

Cardin	Jones	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Coons	Klobuchar	Shaheen
Cortez Masto	Leahy	Smith
Donnelly	Markey	Stabenow
Durbin	McCaskill	Tester
Feinstein	Menendez	Udall
Gillibrand	Merkley	Van Hollen
Harris	Murphy	Warner
Hassan	Murray	Warren
Heinrich	Nelson	Whitehouse
Heitkamp	Peters	Wyden
Hirono	Reed	

NOT VOTING—2

Duckworth McCain

The joint resolution (S.J. Res. 57) was passed, as follows:

S.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Consumer Financial Protection relating to “Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act” (CFPB Bulletin 2013-02 (March 21, 2013), and printed in the Congressional Record on December 6, 2017, on pages S7888–S7889, along with a letter of opinion from the Government Accountability Office dated December 5, 2017, that the Bulletin is a rule under the Congressional Review Act), and such rule shall have no force or effect.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

CLOTURE MOTION

The PRESIDING OFFICER. There is now 5 minutes equally divided before the next vote.

The Senator from Wisconsin.

Ms. BALDWIN. Thank you, Madam President and colleagues.

The next vote will be on cloture on a motion to concur with an amendment that is the Coast Guard reauthorization, but with a special provision that I want to draw all my colleagues' attention to, dealing with incidental discharges from vessels.

I am strongly supportive of the Coast Guard reauthorization, but this VIDA provision, as it is known, is extremely troublesome. It impacts both freshwater coasts of the Great Lakes as well as our other coastal regions, and it strips the Environmental Protection Agency of its scientific role in setting standards for discharges and puts the Coast Guard entirely in charge of these decisions and enforcement.

In addition, it strips all of our coastal States of the authority to pass laws concerning the waters off their coasts. Wisconsin is a State that has passed its own water discharge rules. It has done so because we need to protect the greatest fresh drinking water source in the world and in our Nation.

We also have had threats of invasive species that would decimate our Great Lakes. Ballast water and incidental discharges can often be the cause of those invasive species. In addition, there are chemicals that can enter the water if this is not regulated. This is not the time for a one-size-fits-all approach.

We should remove the VIDA provision from the Coast Guard reauthorization, pass the Coast Guard reauthorization on a voice vote because it is absolutely not controversial, and then get to the hard work of doing VIDA the right way.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, the title that our colleagues are complaining about in this bill—the Vessel Incidental Discharge Act, or VIDA—has been introduced in the last five Congresses since 2008, several times being led by Democrats.

There have been numerous hearings, meetings, and protracted negotiations regarding VIDA, spanning days, weeks, months, and years. The bill has been passed out of the Commerce Committee two times this year and multiple times in the past always by voice vote.

There are 23 cosponsors, including many from the other side of the aisle—Senators CASEY, NELSON, SCHATZ, MCCASKILL, COONS, and SHAHEEN this year. Other cosponsors of similar past VIDA bills include Senators HIRONO, MARKEY, PRYOR, WARREN, COONS, MANCHIN, and Hagan. There have been negotiations with committee members and people off the committee. We have accommodated and accommodated and accommodated so much—I have bent over backward so many times that I can't hardly stand up straight—trying to accommodate concerns that people have on this.

Many of the folks speaking against VIDA have been in those negotiations, very honestly. Some of the friends across the aisle have extracted concession after concession, only to move the goalpost whenever we get close.

Here is a list of some of the changes we have agreed to: State incidental discharge standards remain in place until promulgation of a final Coast Guard rule, allowing at least 2 years during which all the current standards remain in place. Both ballast water and incidental discharge rules will be developed by the Coast Guard in concurrence with the EPA. We respect the EPA's good work in this area and fully anticipate that the Agency will be closely involved every step of the way. States will have the authority to enforce the Federal regulations regarding ballast water and incidental discharges. States will have the authority to require that vessel operators provide ballast water compliance information prior to arrival at a port. States will have the ability to charge existing and new fees for ballast water and incidental discharge inspections.

Madam President, this was a bipartisan bill when it was introduced, and since, we have made numerous changes to accommodate concerns. VIDA preserves environmental protections and allows commerce to move. It has gone through extraordinary debate, process, and input from both sides of the aisle. It is time to pass this bill now.

The PRESIDING OFFICER. The Senator's time has expired.

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

The senior assistant 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 motion to concur in the House amendment to accompany S. 140, an act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify use of amounts in the WMAT Settlement Fund, with a further amendment.

Mitch McConnell, John Barrasso, Roy Blunt, Johnny Isakson, Todd Young, Tom Cotton, Tim Scott, Roger F. Wicker, Cory Gardner, John Thune, Jerry Moran, John Hoeven, Lamar Alexander, Pat Roberts, Mike Crapo, Jeff Flake, John Boozman.

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 motion to concur in the House amendment to S. 140, with amendment No. 2232, offered by the Senator from Kentucky, Mr. MCCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—56

Alexander	Flake	Murkowski
Barrasso	Gardner	Nelson
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Casey	Heller	Roberts
Cassidy	Hoeven	Rounds
Collins	Hyde-Smith	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Jones	Sullivan
Cruz	Kennedy	Thune
Daines	Lankford	Tillis
Donnelly	Lee	Toomey
Enzi	Manchin	Wicker
Ernst	McCaskill	Young
Fischer	Moran	

NAYS—42

Baldwin	Feinstein	McConnell
Bennet	Gillibrand	Menendez
Blumenthal	Harris	Merkley
Booker	Hassan	Murphy
Brown	Heinrich	Murray
Cantwell	Hirono	Peters
Cardin	Kaine	Reed
Carper	King	Sanders
Coons	Klobuchar	Schatz
Cortez Masto	Leahy	Schumer
Durbin	Markey	Shaheen

Smith
Stabenow
Tester

Udall
Van Hollen
Warner

Warren
Whitehouse
Wyden

Rounds
Rubio
Sasse
Scott

Shelby
Sullivan
Thune
Tillis

Toomey
Wicker
Young

NOT VOTING—2

Duckworth

McCain

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

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 assistant 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 JAMES BRIDENSTINE, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

Mitch McConnell, John Hoeven, Johnny Isakson, James Lankford, Steve Daines, Mike Crapo, John Kennedy, John Barrasso, John Thune, Thom Tillis, Roger F. Wicker, James M. Inhofe, Richard Burr, Mike Rounds, Shelley Moore Capito, Tom Cotton, 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 JAMES BRIDENSTINE, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

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

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 78 Ex.]

YEAS—50

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Collins
Corker
Cornyn
Cotton
Crapo
Cruz

Daines
Enzi
Ernst
Fischer
Flake
Gardner
Graham
Grassley
Hatch
Heller
Hoeven
Hyde-Smith
Inhofe

Isakson
Johnson
Kennedy
Lankford
Lee
McConnell
Moran
Murkowski
Paul
Perdue
Portman
Risch
Roberts

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Coons
Cortez Masto
Donnelly
Durbin
Feinstein
Gillibrand
Harris

NAYS—48

Hassan
Heinrich
Heitkamp
Hirono
Jones
Kaine
King
Klobuchar
Leahy
Manchin
Markey
McCaskill
Menendez
Merkley
Murphy
Murray

Nelson
Peters
Reed
Sanders
Schatz
Schumer
Shaheen
Smith
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—2

Duckworth

McCain

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 48.

The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of JAMES BRIDENSTINE, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

The PRESIDING OFFICER. The Senator from Tennessee.

NOMINATION OF CARLOS MUNIZ

Mr. ALEXANDER. Mr. President, later this afternoon, the Senate will finally vote to confirm Carlos Muniz—a well-qualified nominee—to be general counsel at the U.S. Department of Education.

I came to the floor last week to ask for this vote because I believe Mr. Muniz has been subject to unreasonable delays. For example, Mr. Muniz was nominated by the President on June 6th of last year—316 days ago. He has been pending on the floor since we reported him out of the Health, Education, Labor, and Pensions Committee on October 18, 2017—182 days ago. In other words, he has been waiting for 6 months, following his approval by the relevant committee, for the Senate to consider this nomination. So it is time to confirm him. It is time to give Secretary DeVos an attorney and a general counsel.

Mr. Muniz has extensive experience as an attorney and in government. From January 2014 to February 2018, he was a partner at the law firm of McGuireWoods in Florida.

Prior to that, from January 2011 to 2014, he was Deputy Attorney General for the State of Florida and Chief of Staff to Attorney General Pam Bondi. There, he managed a 400-lawyer agency and oversaw all functions, including litigation, policy development, legislative affairs, and communications. He was also General Counsel for Florida's Department of Financial Services and Deputy General Counsel for Governor Jeb Bush.

Mr. Muniz graduated from the University of Virginia with high honors. He earned his law degree from Yale, where he was an editor of the Yale Law Journal. After law school, he served as a law clerk to two Federal judges, one on the U.S. Court of Appeals for the Second Circuit and the other for the U.S. District Court for the District of Columbia. In other words, he is exactly the kind of person that we hope would serve in public life.

I am delighted that he chose to accept the President's nomination and that we will have a chance this afternoon to confirm him.

As general counsel, he will have the important job of providing legal assistance to the Secretary concerning the programs and policies of the Department and making sure that these policies follow the law, which given his background, he has the experience to do.

He testified in his confirmation hearing that he is committed to advising the Secretary to follow the law as Congress wrote it.

I am glad we are having this vote today. I support his nomination. I urge my colleagues to do the same.

Mr. President, I thank the Senator from Texas for his courtesy in allowing me to speak before him.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Carlos G. Muniz, of Florida, to be General Counsel, Department of Education.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the nomination, equally divided between the Senator from New York or her designee and the Senator from Tennessee or his designee.

The majority whip.

REMEMBERING BARBARA BUSH

Mr. CORNYN. Mr. President, it is with sadness that I come to the Senate floor to speak about former First Lady Barbara Bush on her passing yesterday. Of course, she was the wife of our 41st President and the mother of our 43rd President.

My wife Sandy and I have wonderful memories of Mrs. Bush flying around the State of Texas with us during my campaign for attorney general. That the former First Lady of the United States was so willing to embark on this long day of campaigning speaks to her generosity and her devotion to causes she believed in. With her, we always felt like we were flying in first class.

Many kind things have already been said about the First Lady's sharp wit and her sense of humor, her efforts to improve child literacy, and her faith and loyalty to family and friends; and all of those are true. I will not try to top those statements. I will simply say what all of us are feeling today: sad