

(Rollcall Vote No. 164 Ex.)

YEAS—51

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Strange
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McConnell	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

NAYS—47

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskey	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murphy	

NOT VOTING—2

McCain Stabenow

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent 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.

EXECUTIVE CALENDAR

Mr. ENZI. Madam President, I ask unanimous consent that the Senate resume consideration of the Bernhardt nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

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

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, I want to discuss this nomination.

I am here to add my voice to those of my colleagues who oppose the nomination of David Bernhardt to be Deputy Secretary of the Interior. There are a host of reasons—from his history of censoring scientists to his denial of climate change—but I am going to limit my remarks to his allegiance to the oil industry and, specifically, his disregard for the importance of a moratorium on any drilling in the eastern Gulf of Mexico.

During his confirmation process, he gave some very troubling responses to questions about the moratorium from

the ranking member, Senator CANTWELL. She asked: “Do you support the current moratorium in relation to offshore drilling in the Eastern Gulf of Mexico?”

He responded:

I am aware that, in response to the President's recent Executive Order on the Outer Continental Shelf, Secretary Zinke issued a Secretarial Order 3350 directing the Bureau of Ocean Energy Management to review and develop a new five-year plan. I support the President's and the Secretary's actions to examine new leasing opportunities within the OCS in order to advance the Administration's energy agenda.

Then Senator CANTWELL asked him: “Do you support extending this moratorium?”

He responded: “I support the President's and the Secretary's actions aimed at increasing offshore production while balancing conservation objectives.”

First of all, when it comes to the eastern gulf, there is no good way to increase offshore production while balancing environmental concerns. The gulf—the eastern gulf is still recovering from the horrific 2010 *Deepwater Horizon* explosion, which fouled the gulf all the way east into most of the Panhandle of Florida.

Secondly, as I have explained time and again, it makes no sense to drill in an area that is critically important to the U.S. military and is the largest testing and training area for the U.S. military in the world, where we are testing our most sophisticated weapons systems and where we are sending our fighter pilots who need the open space to train. That is why they have the F-22 training at Tyndall Air Force Base. That is why they have training for pilots on the F-35 at Eglin Air Force Base. That is also why the Chief of Staff of the Air Force wrote in a letter just recently, “The moratorium is essential for developing and sustaining the Air Force's future combat capabilities.”

I ask unanimous consent to have the two letters printed in the RECORD.

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

OFFICE OF THE UNDER SECRETARY
OF DEFENSE,

Washington, DC, April 26, 2017.

Hon. MATT GAETZ,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GAETZ: Thank you for your letter dated March 24, 2017, regarding maintaining the moratorium on oil and gas activities in the Gulf of Mexico beyond 2022. Since military readiness falls under my purview, I have been asked to respond to your letter on behalf of the Secretary of Defense. The Department of Defense (DoD) cannot overstate the vital importance of maintaining this moratorium.

National security and energy security are inextricably linked and the DoD fully supports the development of our nation's domestic energy resources in a manner that is compatible with military testing, training, and operations. As mentioned in your letter, the complex of eastern Gulf of Mexico operating areas and warning areas provides crit-

ical opportunities for advanced weapons testing and joint training exercises. The moratorium on oil and gas “leasing, pre-leasing, and other related activities” ensures that these vital military readiness activities may be conducted without interference and is critical to their continuation. Emerging technologies such as hypersonics, autonomous systems, and advanced sub-surface systems will require enlarged testing and training footprints, and increased DoD reliance on the Gulf of Mexico Energy Security Act's moratorium beyond 2022. The moratorium is essential for developing and sustaining our nation's future combat capabilities.

Since signing the 1983 “Memorandum of Agreement Between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf,” the two departments have worked cooperatively to ensure offshore resource development is compatible with military readiness activities. During recent discussions between the DoD and the Department of the Interior's Bureau of Ocean Energy Management, a question arose concerning whether Congress intended the moratorium to prohibit even geological and geophysical survey activities in the eastern Gulf. We would welcome clarification from Congress concerning this matter.

On behalf of the Secretary, I appreciate your interest in sustaining our testing and training activities in the eastern Gulf of Mexico.

Sincerely,

A.M. KURTA,

Performing the Duties of the Under Secretary of Defense for Personnel and Readiness.

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, June 27, 2017.

Hon. BILL NELSON,
United States Senate,
Washington, DC.

DEAR SENATOR NELSON: I write this letter in whole-hearted support of a proposal seeking to extend the moratorium on leasing, preleasing, or any other related activity in any area east of the Military Mission Line in the Gulf of Mexico. I understand this provision is being considered for inclusion in the National Defense Authorization Act for Fiscal Year 2018.

The Air Force fully supports the development of our nation's domestic energy resources in a manner that is compatible with the military testing, training, and operations. The complex of eastern Gulf of Mexico operating areas and warning areas provides critical opportunities for advanced weapons testing and joint training exercises. The moratorium on oil and gas leasing, preleasing, and other related activities ensures that these vital military readiness activities may be conducted without interference and is critical to their continuation. Of course, we are always willing to work with the appropriate agencies to see if there are ways to explore for energy without hampering air operations.

The moratorium is essential for developing and sustaining the Air Force's future combat capabilities. Although the Gulf of Mexico Energy Security Act's moratorium does not expire until 2022, the Air Force needs the certainty of the proposed extension to guarantee long-term capabilities for future tests. Emerging technologies such as hypersonics, 5th generation fighters, and advanced sub-surface systems will require enlarged testing and training footprints, and increased Air Force reliance on the moratorium far beyond 2022.

Please don't hesitate to contact me if you have any questions. I look forward to continuing our work with you to ensure America's Air Force remains the very best.

Sincerely,

DAVID L. GOLDFEIN,
General, USAF, Chief of Staff.

Mr. NELSON. The letters—one from the Office of the Secretary of Defense and the other from General Goldfein, the Chief of Staff of the Air Force—state they are needing to put a major investment of telemetry into the eastern gulf range for all of these sophisticated weapons systems, and they don't want this investment of the infrastructure with the moratorium ending in the year 2022. They want to extend the moratorium for another 5 years, to 2027. That is a reasonable request by the Department of Defense and the Department of the Air Force.

For example, a test can start way down in the South, off of Key West, and a cruise missile could go all the way, 300 miles, because of the size of this test range, and then it could have a land impact on Eglin Air Force Base. That is part of our testing regime.

One could ask, Why couldn't the cruise missile weave around oil rig activities? Well, look at the new miniature cruise missiles that are out there. It is not one, but a swarm, which takes up a big footprint that we are testing. This is just one example of a weapons system that needs a lot of open space. This is a national asset. We don't want to give it up. That is why the top brass in the Pentagon is asking that we extend this moratorium so that those expensive investments in telemetry can be made.

We should not put someone in charge at the Department of the Interior if he has an open objection to what is obviously needed for national security and if he has demonstrated a history of siding just with special interests. It would be a bad decision when it comes to the national security of this country.

I am going to oppose the nomination, but that is just one reason, one item, on an ever-growing list of concerns that this Senator has with the Department of the Interior these days.

On June 29, Secretary Zinke announced that the Department was seeking public comment on a new 5-year plan for offshore oil and gas leasing. In case anyone has forgotten, the current 5-year plan was just finalized 6 months ago and is supposed to run through 2022. Why would the Department spend more taxpayer money to go through the whole process all over again? The only reason this Senator can see is that the oil industry wants more acreage. They are going after the eastern Gulf of Mexico, despite the fact that the Department of Defense is asking for exactly the opposite.

By the way, they ought to take from the very productive sections of the Gulf of Mexico off of Louisiana. There are acres and acres under lease, but of all those acres under lease, how many are actually drilled and/or in production? It is a small percentage of the

acreage under lease that is actually drilled. So why don't we take advantage of the existing leases, particularly in the central gulf, which is where the oil is? That is where all the sediments over millions of years came down the Mississippi River, settled in what is today the gulf, into the Earth's crust, compacted it, and made it into oil. That is where the oil is.

Now, remember, also out there in the eastern gulf, this is the area that is off limits. This is the Eglin Gulf Test and Training Range. The Air Force wants to extend that moratorium from 2022 by 5 years—out to 2027—in order to protect it for all of these reasons we have been discussing. It is all of that open space, and we ought not give it up.

I will give you another example of the short memories over at the Department of the Interior.

After the 2010 BP oilspill, it became clear that the relationship between regulators and the oil industry was a problem so the Minerals Management Service was divided into two separate agencies in the Department of the Interior—the Bureau of Ocean Energy Management, which regulates lease sales, and the Bureau of Safety and Environmental Enforcement, which is supposed to ensure that safety standards are followed. Less than a decade later, people seem to have forgotten all of that, and they want to put the two back together again. It is another example of what is going on. Not only that, but the administration is trying to roll back the safety rules, like the well control rule that was finalized in November of last year. This long-overdue rule seeks to prevent what went so tragically wrong on the *Deepwater Horizon* rig from ever happening again.

Every day, it seems like the administration is coming up with a new way to put the gulf at risk and Florida's coastline and tourism-driven economy at risk. It is now putting at risk the national security of the country by messing up the largest testing and training range for the U.S. military and the world. It is utilized by all branches of service. As a matter of fact, when they stopped the Atlantic fleet of the Navy from doing all of its training off of Puerto Rico on the Island of Vieques, all of that training came to the gulf. The Navy squadrons come down for 2 weeks at a time to the Naval Air Station Key West, with the airport actually being on Boca Chica Key, and when they lift off on the runway, within 2 minutes, those F/A-18s are over restricted airspace so they do not have to spend a lot of time and fuel in getting to their training area.

I have heard from business owners, and I have heard from residents across the entire State of Florida. They do not want drilling in the eastern gulf. They have seen what can happen when the inevitable spill happens. We lose an entire season of tourism, and all of that revenue goes away, along with that loss.

Why do they know that?

The BP oilspill was off of Louisiana, but the winds started carrying the oil slicks to the east. It got as far east as Pensacola Beach, and the white, sugary sands of Pensacola were covered in black oil. That was the photograph that went around the world. The winds continued to push it, and tar mats came over and got onto the beach at Destin. We were desperately trying to keep the oil from going into the Choctawhatchee Bay at Destin like it had already gone into the Pensacola Bay at Pensacola. The winds kept pushing it to the east, and the tarballs ended up all over the tourism beaches of Panama City. Then the winds did us a favor—they reversed, and they started taking it back to the west.

So there was oil on some of the beaches, but what happened for an entire year of the tourist season? The tourists did not come to the gulf beaches, not only in Northwest Florida but all down the peninsula, all the way down to Marco Island, and they lost an entire tourist season. That is why people are so upset about any messing around.

This Senator brings this to us as I have spoken of what has happened and have stood up for over the last four decades in order to fight to prevent those kinds of spills from happening again off the coast of the State of Florida.

Yet now we have, right here, an issue in front of us, something that could threaten the Department of Defense's mission for being ready to protect this Nation. In that case, my recommendation to the Senate is not to vote for this nomination for Deputy Secretary of the Interior because of his history and because of how he responded to Senator CANTWELL in the committee.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. What is the pending business?

The PRESIDING OFFICER. The Bernhardt nomination is pending.

Ms. CANTWELL. I thank the Chair.

Madam President, I rise today to speak about the Bernhardt nomination to be Deputy Secretary of the Interior.

The Deputy Secretary plays an important role in forming and carrying out the administration's policy on a broad range of issues. These issues include our Nation's public lands, our national parks, our national wildlife refuges, our water resources, mineral and energy development on public lands and Federal waters, carrying out our trust responsibilities to our Tribal nations, and working with our territories and Freely Associated States.

The Deputy Secretary also performs very important functions as it relates

to the Secretary or in the Secretary's absence. In virtually all matters, the Deputy Secretary has the authority of the Secretary. That is why I look at this position with such an important critique, because we know in past positions there have been conflicts, and we know we have important policies to discuss, and we need to make sure we have no conflicts of interest.

I have made no secret that I have concerns about this nomination. Mr. Bernhardt is no stranger to this body and he is no stranger to the Department of the Interior. He held a number of senior political positions in the Department during the Bush administration beginning in 2006.

After leaving the Department in 2009, he returned to a successful private practice. For 8 years, he has represented a wide range of clients, including oil and gas companies, mining companies, and water supply interests in California, just to name a few. If he is confirmed, he will oversee the same companies at the Department of the Interior; that is, he will be making decisions on the same things that he lobbied for at the agency, and now he will be on the other side of the table and be able, after a short period of time, to make decisions in those areas.

So, as I said at his confirmation hearing—I'm not suggesting that just working for the private sector disqualifies someone, but when you have a wide range of issues that you have worked on in the private sector and now you are going to be on the other side of the table, it brings up concerns.

The President of the United States traveled the country when he was campaigning and said he wanted to drain the swamp from special interests, and he has repeated that many times over the last few years. But with Mr. Bernhardt's nomination, I am afraid he is not draining the swamp, he is actually helping to fill it.

The nominee's private sector experience as a registered lobbyist for companies whose main public policy focuses are in the Department of Interior creates an appearance of a conflict of interest. Also, the nominee wants to lead the Department that he sued four times.

It is true that Mr. Bernhardt has considerable experience. We saw another nominee come to this same post in a past administration on the same basis. People thought he had a lot of experience in a lot of these cases, but he obviously didn't follow the law and ended up going to jail because of his overreaching within the agency and organization.

So these are very important public policy issues, public lands issues—interests that the American people need to make sure are aboveboard and no conflicts of interest.

Mr. Bernhardt served in the highest levels of the Department of the Interior at a time when the inspector general called it "a culture of ethical failure." I know that at the hearing he

told us he tried to help change that failure of culture within the agency. The Inspector General also testified that "ethics failures on the part of senior department officials—taking the form of appearances of impropriety, favoritism and bias—have been routinely dismissed with a promise 'not to do it again.'"

While Mr. Bernhardt has given testimony about the fact that he tried to help change and get away from that culture, I still have concerns that his private sector client base poses a significant problem. The nominee's extensive client base in the area, which falls under the jurisdiction of the Department of the Interior, creates at least an inherent appearance of conflict. He and his clients have lobbied extensively on such matters as the Cadiz pipeline in California, opening up the Arctic National Wildlife Refuge to oil exploration, and weakening the Endangered Species Act. He has advocated in favor of expanding offshore drilling and lifting the moratorium in the Gulf after the Deepwater Horizon disaster. He also represented Westlands Water District, the Nation's largest irrigation district, as a registered lobbyist. His law firm represented Westlands in four different lawsuits against the Department of the Interior.

In November 2016, he joined the Trump transition team, and Mr. Bernhardt deregistered as a lobbyist for Westlands yet continued to work for them in some capacity.

As the ranking member of the Energy and Natural Resources Committee, I raised concerns about these issues with the nominee during his confirmation hearing. He has submitted required financial disclosure and ethics forms, but there are specific questions we want to make sure are addressed.

He has declined to comment on recusing himself beyond just the 1-year minimum that is required by the ethics rules. I know Mr. Bernhardt says he will comply with whatever the organization and agency requires, but we don't have the time, given the long list of conflicts of interest and given that past case representation, to constantly know every issue and every meeting and every oversight to make sure that undue influence is not being pressured at the Department of Interior.

The President of the United States, who nominated Mr. Bernhardt, told the Times just yesterday in a conversation about the Attorney General: "If he was going to recuse himself, he should have told me before he took the job and I would have picked someone else." Well, I hope that is not the issue here. I hope the agency isn't running fast toward somebody who just won't recuse themselves in hopes that they will get someone who will do the bidding of these interests and not take into consideration the complexity, the legal structure, and the challenges that dealing with these issues takes.

In fact, as late as March of this year, Mr. Bernhardt's firm was submitting

invoices to Westlands for lobbying charges with itemized expenses. Documents show he was engaged in regular contact with congressional offices and working on legislation and efforts to inform administration policy at the same time he was serving on the Trump transition team.

Even the appearance that Mr. Bernhardt was still lobbying on behalf of clients that do business with the Department of the Interior at the same time he wants to help lead it validates some of the concerns we have been expressing.

I remain concerned about his record on behalf of these corporations at the expense of the environment and his tenure at the Department of the Interior and many other challenges. The Department's responsibilities and jurisdictions are just too vast. They are too important to the American people to just green-light someone who I believe will be very challenged in doing this job. So I urge my colleagues to oppose this nomination.

Just today, a complaint was filed with a U.S. Attorney about this nominee's alleged lobbying activities based on new records available pursuant to California public records law. I want answers from the nominee. We are going to continue to ask questions.

In the meantime, I ask my colleagues to oppose this nomination. Make sure we get the answers we need before the nomination of David Bernhardt can continue.

I thank the Presiding Officer.

I yield the floor.

Madam President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The 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.

MR. GARDNER. Madam President, it is my honor to come to the Senate floor today to talk in support of a fellow Coloradan's nomination to be the Deputy Secretary of the Department of the Interior—David Bernhardt. I am very excited about his nomination, strongly support his nomination, and believe that my fellow Coloradan will do an absolutely incredible job for Colorado and for the rest of this country at the Department of the Interior.

I had the great honor just a month or more ago of welcoming David to the committee and welcoming his beautiful family there with him that day. I reminded his oldest son Will about the connection that my family and our oldest child will always have with Will, because when my wife Jaime was working at the Department of the Interior, our oldest daughter Alyson spent some time at daycare with David Bernhardt's son Will, as well. It was the same daycare and the same work Jaime and David did at the Department of the Interior, working together

all those years. But there is more than that. There are more connections I will share, between David Bernhardt and me, and one of the many reasons why I support him.

I have known him personally and professionally for nearly two decades. We both grew up in rural Colorado. I am from the Eastern Plains of Colorado, and Mr. Bernhardt is from the Western Slope. I am from the flatlands, and he is from the mountains. We share a lot of common interests in rural development and saving small towns.

We both began our public service 1 year apart, interning in the Colorado State Legislature for a member of the Colorado State Legislature named Russell George, who would go on, eventually, to become the Colorado speaker of the house.

I will never forget when I began. It was in the second term of then-State Representative Russell George. I worked for him on Tuesdays and Thursdays in an internship through Colorado State University. He said: You should reach out and meet last year's intern because I think he could help you figure out the ropes around here and what you should know about the internship. He gave me the phone number for David Bernhardt. So I followed in the footsteps of David Bernhardt at the capitol, and I am excited to see the work that he continues to do.

As I mentioned, Mr. Bernhardt worked with my wife Jaime at the Department of the Interior, and, at one point, their offices were just around the corner from one another. His personal background and public and private sector professional experiences prove that he is a strong voice for the West and extremely well-qualified for the nomination to be Deputy Secretary. He has extensive insight on western water policy, natural resource policy, and 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 jurisdiction of the Department of the Interior.

In 2008, after the Department reached the largest Indian water rights settlement in the 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."

The country will indeed benefit from having Mr. Bernhardt serve as Deputy Secretary, a position that is the second ranking official within the Department and has statutory responsibilities as the chief operating officer.

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 very important role.

Mr. Bernhardt is originally from the outskirts of the small town of Rifle,

CO, located on Colorado's Western Slope. If you have driven through the Eisenhower Tunnel, the Veterans Memorial Tunnels, or if you go to Grand Junction, CO, you will have been right by and through Rifle, CO.

Few places more fully embody the spirit and mission of the agency he has been nominated to lead as Deputy Secretary. Growing up in rural Colorado instilled in David strong 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 where about 60 percent of the lands are Federal public lands. Think about the work he is about to take on upon confirmation: 60 percent of his home county is public lands.

Rifle was founded as a ranching community along the Colorado River, and it retains that heritage today, along with tremendous opportunities for world-class outdoor recreation, including fishing, hiking, skiing, rafting, and rock climbing. It also sits at the very edge of the Piceance Basin, an area in Colorado which has vast amounts of natural gas.

David grew up in the oil shale boom and bust and has said that the boom-and-bust cycle in Western Colorado has made him more sensitive to the potential benefits and the potential impacts—both environmental and social—of resources development.

In the 1980s, his hometown of Rifle was hit hard by the State's oil shale crash, and he personally experienced some of the hard times the Nation's rural communities often face. Much like the Department of the Interior itself, Rifle is a community that is a product of its public lands and the western heritage around it. It is centrally located, just a few miles away from the iconic Grand Mesa, the world's largest flat top mountain. The flat top's wilderness and the Roan Plateau represent a home base among these public lands, with virtually unmatched access to world-class outdoor experiences, which is why Mr. Bernhardt has such a passion for these issues.

His background and outlook on public lands and water issues assisted him in his prior service at the Department of the Interior, including in the Solicitor's role. Mr. Bernhardt's confirmation as Solicitor was confirmed by voice vote by the U.S. Senate in 2006. By voice vote, he was approved the last time he served at the Department of the Interior.

There have been other nominees—I think this has been a subject of debate on his nomination—considered by the Energy Committee and by this body who practiced private law from the time between their public service appointments at the Department of the Interior and the time they would come back to the administration. Mr. Bernhardt has taken the same steps these nominees did in order for his nomination to move forward today.

I think it is important to point out the Hayes-Schneider standard that was established for the Department of the Interior.

David Hayes, nominated for Deputy Secretary in the Obama administration, was confirmed by the Senate. He had previously served in the Clinton administration, and then he served in the Obama administration. In between that time, he had a private law practice.

Janice Schneider, nominated for Assistant Secretary under President Obama, served in the Clinton administration but in between served in a private law practice. What we see is another nominee who is a dedicated public servant, has gained experience in the private sector, and is willing to come back to public service to give back to our great country.

Mr. Bernhardt's integrity and ability are two of his strongest qualities for his nomination. Public service requires certain sacrifices. I certainly appreciate Mr. Bernhardt's and his family's acceptance of the nomination that will be considered by this body today.

I hope the Senate process has not become a broken process, which disincentivizes qualified people—like Mr. Bernhardt, who is held in high professional regard—from serving and from returning to public service. That is why I hope his nomination today receives strong bipartisan support.

As the Senate takes up the vote on this nomination, I urge my colleagues to hold this nominee to the same practice, the same process to which we hold all nominees who are under consideration before the U.S. Senate.

There are a number of individuals and organizations that support David Bernhardt. The Southern Ute Indian Tribe in Colorado has written a letter of support for his nomination; the Colorado Water Congress, a very important organization made up of environmentalists and water users and municipalities, supports David Bernhardt's nomination; the Colorado River District supports David Bernhardt's nomination.

Why are these important? Because these are people who have worked with him throughout his career, from the time he was an intern for Russell George in the State legislature to the time that he worked with Scott McInnis, to the time he worked at a law firm, to the time he worked at the Department of the Interior, all the way up until today.

The National Congress of American Indians supports David Bernhardt as Deputy Secretary of the Interior; Ducks Unlimited applauds the nomination of David Bernhardt as Deputy Secretary of the Interior; the Boone and Crockett Club supports David Bernhardt's nomination to be Deputy Secretary of the Interior. The list goes on and on.

Here is a letter from a wide variety of organizations: the International

Snowmobile Manufacturers Association, the Recreational Vehicle Industry, environmental organizations that have done great work in conservation, the National Shooting Sports Foundation. These are groups, organizations—not partisan efforts, but organizations that rely on Democrats and Republicans.

The Indian Nation supports David Bernhardt's nomination. These are Republicans, Democrats, and Independents across the country who believe David Bernhardt would do an incredible job at the Department of the Interior.

Here is a letter of support for David Bernhardt from the chief of the Penobscot Nation. The National Cattlemen's Beef Association supports the nomination of David Bernhardt. The list goes on and on.

To my colleagues today, from those who know him best, I ask support for David Bernhardt, Deputy Secretary of the Department of the Interior, and stress the importance of a strong bipartisan vote today to show support for our western States that have so much need at the Department of the Interior. The work needs to be done so that we can start once again getting to the work of the people.

I yield the floor.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior.

Mitch McConnell, Roger F. Wicker, John Thune, Tim Scott, John Hoeven, Pat Roberts, Orrin G. Hatch, Tom Cotton, John Barrasso, Thom Tillis, Michael B. Enzi, John Boozman, James M. Inhofe, John Cornyn, James Lankford, Mike Rounds, Cory Gardner.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David Bernhardt, of Virginia, to be Deputy Secretary of the Interior, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), and the Senator from Nebraska (Mr. SASSE).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 39, as follows:

[Rollcall Vote No. 165 Ex.]

YEAS—56

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Bennet	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heinrich	Rounds
Cassidy	Heitkamp	Rubio
Cochran	Heller	Schatz
Collins	Hoeven	Scott
Corker	Inhofe	Shelby
Cornyn	Isakson	Strange
Cotton	Johnson	Sullivan
Crapo	Kennedy	Thune
Cruz	King	Tillis
Daines	Lankford	Toomey
Donnelly	Lee	Wicker
Enzi	Manchin	Young
Ernst	McConnell	

NAYS—39

Baldwin	Franken	Nelson
Blumenthal	Gillibrand	Peters
Booker	Harris	Reed
Brown	Hassan	Sanders
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	Klobuchar	Tester
Casey	Markey	Udall
Cooms	McCaskill	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—5

Leahy	Moran	Stabenow
McCain	Sasse	

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 39.

The motion is agreed to.

The Senator from Utah.

Mr. HATCH. Mr. President, is it appropriate to make a speech at this time?

The PRESIDING OFFICER. It is.

Mr. HATCH. Thank you, Mr. President.

President Ronald Reagan used to say that people are policy. Attacking a new President's policies, therefore, often includes undermining his or her ability to appoint men and women to lead his or her administration.

The Constitution gives to the President the power to appoint executive branch officials. The Senate has the power of advice and consent as a check on that appointment power.

In the early months of the Obama administration, Senate Democrats were clear about how we should carry out our role in the appointment process. Less than 2 weeks after President Obama took office, the Judiciary Committee chairman said he wished that the Senate could have put the new Justice Department leadership in place even more quickly. Just 3 months into President Obama's first term, the chairman argued that, "at the beginning of a presidential term, it makes sense to have the President's nominees in place earlier, rather than engage in needless delay."

Well, actions speak much louder than words. With a Republican in the White House, Senate Democrats have turned our role of advice and consent into the most aggressive obstruction campaign in history.

This chart is an illustration.

Democrats complained about obstruction when, during the first 6

months of the Obama administration, the Senate confirmed 69 percent of his nominations. Today marks 6 months since President Trump took the oath of office, and the Senate has been able to confirm only 23 percent of his nominations.

I ask my Democratic colleagues: If 69 percent is too low, what do you call a confirmation pace that is two-thirds lower?

Democrats do not have the votes to defeat nominees outright. That is why the centerpiece of their obstruction campaign is a strategy to make confirming President Trump's nominees as difficult and time-consuming as possible.

Here is how they do it. The Senate is designed for deliberation as well as for action. As a result, the Senate must end debate on a nomination before it can confirm that nomination. Doing so informally is fast. Doing it formally is slow.

In the past, the majority and minority informally agreed on the necessity or length of any debate on a nomination, as well as when a confirmation vote would occur. The first step in the Democrats' obstruction campaign, therefore, is to refuse any cooperation on scheduling debates and votes on nominations. The only option is to use the formal process of ending debate by invoking cloture under Senate rule XXII. A motion to end debate is filed, but the vote on that motion cannot occur for 2 calendar days. If cloture is invoked, there can then be up to 30 hours of debate before a confirmation vote can occur.

The Democrats' obstruction playbook calls for stretching this process out as long as possible. While informal cooperation can take a couple of hours, the formal cloture process can take up to several days.

The late Senator Daniel Patrick Moynihan once said that you are entitled to your opinion, but not to your own set of facts. I would state, then, to let the confirmation facts do the talking.

President Trump and his three predecessors were each elected with the Senate controlled by his own political party. This is another illustration right here. At this point in the Clinton and George W. Bush administrations, the Senate had taken no cloture votes—nothing, none whatsoever—as you can see, on nominations. We took just four nomination cloture votes at this point during the Obama administration. So far in the Trump administration, the Senate has taken 33 cloture votes on nominations. Think about that. If that isn't obstruction, I don't know what is. It is not even close.

There is one very important difference between cloture votes taken in the beginning of the Clinton, Bush, or Obama administrations and those taken this year. In November 2013, Democrats effectively abolished nomination filibusters by lowering the vote