

sought to weaken protections for endangered fish species, the delta smelt, and the Chinook salmon so that Westlands could pump more water. Mr. Bernhardt has looked to implement the very same policies he lobbied for, from within the walls of the Department. As Deputy Secretary, Mr. Bernhardt also dismantled a landmark agreement among bipartisan western Governors to protect the greater sage-grouse, opening up millions of acres of its habitat to oil and gas drilling without protections.

The Endangered Species Act should be classified as “endangered” under Mr. Bernhardt’s client-friendly Interior Department.

Let’s talk about another extinction risk: chlorpyrifos. Chlorpyrifos is not yet a household name like DDT, but it will be. It is a dangerous neurotoxin used in agriculture throughout the United States. It is linked to brain damage in children and can cause serious harm to human health and wildlife.

In 2016, scientists from the EPA recommended a ban on all uses of this toxic pesticide. One of Scott Pruitt’s first actions as EPA Administrator was to rescind that proposed ban. One of Mr. Bernhardt’s early actions as Deputy Secretary was to bury a scientific study concluding that chlorpyrifos and another pesticide could “jeopardize the continued existence” of more than 1,200 endangered birds, fish, and other animals and plants. Let me repeat. More than 1,200 birds, fish, and other species are at risk of extinction from two toxic pesticides. Mr. Bernhardt reportedly ordered the staff to go back to the drawing board to block the release of this report.

I have been working to get chlorpyrifos off the market with legislation, and the Federal courts have ordered EPA to move forward with the ban. There is no good reason chlorpyrifos is still in use except that it is manufactured by a powerful DowDuPont company. Mr. Bernhardt’s withdrawal of the scientific study serves Big Chemical’s interests, not the public’s.

One of the most egregious anti-conservation actions of this administration is the unprecedented attacks on the Antiquities Act, which has stood since President Theodore Roosevelt. The President reduced Bears Ears National Monument by 85 percent and Grand Staircase-Escalante by over 45 percent—the largest rollback of protections for our collective Federal lands in history and an unlawful Presidential action, in my view.

Each of these monuments is home to ruggedly beautiful lands that are at risk. The Bears Ears designation was the result of many years of hard work and collaboration by five Tribes who trace their ancestry to this remarkable area. Now the Department is pushing to open up the land outside their boundaries for coal and mineral mining corporations.

Last month, I led 16 Democratic Senators in a letter to Mr. Bernhardt seek-

ing his commitment to leave existing boundaries of other national monuments intact. So far, we have received no assurance from Mr. Bernhardt that any other monuments won’t meet the same fate as Bears Ears and Grand Staircase.

The pattern is clear: From the Arctic Refuge to California’s Central Valley, from the Atlantic coast to Bears Ears, Mr. Bernhardt’s Interior Department places profits over people.

The American public deserves an Interior Secretary they can trust to look out for their interests—protecting public land, species, the air, and the water—but Mr. Bernhardt has not demonstrated that he has the necessary independence from his former clients. He has made them very happy. He has shut out scientists, Native Americans, conservationists, and the American people. He is tangled with conflicts.

The Senate should stop the rush to confirm Deputy Secretary Bernhardt while these fundamental ethics and conflicts of interest questions are under review. If we move forward, I will vote no on this nomination.

Before I conclude, I would like to offer one final point. I made my concerns with Mr. Bernhardt clear, but if Mr. Bernhardt is confirmed, one of his most important duties will be honoring our trust responsibility to Native Americans. On this count, I hope he will do better than what the Trump Interior Department has shown us so far.

As the vice chair of the Senate Committee on Indian Affairs, I want to ensure that the Department respects Tribes’ sovereignty and self-determination and engages in meaningful consultation with Tribes. The Trump administration’s record with Tribes and Native communities is, to put it lightly, lacking. The Tribes in New Mexico do not believe they are being properly consulted as leasing pushes ahead close to Chaco Canyon.

For 3 years running, the administration has proposed budgets that would significantly cut BIA and BIE funding. Those are education budgets and budgets that help Native Americans on their reservations.

Congress has historically worked across party lines on Native issues. Congress rejected the administration’s proposed cuts for fiscal years 2018 and 2019, and I fully expect it to do so again for 2020.

If confirmed, I would like to see Mr. Bernhardt follow suit and commit to do better on Tribal issues, commit to meet with Tribal leaders to understand their priorities and demonstrate in action that he respects Tribal sovereignty and that he commits the Agency to consult with Tribes whenever their interests are affected.

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

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

LIVING WILLS

Mr. BROWN. Mr. President, today on the other side of this building, the CEOs of the biggest Wall Street banks face tough questions about the way their banks have scammed and broken laws and gotten away with it, as every American knows. Our Banking Committee staff analyzed the data, and it is pretty clear that these banks are breaking the laws over and over and over.

Watchdogs will take enforcement actions against a bank only to find out the same bank is breaking the rules in an entirely different way in a different part of the bank at the same time. We need to hold these banks and the corporate executives who run them accountable for their actions, which we have simply not done. Trump regulators haven’t done it, and the Senate majority hasn’t done it. We simply haven’t done it. Hard-working Americans face real consequences when they break the law, and so should Wall Street banks.

The chair of the House Financial Services Committee, MAXINE WATERS, is doing the right thing in the House calling in these CEOs. We need to be doing the same thing in the Senate. I have called on my counterpart on the Banking Committee, Chairman CRAPO, to hold a hearing so we can question big bank executives about their law-breaking.

There are plenty of actions the President and his administration could take on their own to punish these banks when they break the rules, but instead this administration and this majority leader do exactly the opposite. Last year, Congress passed and President Trump signed legislation rolling back laws protecting working families from Wall Street greed. The big banks, of course, ask for weaker rules. They have forgotten what happened. Well, they haven’t forgotten, but they hope the public has. Certainly, the Senate Republicans have forgotten what happened 10 years ago to this country. So Congress passed and the President signed legislation rolling back laws protecting working families from Wall Street greed. As I said, the big banks wanted weaker rules and they got them, even though that puts millions of families at risk of losing their jobs and losing their homes again. President Trump said: OK, let’s do what the big banks want.

We know that the White House looks like a retreat half the time for Wall Street executives, and we know the President of the United States does the bidding of Wall Street over and over.

The year before weakening these rules, Congress passed and President Trump signed a \$1.5 trillion—that is 1,000 billion, \$1.5 trillion—tax cut for corporations, big banks, and the richest Americans. Since the Republican tax bill passed, corporations have bought back \$900 billion of their own stock.

I was in the White House one day with a group of Senators, meeting with the President of the United States, and he said that this tax bill they were about to pass—that he hoped would pass—would mean that the corporations would invest all these dollars into higher wages for workers and new factories and growing the economy. Well, what happened with a lot of this money was they used this money for stock buybacks.

Of the eight companies with the most stock buybacks—with billion dollars of stock buybacks—half of them were Wall Street banks. We know Wall Street can never get enough—never enough power, never enough money. They always want more. One bank lobbyist said: We don't want a seat at the table; we want the whole table.

And this Congress and this President think that is just fine.

The tax giveaways, letting banks haggle over their stress test results, and taking away customers' rights to have their day in court when the banks scam them, apparently, just wasn't enough for Wall Street. Two days ago, the Fed announced that they are going to roll back more rules on foreign megabanks. These are not just U.S. banks with U.S. employees. These are foreign megabanks. We are talking about banks that have broken U.S. law over and over and over. I am not going to document all of those. But there are many, many cases of these foreign megabanks breaking U.S. law—banks like Santander, which illegally repossess servicemen's cars. So when men and women are overseas protecting our country, Santander, a Spanish-owned bank doing business in the United States, actually repossessed these servicemembers' cars.

Deutsche Bank has laundered money. We know Deutsche Bank is about the only big bank in the world that will finance the President because he has a history and a habit of cheating banks and not paying back loans. So because of the relationship that Deutsche Bank and President Trump have, Deutsche Bank is doing just fine. We also know that Deutsche Bank laundered money, breaking U.S. law. Not even counting the President's insidious activities with them, Deutsche Bank broke U.S. law by laundering money. But do you know what? The Fed gives them roll-back rules because we don't want to be too tough on the foreign megabanks.

Last year, when the President signed his big bank bill, I warned that it would mean looser rules on those big, foreign banks. They all said: No, that is not going to happen. Federal Reserve Chairman J. Powell himself said it wouldn't happen; they are not going to weaken the rules on the foreign banks. Well, either they were naive at the time—I think J. Powell is an honest man. I guess I didn't know he was this naive. But he and others would say: They are not going to weaken foreign bank rules.

Well, now they have.

When the Fed made the announcement of its plan to go easy on foreign banks, they said—I am not kidding; this is a quote: "This proposal should look familiar because it shares the same basic framework as the domestic proposal." It is as if that is a good thing, as if they are bragging that we are treating the foreign banks the same way as domestic banks, but these foreign banks happen to break the law over and over—Deutsche Bank, Santander, and other banks.

That is not even the only good news for megabanks this week. We got word that the Fed and President Trump's appointees are going to let the biggest Wall Street banks off the hook on another rule, but one that requires something called living wills. Now, living wills doesn't sound like much. It doesn't mean much to Members of this Senate and to the general public, unless they are in the Banking Committee and they spend a lot of time on this.

Living wills are blueprints from banks that are supposed to prove they will not wreck the economy and cost taxpayers billions of dollars if they go bankrupt. Now, pretty much the way it works is like this. The Federal Reserve goes to these banks and they require these banks to show what would happen if there were a significant downturn in the economy like there was a decade-plus ago.

When the economy went south in 2007, 2008, and 2009, for these banks—because they weren't strong enough, because they hadn't had these stress tests, and because they hadn't gone through these rules because it wasn't Federal law at the time—it wasn't clear that these banks would be able to withstand that kind of plummeting of the economy when demand shrinks and all the things that happen in a recession. They weren't. So that is why government bailed them out. That is why the lobbyists lined up in Leader MCCONNELL's office—then, I guess, it was Leader Fritz's office or Leader Lott's office—and got so much of what they wanted from Senate Republicans in those days.

The whole point of these living wills is that banks can show, through a series of complicated tests, that even if the economy goes bad, these banks aren't going to tank, these banks aren't going to go out of business, and these banks aren't going to need a Federal bailout. That is the whole purpose—a big part of the purpose—of Dodd-Frank, the Wall Street reform bill.

Again, these living wills are blueprints from banks that would prove they will not wreck the economy and cost taxpayers billions if they go bankrupt. Under the bill that passed a decade ago to fix this, they had to go through a stress test every year. Well, this bill the President signed said that, well, they will not have to go through it quite every year. The debate was—I said I didn't think we should do it. My

Republican colleagues said: Well, it will probably be every other year. Maybe that is not so bad.

I said: Well, probably it is. It ought to be every year.

Now the Federal Reserve has said it is just going to be once for every Presidential 4-year term—once every 4 years. Nobody saw that coming. I guess the banks saw it coming because the banks had a lot of influence with them.

So the Wall Street reform law required them to file these plans every year, and now they require them only every 4 years. It is said that if those plans didn't look credible and if the banks failed their stress tests—in other words, they weren't strong enough to withstand a recession—then, the Federal Reserve and others would have the power to go in and make these problem banks simpler and smaller. In other words, if the banks couldn't withstand a bad economy and if these banks were too fragile and caused too much damage to the economy if they didn't pass the stress tests, these banks, then, could be broken up into smaller units, making them stronger. But now financial watchdogs only have to check into those plans just once a Presidential term, every 4 years. A lot can change and a lot can go wrong in 4 years. Just ask any family or anyone how their income or rent or savings change. They may not be the same month-to-month let alone every 4 years.

The people in this town, especially Republicans on the Senate Banking Committee, have this collective amnesia. They may have forgotten what the financial crisis and the housing crisis meant. The families who lost their homes, lost their jobs, lost their retirement savings and their college funds haven't forgotten. They haven't recovered from the financial crisis. They haven't recovered from decades of bad trade policy and bad tax policy that make it harder and harder for their work to pay off.

I don't think Members of this body—there is a wonderful quote from President Lincoln when he said to his staff: I need to go out and get my public opinion back. I need to go out and listen to what people are saying and look at how they are living and talk about their lives.

It is not something people around here do much of, especially when it is people who might be vulnerable to losing their homes.

I live in Cleveland, OH, Connie and I. We live in ZIP Code 44105. There were more foreclosures in my ZIP Code than in any ZIP Code in the United States of America. You can still see the urban blight and the residue in what is left—the remains of those foreclosures.

Think about what it means to a family personally. The first thing they have to do is get rid of their pet. Their pet costs too much money, no matter how close their son or daughter or they themselves may be to their dog or cat.

Then they have to make all kinds of decisions: We are going to have to

move. We are going to have to go to a new school district—all the kinds of heartache when your life has been turned upside down because you are foreclosed on.

I am not an alarmist or predicting anything in the next few months, but if we keep going down this path, weakening Federal banking law, doing the bidding of Wall Street, if the lobbyists continue to go in and out of the office of Senator MCCONNELL, the Republican leader's office, and the bank lobbyists who go in and out of there and get their way—if that happens and continues to happen, who knows what will happen again in the next 2, 3, 5, 10 years.

The more we roll back these rules on Wall Street, the more we give breaks to foreign megabanks, the greedier the big banks get, the more risk they take on, and the higher the chance that one of their big risks doesn't pay off.

Mr. President, you know who is paying the price when Wall Street bets don't pay off. It is you, it is the workers, families, and taxpayers. It is your money, the American people's money they are gambling with. So instead of making it easier for Wall Street to make big bets and break the law without reaping consequences, why don't we make it easier for families to afford healthcare? Why don't we make it easier for working parents to afford childcare? Why don't we make it easier for workers to save for retirement? Why don't we make it easier for students to pay for college? Why don't we honor the dignity of work and make sure hard work pays off for everyone, whether you swipe a badge or punch a clock or work for tips or work for a salary or whether you are taking care of children or an aging parent? Why don't we make it easier for them with a tax code and trade policy that works? Instead, all our efforts and all of the administration's efforts—as I said, the White House looks like a retreat for Wall Street executives. So much of their efforts are to make it easier for corporations and to make it easier for the big banks.

It is time we listened a little more to the Americans we serve, a little less to the biggest Wall Street banks that have gotten enough handouts already.

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

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

Mr. LEE. Mr. President, we have no further debate on the nominee.

The PRESIDING OFFICER. Is there further debate?

If not, the question is, Will the Senate advise and consent to the Morales nomination?

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

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The bill 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. Are there any other Senators in the Chamber wishing to vote or to change their vote?

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

[Rollcall Vote No. 75 Ex.]

YEAS—56

Alexander	Gardner	Paul
Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Capito	Isakson	Sasse
Cassidy	Johnson	Scott (FL)
Collins	Jones	Scott (SC)
Cornyn	Kaine	Shelby
Cotton	Kennedy	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	Heinrich	Schatz
Blumenthal	Hirono	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Smith
Cardin	Leahy	Stabenow
Carper	Markey	Tester
Casey	Menendez	Udall
Coons	Merkley	Van Hollen
Cortez Masto	Murphy	Warner
Duckworth	Murray	Warren
Durbin	Peters	Whitehouse
Feinstein	Reed	Wyden
Gillibrand	Rosen	

NOT VOTING—3

Booker	Harris	Perdue
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The nomination was confirmed.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that with respect to the Morales nomination, the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

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 bill 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 Secretary of the Interior.

Mitch McConnell, Mike Crapo, John Thune, John Barrasso, Johnny Isakson, Pat Roberts, John Cornyn, Lindsey Graham, Thom Tillis, Roy Blunt, John Boozman, James E. Risch, Roger F. Wicker, John Hoeven, Mike Rounds, Steve Daines, Shelley Moore Capito.

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 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. 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. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 76 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 PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of David Bernhardt, of Virginia, to be Secretary of the Interior.