, with particular interest that, for all the breathless warnings my Democratic colleagues issued about the kinds of people we would be confirming, these unobjectionable nominees have actually mostly coasted through on a bipartisan basis.

We saw support from both sides of the aisle for Roy Altman to the U.S. District Court for the Southern District of Florida, and for Daniel Domenico to the District of Colorado.

We saw an overwhelming bipartisan vote in favor of confirming GEN John Abizaid to serve as Ambassador to Saudi Arabia and a voice-voted confirmation for Jeffrey Kessler to serve as Assistant Secretary of Commerce.

These are not lightning-rod people whom my Democratic colleagues would have eagerly debated and investigated for an additional 30 hours. They are the kind of thoroughly qualified public servants who used to sail briskly through the Senate without opposition.

Now, even as my Democratic colleagues continue to require us to file cloture on individuals whom they actually go on to support, we are able to fill out the President's team at a more reasonable clip. There are still many empty seats left to fill, but this week's progress marks a great new beginning not just for the administration that needs its personnel but for the health of this institution.

#### TAX REFORM

Madam President, on another matter, over the past year or so, I have dedicated a large part of my time on the floor to discussing the performance of the U.S. economy, and at no point have I struggled to find things to say.

Seemingly every day, we have been greeted by headlines that tell the same story: Under the political policies of a pro-growth, pro-opportunity Republican agenda, Americans are experiencing a remarkable economic moment.

More than 1 year ago, I mentioned on the floor that weekly jobless claims had reached their lowest level since 1969. Last week, the Labor Department reported that by this measure, the U.S. economy has set yet another new record. What was already a nearly 49-year low has now dipped further to a nearly 50-year low.

My colleagues and I have been busy highlighting the American stories behind these numbers—stories of recovery and prosperity being written in all sorts of communities, in all corners of our country.

More than 1 year since a generational overhaul of the Federal Tax Code lifted burdens from American job creators,

entrepreneurs, and working families, the headlines are continuing to pour in.

With Tax Day just around the corner, millions of working families have filed for the first time under a law that has allowed, according to nonpartisan analysts, the vast majority of Americans to keep more of their money. They have pocketed higher take-home pay, wage increases, and special bonuses, and they benefited from the booming job market these policies have helped ignite.

But old habits die hard. The Washington Democrats who were content to watch as the Obama era piled up 75 percent of new jobs and 90 percent of population growth to the biggest metropolitan areas are back to their same old tricks.

In recent months, we have seen a steady drip of leftist daydreams making their way into press conferences, resolutions, and out on the 2020 campaign trail: a massive rewrite of American election laws and a power grab on an individual's right to exercise political speech, a mandatory, one-size-fits-all government-run replacement for private healthcare for over 180 million Americans, and an estimated \$93 trillion in taxpayers' money to be spent testing out new Federal social planning schemes and abolishing the affordable energy sources American families rely on. Tax Day seems like an especially fitting day to tell Washington Democrats no thanks—no thanks.

The Kentuckians I represent prefer to keep more of their own hard-earned money. They prefer to make their own decisions about their own families instead of ceding more power to bureaucrats.

The PRESIDING OFFICER. The Senator from Iowa.

H.R. 268

Mr. GRASSLEY. Madam President, Members of the Senate, if you look at the poster I just put up, you know what I am going to talk about—the devastating floods in Iowa and the Midwest.

In Western Iowa, we still have areas underwater from flooding on the Missouri river and its tributaries. In the east, we are dealing with the Mississippi River and tributary flooding. Unfortunately, the weather isn't cooperating with additional storms and rain throughout the Upper Midwest, as I speak, that could exacerbate flooding and hinder cleanup and repairs.

This flooding is still a very active event, but as we move to recovery, we know the original damage estimates in Iowa are increasing. I can say that for Nebraska as well. Many roads are still closed; levy damage is extensive; towns are devastated; and many individuals lost their homes and businesses.

In just 6 of our 99 counties in Iowa, 416,000 acres of cropland was flooded. Much of that cropland is still underwater. These farmers are facing the challenge of not being able to plant this year. Unfortunately, many of

these farmers' fields were just recovering from previous years of major flooding. In this area of Iowa, that would have been in 2011.

This is compounded by many losing their previous harvest through having their on-the-farm storage bins destroyed, as you can see here.

Throughout the Midwest area that had severe flooding, 832 on-farm storage bins have been identified as being like these, destroyed. We don't have a complete estimate of that, but I think 832 on-the-farm storage bins would be at least a figure up to a certain date.

These bins hold an estimated 5 to 10 million bushels of corn or soybeans, so, collectively, that would be a loss of worth between \$17 million and \$34 million.

There is an existing program that goes by the acronym WHIP in the Department of Agriculture that is designed to address agricultural losses not covered by crop insurance and other programs. I reached out to the U.S. Department of Agriculture to see if this program could be used for losses such as those seen here, particularly in Iowa and Nebraska, for corn and soybeans.

I was told because the WHIP program was designed for other commodities affected by hurricanes and wildfires, they needed a few words added to the law to extend the same help to these problems we now have in the Midwest. I asked what those words were, and I spoke to Senator SHELBY, who manages this bill on the floor of the Senate, and to Senator PERDUE, who has a great deal of interest in the bill because of agricultural losses in Georgia. These two Senators agreed to work with me. These two Senators agreed to work with me. So I filed a shorter amendment of a disaster bill along with Senator ERNST and several of my colleagues from the Midwest to make sure that devastation like this is covered. I am optimistic that this simple fix, which will mean so much to farmers facing such unusual catastrophic losses, can be included as the disaster bill moves forward through the Senate.

Yesterday, as another way of helping more than just this type of farmer but, generally, other disaster victims, I joined Senators FISCHER, ERNST, and SASSE in introducing a tax bill that goes by the title of the Disaster Tax Relief Act of 2019. This bill includes a series of disaster tax relief provisions that will help American families and businesses recover from the terrible disasters that have occurred so far in 2019, including the Midwest flooding.

On February 28 I introduced a bipartisan bill with Senator WYDEN that included the same tax relief provisions that would assist the victims of disasters that occurred in 2018. So I view the Fischer bill and the Grassley-Wyden bill as complementary, providing disaster tax relief with respect to the disasters that occurred last year, as well as this year. The bill that I introduced in February also includes extensions of

a series of tax provisions that almost every Member of this Senate would like to see passed. These are the tax provisions that expired in 2017 and 2018. We labeled all 25 or 26 of these as tax extenders. These are things that, over the last two decades, have been extended almost automatically after they have sunset, and we need to get those provisions enacted, just like the disaster tax relief provisions.

I encourage the House Democrats to send the Senate a bill that addresses both tax extenders and disaster tax relief provisions. When I say House Democrats, people listening are going to say: He is being partisan.

No, I am being constitutional. The Constitution says that all tax bills have to start in the House of Representatives. The House of Representatives is controlled by the Democrat majority. So that is why I am saying to the House Democrats: Get these bills over here to us so we can help not only the people that benefit from what we call tax extenders but, more importantly, those who with the urgency of the disaster that we are facing.

The importance of passing these bills is because Americans need certainty as they file their taxes in 2018, and they need the tax relief as they recover from these natural disasters. They really need the House Democrats, under the Constitution, to pass a tax bill because we can't act on these tax bills before. The custom around here is that the Constitution says that all tax bills have to start in the House of Representatives. If we pass even a simple tax bill—let's say we pass it as part of an appropriations bill—and we send it over to the House, they don't accept it. That has been the tradition around here for centuries. That is why I am calling on the House Democrats to move that bill.

The disaster relief provisions included in the bill that we have introduced reduce penalties and make it easier to access retirement funds so individuals and families can get back up on their feet and rebuild their lives. In other words, these are retirement funds that people have set aback and that the law doesn't allow them to access for disasters. It is just a simple thing. If somebody is hurt by this disaster and wants to go to their retirement fund and borrow on it for a certain period of time to help them get relief, it is a pretty simple thing. Maybe, momentarily you could say it costs the Federal Government something, but they are still going to owe these taxes regardless of whenever they start drawing for retirement.

These bills also make it easier for disaster victims to claim personal casualty losses, and they suspend certain limitations on charitable contributions to encourage more donations for this disaster relief. For businesses affected by these disasters, this tax relief is available to help them retain employees while businesses get back up and running.

Let's continue the bipartisan tradition of helping our fellow Americans with disasters. When these disasters strike, we ought to do it by enacting this tax relief for both 2018 and 2019, so that disaster victims don't have to wait any longer to access this important assistance and continue to get back on their feet.

It may sound like I am talking about something new. I don't know whether this just started with Hurricane Katrina in 2005 or before, but I remember being chairman of the Finance Committee then. We passed similar legislation to help the victims of hurricanes. So this is really nothing new. Since it is nothing new and we have done it before, what is wrong with doing it now?

The Democrats in the House of Representatives can get this bill over to us so we can get it enacted over here and get it to the President. We want to provide the certainty that taxpayers deserve by enacting extensions of not only those disasters but also the expired tax provisions. I encourage the House Democrats to move swiftly. The Senate and the American people are waiting.

On another point about flooding, generally, not just dealing with this flood, this flood brings to attention something we have to deal with, with the Army Corps of Engineers.

Next week the Environment and Public Works Committee is holding a field hearing in Southwest Iowa to provide oversight on the Army Corps of Engineers management of the 2019 Missouri River flooding. Senator ERNST, my colleague from Iowa, will be chairing this hearing, and I am going to be participating.

Flood control should be the No. 1 priority of the Corps in its management of the Missouri River. I hope that tomorrow, when I get to travel with Vice President PENCE as he views the same area that I viewed 2 weeks ago—the same area covered here—we have the Army Corps of Engineers there so that we can talk to them about the issue of the Missouri River Master Manual authorizing eight purposes as they control the water up and down the Missouri River. They do that through the dams on the Missouri River.

It happens that seven of these can be at cross purposes with the eighth one—flood control. I hope flood control is No. 1 and not No. 8. We need to discuss with them how to prevent massive flooding and how to act to ensure that folks in Nebraska, Iowa, Missouri, and Kansas are not faced with devastation every few years. Eventually, this water ends up in the Gulf of Mexico. So States below Missouri are going to eventually be affected by it.

I appreciate the stamina and determination of Iowans whom I have seen out there, not only in this flood of 2019 but in the flood of 2011. The one of 2019 was much more devastating. I think we have great resiliency. We will come back and pull together to get the job

done, but there is a very long recovery ahead of all of these Iowans affected by it and Nebraskans and, maybe to some extent, Kansas and quite a bit in Missouri.

I will continue to do everything I can at the Federal level to help the State of Iowa, Iowa communities, and, more importantly, in fact, as individual Iowans are affected, I am going to help them to recover and to rebuild.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF DAVID BERNHARDT

Mr. GARDNER. Madam President, it is an exciting day for Colorado. I have known David Bernhardt, our nominee for Secretary of the Interior—and the seventh Secretary of the Interior from Colorado should he be confirmed today—personally and professionally for over two decades. His roots are deep on both sides of Colorado—in the High Plains and on the Western Slope.

We share a lot of common interests in rural development and in saving our small towns. My experience stems from growing up in the agricultural community of Yuma, CO, in the Eastern Plains, and Mr. Bernhardt's formative years were spent on the Western Slope of Colorado—an area that is a microcosm of all of the things that we cherish about our great public lands. We both began our public service only 1 year apart when we worked for Colorado State Representative Russell George, who would later go on to become speaker of the Colorado House. That is when I first met David. Mr. Bernhardt worked with Jaime, my wife, at the Department of the Interior during the George W. Bush administration under another Colorado Secretary of the Interior.

His personal background and public and private sector professional experiences prove he is a strong voice for the West and is extremely well-qualified for the nomination to be the Secretary. In fact, there are few others who have the kind of experience that he has that enables him to be qualified to be Secretary. Which Secretary of the Interior has had more experience than David Bernhardt or has been more qualified to become the Secretary of the Interior? He has extensive insight on Western water policy, natural resources policy, and on Indian affairs, just to name a few.

Those who have worked with Mr. Bernhardt commend him for his integrity and wealth of knowledge on the issues under the Department of the Interior's jurisdiction.

In 2008, after the Department of the Interior reached the largest Indian

water rights settlement in our Nation's history, Secretary Kempthorne personally acknowledged Mr. Bernhardt's work as then-Solicitor and stated: "His effective coordination—both within Interior as well as with the local, tribal, state and congressional leaders—was essential to the success we celebrate today."

More recently, he worked to accommodate many Western States' requests for more flexibility under the Greater Sage-Grouse RMP Amendment. John Swartout, who as a senior policy adviser ran point on this issue for Colorado's Democratic Governor John Hickenlooper, had this to say in December 2018 once that process was completed:

David Bernhardt is an honest man who puts all his cards on the table and keeps his word. I have worked with DOI for 25 years, and David is one of the finest people I have ever worked with.

That didn't come from a partisan Republican or a partisan Democrat; that came from a person in the Democratic Governor's office who worked with him on natural resource issues.

Dale Hall, the CEO of Ducks Unlimited, which is hardly a partisan Republican or Democratic organization but is an organization that does more real conservation work on the ground than most of the groups that have the word "conservation" in their names, had this to say when Mr. Bernhardt's nomination for Secretary was announced:

I have known and worked with David Bernhardt for more than a decade, and we are excited to continue to work with him as the new Secretary of the Interior. His integrity in following the law is beyond reproach. David Bernhardt is a champion of conservation and the right person for the job. We urge the Senate to swiftly confirm him.

Colleagues of his from his time spent working for Representative Scott McInnis, who represented Mr. Bernhardt's hometown in Colorado, swore he worked 40 hours a day, 8 days a week. Notably, during Mr. Bernhardt's tenure in his office, Representative McInnis was the House author of the bill that led to the designation of the Great Sand Dunes as being a national park. Having now worked at very senior levels in the Department of the Interior over the course of many years, there is zero question Mr. Bernhardt is qualified to do this job.

Along with Mr. Bernhardt's professional career, I believe it is important to fully understand his background and the foundation of his interest in public lands, which further qualifies him for this role.

Mr. Bernhardt is originally from the outskirts of the small town of Rifle, located on Colorado's Western Slope. Few places more fully embody the spirit and mission of the Agency he has been nominated to lead as Secretary with that understanding of this public land. Growing up in rural Colorado has instilled in him Western values and interests, and to this day, Mr. Bernhardt enjoys hunting, recreation, the outdoors, and fishing.

Rifle is located in Garfield County, an area in which about 60 percent of the lands are public lands. Rifle was founded as a ranching community along the Colorado River, and it retains that heritage today, along with tremendous opportunities for outdoor recreation, including fishing, hiking, skiing, rafting, and rock climbing. It also sits at the edge of the Piceance Basin, an area in Colorado that has vast amounts of natural gas.

Mr. Bernhardt grew up in the oil shale boom and bust and has said that the boom and bust "has made [him] more sensitive to the potential benefits and the potential impacts, both environmental and social" of energy development. In the 1980s, Rifle was hit by the State's oil shale crash, and he personally experienced some of the hard times that the Nation's rural communities often face in those boom and bust moments.

Much like the Department of the Interior itself, Rifle is a community that is a product of its public lands and Western heritage. It is centrally located within a few miles of the iconic Grand Mesa—the world's largest flat-topped mountain—the Flat Tops Wilderness, and the Roan Plateau. It represents a home base among these public lands with there being virtually unmatched access to world-class outdoor experiences, which is why Mr. Bernhardt has such a passion for these issues.

His previous experience at the Department of the Interior allowed him to fix a problem for Colorado that I was told for 8 years, under the Obama administration, was simply not fixable. As a result, in 2018, revenue that had been sitting in an account in the Federal Government for over a decade that had been owed to three counties in Colorado were distributed back to these Colorado counties and to the taxpayers who had been owed this money. How did this get solved after a decade of saying it could not be solved? It is because David Bernhardt believes you don't just push the problems that are on your front porch onto somebody else's; you find a solution and you fix it.

Prior to his current position, his previous experience includes being tapped to be the Solicitor of the Department of the Interior. In 2006, by voice vote in the U.S. Senate, Mr. Bernhardt was confirmed to be Solicitor. In the last Congress, he earned bipartisan support during his confirmation process to be Deputy Secretary.

His integrity and ability are assets that should bolster the case for his nomination, not detract from it. Yet, over the course of the last couple of months, the Washington, DC, political smear machine has been working overtime to sully a good man's name. None of what we have seen or heard in the pages of the New York Times and in other places has been new information. I guess the hope is that we will take it more seriously because this time

around, the New York Times is the one writing about it.

Mr. Bernhardt has undergone two separate and extensive FBI reviews for both his nomination to be Deputy Secretary and his nomination to be Secretary. These reviews occurred after the allegations were first raised, and he was cleared for both positions, which is probably something people didn't read in the New York Times. In understanding that these claims had been reviewed previously to the Senate's committee's satisfaction, Mr. Bernhardt's nomination was reported out last week by a bipartisan vote of 14 to 6.

Madam President, I ask unanimous consent to have printed in the RECORD Chairman MURKOWSKI's and Ranking Member MANCHIN's committee statements.

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

STATEMENTS FROM SENATORS MURKOWSKI AND MANCHIN FROM THE BUSINESS MEETING TO CONSIDER PENDING NOMINATIONS (04/04/2019)

SENATOR MURKOWSKI: (21:01)

Good morning everyone. The Committee will come to order. We're meeting this morning to consider three nominations. This is for the nomination of David Bernhardt to be Secretary of Department of Interior; Susan Combs to be assistant Secretary of Interior for Policy, Management and Budget; and Aimee Jorjani to be chair of the Advisory Council on Historic Preservation. I believe that all three of these nominees are well-qualified and encourage all members to vote to report them favorably this morning.

As I noted last week Mr. Bernhardt, I believe, has the right background. He's got the right experience to be an excellent Secretary of the Interior. He has twice been confirmed to positions at Interior with bipartisan support. First, to be Solicitor in 2006 and then to be Deputy Secretary in 2017. He's most recently served as Acting Secretary since January of 2019. I understand that Mr. Bernhardt has the second most prior experience at the Department out of any nominee for secretary, is from the West—I like that—he has great familiarity with issues that will come before him, and he's proven that he can ably lead the Department.

So, what everybody's talking about this morning. There is—there are accusations about his ethics. We had this conversation last—or two weeks ago when—when his name was before us. I think it's very clear you got some pretty well funded groups that are working very hard, very energetically against his nomination. We saw new allegations last week and then this morning there is—is yet another report. And this is all—this is all coming despite—despite the government scientists involved saying that there was nothing amiss when we had that conversation last week, Senator Gardner, you certainly raised that. This week we're starting to see—we're again seeing new reporting on old allegations. I don't think that this is a coincidence, that we are seeing this kind of a roundup of reporting on old stories—and I think nonstories—just as we're approaching the markup here.

Interior's Inspector General has reviewed the matter as part of its due diligence. It has not opened an investigation. In fact, our staff checked with the Inspector General's office. We were told that there are no open investigations into Mr. Bernhardt. We have had as a committee I believe ample time to review all of these allegations. I am aware of

no substantiation of them whatsoever and frankly I would be—I would be stunned if they were to be substantiated. I would remind members that both the Office of Government Ethics and the Designated Agency Ethics Official have found Mr. Bernhardt to be in good standing.

So, again, there—there will probably be a question this morning, I would imagine, on—the New York Times article that is out there this morning, but I would remind colleagues or ask you to look into these. These allegations again contain no new information. This is recycled. It's been repackaged. They're now focusing on an invoice from Mr. Bernhardt's prior Law Firm. The law firm has said that it was labeled incorrectly. Others have said it was labeled incorrectly. It didn't concern lobbying services. We have known about this previous work that he has had at Westlands. We knew it back in 2017 when we confirmed him as Deputy Secretary. And at that time this work was not deemed lobbying. So, just because it's in the New York Times this morning doesn't mean that it's correct. It's my hope that as a committee we will—will move forward in affirming Mr. Bernhardt to be Secretary of the Interior. And then the full Senate will confirm him coming up here. I think the sooner we have a permanent Secretary at Interior, the better.

SENATOR MANCHIN: (30:50)

Thank you Madam Chairman and I appreciate the committee—ensuring this committee moves forward on important nominations. We have two of those nominations before us this morning that I'm glad that we are reporting from this committee and—the nominations of Susan Combs, Assistant Secretary of Interior of Policy, Management, and Budget and the nomination of Aimee Jorjani to chair The Advisory Council on Historic Preservation. I think Madam Chairman gave a good overview of that. Committee voted to—to report both of these nominations during the last Congress, but unfortunately the Senate didn't vote to confirm them before at adjourned. Each time, the committee approved the nomination by voice vote and I previously supported of both nominations and I intend to do so again this morning.

On David Bernhardt. As a former governor and those who have served in executive positions, that I understand it, we've had to ask our state senators and our Oversight committees about putting in our teams together. And I've always been differential to allowing an executive to put their team together as long as the person is qualified and meets the ethical standards. There's concerns and I respect those concerns. Mr. Bernhardt, in my estimation met the test. He's clearly qualified. I think we all know that. He has the knowledge and experience to serve as Secretary, knows the Interior Department inside and out—that might be a blessing to some, maybe a concern—and he is well-versed in all the issues that come before him.

I spoke with him several times before this business meeting regarding his nomination. I've reviewed his follow-up questions for the record following his hearing. He has answered all of our questions in a timely manner. We received them back and I think it's all been made record. I even talked to him earlier this week by phone again. I questioned him again, extensively, about his willingness to be a good steward of our nation's greatest natural resources, our national parks, our monuments, and all of our historical sites. I questioned him about his responsibility to balance our resource needs with environmental protection in fairness to the owners of our public lands, which is all of the American people. I spoke to him about

the need to make sure that those who are granted the privilege of using our public lands leave them in better condition than what they found them in, which is not always the case and we've got to change that. And I had extensive conversation with Mr. Bernhardt regarding compliance and ethics—ethics laws and regulations, as well as his potential conflict of interest. I was very much concerned about that. Based on my extensive discussions with Mr. Bernhardt and the assurances that he has given me, I'm prepared to vote for him this morning, but I will note that I expect him and the Department, now I've put them on notice, hold them—hold them to the highest ethical standards. And I've told him that. I said because I surely will. I surely will hold him to be accountable for his actions. He must work to ensure committee and a commitment to ethical and scientific integrity and I intend to work with him and his staff persistently to ensure that this is the case. Our parks and public lands, our scenic beauty, our fish and wildlife resources are important to all of us here, to the people we represent, and my state, and in your states. And West Virginians count on the Secretary of Interior, as they do in your States also, as the guardian of our public lands. . . . I intend to work with Mr. Bernhardt these important issues. I've made it clear to him that I expect him to put his extensive experience and knowledge of these issues to work for the American people and not to people used to work for. And to execute his responsibilities in the manner that ensures that our public lands are not just being maintained, but improved. Improved for the benefit of generations to come. Thank you Madam Chair.

Mr. GARDNER. Madam President, let's talk about that story and ethics for a second.

Mr. Bernhardt has spent more than 15 years of a 25-year career in public service, and most of that time has been spent at the Department of the Interior. While in his private law practice, he never lobbied the Department of the Interior—not once. During his time as Deputy Secretary, he has focused on the fundamental transformation of the Department and Bureau-level ethics programs to ingrain a culture of ethical compliance and reduce workplace misconduct.

The reality is that the ethics program throughout the Department of the Interior had been, sadly, neglected by the previous administration. The Office of Inspector General and the Departmental Ethics Office had recommended significant resource changes that had fallen on deaf ears under the previous administration. Under Mr. Bernhardt's direction, the Department has hired a total of 42 career professional ethics advisers. By the end of fiscal year 2019, they will have doubled the number of career ethics officials that the previous administration had hired in its entire 8 years.

The record shows that he has actively sought and consulted with the Department's designated Agency ethics officials regarding compliance with his ethics obligations recusals.

In addition, he has installed a robust screening process to ensure that he does not meet with or engage in particular matters benefiting the former clients from which he is recused. Every

proposed meeting is reviewed by career professionals to ensure compliance with not only his ethics agreement but ethics laws and to make sure his ethics pledge to the President is upheld.

His work in natural resources law prior to joining the administration and related ethics agreements are very similar in scope and substance to the private work and ethics agreements of senior Interior officials who came before him in previous administrations. Let me say that again. The same kinds of ethics agreements and obligations that basically he is doing are what previous administrations did as well.

I ask unanimous consent to have printed in the RECORD a letter from the Department of the Interior Designated Agency Ethics Official dated March 25, 2019.

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

UNITED STATES DEPARTMENT OF  
THE INTERIOR, OFFICE OF  
THE SOLICITOR,  
Washington, DC, March 25, 2019.

Hon. ELIZABETH WARREN,

U.S. Senate,  
Washington, DC.

Hon. RICHARD BLUMENTHAL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WARREN AND SENATOR BLUMENTHAL: Thank you for your letter of February 26, 2019 regarding your expressed concerns of the actions of the Acting Secretary of the Department of the Interior (Department or DOI). Your letter references an article published by the New York Times on February 12, 2019 discussing the Acting Secretary's legal practice prior to joining the Department as Deputy Secretary in August 2017. Specifically, you asked about the Acting Secretary's involvement with the Central Valley Project (CVP) in California and whether his actions, "violated his ethics pledge and federal conflict of interest regulations by participating in decisions that directly affect a former client." As discussed below, we have found the Acting Secretary's actions have complied with all applicable ethics laws, rules and other obligations, including the requirements of President Trump's Executive Order 13770 entitled, "Ethics Commitments by Executive Branch Appointees" (Jan. 28, 2017) (Ethics Pledge).

As an initial matter, I would like to take this opportunity to inform you and your colleagues of recent developments and improvements with the DOI ethics program that will enhance our ability to prevent conflicts of interest at all levels of the Department. Since our arrival at the Department in April 2018, Deputy Director Heather Gottry and I have overhauled an ethics office that was previously characterized by both DOI employees and numerous Inspector General reports as passive and ineffectual. With the strong support of the Acting Secretary, we have spearheaded a long-overdue build-out of the Departmental Ethics Office (DEO) as well as the ethics programs of the various Bureaus and Offices throughout the Department.

Our top priority as non-partisan, career ethics officials, is to prevent conflicts of interest at the DOI and ensure that DOI employees are aware of and comply with all applicable ethics laws and standards. We understand the importance of our program in helping the American people have trust and confidence in the lawful and proper administration of the Department.

Please know that my office takes all credible allegations of potential ethics violations by any DOI employee very seriously and allegations against senior officials are an extremely high priority. Consequently, when the New York Times published its article, I immediately sought to understand the facts and carefully analyzed the applicable legal authorities. We note that the Acting Secretary also immediately requested that my office look into this matter and to examine the prior ethics advice and counsel he had received.

Of critical importance, we note that the Acting Secretary does not have any financial conflicts of interest related to either his former client, Westlands Water District, or the CVP generally. As reflected in his Ethics Agreement, dated May 1, 2017, and his Ethics Recusal memorandum, dated August 15, 2017, the Acting Secretary was required under 5 C.F.R. § 2635.502 to recuse for one year (until August 3, 2018) from participating personally and substantially in any “particular matters involving specific parties” in which Westlands Water District was a party or represented a party. Because Westlands Water District is an agency or entity of a state or local government it is excluded from the requirements of paragraph 6 of the Ethics Pledge. Additionally, consistent with U.S. Office of Government Ethics (OGE) guidance, it was determined that the law the Acting Secretary had lobbied on for Westlands Water District, Public Law 114-322, should not be categorized as a “particular matter” because the law addressed a broad range of issues and topics. Therefore, because he did not lobby on a “particular matter” for Westlands Water District, he was not required to recuse himself under paragraph 7 of the Ethics Pledge either from “particular matters” or “specific issue areas” related to Public Law 114-322. Accordingly, the Acting Secretary’s recusal related to Westlands Water District ended on August 3, 2018, and was limited in scope to “particular matters involving specific parties” under 5 C.F.R. § 2635.502.

I have enclosed the transmittal e-mail from me to the Acting Secretary with a detailed memorandum attached wherein the DEO consolidates and memorializes prior ethics advice and guidance on certain issues involving the CVP. Of particular importance for a legal analysis of the scope of the Acting Secretary’s recusals related to Westlands Water District, the memorandum analyzed and categorized certain issues involving the CVP and related State Water Project as “matters,” “particular matters of general applicability,” and “particular matters involving specific parties.” As I state in the transmittal e-mail, these legal categorizations are critical in determining whether an official complies with the various ethics rules. As reflected in the memorandum, we determined that both the Notice of Intent to Prepare a Draft EIS and the development of a 2019 Biological Assessment are appropriately categorized as “matters,” not “particular matters.” Our determinations are supported by Federal law and OGE opinions and though the matters involved may sound like “particular matters” or “specific issue areas,” they are legally broad matters outside the scope of 5 C.F.R. § 2635.502. As noted above, the Acting Secretary’s lobbying on behalf of Westlands Water District on Public Law 114-322 was not categorized as a “particular matter” and did not require an additional recusal under paragraph 7 of the Ethics Pledge. Therefore, the Acting Secretary was not required under either 5 C.F.R. § 2635.502 or the Ethics Pledge to recuse from participation in either the Notice of Intent to Prepare a Draft EIS or the development of a 2019 Biological Assessment. Attached, for

your convenience, please find the legal reference materials addressed in the memorandum—I believe our interpretation and application of the relevant legal authorities is both reasonable and prudent.

I have advised the Acting Secretary, at his request, that he and his staff should continue to consult with the DEO prior to participating in any matter that is potentially within the scope of his Ethics Agreement, Ethics Recusal memorandum, the Ethics Pledge, or any other ethics law or regulation. Additionally, to eliminate any potential for miscommunication, I have instructed my staff that all ethics guidance to the Acting Secretary be in writing prior to his participation in a decision or action that reasonably appears to come within the purview of his legal ethics obligations.

In closing, and to be responsive to your final requests, the DEO has not issued any authorizations or ethics waivers to the Acting Secretary or other Interior officials on the topics you raised, nor have we referred any matters to the IG on these topics. It is worth noting that the Acting Secretary meets with me and my senior staff frequently and that I have a standing meeting with him once a week to discuss any significant ethics issues at the DOI. Pursuant to the Acting Secretary’s direction, my senior staff also meets with his scheduling staff and other top officials twice a week, at a minimum, to ensure we are aware of who the Acting Secretary is meeting with and the issues he will be discussing. These efforts, supported by the Acting Secretary and his staff, are designed to ensure his compliance with applicable ethics rules and protect the integrity of the Department’s programs and operations. My experience has been that the Acting Secretary is very diligent about his ethics obligations and he has made ethics compliance and the creation of an ethical culture a top priority at the Department.

If you have any other questions or concerns, please do not hesitate to contact me.

Sincerely,

SCOTT A. DE LA VEGA,  
*Director, Departmental Ethics  
Office and Designated Agency Ethics Official.*  
Enclosure.

Mr. GARDNER. This letter is in response to a letter from Senators WARREN and BLUMENTHAL and states that the Ethics Office has found that Mr. Bernhardt’s actions as Deputy Secretary and Acting Secretary “have complied with all applicable ethics laws, rules, and other obligations, including the requirements of President Trump’s executive order 13770, entitled ‘Ethics Commitments by Executive Branch Appointees.’”

This letter from the career head of the Department of Interior ethics professionals who served at the White House during the previous administration goes on to say:

My experience has been that the Acting Secretary is very diligent about his ethics obligations and he has made ethics compliance and the creation of an ethical culture a top priority at the Department.

That wasn’t in the New York Times, either, but I think it should be.

This is not about Mr. Bernhardt’s ethics or his integrity or his qualifications; it is about the fact that he has been and will be effective at implementing an agenda that the other side doesn’t agree with because they know he will be effective in protecting our great outdoors and our public lands.

I am thankful there are qualified people out there like Mr. Bernhardt and his family who are still willing to wade through the muck and serve the people of the United States, knowing that they will be called a liar in front of their children at a U.S. Senate committee hearing despite letters from top officers in charge of our ethics laws at the Department of Interior saying otherwise.

I am thankful for David, and I look forward to working with him and his team at the Department of the Interior. I hope my colleagues will see through the partisan rancor, see through the lens of blue or red, of party politics, and confirm a man who—if you go back to Colorado and talk to people like Russell George, you will learn that he has the greatest respect not only for our public lands but for the people of Colorado, and for that, I am grateful for him and my colleagues who will confirm him today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

HONORING STATE PATROL CORPORAL DANIEL  
HOWARD GROVES

Mr. GARDNER. Madam President, I rise today to honor an officer of the Colorado State Patrol who was killed in the line of duty on March 13.

As other Members of this Chamber know, many parts of the country were hit hard by a bomb cyclone storm system last month. Again today, we are going through another spring storm. That storm caused flooding in much of the Midwest, as we have seen across the national news, and extremely hazardous road conditions in my State, which led to thousands of stranded drivers.

State Patrol Corporal Daniel Howard Groves, like many first responders that day, was attempting to aid a driver in the Eastern Plains of Colorado on I-76 who had slid off the road, and he was struck by a passing vehicle.

Corporal Groves was 52 years old. He leaves behind a large and loving family, including his parents, his partner Eddie, his four siblings, and many more. We know that his family will continue to honor his sacrifice and ensure that his legacy lives on.

Corporal Groves joined the Colorado State Patrol in 2007 after leaving a career in the technology services industry in Chicago. His family and friends remember him as a man with a tremendous capacity to love and care for others. He was a man of humor who wasn’t afraid to crack a joke just to make people smile. According to a fellow officer, he once arrived at training wearing pajamas instead of the required police sweats.

At a memorial service honoring his life, a longtime friend spoke about the encouragement and advice that Dan was known for. He always encouraged others to follow their dreams, no matter how big. He often spoke of the importance of family and friendship and the need to make time to enjoy life with others.



His fellow officers remembered him as a man who was drawn to service because of his desire to help, someone who always knew the risks inherent in the job but never let that deter him from doing what needed to be done.

One colleague who spoke at the memorial remembered Corporal Groves as someone who frequently asked, where do you need me to be? He always wanted to be in the spot where he could be most effective, no matter the danger involved.

Even on the morning of March 13, as the weather was taking a turn for the worse, Corporal Groves knew there were drivers on the road who needed his help, and, as many law enforcement officers did that day, he bravely ventured out to offer assistance. This quality makes for a great law enforcement officer but is sadly the quality that we most often take for granted.

We owe a tremendous debt of gratitude to Dan and to all first responders who are willing to put their lives on the line to assist those in times of need and a debt of gratitude to their families as well.

I know my colleagues in the Senate will join me in offering our thoughts and prayers to the family and friends of Corporal Groves and all those who defend that thin blue line.

As I have done too many times in this Chamber, I remember the words of LTC Dave Grossman, who said: "American law enforcement is the loyal and brave sheep dog, always standing watch for the wolf that lurks in the dark."

I drive by the spot where Corporal Groves was killed at least two or three times a week, and he will always be in my prayers, along with his family, for his sacrifice.

It is my hope that the thoughts and prayers that we offer to those who wear the blue uniform will bring them comfort as they carry out their solemn duties.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ATTORNEY GENERAL WILLIAM BARR

Mr. SCHUMER. Mr. President, well, if anyone wonders whether Attorney General Barr is a straight shooter, this week, we got our answer.

Yesterday, at the Senate Appropriations Committee, the country saw another disconcerting performance by the Attorney General. In the face of serious questions surrounding the release of the Mueller report, the Attorney General did exactly what President

Trump wanted: He dodged questions, peddled a conspiracy theory, and, like the President, lobbed baseless accusations. It is clear that for Mr. Barr, the title he holds is far less important than the boss he serves.

What he did not say is that Russia attacked our democracy, as all 17 Agencies of our intelligence community have confirmed. What he did not say is that the intelligence community concluded that the Russians infiltrated our democracy to help Donald Trump. What he also didn't say is why he continues to wait on releasing the Mueller report. It took him less than 48 hours to summarize over 300 pages but over 2 weeks, and counting, to release the report itself.

Instead of giving straight answers, Mr. Barr seems to be nothing more than a spokesperson for the President's campaign. He seems more like the President's Press Secretary than the Attorney General. He is even using the President's own tactics: Admit nothing. Deny everything. Make counter-accusations.

Many of us tried to give Mr. Barr a chance, but after this week's performance, it is clear as day he and the President are working off the same playbook and planning to withhold crucial facts from the American people.

What is really important is this: When Attorney General Barr issues his report, his objectivity will be in total doubt. No one will believe, when he redacts large parts of the report, that it was done on the merits; people will believe he redacted parts of the report to help President Trump. How will the American people be able to trust Mr. Barr, and how will the American people be able to believe that his version of the report is the real version when he has been so, so partisan and was willing to peddle FOX News conspiracy theories before the Appropriations Committee yesterday?

When Mr. Barr was first nominated as Attorney General, the question posed to him was, would he be part of the Trump legal team or an independent agent of the law? I think we have our answer, as we watch him echo President Trump's statements and enable President Trump's worst instincts. Whether it is defending the administration's dangerous healthcare lawsuit or perpetuating conspiracy theories, Mr. Barr is acting more like a member of the President's campaign than the independent Attorney General he is supposed to be.

Mr. Barr is letting down thousands—tens of thousands—of hard-working people at the Justice Department. They are doing their job. When someone is given real information that Russia interfered with our elections, of course they are supposed to look into it. That is part of their job. For Mr. Barr to label this as spying, echoing some of the worst conspiracy theorists in the country, he loses all credibility, and that credibility is vital because he will be issuing a report with redactions.

When Mr. Barr issues his report, in terms of what should be redacted and what shouldn't, his objectivity will be in total doubt because of his performance yesterday.

Again, how will the American people be able to trust that the Attorney General has given them the most information he can rather than the least and that he has given them a full view of what happened rather than protecting the President? People are just not going to believe it.

The bottom line is that yesterday's performance calls into complete question the objectivity and even the judgment of the Attorney General. He does not seem to be an independent actor pursuing the rule of law. Rather, he seems to be somebody simply ready to help the President no matter what the price.

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Mr. President, on another matter, disaster relief, it is an absolute travesty that this Chamber is recessing without a compromise on much needed funding for disaster relief.

From the start, Democrats have supported an "all of the above" approach to helping every part of America that is struggling from natural disasters. We need to help everyone hurt last year and everyone hurt this year—everyone hurt in Puerto Rico, everyone hurt in the Midwest, everyone hurt in Florida, and everyone hurt in Texas, Alabama, Mississippi, and Georgia. In the American tradition, everyone comes together when we have disasters, and we help everyone.

Our Republican friends seem to have a different view. They want disaster relief that explicitly denies Puerto Rico the help it needs, even though they are American citizens like everybody else. They heard President Trump's temper tantrum at their lunch a few Tuesdays back, and they have obeyed. This is un-American. We should not be picking and choosing who gets disaster relief.

When Americans suffer, we all step in. We all help. President Trump does not believe that, but where are our Senators who are standing up for this principle? The compassion of the American people is much greater than President Trump's small-minded contempt for the people of Puerto Rico. The Senate, particularly Senators from the disaster States who need that money, ought to have the courage to resist it instead of making up stories and pointing fingers of blame.

Republicans have refused to present a serious solution that can pass the House and the Senate. We all know that if Puerto Rico is not treated equally, it will not be seen on the floor of the House. We all know that the Governor of Puerto Rico has said that the solution Republicans are supporting is not adequate for Puerto Rico. We all know that.

It is a tragedy that the Republican leadership in this Chamber has refused to help American citizens before going into recess. They own the mess they

are creating across America, and with each passing day, the American people see it.

## TAX REFORM

Mr. President, tax day is coming up, and we have seen another travesty of the Republican Senate.

When the Republicans pushed their tax scam, it was sold as a “middle-class miracle.” They promised it would prioritize middle-class families. President Trump and others promised Americans would get a \$4,000 raise every year. That is what President Trump promised about his tax cuts. He said that his tax cuts for the very wealthy and the big corporations would benefit every American to the tune of \$4,000 a year. Unsurprisingly, this Republican tax scam has now defaulted on its promise to lift up average American families.

For too many Americans expecting a tax refund, they have gotten nothing or worse. After this tax season, the jig is up.

In fairness, there is one part of America that has made a killing—the very wealthy. Indeed, 83 percent of the benefits in the Republican tax bill will eventually go to the top 1 percent of earners, and the American people know it. A recent poll shows more than 60 percent of Americans believe the wealthy and corporations—big corporations—have been helped by the tax law. They are right.

Unfortunately, corporations aren’t using their windfalls as our Republican friends promised. They are not boosting worker pay, by and large, or increasing benefits or creating jobs. According to a recent survey, 84 percent of companies say they have not changed their plans because of the tax law.

What are they doing with the money they got? They are spending billions in windfall on record corporate stock buybacks, not benefiting their workers, not benefiting their community but benefiting the CEOs of the corporations, because the shares generally go up, and benefiting the top 10 percent of America who own 85 percent of all the stocks.

Unfortunately, this story doesn’t end in making the rich richer. American workers are suffering while those same corporate executives and the very wealthy shareholders cash in.

Take the case of CSX, a freight rail company spending billions of dollars on stock buybacks after benefiting from the tax law. Just last week, we heard CSX announce that they are laying off 100 workers in Kentucky. Leader McCONNELL’s own backyard—not a \$4,000 raise but a pink slip. You would think with all of these tax benefits that workers would benefit. It doesn’t seem to be happening. That story that happened in Kentucky can be repeated throughout the country.

It is hard to look at these examples with a straight face and say that the middle class factored at all into the Republican tax bill. It was a trick—no trickle down, just a trick.

As Americans finish their filings this year, they will know exactly who to blame if they see their taxes go up. They will know who to blame if they don’t get a refund or if they owe the IRS.

The tax bill is already a stunningly unpopular piece of legislation. I don’t recall a single Republican campaigning on it. It shows they weren’t proud of it. After this tax season, the Republican tax bill will be even further crystalized in the minds of everyday Americans as a scam that left them out to dry while soaking the ultrawealthy with even more wealth.

## NOMINATION OF DAVID BERNHARDT

Mr. President, on Mr. Bernhardt, yesterday, I sat down with David Bernhardt, President Trump’s choice for Secretary of the Interior, and I pressed him on some things that we should all know before we vote on his confirmation.

I asked Mr. Bernhardt: Do you agree that climate change is real, caused by humans, and that we must act? I asked Mr. Bernhardt if he will commit to not opening up the waters off our coasts to harmful drilling, even off the coasts of States opposed to such drilling, and what he will do about his well-documented web of conflicting interests. I got no answers to these questions.

I remind all of my colleagues on the Atlantic coast that, again, I asked him to at least commit that he will not do drilling off the shores of States that didn’t want drilling off their shores. He would not commit to that, and there is word that there is a plan in the Interior Department to allow that to happen.

This is the same administration that promised to clean the swamp and rid Washington of corruption. Yet it is a twisted parody to think that President Trump wants an oil and gas lobbyist to lead the Department of the Interior. What a contradiction. What a betrayal.

It doesn’t stop there. Bernhardt reportedly participated in efforts to launch a White House climate denial panel, the sole purpose of which was to rebuke accepted science. We cannot allow the work of our Federal Agencies to fall into the hands of people like this.

It is hard to imagine someone whose background is so at odds with the Department’s mission as Bernhardt’s. In good conscience, I cannot vote in favor of his confirmation. For the same reasons, I urge all of my fellow Senators, particularly those along the coasts, to vote against this nomination to protect their shoreline and their beaches.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

## REMEMBERING FRITZ HOLLINGS

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak on behalf of Senator Hollings’ passing, along with my colleague Senator SCOTT from South Carolina.

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

Mr. GRAHAM. Thank you.

Mr. President, Senator SCOTT and I have come to the floor today to recognize a legend in South Carolina and this body, Senator Fritz Hollings, who passed away on April 6 in Isle of Palms, SC. He was 97. He loved Isle of Palms. That was his place to be.

He was born in Charleston, SC, in 1922. He graduated from the Citadel in 1942. He attended the University of South Carolina School of Law. He served as an artillery officer in World War II, earned a Bronze Star, and finished with the rank of captain.

He was in the State house of representatives from 1949 to 1954. He became our Governor in 1958 at age 36. He shepherded South Carolina through the turbulent times of the civil rights movement. He urged the legislature to follow the law after *Brown v. Board of Education*.

He established the best technical college system in the country. We say that with great pride. It was Fritz Hollings who was the father of the South Carolina technical college system, which has resulted in thousands of jobs being created and educational opportunity for millions in our State.

When he was a Senator, they called him the Senator from central casting. He looked the part, he acted the part, and he sounded the part. He was the junior Senator for 36 years, I think, in South Carolina, with Senator Thurmond being the senior Senator. When Senator Thurmond retired, I was honored to be able to take his place, and Fritz was my senior Senator for 2 years.

I just want to thank him and recognize what he did for me to become established in the Senate. He was kind. He was gracious. We did not agree on policy, but he could not have been a better friend.

I spent half of my time trying to interpret what he was saying on the floor. I caught about every third word. He has this Charleston accent that even I couldn’t understand at times.

Nobody enjoyed their job more than Senator Hollings. Nobody was ever better at it. When it came to South Carolina, Senator Hollings was able to move mountains. He was the chairman of the Commerce Committee and the Budget Committee.

He was one of the great environmentalists of our time. The ACE Basin in South Carolina is a beautiful place along the coast where three major rivers come together. It was Senator Hollings who established that, now and forever to be preserved. He helped establish NOAA, which has done so much for our oceans.

He was part of the Gramm-Rudman-Hollings Balanced Budget Act. He was always trying to keep our fiscal house in order.

He was a champion of the military. Being a World War II veteran himself, he always looked out for those in uniform. Senator Thurmond and Hollings were giants of their time, and they



really made a difference for our State and for the country as a whole.

When it comes to his distinguished career in the Senate, Fritz Hollings was at the top of anybody's list. He served for 38 years.

He was a tireless advocate for the hungry—for hunger. He was trying to combat hunger and poverty before it was cool. He traveled all over this world to try to spread the good news about America.

After Senate life, he established the Hollings Center for International Dialogue to create exchanges in dialogue between the United States and mostly Muslim populations. He was ahead of his time there. For us to win this war on terror, we have to side with people in the faith who reject radical Islam, which the overwhelming majority of people reject, and Fritz understood that.

He was a great husband, father, grandfather, and great-grandfather. He was my friend.

He had the eighth longest tour of duty in the U.S. Senate in the history of the body. Yesterday, with Senator SCOTT's help, we passed a resolution unanimously—every Senator signed on—honoring the service of Senator Hollings.

There are so many friends of his in this body. The staff and former Senators all will tell you that Fritz was a force of nature. He had strong opinions. He would share them with you whether you asked him or not. He knew what he was talking about. He was prepared. He was a fighter for his causes. He was willing to die for his country. Now he has passed, and the legacy for the people of South Carolina will be enduring.

Our beaches and our oceans and our mountains and our rivers are better off for his service. Our educational system stands out on the technical school side because of his vision. He shepherded us through very turbulent times during the civil rights movement, where other States were literally on fire. South Carolina had problems, but they paled in comparison to most because of Senator Hollings' leadership.

He was a lawyer. He loved the law. He was my friend. Senator SCOTT is from Charleston, and both of us have a tough act to follow when it comes to being Senators in South Carolina. Senator Hollings' way was to fight for your causes, work across the aisle, know what you are talking about before you speak, and try to do it with good humor. What more can you say? From the time he was a young man in Charleston until he passed away on April 6, he was always fighting for his causes. He loved his State. He delivered for the people of South Carolina.

When it comes to the Senate, he was a legend. His presence was felt up here. His legacy is enduring. He fought the good fight. He was a faithful servant, and now he will enjoy an eternal rest. To his family, I know you are grieving, but you have much to be proud of. To the people of South Carolina, it is not

about being a Republican or a Democrat in terms of service; it is about how much you love your State. No Republican and no Democrat ever loved South Carolina more than Fritz Hollings, and no Senator has ever made more of a difference than Senator Hollings.

So Senator SCOTT and I will do our best to keep up this good man's legacy. We will have different policy choices, and we will go down a different political path, but we will be ever mindful of the way we do our job. The way we do our job matters as much as what you do. Let it be said that when it came to doing his job, Fritz Hollings did it professionally, effectively, and with love and passion.

I now yield to Senator SCOTT of South Carolina.

Mr. SCOTT of South Carolina. Mr. President, I thank Senator GRAHAM for yielding to me. Without any question, I think Senator GRAHAM did such a great job of distilling the life and some of the accomplishments of Senator Hollings. Without any question, I cannot imagine Mr. GRAHAM spending 36 years or so as a junior Senator from the great State of South Carolina because of the long tenure of the senior Senator, Strom Thurmond, whose seat you have. I have the privilege of being in the seat of Senator Hollings, who, of course, is from Charleston, as I am from Charleston. I think of the commonalities we all share as South Carolinians, and certainly ones who are not—all of us from South Carolina understand how hard it is to understand those folks who speak in the old Charleston brogue, the language of Senator Hollings and folks like our cousin, Arthur Ravenel, who shares the same inflection in his voice. Senator GRAHAM brought back some very fond memories with his thoughts.

To the family, the Hollings family, we certainly extend our condolences. I had the chance to speak with Michael, his son, just the other day, and the family is doing well. The family is encouraged by the outpouring of love and support from so many folks from the Senate and throughout the country because Senator Hollings was not only a South Carolina Senator, he was America's Senator. He spent a lot of time doing a lot of things that made a significant difference.

I do want to put a little meat on the bones. As Senator GRAHAM has covered so much of what I would have said, I will not say it twice. I will, perhaps, drill into a few of the times of service Senator Hollings had.

As we think through the 1960s and as we read through the 1960s, we read through a time of volatility, a time where our Nation is clashing with one another, where the races were so divided. In the Deep South, we perhaps led in that direction of conflict. We have a provocative history on race in South Carolina. Without any question, Senator Hollings did what so many others did not do, which is, he led for a peaceful integration of what is today

one of America's great public universities, Clemson University. I say that as a South Carolina fan, without any question, but it is no doubt that Harvey Gantt, being the first African American in Clemson to graduate from Clemson, was a monumental shift in southern education, one we can all celebrate today.

I went to church with Harvey Gantt's family for 20-plus years at Morris Street Baptist Church in Charleston, SC, and I will say that, perhaps as a part of the springboard of controversy and challenge and conflict, it led to a level of greatness in Harvey Gantt's life as he took arrows that most of us are unfamiliar with. Senator Hollings—then-Governor Hollings—took arrows that some would be unfamiliar with in making the decision to ask for and to encourage and support a peaceful transition in a State at the time broiled in controversy. Harvey Gantt went on, of course, to be the first African-American mayor of the city of Charlotte, NC.

In thinking about Senator GRAHAM's comments as it relates to the technical college system in South Carolina, how Senator Hollings birthed that for our State, that may sound like a good accomplishment, but for a State that faced extinction from an economic standpoint, when industries were leaving our State, the technical college system became the springboard, once again, for the great city of South Carolina to see a rebirth of our economic systems. What we have today is a manufacturing haven whose foundation is the technical college system. When we think about companies like BMW, Boeing, Volvo, Mercedes, Bosch, Michelin, Bridgestone, all these companies became a part of the corporate family in South Carolina because we had a healthy, thriving technical college system born because of the leadership of Senator Hollings.

Senator Hollings not only succeeded in public life, but he also succeeded in his private life. I will tell you that I cannot imagine the reunion between Senator Hollings and his wife, Peatsy, of over 40 years. I can't imagine the celebration that is happening in Heaven as those two are being reunited and spending time talking about what has occurred over their lifetimes and the things they had to see.

There is an amazing Greek proverb that I want to end with, as it relates to Senator Hollings, that says that a society grows when old men plant trees whose shade they know they will never sit under.

Senator GRAHAM and I, the youngsters, comparatively speaking to Senator Hollings and Senator Thurmond—we are sitting under the shade of that tree. Our Nation benefits from people who have the wisdom to look forward, beyond their lifetime, and create a country where we all benefit.

#### TAX REFORM

Mr. President, before I yield the floor, I do want to spend a few minutes

talking about what is an obvious day in our near future—tax day. Americans from coast to coast are thrilled with the opportunity to finish their taxes. I say that with the poorest tongue in cheek. I will say that without any question I am excited about this tax season because of the success of our tax reform in December 2017. It is exciting to think about the benefits to so many families throughout this country because of the successful passage of the tax reform bill in December 2017.

I stood on the floor and listened to other speakers talk about how perhaps the tax reform package has not delivered consistent with the promises made during the debate. I would like to put some meat on those bones as well.

When you think about the average family who has kids, the doubling of the child tax credit from \$1,000 to \$2,000 and allowing for more refundability to happen because of the child tax credit being increased, more families today are healthier because of the doubling of the child tax credit, which is good news. When you think about the size of the refund, \$2,873 is, in fact, consistent with the refunds of years gone by, which, once again, reinforces the fact that the tax reform bill has presented itself in a positive way and produced results consistent with what we suggested. Because if you get the same refund you had last time—about—but you have more money in your take-home pay every payday during 2018, you actually can measure the success of the tax reform by looking at how many dollars you had in your paycheck in 2018 versus 2017, even if your employer did not give you a raise. So the success of our package is without question.

I would like to suggest that as you think about folks like me, and perhaps others in this body who were raised by single parents, a single mom in 2018 with two children did not have a Federal tax burden at all until her income hit over \$54,000. That is important, and it is powerful for a specific reason. The average single mother makes around \$40,000 a year, not \$54,000. That means that for the average single mother in America, because of the success of our tax reform package, her Federal tax burden is down to zero. That is not just good news, that is great news. I know it personally because of a single mother who worked 16 hours a day trying to keep food on the table. Having doubled the child tax credit and having lowered her taxes by doubling the standard deduction from \$9,300 to \$18,000, what we see for the single mom is hope and a light at the end of the tunnel that is not a train. This is good news.

Not only is it good news, but some have talked about our plan—we have defaulted on our mission to help the American people. I suggest that as opposed to defaulting on our mission, what we heard from others is that they are deflated because of the success of our mission. During the previous administration, GDP growth averaged

somewhere around 2 percent. In 2018, we saw a 3.1-percent GDP growth. What does that mean for the average person? What it means for the average person is that for the first time in a long time, more than a decade, we saw their wages grow over 3 percent. So not only did their wages grow over 3 percent, but, more importantly, they had more jobs—actually, not just more jobs. This is really good news. They had more jobs. So many more jobs are open today than people looking for work. In other words, if you think about the number of folks looking for work, the number of openings exceeds that number. That is a transformation in this country in a way we have very seldom seen or experienced.

There is even more good news to that. Our unemployment rate is down to nearly a 50-year low, 3.8 percent. So if we are asking ourselves what these corporations did with the money, we are seeing the evolution or the manifestation of what happened with these extra resources by seeing the lowest unemployment rate in 50 years. Now, that is not just true for America as a whole, it is true for the subgroups within America who have been challenged and sometimes excluded from the workforce. The African-American unemployment rate is around 7 percent over the last 2 years. You have to compare that to, under the previous administration, an unemployment rate of around 12 percent. The Hispanic unemployment is near 5 percent. You have to compare that to a 50-percent increase under the previous administration.

We have seen perhaps the greatest renaissance in our country, economically, than we have seen in 20 years, and much of it is due to tax reform being passed. Embedded in the tax reform package was my signature legislation that I am so excited about, the opportunity zones legislation, that is having a transformative impact and effect throughout the poorest, most distressed communities in all of our country. Somewhere around 8,000 opportunity zones have been designated by the Governors in collaboration with the mayors. Mr. President, as a former Governor, you understand better than most of us the process by which one went through in order to establish the zones and the potential of those zones in the most distressed communities in each of the States.

There is good news. The good news is, in places like my home State of South Carolina, is a logistics company named DHL that drives those little yellow vans that ship some of your packages across the country. They are investing \$100 million in a distribution and warehouse park, creating nearly 500 jobs in Dorchester County, and they have said the Federal opportunity zone designation was a factor DHL weighed in making this location decision.

In Washington State, the Vancouver Downtown Redevelopment Authority president said: "It's an absolute no-

brainer, and a real gift from the federal government and will give us a real shot in the arm in these areas"—these challenged, distressed communities.

In Vegas, the largest opportunity zone expo in the Nation is being held next month with some of the biggest names across the country trying to figure out how they can reinvest their resources in areas where they were unwilling to take a second look, because now the incentive is good enough, and we did so without more bureaucrats and without government money. These are private-sector dollars being deployed in some of the most distressed communities.

In the Midwest, up to 3,000 jobs are on the way to East Chicago, and a local foundation is looking to invest \$800 million in a solar farm in Flint, MI. There are so many other States with amazing projects that I would run out of time talking about those.

I will close with two thoughts. One is from Mayor Bowser of DC. She had a March Madness event for opportunity zones, and she attracted 400-plus folks who are interested in investing and seeing the results of the investments in the local community here in DC.

For folks on the left and on the right, African Americans, Hispanics, Whites, Asians, this is a policy that brings America together. Whether you live in the most affluent communities or the most distressed communities, Americans are looking at opportunity zones as a way to have a conversation with each other. If there is one thing that we all would agree upon, it is that America needs to talk a little more with each other in a civil way about fairness and opportunity.

One of the reasons why I started my national opportunity tour is to highlight some of the successes—from Miami, with my good friend MARCO RUBIO, to Boston, New Hampshire, and West Virginia, with Senator CAPITO, to Iowa, with Senator ERNST, and Colorado, Arizona, and so many other places. I look forward to continuing the conversation and distilling the benefits of the opportunity zones over the next few months.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am honored to be cochairing the Entrepreneurship Caucus with the Senator from South Carolina. He is right that there are some great examples of people who want to get businesses started and who want to pursue their dreams, and we need to highlight those because we have a lot of people who right now have some great new ideas. If we are going to continue to be a country that is an incubator for those ideas, then, we have to promote those ideas and allow those people to follow their dreams.

## NOMINATION OF DAVID BERNHARDT

Mr. President, I am here today to join many of my colleagues in discussing the nomination of David Bernhardt to be Secretary of the Department of the Interior.

I have serious concerns about many of the actions that Mr. Bernhardt has taken while serving as both Deputy Secretary of the Department, since 2017, and as Acting Secretary, since the resignation of Secretary Zinke in January. Some of the most concerning actions include defending the administration's budget request, which zeroed out funding for the newly reauthorized Land and Water Conservation Fund; rolling back protections for public lands, including proposals to reduce the size of some of our national monuments; limiting opportunities for public input into Agency rulemakings; and weakening enforcement of the Migratory Bird Treaty Act.

These actions have threatened the responsible and sustainable management of our public lands, imperiled laws designed to protect and conserve wildlife, and stacked the deck in favor of fossil fuel industries.

One particular area that I would like to focus on today is how Mr. Bernhardt has played a role in the Department of the Interior's decisions to rescind Obama-era climate and conservation policies that directed Agency employees to minimize the environmental impact of activities on Federal land. In a secretarial order published just before Christmas in 2017, which was signed by Mr. Bernhardt, the Department limited how its employees at sub-Agencies, like the Bureau of Land Management, can factor climate and environmental effects into their decision making. What does this mean, exactly? Well, it means that manuals, handbooks, and other lists of best practices that were compiled by Agency employees over the years—career Agency employees—that were meant to minimize activities that would harm species or accelerate climate change were thrown out or their instructions were rendered obsolete.

Mr. Bernhardt has not only downplayed climate science and prevented efforts to mitigate it within the Department of the Interior, but he has also advanced policy and rulemakings that will accelerate its effect. We all know what we are up against here with climate change. We have seen the weather events throughout the country—the heating of our ocean waters; the increase in hurricanes; the predictions of how many metropolitan areas are going to be experiencing significant flooding in just the next few decades; the wildfires that we have seen in Arizona, Colorado, and California; and the video of the dad in Northern California driving his daughter through lapping wildfires, leaving their house burning behind them as they drove and he sang to her to calm her down. Those are the big effects and the little effects, but Americans know this is happening.

So the question is not, Is it happening? We know it is because every one of these things was predicted by our scientists and was predicted by our military. The question is, What do we do about it? That is why I am so opposed to the administration's decision to get out of the international climate change agreement, and I am opposed to its decision to get us out of the Clean Power rules that we had just started to put forward and to implement, and why I am opposed to the decision it made to reverse the gas mileage standards.

Unfortunately, Mr. Bernhardt has not only downplayed climate change, but he has also helped, as I said, to advance policy that accelerates it. For example, in September 2018, the Bureau of Land Management announced a draft rule that would relax the Obama-era methane rules that regulated flared, leaked, and vented natural gas from oil and gas operations on Federal and Tribal lands. Methane is an extremely potent greenhouse gas that according to the United Nations Intergovernmental Panel on Climate Change has an impact that is 34 times greater over a 100-year period than carbon dioxide. It is also important to remember that these proposed rescissions to methane rules are in direct opposition and run counter to the Senate's vote in 2017 to reject an effort at full repeal under the Congressional Review Act. Instead of going backward, we should be taking real action to combat climate change. We need a comprehensive approach to greenhouse gas emissions, and we need energy efficient technologies and homegrown energy resources. I also believe, as I noted, that we should reinstate the Clean Power rules and the gas mileage standards.

Under Mr. Bernhardt's leadership, the Department of the Interior has been taking us in the wrong direction on climate, conservation, and public lands. I will oppose his nomination.

## NOMINATION OF DAVID STEVEN MORALES

Mr. President, before I conclude, I wish to make brief remarks on the nomination of David Morales to be a Federal judge for the Southern District of Texas, who was just confirmed yesterday evening. Yesterday the Senate began its consideration on this nomination at 4 p.m. and voted on the confirmation around 6 p.m.

Under the new rules, we had just about 2 hours of time on the Senate floor to debate the nomination for a lifetime appointment to the Federal judiciary. I would have liked to have made these comments before that time. But with these severe limits, it is very difficult for Senators, if they have other obligations within the building or constituent visits or hearings going on, to be able to make it within the 2-hour period that we are now allowed, which is actually a 1-hour period.

There was much more to be concerned about with respect to this nominee, which is why I am making these comments now. To name one example, during his time in the Texas Attorney

General's Office, he has participated in cases that have undermined American voting rights. In 2007 he submitted an amicus brief before the Supreme Court in support of an Indiana voter ID law. The brief argued that requiring voters to have photo IDs was only "a negligible burden on the right to vote." They should ask that of some of our seniors in Minnesota who have voted for decades and decades and decades and are well-known by election officials and, in our State, are able to show up at the voting booth and be able to vote or maybe they don't have a driver's license because they no longer drive. These are examples that go on across the United States. In many States that have these restrictions, these people are literally turned away from voting.

It is one of the reasons that the voters of my State turned away a proposal that was on our ballot to have these restrictive photo-ID requirements. It sounds good, but then when you really look under the hood, you find that it limits voting. It was especially difficult for people in our rural areas and our seniors to accept this change, and they didn't.

We also know that voter ID laws have a disproportionate impact on voters who are low income, racial and ethnic minorities, elderly, and people with disabilities.

The nominee also defended Texas's ban on same-sex marriage. In 2010 he signed on to a brief arguing that Texas had a right to ban same-sex marriage. The Supreme Court rejected similar arguments in *Obergefell v. Hodges*, which found that the Constitution guarantees the right to marry for same-sex couples.

These issues are about how our democracy functions and about treating people equally under the law and with respect.

It is the Senate's constitutional responsibility to give its advice and consent on lifetime nominees to the Federal bench. These nominations are too important to turn the Senate into a mere rubberstamp. The Senate must maintain its role as a meaningful check and balance in our constitutional system, and I join my colleagues in expressing my deep concern about the pace at which we are confirming these nominees.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 1116

Mrs. BLACKBURN. Thank you, Mr. President. Today I rise to speak about the legislation I introduced to the Senate this week, S. 1116, the BROWSER ACT.

Broadband or high-speed internet has absolutely revolutionized the way we communicate, the way we conduct commerce, and actually the way we participate in government.

Broadband is one of the greatest innovations in history. It allows near-instantaneous exchange of information and brings efficiencies to the daily life of millions of Americans as they move more of their transactional life online.

Thanks to broadband, entrepreneurs have been able to bring thousands of new applications to consumers. These edge services are now an essential part of our lives. We find ourselves every day saying: I can't imagine what we did before we had this or before we had that. These apps give consumers access to entertainment, news, information, helping us drive around town, and access to emergency services.

As consumers use these applications, they generate massive amounts of data about themselves, and that is the problem. Many companies collect this data and use it for a range of purposes without the user's knowledge.

They are collecting all of this—every bill you pay, every website you visit, these platforms are following you.

After all this information is shared, the question is, Who owns the virtual you? Who owns you and your presence online? Our laws have not kept pace with technological innovation.

Now we see some States and we even have some cities that are adding more complexity to the problem by enacting their own privacy rules and standards, despite the fact that digital commerce is not restricted to one area. Digital commerce is interstate and global in nature.

It is time we have a consistent national law regarding online privacy. We need one set of rules and one regulator for the entire internet ecosystem. It just makes sense.

That is why I have introduced the legislation I previously proposed as a Member of the House of Representatives. As I said, it is called the BROWSER Act. Americans want to be certain their privacy is protected in the physical and the virtual space. Broadband users—who are each and every one of us—should have the right to say who can or cannot access their private data.

Think about it. At this point, how and when you pay your bills, the credit cards you use, the sites you visit, the merchandise you shop for, friends you connect with, there is somebody tracking that activity with every move of the mouse. They are on it.

Consumers should have the right to clear and conspicuous notice of a service providers' privacy policies and the ability to either opt in or opt out, depending on the sensitive nature of that data. The BROWSER Act requires digital services to provide users with clear and conspicuous notice of their privacy rights. It also requires digital services to provide users the ability to opt in to the collection of sensitive information while also giving users the ability to

opt out of the collection of non-sensitive information.

By allowing for a clear and conspicuous notification process, consumers will be able to make a more educated choice about the nature of the relationship they want to have with online vendors and with tech companies.

Furthermore, the BROWSER Act will prohibit digital services from denying their service to users who refuse to waive their personal privacy rights. The BROWSER Act also empowers the FTC, the Federal Trade Commission, to enforce these rules using its unfair or deceptive acts or practices authorities.

Now the Federal Trade Commission has been our privacy regulator in both the physical and the online space. Just this week, Senator KLOBUCHAR and I sent a letter to the FTC urging stronger action for bad actors in the tech space. Companies like Facebook and Google have transformed society in revolutionary ways and need to recognize that with that great power comes great responsibility. This is the 21st century; it is not the Wild West. These tech companies need to be respectful of your privacy rights.

My hope is that through this bipartisan effort, we will shed light on the need to protect competition and online privacy to keep up with the fast-paced changes in technology. The FTC has a responsibility to hold tech companies accountable for securing their platforms. We need them to step up and be the cop on the beat in the virtual space.

Before I yield the floor, I want to make one last point. The BROWSER Act treats everyone in broadband and edge companies exactly the same—one regulator, one set of rules. This is common sense.

Unfortunately, yesterday, Democrats in the House passed a bill to regulate broadband service providers, but they didn't do anything to Big Tech. They didn't do anything about privacy with Google, with Facebook, with Yahoo—these people who collect your data and sell it to the highest bidder; then that person markets back to you.

When I chaired the Communications and Technology Subcommittee in the House, I repeatedly offered to work with the other side of the aisle to preserve a free and open internet. I am always happy to work together to find a legislative solution and put this so-called net neutrality issue to rest once and for all. Rather than work together on this, the House pushed through a hyperpartisan bill to reinstate a controversial, heavyhanded regulation of communication companies, but—heaven forbid—they do not want to touch Big Tech, their big buddies.

I am so grateful Leader MCCONNELL has said that this bill coming from the House is dead on arrival in the Senate. I look forward to continuing to work on this issue. But here is what my friends across the aisle and my friends over in the House need to realize: The

internet is not broken. The internet is not broken. Many of you probably have an electronic device close at hand. It is working just fine. The internet does not need the intervention of NANCY PELOSI and House Democrats. It is fine. It is going to be just fine by itself. In fact, as an alternative, we could just strike out the text of the House-passed bill and insert the BROWSER Act in its place—one set of rules for the entire internet ecosystem, one set of rules enforced by one Federal regulator. That is the BROWSER Act. It is about fairness. It is about encouraging innovation. It is about making certain we keep a free and open internet.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The majority leader.

#### ORDER OF BUSINESS

Mr. MCCONNELL. Madam President, I ask unanimous consent that the postcloture time on the Bernhardt nomination expire at 1:45 p.m. today. I further ask that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PETERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VEHICLE INNOVATION ACT

Mr. PETERS. Madam President, transportation is responsible for roughly two-thirds of our national consumption of petroleum and one of the largest contributors to greenhouse gas emissions. But imagine a future where we could produce low-cost, secure clean energy technologies to move people and goods easily across our Nation. Imagine if we could then sell our advanced American technology and products to the rest of the world.

Well, that is a future, by working together, we can indeed achieve. There is no question that the cars and trucks of the future can be equipped with technology to make them safer and more fuel efficient while also saving consumers money.

Rapidly emerging technology has the potential not only to reduce air emissions, but their development could also create jobs in Michigan and across the Nation, and these are jobs that cannot be outsourced. We must ensure that the United States leads the way in developing these innovations. That is why I reintroduced the bipartisan Vehicle Innovation Act with my colleagues Senator ALEXANDER and Senator STABENOW.

The Vehicle Innovation Act promotes research and development investments in clean vehicle and advanced safety technologies. The bill also modernizes

the Vehicle Technologies Office within the Department of Energy, which exists to help create and sustain American leadership in the transition to a global clean energy economy.

This office's leadership has already led to improvements in engine efficiency through vehicle weight reductions and reduced fuel production costs, and the Vehicle Innovation Act will help ensure that these continued innovations move forward.

I am proud to again partner on this bill with Senator ALEXANDER and fellow Michigander, Senator DEBBIE STABENOW. In the last Congress, we were able to pass the Vehicle Innovation Act through the Senate. Now, with fellow Michigan delegation Members, Congresswomen DEBBIE DINGELL and HALEY STEVENS, leading this bill in the House, there is no reason this legislation should not be enacted into law.

The bill is supported by labor, by industry, and by conservation groups, including the United Auto Workers, the Motor & Equipment Manufacturers Association, the Auto Alliance, the BlueGreen Alliance, and the Natural Resources Defense Council.

America should lead the world in clean energy advancements, and I urge my colleagues to support the Vehicle Innovation Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### BORDER SECURITY

Mr. CORNYN. Madam President, while many folks in Washington, DC, remain ambivalent about what is happening along the southern border, I am here to report that we are reaching a breaking point.

Every month, Customs and Border Protection releases the total number of people who attempt to cross the southern border. The total includes those who cross illegally between the ports of entry, as well as those deemed inadmissible at a port of entry. Just to give you an idea of the size and scope of the numbers we have been dealing with in the past, since June 2014—the month that President Obama referred to this as a “humanitarian crisis”—more than 66,000 individuals were encountered along the border. At that time, we thought 66,000 was a huge number, but it pales in comparison to what we are seeing now. Last month, more than 103,000 people attempted to illegally cross the border. That is 103,000 up from 76,000 the previous month.

A few weeks ago, I know we got into a debate about what did and did not constitute an emergency or a crisis at the border. I don't care whether you call it a crisis or an emergency, but the entire system is breaking, and it is unsustainable. This is the highest number of people who has attempted to enter the country that we have seen since 2007.

The mind-boggling figure represents the strain that is being felt by the personnel—those being U.S. Government employees—whether they be Border

Patrol or Customs or whoever is trying to manage the influx of the migrants. The men and women of the CBP lack both the manpower and the facilities to appropriately respond. The already understaffed Agency is reassigning personnel to try to make do, but 40 percent of the Border Patrol's manpower is spent processing migrants and providing care and transportation, and many of the agents are taken off their patrol lines to do this work, which leaves areas of the border vulnerable to exploitation by drug cartels and others.

The detention centers at which these migrants are housed and processed are relatively small facilities that are not designed for these kinds of huge numbers. They were originally built to house single adults for a short period of time, but the skyrocketing number of unaccompanied children and family units is now putting a serious strain on those resources. Last month alone, there were more than 53,000 families and nearly 9,000 unaccompanied children who were apprehended at the border—53,000 families and 9,000 unaccompanied children. Customs and Border Protection simply lacks the facilities to hold these children, and it lacks the personnel to provide appropriate care.

Do we really want the Border Patrol handing out juice boxes and diapers as opposed to interdicting dangerous drugs and other contraband that come into the United States? I don't think so. We know they are desperately asking for additional detention space and staff to be able to manage the migrants who are in custody.

Why is it so important they be detained? It is because, if we engage in the practice that has come to be known as catch and release, then it is doubtful we will ever see these migrants again, even though they will be notified of their time to appear in front of immigration judges months—maybe even years—into the future. They will simply melt into the landscape. If they were to have bona fide reasons to claim asylum but were to fail to appear for their hearings in front of immigration judges, they will have waived those rights and be deported if they are ultimately located in the United States.

We know customs inspectors have been reassigned from their duties at ports of entry to do things like process migrants and provide transportation. With fewer customs agents on the job, you are now seeing lengthy delays at the ports and checkpoints along the entire border. In what is just right across from El Paso, TX, truckers have been reported as sleeping in their vehicles for hours and sometimes days so they will not lose their spots in line.

I have heard from some of the car manufacturers that require there be a flow of their supply chains into Mexico and vice versa, so they are literally hiring aircraft to fly from Juarez to El Paso because that 11-minute flight is faster than a trucker waiting 24 hours in line. Also, when many of our car

manufacturers that depend on just-in-time inventory can't get their inventory just in time but have to wait 24 hours, it disrupts their manufacturing lines and endangers their businesses. Of course, it is easy to see how this could have a ripple effect on the entire border and the American economy.

This slowdown isn't just affecting businesses along the border; it has businesses across the country worried. Mexican products feed the supply chain for many manufacturers in the United States, and these slowdowns affect production. While folks who live far away from the border may have just chosen to look the other way until now, they don't have a choice anymore. The system is breaking.

The ripples will soon be felt across the country unless Members of Congress, on both sides of the aisle, work together and are serious about enacting a solution. We know what we need to do, but politics is preventing us from getting it done. It is time to provide our frontline officers and agents with the personnel, the resources, and the legal authorities they need in order to do the jobs we have asked them to do. Yet, without support from Congress, we are sending them into a losing battle, and we are setting our economy up for a disaster.

#### GEAR UP FOR SUCCESS ACT

Madam President, on another matter, when the Senate is in recess next week, I, like most of our colleagues here, will be running to my State to talk to my constituents and to hopefully listen to what they have to say.

As I travel from El Paso to Laredo, some of the things I will be talking about will include the GEAR UP for Success Act with students, teachers, and school administrators. GEAR UP seeks to increase college and career readiness for underrepresented and low-income students. It currently serves about 600,000 students nationwide, and Texans have benefited from the \$885 million in GEAR UP grants over the last 20 years.

I am glad I have had a chance to visit with some of my constituents in San Antonio and Harlingen about this bill and the incredible impact that GEAR UP grants have had on their students. I guess I didn't fully appreciate the fact that students really have to begin deciding in the seventh grade what their courses of study will be because, if they don't take the required courses, or the prerequisite courses, or the other courses they are going to need in order to graduate or to get into college, they may miss the boat entirely. Many of these students come from families whose parents have never attended college or who may be unaware of the requirement to plan in order for their children to make the right course selections early on as opposed to their waiting until their junior or senior year to begin to think about where to apply to college.

This legislation would allow school districts to better cater to their students' specific needs rather than to use

a one-size-fits-all program, and it would reduce the local cost share required by half.

I am eager to hear from my constituents in El Paso and Laredo and to talk about what else we can do in Washington to promote college and career readiness. In a tight labor market with a booming economy, one of the things we hear about the most back home is the fact that employers can't find adequately trained workers for the jobs that are available and return a good wage. So it is important that we continue to do everything we can not only to promote education generally but also to promote career readiness for many of the well-paying jobs that are going wanting for the lack of qualified workers.

JENNA QUINN LAW

Madam President, I will also take some time to visit the Center for Child Protection in Austin to discuss the Jenna Quinn Law. This would authorize grants for training students, teachers, and caregivers on identifying and reporting child sexual abuse. The bill is named for a courageous Texan and is modeled after successful reforms in my State. It is another great example of how we are working to bring the successful Texas model to the national level.

B-21 STRATEGIC BOMBER

Madam President, finally, I will visit Dyess Air Force Base in Abilene, TX, with my friend and colleague, Congressman JODEY ARRINGTON, for a briefing on its latest operations and the recent news from the Air Force that Dyess will be receiving the B-21—the next generation of strategic bombers.

Dyess is the most dynamic bomber base in the country, and I am glad the Air Force has chosen the future home for the B-21 squadrons as well as weapons instruction courses and test squadrons. It just makes a lot of sense.

I look forward to spending time at home with my constituents. These conversations drive my work in the Senate, and I am eager to get more feedback on how these bills could make positive changes in their lives and in the lives of all of my constituents in the State.

REMEMBERING LIEUTENANT COLONEL RICHARD COLE

Madam President, on one final matter, this week, Texas lost a true hero. Lt. Col. Richard Cole passed away on Tuesday at the ripe old age of 103 in my hometown of San Antonio.

For Texans and for so many Americans, Lieutenant Colonel Cole—or “Dick” as his friends and brothers in arms called him—symbolized one of the most remarkable groups from the greatest generation in World War II—the Doolittle Raiders. The group is named for then-Lt. Col. Jimmy Doolittle, who, in April of 1942, fearlessly led 16 B-25 bombers and 80 crew members on a strike that targeted factories and military installations in and around Tokyo. This was actually

Dick's first mission, and he was Jimmy Doolittle's copilot.

After the attack by the Japanese on Pearl Harbor, this mission was not just of tactical importance—it was a major morale boost for our Nation.

Air Force Chief of Staff David Goldfein recently said:

Those 80 intrepid airmen changed the course of history. They executed a one-way mission without hesitation and against enormous odds.

The mission was, as you might imagine, perilous. Doolittle's Raiders took off from the USS *Hornet* with barely enough runway to get airborne. In fact, Doolittle and Cole's aircraft only had 467 feet with which to take off in an aircraft that was not designed to launch from an aircraft carrier. The airplanes inadvertently took off 170 miles further from Japan than they had planned, so they had insufficient fuel to make it to their landing fields in China.

As a result, Dick—then 26 and having had limited experience in jumping out of an aircraft—had to leap out of his B-25 into unknown territory. He later reported that he gave himself a black eye when he pulled the ripcord and finally landed in the branches of a tree, where he spent the night, dangling.

He later said:

They don't give a Purple Heart for self-inflicted injuries. I gave myself a black eye.

Yet his heroism was certainly rewarded. He received the Distinguished Flying Cross for his role in the bombing as well as the Bronze Star and the Air Medal. Then, in 2015, Dick and his fellow Raiders received the Congressional Gold Medal.

These men, as you might imagine, shared an incredible bond, and their lasting camaraderie was evident through one special tradition they shared. At each reunion, the crew would share a cognac in silver goblets. Each goblet was engraved with a Raider's name both right-side up and right-side down. After toasting to the men who had died since their last reunion, they would flip over the goblets of those who had passed away.

At their final reunion in 2013, only four Raiders were left. After determining that this would be the final reunion due to their ages and travel limitations, Dick delivered the last toast. Now his silver goblet will be turned over just as it was for the 79 brothers who left this Earth before him.

We remember the final Doolittle Raider today for his incredible courage and sacrifice and a life well lived. America has lost another hero, but our country will never forget him.

I send my condolences to Dick's family and friends and especially to Rich, his son, and to Cindy, his daughter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF DAVID BERNHARDT

Mr. MARKEY. Madam President, I rise today to address the Senate on the nomination of David Bernhardt to head the Department of the Interior.

I ask unanimous consent that I may use this chart in order to further my goal of making it clear why he should not be nominated and confirmed as Secretary of the Interior.

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

Mr. MARKEY. Madam President, under Secretary Bernhardt, the Department of the Interior will come to stand for the Department of Oil Interests, DOI.

This wheel of Bernhardt's giveaways makes it very clear what the objective of his tenure as the Secretary of Interior will, in fact, entail.

Bernhardt's nomination is just a continuation of the Trump administration's cartel Cabinet. Only a month ago, a former coal lobbyist was confirmed to head the Environmental Protection Agency. Let me say that again. Just last month, a coal lobbyist was nominated and confirmed to be the head of the Environmental Protection Agency of the United States—unbelievable. But now Republicans want to install a former oil lobbyist to head the Department of the Interior because, in Trump's administration, it is nothing but foxes guarding the henhouse.

We need more answers about Mr. Bernhardt's lobbying activities. We need answers on whether Mr. Bernhardt used his position at the Department of the Interior to help former clients. The American people need to see the documents associated with Bernhardt's lobbying activities. Most importantly, we should not confirm a former oil lobbyist to lead the very Agency that is tasked with protecting our public lands from despoliation.

Let me now point to the wheel of giveaways for more oil—more oil. And that is the goal of his appointment.

The Arctic National Wildlife Refuge is one of our national treasures that is under threat from Big Oil and the Trump administration. This is the wildest place left in America, and it should not be turned into a drilling playground. Yet Republicans here in the Senate voted in 2017 to hand this special place—the Arctic Refuge—over to Big Oil. Now this administration is trying to hit the gas on drilling there, in one of the Earth's most pristine wilderness areas.

Last year, Mr. Bernhardt said that he would “expedite” oil development in the wildlife refuge, and he has worked inside the Department of the Interior to limit environmental review of drilling activities. So let's just imagine gushing oil poisoning the habitat of magnificent creatures like polar bears and caribou, snowy owls and the Arctic fox; rigs and pumps threatening the ancestral homeland of the Gwich'in and Inupiat peoples, which they call “the sacred place where life begins.”



I have spent my career protecting the Arctic National Wildlife Refuge for future generations, and today I will not support the nomination of David Bernhardt to undermine the protections we have worked so hard to put in place. We must stand up for the generations yet to come that cannot yet speak to protect our public lands and our oceans.

At the same time, the Trump administration is trying to roll back the fuel economy standards for the vehicles we drive. In other words, since we put 70 percent of all the oil we consume in our country on a yearly basis into the gasoline tanks of the vehicles we drive in our country, if you increase the fuel economy of every one of those vehicles, it will reduce the amount of oil you need to drill for.

What do the Republicans want to do? What do the oil companies want? What do the Koch brothers want? What does ExxonMobil want? Well, it is very simple. By not increasing the fuel economy standards of the vehicles we drive, we need more oil because cars will consume more in the course of a year. They then say: Ah, let's turn to the Arctic National Wildlife Refuge—a sacred place—and find more oil, because the vehicles we drive won't be that efficient.

What kind of sacrifice are we going to make in our country because the Koch brothers and ExxonMobil want to have more oil drilled for? We are going to have the Trump administration say: The only way we can justify it is if the cars, the light trucks, the SUVs that people drive are not that efficient; therefore, we need all the oil we can get, even though we are a technical giant and we know we can make these vehicles so much more efficient, so we never have to drill there. That is a sin against the environment and a sin against our country and future generations that should be able to enjoy this pristine area, the wildlife refuge.

Let's move on to another part of the wheel of giveaways—even more oil that will be another giveaway during the Bernhardt time at the Department of the Interior.

On January 4, 2018, the Department of the Interior announced a plan to revise the offshore drilling plan to eliminate protections for the east and west coasts, the eastern Gulf of Mexico, and the Arctic Ocean. The plan proposed to open up more than 90 percent of the U.S. coastlines to oil and gas leasing.

Since then, the bipartisan opposition has been deafening. All Governors along the east and west coasts have opposed or expressed concerns about expanded oil and gas exploration off their coasts. More than 340 municipalities and over 2,100 elected local, State, and Federal officials have formally opposed offshore oil and gas drilling and seismic airgun blasting in our ocean. But David Bernhardt is not listening to those concerns. Instead, he is listening to his former fossil fuel clients. He is moving ahead with this terrible off-

shore drilling plan that would threaten State after State with the threat of a spill in the ocean off of those States.

We should not confirm Bernhardt to lead the Department of the Interior. Handing the keys to the beaches of our country, the coastlines of our country, and our fishing and tourism industries in our country over to Big Oil is not what our citizens want. That is the opposite of what we need to do to protect our environment, but that is what David Bernhardt and his fossil fuel friends want.

There is no reason that we have to drill off of the coastlines of our country right where people who are swimming will be watching these oil rigs that are going to be drilling down into those ocean areas off of our beaches to find oil that we don't need. If we increase the fuel economy standards of the vehicles we drive, we will be able to back out the need for all of that additional oil. That is the sin against the environment that is being committed. That is the agenda of David Bernhardt's at the Department of the Interior.

Instead of being the United States of America—a technological giant that invents its way to the new automotive technologies that reduce the amount of oil we need and reduces the amount of greenhouse gasses that go up into the atmosphere—with David Bernhardt as the Secretary of the Interior, partnered with the new coal lobbyist who is running the EPA, we are going to wind up with more greenhouse gasses going up into the air, a reduction in the efficiency of the vehicles we drive, and putting more profits into the pockets of the Koch brothers and ExxonMobil and the auto industry, which also wants to reduce the fuel economy standards of the vehicles we drive. This is a sin against our environment but also our identity as the technological giant of the planet.

We can do this. We can make our cars more efficient. We can have plug-in hybrids. We can have all-electric vehicles. We can create a revolution that avoids the necessity of drilling off of our beaches and drilling in the Arctic Wildlife Refuge. We can do this, but that is not what Donald Trump wants. He wants fossil fuel industry representatives at the Department of the Interior and EPA running these Agencies.

David Bernhardt's ties to Big Oil—the very industry he is tasked with regulating—are as deep as an oil well. Those ties should be disqualifying for anyone nominated to head the Department of the Interior. We need to stop the pollution of our democracy by Big Oil interests.

I urge my colleagues to vote no on the nomination of David Bernhardt. I ask my colleagues to consider what we can do to avoid the necessity of despoiling these sacred environmental locations in our country for the oil industry, for the Koch brothers.

This is a big moment, this vote we are about to cast. This is one more step

by Donald Trump that will result in far more greenhouse gases going up into the atmosphere, far more danger being presented to places that should be put off limits to the oil industry because of the risk of environmental danger that would result from that permission to drill.

That is why we should all pause and really consider whether we want to go deeper and deeper into an era that is completely avoidable if we unleash the technological might of our country.

When President Kennedy went to Rice University in 1961, what he said was that we were going to have a mission to the Moon and that mission would require us to invent new metals, new alloys, new propulsion systems that did not exist, and that within 10 years, we would have to then bring that mission back safely from the Moon through heat half the intensity of the Sun and do so successfully.

Auto mechanics is not rocket science. We already know how to improve the fuel economy standards of the vehicles we drive. We don't need nuclear physics and we don't need aeronautical engineers to help us do this.

President Kennedy challenged our country, and we responded. President Trump is like J.F.K. in reverse. He is saying that we can't do it; that, instead, what we have to do is, here on Earth, be the leaders in spoiling our most sacred environmental locations.

That is why today is such a monumental opportunity for the Senate to say no on a bipartisan basis to David Bernhardt, who is someone who does not deserve the post of Secretary of the Interior.

I once again urge a “no” vote from all of my colleagues.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NOMINATION OF DAVID BERNHARDT

Ms. MURKOWSKI. Madam President, I am pleased to be here today to speak in strong support of David Bernhardt's nomination to be Secretary of the Interior, and I thank all of my colleagues on the Energy and Natural Resources Committee. We worked pretty hard together to report Mr. Bernhardt's nomination last week. We moved it out with good bipartisan support. I also thank the majority leader for filing cloture this week so that we can confirm him before we depart for this 2-week work period.

I have several reasons—I have a whole host of different reasons to outline as to why I support Mr. Bernhardt's nomination. I outlined them

before the committee, but I would like to take a couple of minutes here this afternoon to reiterate them on the Senate floor.

First, really, is his background. He understands and is in touch with our public lands. Mr. Bernhardt is from the West where, of course, the vast majority of our public lands are located. He grew up in Rifle, which is a small town in Western Colorado. He spent a lot of his summers in Wyoming. He, to this day, remains an avid sportsman and outdoorsman. He likes hunting and fishing. He is a guy who appreciates the outdoors.

He is really almost unparalleled in terms of the experience that he brings to the job. He has worked at the Department of the Interior now for about 10 years, including two Senate-confirmed posts. Back in 2006, we confirmed him as Solicitor by voice vote, and then in 2017, we confirmed him to be the Deputy Secretary. Again, that vote was a good bipartisan vote. He has now served as Acting Secretary since January of 2019, so we have a situation where, simply put, he has more experience at the Department than any other previous nominee for Secretary, except one. That is a pretty good credential there.

Of equal importance, Mr. Bernhardt has the right perspective to be the Secretary of the Interior. He understands how Federal land management decisions affect our local communities. He has seen how Federal policies impact people's access to and use of public land, and he also recognizes the need to balance conservation and opportunities for economic development.

I think David Bernhardt has really proved his ability to lead the Department. He is well qualified. He is highly competent. He has built strong working relationships with those who are affected by the Department's decisions. I really think there is no question that he is ready for the job. He can handle everything it entails.

I have been asked by several of the reporters who are out there: What do you think David Bernhardt really brings to the table? What I have shared with them is that as I have gotten to know David Bernhardt in his various capacities at Interior, he is a guy who understands and enjoys the policy of these issues. He likes to get down into the fine details. He knows the background. He is not just being given something by staff to read. He is the one who is really engaged in understanding at a level of detail that is greatly appreciated.

When I think about the importance of this position of Secretary of the Interior, I come at it from the perspective of an Alaskan coming from a State that has more Federal acres than any other State. The Department of the Interior controls most of those. We often refer to the Department, and the Secretary specifically, as our landlord. That is not necessarily a title we like. We like to consider ourselves a partner,

but I think we truly recognize we need leadership to understand and appreciate the impact their decisions within the Department of the Interior can have on us. I know David Bernhardt understands that. He has been a good partner for Alaskans, but he has also been a good partner for individuals, groups, and States all across the country, and that is why his nomination is supported by a wide range of stakeholder groups from the Alaska Federation of Natives to Ducks Unlimited, the Rocky Mountain Elk Foundation, and the Association of Fish and Wildlife Agencies.

I think it is also important to note that Mr. Bernhardt moved through our committee process in pretty good order. He answered all of our questions. Again, he demonstrated the depth of his understanding of the issues and his expertise. He really exceeded expectations, which led to a very strong bipartisan vote of 14 to 6 at the business meeting last week.

Now the full Senate has the opportunity to confirm Mr. Bernhardt. Some will continue to make allegations over ethics, but the fact is, as we have reviewed those charges, we have found nothing that should hold him back. I know this has been a subject of discussion on the Senate floor, so I want to lay it out very clearly. There are some news stories that are being printed and have been printed that are filled with old information that has already been reviewed by our committee staff. New stories, old facts—they don't contain anything new or anything disqualifying. There is nothing amiss here, and there is no valid reason to delay this process.

The Office of Government Ethics has certified that Mr. Bernhardt is in good standing; so has Interior's Designated Agency Ethics Official. My committee staff has contacted Interior's Inspector General. It has been confirmed that there are no open investigations into Mr. Bernhardt. I would tell folks that what needs to happen here is that we need to move forward. We need to reject the last-minute rhetoric that is designed to delay. We need to confirm a well-qualified candidate to be our next Secretary of the Interior.

We have a lot to do. Interior has a lot to do to make sure that we are protecting our lands, increasing our energy security, as well as fulfilling all of the missions of the Department, and the sooner we are able to confirm a Secretary to focus on them, the better.

Mr. Bernhardt is very well qualified to be the Secretary of the Interior. He has the right background, the right experience, and the right perspective for the job. He is ready to lead on a permanent basis, and I am glad that very shortly here we are going to be considering his nomination. I strongly encourage every Member in this Chamber to support his confirmation.

Madam President, I come to the floor to speak to the robust support that David Bernhardt has received for his

nomination to be Secretary of the Interior.

Last week, those of us on the Energy and Natural Resources Committee reported Mr. Bernhardt on a strong, bipartisan vote of 14 to 6. He has actually added support from the last time that he was considered in committee, in 2017, and I hope we will see that again when we vote on his nomination later today.

Mr. Bernhardt's support is not limited to the Senate. For example, the Congressional Western Caucus is solidly behind Mr. Bernhardt, with many of its members on record in support of his nomination.

Bear in mind, these are members from Western States, where the vast majority of our public lands are located, whose districts are most impacted by the Department of the Interior. It is a very good sign that Mr. Bernhardt has drawn their strong support.

We have also kept a list of individuals and groups who have submitted letters of support for Mr. Bernhardt. It spans the spectrum of stakeholders, from the Public Lands Council and the Colorado Farm Bureau to the American Exploration and Mining Association and the Corps Network.

Multiple recreation groups have written in urging the Senate to confirm Mr. Bernhardt. The motorized recreation groups, like the American Council of Snowmobile Associations and the Off-Road Business Association, wrote that, "At a time when many of the senior posts at the agency lack Senate confirmed executives, a person of Mr. Bernhardt's experience is sorely needed . . . having [him] at the helm of the Interior Department will strengthen the agency's resolve to make the lands it manages accessible to the recreating public."

Officials at all levels of government are voicing their support for Mr. Bernhardt's nomination. The Governor of Wyoming, Mark Gordon, offered this statement: [Mr. Bernhardt's] recognition of expertise in the States is refreshing . . . I wish [him] a speedy and easy confirmation process."

The Mesa County Commissioners in Colorado wrote that "Mr. Bernhardt's extensive knowledge of public lands and energy issues makes him an avid leader with skill to see issues from multiple perspectives to maintain and improve partnerships among federal, state, and local governments."

The Harney County Court in Oregon has highlighted Mr. Bernhardt's commitment to balancing the multiple use of public land, writing that, "[He] has proved himself in the past by exhibiting understanding between the balance that is needed from an ecological standpoint, but also, what is needed from the economic and social aspect of public land use. He will work towards a balanced approach by trying to assess and distinguish between the multiple issues that we are facing with the [bureaus]."

Tribal groups and entities are also supportive of his nomination. In my home State, the Alaska Federation of Natives noted that, “Mr. Bernhardt has demonstrated a thorough understanding of the legal frameworks of the major laws covering Alaska Native subsistence customary and traditional rights and protections . . . he listens well, is articulate in his responses, and draws reasonable conclusions.”

The Chairman of the Southern Ute Indian Tribal Council wrote in that, “the [Tribe] has worked with [Mr. Bernhardt] previously and firmly believes that his knowledge and experience make him a very good fit for the Department . . . we also believe he is committed to building strong working relationships that rely on good faith and respect among all interests at the table.”

We have truly heard from a very wide range of organizations in support of this nomination. The Archery Trade Association wrote to us that “[Mr. Bernhardt] has demonstrated tremendous commitment to conserving and protecting our nation’s natural, historic and cultural resources . . . [his] experience with the Department of the Interior coupled [with his] exemplary history of collaboration, non-partisan views, highly respected demeanor and deeply held passion for conservation and historic preservation make him uniquely qualified for this position.”

One of the reasons that such a diverse group of stakeholders support Mr. Bernhardt’s nomination is that they have worked with him during his nearly ten years at Interior, including most recently as Deputy Secretary and then Acting Secretary. He has proven that he can work with groups, he has formed strong relationships with them, and they respect and support him.

For example, the Gila River Indian Community wrote that, “based on our experience in negotiating and working on complex issues with Mr. Bernhardt we support his position as Secretary of the Department of the Interior. We believe he has an understanding of Tribal sovereignty and the United States’ trust responsibility to Tribal nations.”

The Corps Network wrote that “Mr. Bernhardt has been accessible and responsive to our inquiries, visited several Corps in the field, and joined the Corps Network’s Day of Service last summer.”

These groups are reiterating what we already know—that Mr. Bernhardt’s experience at Interior and in the West; his willingness to listen, build relationships, be responsive; and his ability to earn people’s trust make him more than qualified to lead the Department of the Interior.

I want to wrap up by reading an excerpt from a letter that we received from the Beaver County Commission in Utah: “In our interactions with Mr. Bernhardt we have found him to act with integrity, be open minded to all points of view, and have a contagious passion for the health of our Nation’s

lands and people. These qualities, combined with many others, make Mr. Bernhardt an ideal candidate to serve the county by leading the Department of the Interior.”

I couldn’t say it any better. Mr. Bernhardt knows the Department and the laws that govern it inside and out. He appreciates and respects the Department’s mission. He is the right person for the job—the best person to lead Interior—and I look forward to his confirmation.

#### REMEMBERING SELINA EVERSON

Madam President, before I relinquish my time, I just want to take a very brief moment to note that a friend, a leader, an extraordinary role model for many Alaskans—certainly in the Alaska Native community—has recently passed.

Selina Everson was a language and culture warrior in Southeastern Alaska and one who fought for the Tlingit language and culture preservation. She was an extraordinary woman and role model. She grew up speaking Tlingit. It was her first language. In school, she was told: You can only speak English. She broke that rule and courageously spoke Tlingit anyway. She was a champion for her culture.

We mourn her passing. This woman not only was considered Grandma Selina and considered by hundreds of children in schools in Southeastern Alaska as a friend and a relative, I considered her one as well. I was honored that she was the one who helped adopt me into the Deisheetaan clan and gave me the honor and treasured name of Aan shaawat’k’i, Lady of the Land. So know that I send my prayers to Selina’s family as they face this loss.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The assistant Democratic leader.

#### TRIBUTE TO MJ KENNY

Mr. DURBIN. Mr. President, I come to the floor this afternoon to honor a member of my staff. I thank Senator FISCHER and Senator MANCHIN for giving me an opportunity to speak at this moment.

MJ Kenny has been part of my team in the Senate for 9 years, and for the past several years, he was a constant on the floor of the Senate as deputy floor director of my staff. At the end of this week, he is going to be moving on to a new professional opportunity.

Unlike many of us who work in this building, MJ actually is a resident of the Washington, DC, area. He graduated from Walt Whitman High School in Bethesda, MD, a suburb of the city of Washington.

Walt Whitman wrote in his essay, “Democratic Vistas,” the following: “Did you too, O friend, suppose democracy was only for elections, for politics, and for a party name?” Walt Whitman understood that democracy is more than campaigns. Democracy is certainly more than just yelling at one another. Democracy is a process. It is a daily dedication to the institutions and norms and the rule of law. Making de-

mocracy work takes skill and commitment, and it takes many people who are willing to make a sacrifice and see the demands for long hours and the demands for time on the floor as part of their democratic commitment. This can demand great patience and great sacrifice. I think Walt Whitman would have given MJ Kenny high marks, as do I.

For the last few years, MJ has helped to make sure the Senate does the daily work of democracy. I have counted on him to make sure that my interests were represented on the floor of the Senate, that my constituents in Illinois had a voice in the Senate, and that stories about Dreamers and other important information be shared in the CONGRESSIONAL RECORD with my colleagues and beyond. Making certain that the information was floor-ready was a responsibility of MJ Kenny, and he handled it professionally.

MJ and my floor director, Reema Dodin, are my dynamic duo who help make things happen around here. Together, they are my eyes and ears on the floor when meetings and other obligations take me away. MJ has also been a big help to so many other Senators.

He came to my office 12 years ago for an informational interview. We tried to decide whether we were right for one another. Luckily, I came to the conclusion that this graduate of Northwestern University in Chicago with a degree in history, who had already interned for then-Congressman and now Senator CHRIS VAN HOLLEN, was a good fit for my team and a good prospect to help us move forward. I gave MJ Kenny his opportunity, and I am sure glad I did. He flourished.

In one year he moved from legislative correspondent to legislative aid to becoming a key part of my floor team. In every job he has done for me, MJ has been a steady, reliable partner. Even in difficult times, he works long hours without complaint and with grit and good humor.

In college, he studied history. In the U.S. Senate and on this floor for the last 9 years, he has not only witnessed history, he has helped to shape it. I couldn’t ask for more in a staff.

I suspect that some of what MJ knows about patience and perseverance he learned as a lifelong, long-suffering Baltimore Orioles fan. It is like being a Chicago Cubs fan. Among his treasured possessions on his desk is a bobblehead of Manny Machado, the former O’s third baseman and Golden Glove winner. Just as Manny Machado left the O’s, MJ Kenny is leaving the Senate at the end of this week. I want to wish him continued success and thank him again for being such an important part of my team over the years.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all, I want to thank MJ also, on behalf of Senator DURBIN. His staff does a

great job, and we always enjoy working with them. MJ, enjoy your new endeavor in life.

#### NOMINATION OF DAVID BERNHARDT

Mr. President, I rise today to speak on the nomination of Mr. David Bernhardt to be the Secretary of the Interior. The Committee on Energy and Natural Resources voted to report David Bernhardt's nomination to be the Secretary of the Interior last week by a vote 14 to 6. Members on both sides held and continue to hold strong feelings on Mr. Bernhardt's nomination. Both sides have scrutinized his record carefully, as we should, considering the enormous responsibility entrusted to the Secretary of the Interior.

Whether it be payments for miners for their healthcare benefits, processing permits for the privilege of energy production on Federal lands, or ensuring the U.S. Geological Survey can conduct its critical work of collecting and analyzing data on our changing climate, the Department of the Interior has a huge amount of responsibility and diverse jurisdiction. Furthermore, the Secretary of the Interior is the guardian of our Nation's greatest natural resources.

The Department of the Interior manages nearly half a billion acres of Federal land, or about 20 percent of the Nation's land. One of every 5 acres in the United States is under their control. These lands include some of our most special places—our national parks, trails, seashores, and historic sites. In addition, the Department manages another 1.7 billion acres of submerged land on the Outer Continental Shelf.

The Department of the Interior is also the largest supplier of water in the 17 Western States. It manages nearly 500 dams and over 300 reservoirs that supply water to over 31 million people and irrigate 10 million acres of farmland.

Furthermore, nearly 20 percent of energy we use is produced on lands managed by the Secretary. These include not just coal and oil and natural gas but also hydropower, geothermal, solar, and wind energy. In addition, the Secretary of the Interior manages our trust obligations to nearly 600 federally recognized Indian Tribes and provides services to nearly 2 million Native Americans.

By any measure, the job of Secretary of the Interior is an enormous and special responsibility.

As a former Governor, I have always believed that an executive is entitled to deference when selecting his or her team, as long as the candidates are qualified and ethical. I have carefully reviewed Mr. Bernhardt's experience and his qualifications. I met with him twice before his hearing and spoke with him again by phone afterwards. I questioned him extensively about his willingness to be a good steward of our Nation's greatest natural treasures—our national parks, monuments, and his-

torical sites. I questioned him about his responsibility to balance our resource needs with environmental protection and fairness to the owners of our public lands, which are all of us, the American people. I spoke to him about the need to make sure that those who are granted the privilege of using our public lands leave them in better condition than they found them.

Based on my extensive discussion with him and my review of his record, I believe Mr. Bernhardt is clearly qualified to serve as Secretary. He held senior positions in the Department for 8 years during the Bush administration, including over 2 years as the Solicitor, which is the third highest office in the Department. He has served as the Deputy Secretary for the past 2 years and as Acting Secretary since January. He knows the Interior Department inside and out, and he is well-versed on all of the issues that come before it. He clearly has the knowledge and experience to serve as Secretary.

Now, the opposition to Mr. Bernhardt's nomination comes not from any lack of knowledge or experience but from questions about appearances of conflicts of interest arising from his law practice prior to being confirmed as Deputy Secretary. I had extensive conversations with Mr. Bernhardt about these potential conflicts of interest and his compliance with ethics laws and regulations. I reminded him that he takes the same oath I take—public service, not self-service. We also spoke about the importance of ensuring a culture at the Department of the Interior that reflects the highest level of ethical compliance and integrity.

Based on my extensive discussion with Mr. Bernhardt and the assurances he gave me, I voted for him in the Committee on Energy and Natural Resources last week, and I will support his nomination when we vote on the floor to confirm him.

But I said before the vote in the Energy and Natural Resources Committee—and I will say it again—that I expect him and the Department to hold itself to the highest ethical standards because I assured him I will. Mr. Bernhardt must work to ensure the commitment to ethical and scientific integrity, and I intend to work with him and his staff persistently to ensure this is the case.

Our parks and public lands, our scenic beauty, and our fish and wildlife resources are important to everybody and especially to the people of West Virginia, which I represent, and to the people of all of our States and to the Nation's outdoor recreation economy. West Virginians count on the Secretary of the Interior as the guardian of our public lands, as I know you do, Mr. President, in Louisiana.

The Committee on Energy and Natural Resources, which I am privileged to serve on as ranking member, has a lot of work to do. We have to address the park maintenance backlog. We

have to fully fund the Land and Water Conservation Fund, ensure that companies granted the privilege of developing public energy and mineral resources pay the royalties they owe the taxpayers and nothing less, and see that our public lands and resources are wisely managed and protected.

I intend to work with Mr. Bernhardt on these important issues. I have made it clear to him that I expect him to put his extensive experience and knowledge of these issues to work for all the American people and to execute his responsibilities in a manner that ensures that our public lands are not just being maintained but improved for the benefit of generations to come.

For that reason, I will vote to confirm him to this important position, and I ask your consideration for the same.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### ICBMS

Mrs. FISCHER. Mr. President, recently I came to the Senate floor to speak about the airborne leg of the nuclear triad. Today I rise to discuss the value of another leg of the triad—our intercontinental ballistic missiles, or ICBMs.

Following the brief deployment of the Atlas and Titan ICBM weapon systems in the early 1960s, the United States deployed the first Minuteman ICBMs in support of the strategic deterrence mission. Over half a century later, today the United States deploys 400 Minuteman III ICBMs, each carrying a single warhead. While the Minuteman III system was deployed in the 1970s, much of its technology dates to the previous decade. The system was originally designed for a 10-year service life but has sustained an exceptionally high availability rate and is expected to remain in service through the 2030s, thanks to a series of life-extension programs. But we cannot extend the current system beyond 2030, and that is why we are now developing its replacement—the ground based strategic deterrent. Doing so will require resources in a budget-constrained environment and, perhaps for that reason, we are hearing renewed calls to abandon the triad and cut our ICBM force. However, this step would be foolish and dangerous to the United States and to our allied security for several reasons.

First, ICBMs are highly reliable and always ready. That is why they are regarded as the most responsive leg of the triad. Unlike bombers and submarines, which may require time to arm or maneuver, the ICBM force provides the President the ability to promptly respond if deterrence fails. This virtue is often mischaracterized as a source of risk.

The system's rapid response is described as a "hair trigger" by critics who often paint chilling pictures of 400 ICBMs automatically flying to their

targets and causing Armageddon, either by accident or as a result of cyber interference.

I want to be clear that there is no “hair trigger” about our ICBMs. We have many safeguards put in place to ensure the system operates only as intended. For example, our ICBMs are actually targeted on the open-ocean spaces as a means of ensuring that, even if all of our safeguards failed and a missile somehow managed to launch by accident, it would land in the ocean and not accidentally start a nuclear war. The critics conveniently fail to mention this.

Former STRATCOM commander General Robert Kehler recently testified before the Senate Armed Services Committee, and he said: “It isn’t the same thing at all as thinking about a Wild West hair trigger . . . . It’s not the way it works.”

The high readiness of the ICBM force also provides an important hedge against uncertainty. Since we no longer maintain bombers on nuclear alert, the ICBMs and the submarines reinforce each other so that a technical failure in one leg of the triad does not render our day-to-day deterrent inoperative.

Those who advocate for doing away with the ICBM force must account for the fact that, under their proposals, in such moments there would not have been an additional leg of the triad to ensure our Nation isn’t left without a nuclear deterrent. As our nuclear forces continue to age, reliability challenges will only grow.

Critics often describe the ICBM force as being vulnerable, even going so far as to call our missiles sitting ducks. It is true that silos are not hidden, they aren’t mobile, and they can be targeted. But, again, this is a misunderstanding of what actually is the strength of the ICBM force.

In his testimony before the Senate Armed Services Committee, General Hyten stated that the ICBM force “creates the most significant targeting problem for an adversary, because there are 400 separate targets across the United States. All would have to be independently targeted by an adversary. That targeting problem is hugely problematic and creates a significant advantage for us.”

Simply put, destroying 400 hardened and geographically dispersed silos is an extremely difficult proposition. Only Russia possesses the capability to destroy our ICBM force. No other nation on Earth can do so, and it would greatly diminish Russia’s arsenal in the process. That is not a vulnerability. As General Hyten clearly states, it is a significant advantage for our Nation.

For these reasons and many others, Republican and Democratic administrations alike have maintained ICBMs as part of our nuclear forces for decades. The role of ICBMs has been reconsidered and reviewed many times, and their value has been repeatedly reaffirmed in a bipartisan manner. For

example, last November the report by the bipartisan National Defense Strategy Commission stated that the triad presents insurmountable targeting challenges for adversaries, imposes disproportionate costs on adversary defenses, and hedges against unforeseen geopolitical or technological changes.

Mr. President, I will close by saying that our ICBM forces make key contributions to our overall nuclear forces and, as Members on both sides of the aisle agree, they are an essential ingredient to the bedrock of our national security—our nuclear deterrent.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

VENEZUELA

Mr. SCOTT of Florida. Good afternoon. The crisis in Venezuela is a crisis in America. Senator RUBIO, Congressman DIAZ-BALART, and I have been talking about this for years and worked with the White House on a comprehensive strategy. More than 200,000 Venezuelans live in Florida, and their concerns are our concerns.

Make no mistake—this is a crisis. It is a humanitarian crisis that threatens the lives of the people of Venezuela and has created a flood of refugees numbering in the millions. It is also a crisis that threatens the safety and security of our allies in Latin America and in the United States of America.

The dictatorship of Nicolas Maduro and the creeping influence and military presence of our global adversaries represent a clear and present danger to the entire Western Hemisphere. There are some who will say that this is not our fight, that the millions of Venezuelans suffering 2,000 miles away are not our concern. Some have criticized the mere mention of the crisis in Venezuela by those like myself as American imperialism or a U.S.-backed coup. I reject that. This is our fight. Freedom and democracy in Latin America is our fight. I remind these critics that the only thing necessary for the triumph of evil is for good people to do nothing. We cannot let evil triumph in Venezuela. It would be a failure of leadership with disastrous consequences.

There is only one option left to get aid to the people of Venezuela. It is something that no one is willing to talk about. It is becoming clear that we will have to consider the use of American military assets to deliver aid. Maduro and his thugs have left us no choice.

I applaud President Trump and his administration for taking bold action by recognizing Juan Guaido as the legitimate President of Venezuela and organizing the international community to do the same. The sanctions implemented by this administration against the Maduro regime and its puppet masters in Havana reflect their commitment to freedom and democracy in Latin America. Yet Maduro remains in power, the people of Ven-

ezuela continue to suffer, and the influence of Cuba, Russia, China, and international terrorist organizations grows.

We must do more, but in order to understand where we go from here, we need to look at history. Hugo Chavez might have been elected democratically, but he never intended to govern democratically. He built a socialist dictatorship by hollowing out all the democratic institutions: the constitution, the electoral system, and the courts. He made civil society and the business sector bend to his will or face elimination. He nationalized entire sectors of the economy and used them to pay off his cronies. He took over the oil sector and made the national energy company his piggy bank. He made common cause with our enemies—most notably, the Castro regime. Cuba received and continues to receive free oil from Venezuela and in return provides political and internal security operatives. In other words, Cuba provided and is still providing military thugs to help stop freedom.

Chavez allowed his regime to engage in illicit trafficking of drugs and people. He cooperated with Middle Eastern terrorist organizations like Hezbollah and the terrorist state of Iran. This cooperation has only intensified under Chavez’s successor, Maduro.

The path of socialism chosen by the Chavistas inevitably led to a failed state that relies on bad actors for survival. The result is one of the worst humanitarian crises in our hemisphere’s history.

We cannot ignore the impact the socialist policies of Chavez and Maduro has had on the people of Venezuela. Nine out of ten households say they don’t have enough money to buy food. That is socialism. Eighty percent of children under 5 are in some state of malnutrition. That is socialism. Inflation is over 10 million percent this year, and their currency is worthless. What does that mean to the average person? A bundle of carrots costs 3 million bolivars. A dozen eggs costs \$150 USD. That is socialism. Venezuela has the highest murder rate in the world. That is socialism.

More than 3.5 million refugees—about 12 percent of the population—have fled to nearby countries because they can’t get food, water, medicine, or safety from their government. Two million more Venezuelans are expected to flee before the year is out, with Colombia taking the brunt of this refugee crisis. Colombian resources are strained, as they do all they can to help the refugees fleeing persecution, starvation, and sickness, while the Maduro regime blocks aid caravans, sets them on fire, and continues to cooperate with the narco trafficking rebels that plague Colombia.

I want to thank my good friend President Duque for all he is doing. Other nations in the region, such as Brazil and Peru, have also chipped in, accepting hundreds of thousands of refugees.

For weeks, millions of Venezuelans have been left without running water and amid a series of massive blackouts. Journalists report scenes that are now a part of the daily life for Venezuelans: dozens sleeping in line for their turn at a well in one of the city's biggest slums; three men tossing an old paint bucket tied with ropes down a well hoping to hit water; people parked by the highway, waiting their turn to place bottles under small streams that run down the Avila Mountain.

Many Venezuelans call these conditions a genocide because the violence and starvation are being imposed on the civilian population as a conscious policy of Maduro and his Cuban puppet masters. Dictators like Maduro recognize weakness as an opportunity. The hungrier and sicker his people are, the easier they are to repress. This is the kind of evil we are facing in our hemisphere. But one thing is clear: Maduro underestimates his people. They may be oppressed, but they are not weak. They may be hungry, but their hunger is for freedom, and they are making their voices heard. We need to listen.

Nicholas Maduro is an illegitimate President. His election was a sham, just like the elections in Cuba and Russia—a complete sham and a joke. Dozens of countries across Latin America and Europe have recognized Juan Guaido's right to the interim Presidency. As President of the National Assembly—the only democratic body left in Venezuela—Juan Guaido has the right and the duty to preside over new elections and the return of democracy.

The people still in power in Venezuela are corrupt bureaucrats and military officers engaged in embezzlement, narcotrafficking, and human rights abuses. Since being tested by uprisings in 2014 and 2017, the regime has reinforced a repressive apparatus that uses armed mobile civilian gangs known as colectivos, specialized police units, and anti-riot forces of the National Guard to terrorize and control the civilian population through arbitrary arrests, beatings, detentions, and killings.

The Maduro regime has gone so far as to arrest the Chief of Staff for Interim President Guaido, Roberto Marrero. I met his wife Romy on Monday in Miami. She fled the country 3 weeks ago with their 7-year-old son, right before Maduro's thugs destroyed their home. The majority of the armed forces want change in their country, but they live under the repressive forces of control, threats, intimidation, and violence.

Russian mercenaries protect Maduro because he can't trust his own troops, and the Russian Government has provided military advisers and specialists to maintain the Maduro regime's defenses, including surface-to-air missile systems. Russia has also sent nuclear-capable bombers to Venezuela, in violation of the Venezuelan Constitution, to intimidate the United States and other countries in the region.

In short, Russia is expanding its military presence in Venezuela to prop up a regime hostile to the United States and create a foothold in the Western Hemisphere. Not since the Cuban Missile Crisis has Russia taken such an aggressive step to expand their influence in the region.

Meanwhile, China evades sanctions we have placed on the regime by investing in the country and extending generous loans to prop up the dictatorship in Caracas.

The United States faces a serious national security threat and a humanitarian crisis at our doorstep. This is becoming as dangerous for us as the Syrian civil war has been for Europe, Israel, and Jordan. Left unchecked, it will destabilize our regional allies and provide a base of operations for our enemies.

Today, I am urging the administration, Congress, and the American people to see the crisis for what it is—a rising tide of social and political collapse encouraged and funded by our enemies. The socialist dictatorship of Nicholas Maduro and his Cuban, Russian, Chinese, and narcotrafficking allies do not care how many millions of Venezuelans suffer and die. He is determined to remain in power, sucking the life out of a once-vibrant nation and creating an outpost for adversaries and a safe harbor for terrorists intent on harming Americans.

We cannot let this stand. We will be judged for our response to this crisis—not just the humanitarian crisis but the threat to our hemisphere. The credibility and security of the United States is on the line. The question is not whether we can tolerate this crisis that is worsening daily—we surely cannot. The question is, When will we act to end it? Hostile regimes like Russia, China, and Cuba are digging in. They are training killers, distributing weapons, and placing military assets in Venezuela. Their message is clear: They don't intend to give up without a fight.

History has proven that permitting the former Soviet Union to establish a presence in Cuba perpetrated a six-decade, totalitarian dictatorship that has exported instability to the region and worked against U.S. national security interests. Our safety, national security, and the peace of our hemisphere demand that we take action. We cannot allow this murderous regime to continue spreading misery within its borders and into neighboring countries.

There is a democratic government-in-waiting in the form of National Assembly and Interim President Juan Guaido. U.S. policy relies on rallying his internal support and forcing those around Maduro to see their future as brighter if they defect and support the movement toward freedom and democracy. There are steps we can take to accelerate this process.

First, we must follow through on American policy and indict regime leaders for human rights violations and

for narcotrafficking and money laundering crimes.

The region's strongest supporters do not care if the people suffer, but they do care if their stolen fortunes and their freedom are at risk. We must make clear to them that their future is in jeopardy if they continue to support Maduro and interference from Cuba, Russia, and China. There will be nowhere to run, nowhere to hide. The United States will give no quarter to those who support the brutal Maduro dictatorship instead of freedom and democracy for the people of Venezuela.

Second, we must break the hold the Cuban Government has on Venezuela.

It is imperative that the United States fully implement the sanctions contained in the LIBERTAD Act to allow U.S. nationals to sue over property confiscated by the Cuban Government and to deny entry to those who traffic in stolen property. Cuba cannot continue to freely incite violence in Venezuela while profiting from the use of stolen property and human trafficking. Chavez and Maduro kept the Cuban regime afloat for decades, and now Cuban operators are keeping the Maduro regime in power. It is time we recognize that these problems are one and the same.

Third, we must encourage our allies in the region to join us in this effort.

President Trump has repeatedly called on regional counterparts to exert more leadership, and he has a right to do so. The United States has implemented strong sanctions on Venezuelan leaders, on oil, and on trade. Our allies must join us in this effort.

The Lima Group, made up of our friends in the region, has given broad support to the strategy of isolating the Maduro regime in favor of Interim President Guaido, urging additional sanctions. That is welcome, but they should not rule out the possibility that they need to pursue more aggressive means to secure this threat. Their security and economic well-being are also at risk. They should remember that the Maduro regime and its supporters want Venezuela's neighbors to live in fear. Even before this crisis began in earnest, Colombia and Guyana faced regular interventions and threats from the Venezuelan regime. Maduro and his supporters do not want peaceful relations with other countries except on their own terms. I am quite sure that Cuba, China, and Russia do not have the best interests of the region in mind.

I was glad to see the Organization of American States accept the appointment of the designated permanent representative of the National Assembly, Gustavo Tarre Briceno. Consistent with the Inter-American Democratic Charter, the Organization of American States must expel Maduro's representative. The Maduro regime is not a legitimate government and has no right to send a representative to the very body in the Western Hemisphere charged with protecting and promoting democracy in the region.



Fourth, we must not appear weak in the face of Chinese, Russian, and Cuban determination to prop up Maduro.

Our adversaries question our will and determination. Put simply, they don't think we are serious. We should disabuse them of that notion. All options, including the use of American military assets, must remain on the table. If sanctions can cripple the Maduro regime, we must continue on that path, but so far, sanctions alone are not stopping the Maduro regime, and the United States needs to start considering the use of military assets to bring aid to the millions of starving and sick Venezuelans. I call on all of our allies and those supporting Guaido to help us in this effort.

Let me repeat that. The United States must consider the use of military assets to bring aid to the people of Venezuela, but that doesn't end the conversation. If embargoes and blockades can help, we should consider them. If military force on the part of the United States and our allies in the region is necessary to rid us of the scourge of Maduro and his thugs, then we cannot rule it out. If the Venezuelan people, through their elected National Assembly and their own laws and Constitution, request assistance to restore constitutional government and democracy, we should be ready to answer that call. The Maduro regime has not been broken yet and can count on billions of dollars looted from the Venezuelan people and generated from 20 years of narco-trafficking.

The Cubans, Russians, and Chinese see Venezuela as an economic opportunity, but, more importantly, they see a chance to intimidate the United States—to be a thorn in our side. This is a “great power” confrontation and one that our national defense strategy might not explicitly contemplate. Yet it is a confrontation we must be willing to meet with decisive action.

The Venezuelan people want change, and even now they think of survival as much as they think of a democratic future. They are looking to the future. They are looking to the United States and democratic countries to help them. We must answer that call.

I yield the floor.

#### NOMINATION OF DAVID BERNHARDT

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to the nomination of David Bernhardt to be Secretary of the Interior.

I opposed his nomination as Deputy Secretary of the Interior because of his numerous conflicts of interest as a former lobbyist.

Bernhardt's tenure, both as Deputy Secretary and now the Acting Secretary at Interior, has since confirmed my initial concerns and given rise to new ones.

As a former partner at a powerful DC lobbying and law firm, Bernhardt represented numerous oil, gas, mining, and water companies with ongoing business before the Department that he now oversees.

The Washington Post recently reported that he has at least 22 known conflicts of interest, the most of any of President Trump's nominees.

This is particularly concerning given that Mr. Bernhardt's recusals mandated by President Trump will expire in August, and he has refused to commit to continuing recusing himself beyond then on any issues that could benefit former clients.

In fact, during his recent confirmation hearing, Bernhardt stated that recusal isn't “really is the best strategy”—an unacceptable stance.

By refusing to recuse himself, Bernhardt has shown a potential willingness to put his former clients' needs before the public good.

One troubling example is his relationship with Cadiz, a company that wants to profit by draining a critical aquifer in the Mojave Desert.

Before coming to the Department of the Interior, Mr. Bernhardt was a partner at and led the natural resources division of Brownstein Hyatt Farber Schreck, Cadiz's lobbying firm that retains a financial stake in the project.

This project would destroy the treasured California desert that I have fought my entire Senate career to protect.

In order to sell the water, Cadiz needs to build a more than 40-mile pipeline through the desert to connect to an aqueduct.

Several months after Bernhardt was nominated as Deputy Secretary, the Department of Interior temporarily suspended its own solicitor's opinion requiring Cadiz to get Federal permits to build its pipeline along a railroad right-of-way.

That solicitor's opinion was ultimately reversed 2 months after he was confirmed, completely removing the Federal permitting authority for this project.

The timing of this decision is extremely troubling, particularly in light of the Interior Department's own independent science that has repeatedly questioned the sustainability of this project.

The U.S. Geological Survey, which is part of the Interior Department, stated in 2002 and confirmed in 2017 that the natural recharge rate of the aquifer is only 2,000 to 10,000 acre-feet per year. Cadiz proposes to withdraw water at more than 50,000 acre-feet, or 16 billion gallons, per year for 50 years.

Taking that much water would rob the desert of its most precious natural resource and harm the surrounding flora and fauna.

Now the Federal Government, despite its own science saying Cadiz would take too much water and legal opinions requiring Federal review, has removed itself from the permitting process.

Even the mere appearance of favoritism or special favors for Cadiz is extremely inappropriate and a concern with this nomination.

I am also concerned that throughout his tenure at Interior, Bernhardt has

shown a willingness to ignore the public's interest for political purposes.

During President Trump's government shutdown—the longest in U.S. history—Acting Secretary Bernhardt kept most of the national parks open to avoid public backlash for the shutdown.

Left open but severely understaffed, major damage occurred to parks across the country. Few places felt the impact of his poor decision more than Joshua Tree National Park.

Iconic Joshua trees were cut down, cultural artifacts stolen or destroyed, and pristine desert habitat marred by vehicle traffic.

I have twice requested from Mr. Bernhardt a full accounting of the damage and costs of his decision and have not received a response.

I am also deeply concerned by steps Interior has recently taken to expand offshore oil drilling, despite bipartisan opposition from coastal States.

Californians don't want new offshore drilling along our coast. We still remember the horror of the 1969 Santa Barbara spill, when an offshore oil rig leaked more than 100,000 barrels, the third largest oil spill behind the *Exxon-Valdez* and Deepwater Horizon disasters.

There has been no new drilling in State waters since that spill and no new drilling in Federal waters off the coast of California since 1984.

Now, the Department of the Interior is openly discussing the option of restarting such drilling.

Bernhardt's ties to the fossil fuel industry give me zero confidence that the Interior Department will reach the right conclusion if he is confirmed.

For the reasons I have stated, I cannot vote to confirm Mr. Bernhardt.

Should he be confirmed, I again ask that he fully recuse himself from all matters related to former clients during his tenure as a lobbyist.

I urge my colleagues to carefully consider this nomination before voting.

Thank you.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for up to 6 minutes prior to the scheduled vote.

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

Mr. MENENDEZ. Mr. President, I rise today to oppose the President's nominee for Secretary of the Interior, David Bernhardt. Once again, instead of draining the swamp, President Trump is flooding the swamp with a whole new breed of corporate-sponsored creatures. Already, we have a former coal lobbyist running the Environmental Protection Agency. We have chemical lobbyists running the EPA's chemical safety programs. And unless we put the brakes on Mr. Bernhardt's nomination, soon we will have a fossil fuel lobbyist running the Department of Interior.

For a State like New Jersey, which depends on a healthy, vibrant coastal

economy, Mr. Bernhardt's extensive ties to the fossil fuel industry are troubling, to say the least.

The Secretary of the Interior is charged with the stewardship of public lands and waters and safeguarding our natural resources for generations to come. Yet the Washington Post has reported that Mr. Bernhardt has so many conflicts of interest that he must carry a card around just to keep track of them. Think about that. Mr. Bernhardt has such deep ties to fossil fuel companies with business pending before the Interior Department that he cannot keep track of them.

How Mr. Bernhardt would approach his position if confirmed as Secretary of Interior is no mystery. During his time as Acting Secretary, he has gained a reputation as a general in the Trump administration's war on science. Reports suggest that he has suppressed scientific evidence in order to benefit corporate interests at the expense of environmental protection.

Rather than be responsive to Congress about our concerns, Mr. Bernhardt has displayed a stunning lack of transparency. Like many Trump nominees, he has failed to respond to basic inquiries from Congress. For example, on March 20, I sent a letter—along with Senator FEINSTEIN, Senator MERKLEY, and 15 of our colleagues—requesting that the Acting Secretary respond to a series of questions about his views on offshore drilling. With his hearing in the Energy and Natural Resources Committee quickly approaching, we asked Mr. Bernhardt to respond prior to coming before Congress. This way, committee members could have at least a baseline understanding of his views while crafting their questions. We received no response.

Mr. Bernhardt then came and testified before the committee. He could have used the opportunity to enlighten us about his views on offshore drilling. He chose not to. Now, 3 weeks later, we still lack answers, even as the majority seeks to confirm him as Secretary of the Interior.

When an individual seeking confirmation by the Senate refuses to answer basic questions posed by 18 Senators, that should be a red flag for all of us. The questions that were asked weren't technical. They weren't "gotcha" questions. They were straightforward questions about one of the most fundamental jobs the Secretary of the Interior has—the stewardship of our Nation's coastal waters.

We asked Acting Secretary Bernhardt: Do you support opening up any or all of the Atlantic Ocean to offshore oil and gas exploration, development, or production? No response.

We posed the same question about the Pacific, the Arctic, and the eastern Gulf of Mexico. Again, no response.

We asked the Acting Secretary if he would commit to meeting with the Governors of States in which he proposes to drill for oil. No response.

We asked if he would commit to meaningful public hearings in States

impacted by offshore oil drilling. No response.

We asked how he could reconcile the opposition to offshore drilling of every Atlantic and Pacific Governor—Democrat and Republican—with President Trump's goal of opening all of those waters to drilling. Again, we got no response.

We asked whether the Acting Secretary could confirm to us that the Trump administration's revisions to the well control rule—the one major safety reform put in place after the Deepwater Horizon disaster—wouldn't denigrate safety. No response.

I will not risk it. I will not risk New Jersey's \$44 billion tourism industry. I will not risk over \$800 billion in coastal property values. I will not risk a recreation and commercial fishing industry that supports 50,000 jobs in my State. I will not risk the economies of shore towns up and down the coast of New Jersey and the entire Atlantic. I will not risk the lives and livelihoods that depend on clean coastal waters because that is what we are risking if we vote for Mr. Bernhardt.

I cannot fathom going home to my constituents and telling them that I gave the nominee for Secretary of the Interior a free pass on basic questions about the job he is applying for.

With the radio silence from this nominee on offshore drilling, I have no reason to believe Mr. Bernhardt will deviate from the path chartered by this administration. Every Member of this Chamber knows what that path looks like.

We have seen the weakening of protections put in place after the BP oil-spill, endangering the safety of workers and the livelihood of our vibrant coastlines. We will see the start of seismic blasting in search of oil up and down our coasts without any concern for the devastating impact on wildlife and our fisheries. We will see the finalization of President Trump's offshore drilling plan—one that would open the entire Atlantic Ocean, the entire Pacific Ocean, the entire Gulf of Mexico, and the entire Arctic Ocean to offshore drilling. If this plan comes to fruition, sooner or later we will see another crisis of the magnitude of the Deepwater Horizon.

My friends, my colleagues, this is not a matter of if; it is a matter of when. When that day comes, every Member of this Chamber who supported David Bernhardt is going to have to answer to their constituents, to the shore businesses who see their livelihoods washed away in a slick of oil, to the fishermen who are suddenly out of a job through no fault of their own, to coastal towns that see their communities and the tourism and recreation industries their economies depend on wiped out.

I refuse to take that risk. A vote for David Bernhardt is a vote for offshore drilling. I ask my colleagues to oppose his nomination.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Bernhardt nomination?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. PERDUE).

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

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 77 Ex.]

#### YEAS—56

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

#### NAYS—41

Baldwin	Hassan	Sanders
Bennet	Hirono	Schatz
Blumenthal	Jones	Schumer
Brown	Kaine	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—3

Booker	Harris	Perdue
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The majority leader.

#### LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.