

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 nonsensitive 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