

which did not require Senate confirmation, Mr. Jorjani wasted little time before mounting a full frontal assault on Obama-era environmental regulations, to the delight of his former patrons. Of the eight Solicitor's legal opinions that Mr. Jorjani authored, seven roll back Obama-era environmental regulations.

Let me focus on one example that certainly sticks out. In a stunning reversal of a 2017 opinion issued by then-Solicitor Hilary Tompkins, Mr. Jorjani pushed to shield companies from liability for killing birds protected under the Migratory Bird Treaty Act as long as it was not the company's intended action.

That is like saying BP shouldn't have to pay to clean up the Deepwater Horizon oilspill because they didn't intend to release nearly 5 million barrels—200 million gallons—of oil into the Gulf of Mexico. Clearly, companies should not be shielded from their negligence.

Mr. Jorjani's reversal of the opinion overturned existing Department enforcement practices that had been in place for the past 40 years. The oil and gas industry had been complaining about this rule for years precisely because it held them accountable for their actions.

When I asked Mr. Jorjani directly at his confirmation hearing about which industry benefited most from this reversal decision of his, he claimed: "I'm not aware of any particular industry that benefits from this."

Who is he trying to kid? My reaction to Mr. Jorjani's shibai—or BS—answer is that the oil and gas industries are the biggest beneficiaries. He knew it, and I knew it.

Mr. Jorjani's actions are particularly alarming in light of a new study that found that North America has lost 3 billion birds—nearly 30 percent of our total bird population—in the past 50 years.

In normal times, we expect leaders of the Interior Department to pursue policies to mitigate the harm being done to our ecosystems and environment, not to do things that will actually make big problems even worse. But these are not normal times.

Instead, we have yet another Trump nominee with extensive conflicts of interest, pursuing policies that help his former employers in a manner that is fundamentally hostile to the Department in which he or she serves.

Fitting the Trump administration's normal pattern of corruption should be more than enough to deny him confirmation to this critical job, but Mr. Jorjani—just like his boss, Interior Secretary David Bernhardt—is also currently under investigation by the DOI inspector general.

Mr. Jorjani is under investigation for potential misconduct related to his management of the Department's compliance with the Freedom of Information Act, or FOIA, and its so-called supplemental review policy.

Under this policy, political appointees at the Department are noti-

fied about the public release of any documents containing their names or email addresses. This policy can be problematic even in normal times. It could result in political interference in the FOIA process to delay the release of potentially damaging information, but DOI allegedly has an additional internal review policy that goes even further. It allows Mr. Jorjani and the Department's Deputy Chief of Staff 5 days before release to review requested records that involve senior staff in the Secretary's office. This review process not only opens up the possibility for inappropriate delays but also allows for willful and blatant withholding of important information the public has requested.

In response to questions at his confirmation hearing and questions for the record, Mr. Jorjani asserted that he "typically did not review records prior to their release under the FOIA." However, internal documents released by the DOI paint a very different picture, one in which Mr. Jorjani was regularly involved in reviewing FOIA documents.

At best, Mr. Jorjani was not forthcoming or candid. In fact, it appeared that he lied under oath.

With a position as important as this one, the American people deserve, at the very least, an ethical Solicitor devoted to the mission of the Department, one who is not compromised by or catering to the narrow interests of his former employers or one who doesn't tell his staff, as Mr. Jorjani told his staff, that "at the end of the day our job is to protect the Secretary." Protecting the Secretary is nowhere in Mr. Jorjani's job description. He is yet another Trump nominee who should not be confirmed by the Senate.

I yield the floor.

The PRESIDING OFFICER. I recognize the Senator from Oregon.

UNANIMOUS CONSENT AGREEMENT

Mr. WYDEN. Mr. President, I would like to propound a unanimous consent request. I think colleagues know we have run a little bit behind. I ask unanimous consent that the Senator from Iowa be recognized next for her remarks and that I be recognized to close the debate on Mr. Jorjani and be allowed to speak for up to 15 minutes. I think we would end up being about 10 minutes late or thereabouts, between 20 of and quarter of.

I ask unanimous consent that I be able to speak for up to 15 minutes after the Senator from Iowa has finished her remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Ms. ERNST. Mr. President, first, I would like to thank my colleague from Oregon. I appreciate that very much.

NO BUDGET NO RECESS ACT AND END-OF-YEAR FISCAL RESPONSIBILITY ACT

Mr. President, 'tis the season in Washington. Government agencies are going on their "Christmas in Sep-

tember, use-it-or-lose-it" shopping spree. If not spent by midnight on September 30, leftover dollars expire and can no longer be used.

Rather than returning the money to taxpayers, binge-buying bureaucrats are wasting billions of taxpayer dollars needlessly. Frankly, folks, this is Washington's most notorious tradition at the end of our fiscal year.

Let me tell you, folks, Iowans and hard-working folks across the country really should be appalled by many of the last-minute purchases our tax dollars are paying for. I will just give you some examples.

There was \$4.6 million spent on lobster tail and crab; \$2.1 million spent on games, toys, and wheeled goods; over \$53,000 on china and tableware; more than \$40,000 on clocks; and nearly \$12,000 for a commercial foosball table. Yes, that is right, folks, a commercial foosball table, 12,000 of your dollars.

What are we, as Congress, doing about this wasteful spending? Nada, nothing. Congress is sitting idly by, letting Washington bureaucrats waste the hard-earned dollars of folks in my home State of Iowa.

Failing to pass the bills necessary to fund the government on time makes it difficult for agencies to thoughtfully plan and allocate billions of dollars. That is why I fought hard to make sure Congress completes its job of appropriating and budgeting on time.

Through my No Budget No Recess Act, Members of Congress would be prohibited from leaving Washington if we fail to pass a budget by April 15 or if we fail to approve regular spending bills by August 1.

The way we are doing business is incentivizing Federal agencies to rush and spend the rest of their money as quickly as possible, and it makes it all the more likely that they will waste money on unnecessary goods and services.

As Iowa taxpayers know, it is never smart to rush into a big purchase. Unfortunately, it seems Washington bureaucrats don't agree, especially when it is the tax dollars of hard-working Americans that they are dealing with.

Washington's spending disorder gets more expensive every year. The \$97 billion rung up in September 2018 is 15 percent more than was spent the same month the previous year and a staggering 39 percent more than that time in 2015. But if the Federal agencies followed the President's directive to trim their budgets by 5 percent, an easy place to start is simply by cutting the dollars they have been unable to spend.

Federal agencies end every year with leftover money in their budgets. This year, it is estimated the government will end up with more than \$825 billion in unspent funds that have not been committed by contract or otherwise obligated to be spent. Last year's \$804 billion budget deficit could have been wiped out and turned into a surplus if the unobligated balance being held in the Federal coffers had been canceled.

Instead, Federal agencies ordered lobster tail and tons of—get this—tater tots—tons of tater tots, as Washington amassed its largest shortfall since 2012.

Folks, we have to put an end to this madness. Seriously, someone has to be the Grinch on behalf of our taxpayers. That is why earlier this year I introduced the End-of-Year Fiscal Responsibility Act.

My bill would limit an agency's spending in the last 2 months of the year to no more than the average of the previous 10 months. This bill will not end all wasteful spending, but it will force agencies to put more thought into long-term planning and curtail the bad habit of out-of-control impulsive spending.

Folks, Washington spending is out of control. With our national debt now surpassing \$22 trillion, Washington should be looking for ways to save by canceling or delaying unnecessary expenses rather than splurging on end-of-the-year wish lists.

I would like to recognize the great work of the nonpartisan group OpenTheBooks, which is working to put every dime the government spends online in real time to hold Washington accountable. The group issued a report on this very subject in March.

I would also like to note that Iowans sent me to the Senate with a specific mission: Cut wasteful spending, and make Washington squeal. To prevent buyer's remorse, I am giving everyone in Washington fair warning. My office will be reviewing your last-minute purchases and asking you to justify them to the taxpayers.

It is time to put an end to this reckless behavior. Billion-dollar binge buying is no way to budget.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF DANIEL HABIB JORJANI

Mr. WYDEN. Mr. President, there is a job opening at the Interior Department, and that can mean only one thing: another Trump nominee who, incredibly, is already under investigation for misconduct, even before his first day on the job. This time, it is Daniel Jorjani, a long-serving Trump Interior official who is up for a powerful role as the Department's Solicitor.

I say to the Presiding Officer and colleagues, I have put a hold on this nominee. If anything, the case for withholding action on this nominee has gotten greater in the last few days. Just in the last few days, the Department's inspector general has made it clear that this is an individual he is going to investigate. I will tell my colleagues that, if you are putting somebody already under investigation on a fast track to the Interior Department corruption hall of fame, right up there with Ryan Zinke, I believe that is a mistake the Senate is going to regret.

It probably doesn't take an inspector general investigation to uncover why this is a mistake. I am going to explain it this morning, briefly.

First, I believe it is important to start with an honest assessment of what Donald Trump appointees have done at the Interior Department. Under this President, it is often difficult for one agency's corruption to stand out above the rest, but somehow Interior Department officials manage to do that again and again.

Mr. Jorjani, a former industry adviser for Koch Industries, is an example of just this type of behavior. The Office of the Interior Solicitor is in charge of legal issues and ethics for the Department. It is a big team with a lot of power. Mr. Jorjani has been a key member of the Solicitor's office.

His own words indicate that he doesn't believe that his primary function at Interior is to protect public lands and uphold ethical standards. We have already heard discussion earlier this morning that he wrote to agency colleagues—and we have been quoting it—saying “our job is to protect the Secretary.” Those are his words, not the words of anybody here in the Senate. What Senators may not know is that Mr. Jorjani was talking about Ryan Zinke, who brought on a category 5 ethical hurricane during his brief time as Interior Secretary.

In the same email, Mr. Jorjani boasted about having impeded inspector general investigations into the misuse of taxpayer funds for travel. It wasn't just talk. The record shows that covering up dirty ethics and potential lawbreaking is routine for Mr. Jorjani. By my count, there are at least four investigations into wrongdoing at the Interior Department that were closed or found inconclusive due to a lack of cooperation or records production on Mr. Jorjani's watch.

These investigations covered a multitude of issues, from the potential misuse of expensive chartered travel to a halted study on the crucial health impacts of potentially dangerous Interior Department energy policies.

Then there is the issue of the Interior Department's new policy under the Trump administration with respect to the Freedom of Information Act. The new policy—and again, this is a retreat from public interest standards—gives political appointees unprecedented control over the Department's response to Freedom of Information Act requests. In my view, it looks like an effort to conceal the fact that Trump Interior officials are spending their days doing the bidding of a host of special interests.

There is clear evidence that this new secretive Freedom of Information Act policy was implemented under the Trump administration, that Mr. Jorjani knew about it, and that he was up to his eyeballs in putting this in motion.

When I asked Mr. Jorjani about the Freedom of Information Act policy during an Energy and Natural Resources Committee hearing, Mr. Jorjani actually claimed it didn't exist. He later told one of our col-

leagues, the distinguished Senator from Maine, Mr. KING, that he had no involvement in Freedom of Information Act responses.

I want it understood that I believe Mr. Jorjani lied to the Energy and Natural Resources Committee and perjured himself to that body.

Colleagues, I know that Members on both sides are concerned about what has happened with the Freedom of Information Act under this administration. I want to commend the several Republican Senators who have said that they are troubled about what this administration is doing with the Freedom of Information Act—the so-called “awareness reviews” by appointees that really aren't hard to figure out. It is about secretive political interference.

What we are seeing with the Freedom of Information Act is inconsistent with the intent of Congress, and it is wrong. The importance of government openness and honesty with the American people ought to be a bipartisan proposition. It is in the interest of everyone—Democrats and Republicans—to protect the Freedom of Information Act from evasion and protect it from abuse. That is part of why this new Interior policy on the Freedom of Information Act is so troubling.

As I mentioned, on Friday, the Interior inspector general confirmed to me that Mr. Jorjani is currently under investigation for his role in this Freedom of Information Act policy. For colleagues who may be following this, let's just understand what is going on: We are getting ready to vote on whether to advance somebody who is under a formal inspector general investigation. The fact that the inspector general is investigating such a serious matter ought to be enough all by itself to stop this nomination from going forward.

Certainly, Mr. Jorjani's own words about how he views the job—not about protecting the public but about protecting someone like Ryan Zinke—ought to be disqualifying. If Mr. Jorjani is confirmed, the person who will be in charge of ethics at the Interior Department told colleagues his job was to protect a crook. That is what he said.

Colleagues, this administration in too many instances has made deceit and unethical conduct the norm at the Interior Department. Trump officials have sidelined the Department's core purpose, which is to protect our treasured public lands on behalf of all Americans. Too often, it seems, they side with special interests that will pollute America's air, poison the drinking water, fuel climate change, and destroy the treasures that Americans all love.

At some point the U.S. Senate ought to draw the line. I think the Jorjani nomination is such a place.

I urge my colleagues to oppose the nomination. I urge my colleagues to join me in voting no.

I yield the floor.