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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father and Sovereign King, as our lawmakers prepare for another chapter in our legislative history, bless those who will be leaving us and those who will be coming. Give them wisdom and courage for the living of these days.

May Your gift of wisdom provide them with a guide for the unknown way, enabling them to approve things that are excellent. Remind them that the most important choices demand the ability to discriminate not only good from bad but the best from the better and the good.

May Your gift of courage empower our Senators to permit their reach to exceed their grasp for the glory and honor of Your Name.

Lord, continue to extend Your mercies to the Members of the Tree of Life Synagogue in Pittsburgh, PA.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HOEVEN). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

WILDFIRES IN CALIFORNIA

Mr. MCCONNELL. Mr. President, I would like to begin by recognizing the brave fire and rescue personnel who are working around the clock to stop the spread of fires in California. I know all of our colleagues join me in remembering the more than 40 people who have lost their lives to the blaze, in sympathy for their families and in prayer for all of those whose homes, lives, and livelihoods have been thrown into chaos by this disaster.

As these communities begin the task of rebuilding, Americans everywhere will stand with them.

WELCOMING OUR NEW COLLEAGUES

Mr. MCCONNELL. Mr. President, on an entirely different matter, this is an exciting week for the Senate. For one thing, we are beginning to welcome several new Members to our ranks. They may not be sworn in until January, but these new Senators-elect are already arriving in town for orientation events and to vote in their party's leadership elections.

I know I speak for all of my colleagues in issuing each of our future colleagues, on both sides of the aisle, our hearty congratulations and a warm welcome. We are looking forward to working with all of these new colleagues.

UPCOMING BUSINESS

Mr. MCCONNELL. Mr. President, even as we begin looking ahead to January and the 116th Congress, the reality is, we still have a series of important outstanding subjects to tackle between now and the end of the year. First on the list is legislation that will reauthorize funding for our Coast Guard and implement a number of important reforms.

Our Nation calls on the Coast Guard to protect America's ports and to

maintain shipping lanes to interdict illegal drugs before they reach the border and to risk their lives to save others in the midst of fierce storms and natural disasters. In each case, they embody their motto: "Semper Paratus"—"Always Ready."

So in passing these measures this week, the Senate will be fulfilling an important promise to some of the brave men and women who have taken an oath to keep us safe.

Aspects of this legislation are particularly important to States like my own State of Kentucky—the heart of our Nation's inland waterways system. For too long, vessel owners and barge operators have struggled under a complex system of overlapping and duplicative regulations. They make normal shipping functions needlessly difficult, including the incidental discharge of ballast water. A confusing web of rules from States, the Coast Guard, and the EPA leave owners and operators to face constant uncertainty and lead to higher costs.

The Vessel Incidental Discharge Act, or VIDA, replaces the existing system with a uniform, cost-effective, and national standard enforced by the Coast Guard.

For the 13,000 Kentuckians whose jobs depend on our State's inland waterways, this provision can help cut costs, promote efficiency, and protect our natural waters. For the countless farmers, miners, and manufacturers who depend on these waters to get their goods to market, VIDA ends the headache and delivers relief.

VIDA passed out of the Senate Commerce Committee on a voice vote. In fact, it has been reported out of committee numerous times in recent years, including when our Democratic colleagues were in the majority. So it is time to pass this bipartisan bill; it is time to help the Coast Guard continue its important work; and it is time to deliver much needed predictability to the mariners who rely on it. I urge

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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every one of our colleagues to join me in voting to advance it later this afternoon.

After that legislation, we will turn to another qualified nominee, Michelle Bowman, to serve as a member of the Board of Governors for the Federal Reserve. Ms. Bowman currently serves as a banking commissioner for the State of Kansas. I look forward to confirming her this week as well.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 140, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 140, a bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Pending:

McConnell motion to concur in the amendment of the House to the bill, with MCCONNELL (for THUNE) Modified Amendment No. 4054, in the nature of a substitute.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

MIDTERMS

Mr. SCHUMER. Mr. President, first, let me say that all of our hearts go out to everyone affected by the terrible wildfires in California and, once again, express how grateful we are to the first responders and firefighters, those brave people on the scene. We continue to monitor the situation, and the Senate will do everything it can to help.

Now, let me welcome everybody back after the midterm elections.

Last week, Americans voted in record numbers to deliver an unambiguous message: They wanted a change. People across the country were disappointed in what 2 years of one-party Republican rule had delivered: rising healthcare costs and declining quality, a massive giveaway of public resources to multinational corporations and to the wealthiest few, and a Congress that failed to provide a check and balance on the President. So the American people voted for a change. They voted for

a check on President Trump and a Congress that would stop trying to take away their healthcare.

After 2 long years, that is what they will get. Republican plans to rip healthcare away from Americans has been stymied.

Democrats won the House of Representatives decisively. Democrats flipped several Governors and State legislatures. Here in the Senate, Democratic candidates did extraordinarily well with a very difficult map. Overall, last Tuesday night was a very good night for Democrats. But more importantly, it was a very good night for America and for beginning to restore some normalcy to our Nation's governance.

This afternoon, let me welcome the new Republican Senators and the two new Democratic Senators, JACKY ROSEN of Nevada, and KYRSTEN SINEMA of Arizona—the women of the West—with whom I met this morning. Both are highly accomplished. Both are tough and incredibly bright and principled but also pragmatic. I assure you that they will both make excellent, effective Senators. I could not be more pleased to welcome them to this Chamber.

But now that the hard-fought midterm campaign is over, we must turn the page and see what Democrats and Republicans can accomplish together for the American people. In the lame-duck session, we will consider legislation dealing with the Coast Guard and wrap up the appropriations process. Then, in January, the House and Senate will come back with new legislators and new priorities.

One item can't wait, though, until January. Last week, President Trump asked for the resignation of his once best friend, Attorney General Jeff Sessions, and announced that Matthew Whitaker, the Chief of Staff to the Attorney General, would become the Acting Attorney General. Even though Deputy Attorney General Rod Rosenstein, already confirmed by the Senate, was next in line for the title of Acting Attorney General under the Department of Justice's succession statute, President Trump took the highly unusual step of naming another person to the job, Mr. Whitaker, who has not been confirmed by the Senate for any job in the Justice Department.

First and foremost, there are serious questions about whether or not Mr. Whitaker's appointment is even constitutional, considering the requirement for Senate confirmation in article II of the Constitution. But in addition to very serious questions about the appointment itself, Americans should be very concerned about the appointee, Mr. Whitaker, and what he might mean for the special counsel's investigation.

It is amazing. Mr. Whitaker claims that Russia didn't interfere with our elections, contrary to the conclusion of 17 intelligence agencies. When someone ignores the facts and just says these

things, you know they are an ideologue. They are not trying to dispense justice or anything else down the middle. They are an ideologue. Seventeen intelligence agencies say Russia interfered in our elections. This is not about collusion—just whether they interfered, and Whitaker says no. He has called for “pulling the reins back” on the Russia investigation. That is hardly a neutral arbiter who is going to call the shots as they should be called, down the middle. He referred to Special Counsel Mueller and his staff as a “lynch mob.”

When I saw General Flynn in the 2016 campaign, a three-star general, screaming: “Lock her up,” I thought: Something is wrong. A general shouldn't do that no matter what their political views are. When the Acting Attorney General refers to Special Counsel Mueller and his staff as a “lynch mob,” that is way over the top in a similar way, and Whitaker has openly mused about how to grind the investigation to a halt.

There is simply no question that Mr. Whitaker enters his role as Acting Attorney General with a clear bias against the Russia investigation. Essentially, Mr. Whitaker has prejudged the outcome of an investigation he now oversees. That is awful. That is not America. That is so highly political in a bad way.

In light of this, two things must happen. First, we are demanding that Mr. Whitaker recuse himself from the Russia investigation. On Sunday, I sent a letter, along with Leader PELOSI and top Democrats from both Houses in the relevant committees, to the Department of Justice's chief ethics officer explaining why Mr. Whitaker should be recused and requesting that the chief ethics officer notify Congress of what ethics guidance Mr. Whitaker has given.

We have heard that Mr. Whitaker is meeting with the ethics officials this week, and we expect that Congress will be notified about the results of those discussions.

Second, if Whitaker does not recuse himself, we Democrats are going to attempt to add legislation to the must-pass spending bill in the lame-duck session that would prevent Acting Attorney General Whitaker from interfering with the Mueller investigation in any way. Judiciary Committee Democrats have also requested that Chairman GRASSLEY schedule a hearing with Mr. Whitaker and former Attorney General Sessions. I support that request wholeheartedly.

Now, even if you don't believe that Mr. Whitaker poses a threat to the Mueller investigation, there are serious questions about whether his appointment is lawful or whether Mr. Whitaker has the experience, temperament, independence, fidelity, and rule of law required for such a vitally important position. Given that the Senate never confirmed him for his current role in the Justice Department, now is