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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 27, 2018, at 12 noon.

## Senate

MONDAY, NOVEMBER 26, 2018

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.

O Lord, our God, how excellent is Your Name in all the Earth. We continue to be astonished that You have chosen us to work for Your Kingdom. Give us the wisdom to strive to ensure that Your will is done on Earth even as it is done in Heaven.

Lord, we are grateful that You have surrounded us with the beauty of the Earth and the glory of the skies. We praise You for the opportunities to spend our lives for causes greater than ourselves.

Today, direct the steps of our Senators, opening doors that no one can shut and closing doors that no one can open, according to the wisdom of Your loving providence.

We pray in Your great 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. KYL). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

The PRESIDING OFFICER. The Senator from Texas.

#### SENATE ACCOMPLISHMENTS

Mr. CORNYN. Mr. President, Members of Congress are making their way back to the Nation's Capital after celebrating Thanksgiving with folks at home, with their friends and their families. To me, this holiday offered a little bit of respite and time for reflection—a time to pause with our families and to think about what we have to be grateful for.

This year, I am particularly thankful for the organizations I met with when I was home in Texas that donated a lot of their most valuable resource—their time. Thousands took time out of their family celebrations to provide meals and assistance to those less fortunate. I had the opportunity to join the ranks of some of my other volunteers, like

Mayor Steve Adler of Austin, with whom I served meals at the H-E-B Feast of Sharing in Austin. I also donned an apron and gloves to help prepare turkey for the annual Raul Jimenez Thanksgiving Dinner in San Antonio, where more than 50 companies and 4,000 volunteers partnered to cook and serve meals. In 1979, Raul Jimenez, who is famous in San Antonio for his contributions there and has now left us, started this dinner with the goal of feeding 100 of San Antonio's elderly families and those less fortunate. Thirty-nine years later, his daughter and grandson, Raul Jimenez III, carry on this tradition and serve meals to feed 25,000 hungry San Antonians.

During the holiday season, we all have a chance to express our gratitude by extending a helping hand, providing a meal, or maybe simply offering words of encouragement. I was grateful I was able to join with some of the remarkable and selfless volunteers doing just that when I was back home. I want to make sure we bring that same attitude back to Congress, where I have the privilege of representing 28 million of my fellow Texans—not only the attitude of gratitude for the great privilege of living in a country such as ours but also feeling the weight of responsibility to actually produce results for them.

My discussions with my constituents when I was back home ran the gamut of possible topics, but what I keep hearing is that they feel as if they are doing much better economically. They see an economy that has been invigorated, and, yes, they have a little bit

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



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more money in their pockets to spend on holiday gifts.

When I enter the beltway in Washington, I don't read a whole lot about how well people are doing, the confidence and enthusiasm they have in their station in life and their prospects for the future. Mainly what we see on cable TV and on social media is how Congress is fraught with divisiveness and burdened by partisan politics that paralyzes us from getting anything done. We see this narrative splashed across headlines and picked apart on cable news shows.

When I go back home, I find that most of my constituents aren't particularly concerned with who is up and who is down in the purely partisan politics they see going on in the Nation's Capital. They are concerned about making their lives and their families' lives better, putting food on the table, and enjoying the fruits of their labor. They want to see their elected officials likewise doing the same and solving the real issues that affect their lives.

I think it is important to reflect on what this Senate and this Congress have been able to do over the last 2 years under this new administration. I think our record is pretty clear, and, of course, Americans responded by giving us an even greater majority—the Republican leadership in the Senate—next Congress.

In the last 2 years, we promoted policies to foster economic growth and job creation and opportunities for all Americans regardless of their station in life. By doing that, we made historic gains, and I want to mention a few of those now.

Let's start with the Tax Code—the first time in 31 years the Tax Code has been tackled and reformed. The Tax Cuts and Jobs Act lowered tax rates across the board for every tax bracket, doubled the child tax credit, and helped American businesses become more competitive in the global economy.

The savings created by these reforms have been real for Americans across the country. They mean an extra tank of gas each month, more food on the table, or a month's worth of rent. For parents, they mean that textbooks for their kids and school supplies are well within financial reach and saving a little bit more for that college education is now possible.

Robert from Wylie, TX, wrote me recently to say that he and his daughter have been “pleasantly surprised” by the increases in their paychecks. Robert said that he “appreciate[s] the effort put forth by the current administration and look[s] forward to more being done to help the average American worker.”

American workers are the ones who have been left behind in the past and told to expect the new normal of stagnant economic growth and slow wage growth, but they are exactly the ones who are being helped the most now by these changes in tax and regulatory policies. It started with the tax reform

legislation, and I think the regulatory reforms we have been able to enact have made a big difference as well.

The Texas Workforce Commission announced recently that our State hit record-low unemployment in October, while the Department of Commerce announced that the State's economy grew 6 percent in the second quarter. That is a red-hot, growing economy. These were monumental leaps forward that were felt in all corners of our State.

Confidence in the economy across the country is at its highest level since 2004; small business owners—the primary engine of job creation in our country—confidence is at record-high levels; and optimism among U.S. manufacturers has soared to an alltime high. Is this a coincidence? I don't think so. Is this a result of policies produced years ago during a previous administration, as some people would claim? I don't think so. But we have done some important things on a bipartisan basis, together, such as removing some of the burdensome Dodd-Frank banking regulations so that we can expand access to capital, which means more loan money available for small businesses and families and particularly for farmers and the farming community.

We took important steps to reduce the regulatory burdens on all employers and job-seekers alike by giving States the tools to remove barriers to certain professions through occupational licensing reform. Some of the occupational licensing requirements in our States are basically nothing but incumbent protection, trying to freeze out people who wanted to learn a new skill, only to learn that it was uneconomical to do so or that the licensure requirement made that burden too high.

We also worked to help provide for our veterans—a noble undertaking in and of itself—and those who make the transition from military life to civilian life. One bill we passed, called the Jobs for Our Heroes Act, makes it easier for veterans to get commercial driver's licenses, and the American Law Enforcement Heroes Act makes sure veterans get hired by local law enforcement agencies when they come out of the military with the very skills that are needed by our police agencies that are working to keep our communities safe.

In each of these cases, we tried to listen to what my constituents and our constituents were telling us so we could implement targeted changes meant to improve the lives of the people we are honored to represent.

Particularly around Thanksgiving but year-round, I am reminded of how grateful I am for the sacrifices made by those who have served our country in the past and those who presently wear the uniform of the U.S. military. Many times, they are the very ones who spend their holidays deployed overseas in places far away from their families.

I am proud of the historic effort we have made on a bipartisan basis to pro-

vide support to those who are currently serving our country and those who have previously served. That started with the Veterans' Administration, which was past due for reforms. This is an immense bureaucracy of more than I believe 330,000 employees. We needed to pull that agency into the 21st century to better serve the veterans under its charge.

I am sure GEN Omar Bradley, who led the VA after World War II, would not recognize the system in place today, what we have transformed the VA into, but he would have recognized it as it previously existed because it basically was the same system that had been in place since World War II. Now we have taken important steps, such as passing the historic VA MIS- SION Act, which modernized the veterans' appeals process and the electronic healthcare system. We reformed veterans' healthcare benefits and improved accountability within the VA, and we provided the largest funding increase in history for veterans' care and services.

When it comes to other institutions that help provide safety and security for the American people, we were able to provide for the men and women of the Coast Guard with bipartisan support. Our bill ensures that the Coast Guard can continue to protect our ports, stop illegal drugs from reaching our borders, and save lives.

Earlier this year, we made the greatest investment in our military in history with the passage of the National Defense Authorization Act for the 58th consecutive year. This was appropriately named for our friend and colleague Senator John McCain. The Defense bill supports our men and women in uniform by providing the tools and resources they need to keep our country safe and includes the largest boost to servicemembers' pay in 10 years.

It is especially noteworthy that this year will mark the first time in about a decade that the Defense Department will not operate under a temporary spending measure, known as a continuing resolution. That is important. Because of bipartisan support, we have funded roughly 75 percent of the government so far—we still have more to do—on time and through regular order. In fact, we passed the most on time appropriations bills in 22 years.

In addition to these historic strides, we also passed landmark legislation to combat the drug addiction crisis that has plagued every corner of the country. This bill is designed to help stem the tide of drugs flooding across our borders but also help those who are suffering from drug addiction get the recovery support they need. We also continued to support communities by passing first-of-its-kind legislation to make our schools safer and stop online sex trafficking.

I think each one of these successes is worthy of mention because the legislative record of this current Congress—this 115th Congress—is pretty remarkable, one of the most productive since

my time in the Senate. It has meant unprecedented victories for American workers and families and communities, as well as our servicemembers. We still have a mission, though—we need to finish out the 115th Congress as strong as we began it, and we only have a few weeks left to do that. That starts by continuing our historic pace of confirming the President's judicial nominees, which already total more than 80, with 2 Supreme Court Justices confirmed in the 115th Congress in the last 2 years.

In the coming weeks, we will continue our work on the farm bill to provide support for our Nation's ag community. In my home State, one out of seven working Texans gains their income from working in the agriculture sector. Everyone has heard the saying "Thank a farmer three times a day." It is the farmers and ranchers in the Lone Star State whom I think of when I hear that. Texans know as well as anybody the unpredictability of Mother Nature, which can ruin a crop or an entire season in the blink of an eye. That is why passing a farm bill is important—to give our farmers and ranchers the predictability and the certainty they need and deserve insofar as we can since we can't control Mother Nature.

As you can see, we have our work cut out for us in these remaining weeks. I mentioned earlier that Americans chose to send Senate Republicans back to Washington with an even greater majority, but Americans also chose a Democratic majority in the House of Representatives. Leader MCCONNELL recently called the Senate "fertile soil for bipartisan work," and that is true. It is the way the Senate is constructed and built with our unique rules when it comes to considering and voting on legislation. We are ripe for the possibilities of solving some of the biggest legislative question marks facing our government and facing our Nation.

But now our friends in the House, with Democratic majorities, need to make a choice. They can either choose to make noise or they can choose to join us in making law and improving the lot of American citizens.

I am confident of what we will choose on this side of the aisle because we will do exactly as we have done over the last 2 years—continue to make substantial progress for the American family.

But we will want to make sure that we extend a hand to our Democratic colleagues in the House, and they can make their decision, I hope, to join us in continuing to make progress on the part of the American people and not just create more chaos and confusion and accentuate the divisiveness that we know already plagues our political system and our country.

It is important that we in Congress demonstrate that we are up to the challenge and that we are worthy of the trust of the people we represent—the American people.

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.

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.

#### NOMINATION OF THOMAS FARR

Mr. SCHUMER. Mr. President, first let me welcome everybody back from Thanksgiving, which I hope was a joyous one for everyone here today.

On a subject not so joyous, the majority leader has indicated that the Senate will move to the pending nomination of Thomas Farr to the Eastern District of North Carolina. I have been in the Senate long enough to see a whole bunch of questionable nominees, frankly, from both parties, but Thomas Farr is unquestionably one of the worst. It is hard to believe President Trump nominated him. It is even harder to believe Senate Republicans are considering him again.

This is a man who stands for disenfranchisement of voters, particularly minority voters. That is what he stands for. You can try to parse it any way you want, but that is what he has done. That is not America.

In addition, he has spent his long legal career working against the rights of unions, but he has demonstrated to be a dyed-in-the-wool partisan with particular hostility to voting rights. We all know North Carolina has done more to hurt voting rights than just about any other State. That is an ignominious title for a State that is trying to be more progressive and forward-looking. We all know that.

We also know Justice Roberts will go down in history as one of those who worked to take away voting rights when he authored the Shelby decision and more or less stated that he didn't believe discrimination existed any longer so we wouldn't need section 5 of the Voting Rights Act. That allowed people like Mr. Farr and those in North Carolina to do a wholesale taking away of voting rights, particularly those of minorities.

After challenging multiple congressional maps drawn by North Carolina's Democrats, Farr vigorously defended the congressional maps drawn by North Carolina's Republicans. Even this conservative Supreme Court, often so insensitive to the voting fairness and rights of minorities—the Supreme Court actually overturned this map for discrimination—not partisanship, discrimination.

Farr defended North Carolina's restrictive voting laws. The law, passed by a very conservative Republican legislature, requested data on the use by race of a number of voting practices. After receiving the data, North Carolina Republicans made five changes to voting and registration, every one of which disproportionately hurt the voting ability of African Americans.

Under the law, even citizens who showed government employee IDs, student IDs, or IDs used to receive public assistance were not allowed to vote.

Here is what the Fourth Circuit said—again, not a liberal court circuit. It said: The law had "discriminatory intent" and "targeted African Americans with almost surgical precision." Farr, as he defended this law, said it was a minor inconvenience for voters. This is despicable. That law is particularly designed to prevent African Americans from voting, and we are nominating such a man to the court of appeals, when he was chief cook and bottle washer for much of the time these laws came about. I don't care what your party is, and I don't care what your political ideology is. How can you elevate this man to the court?

Remarkably, Mr. Farr was involved in another sordid affair regarding the voting rights of African Americans. In 1990, Farr was a lawyer for the reelection campaign of Jesse Helms, during which the Department of Justice alleged that 120,000 postcards had been sent overwhelmingly to Black voters, intending to intimidate them from voting. Isn't that amazing? That man is the man we are elevating.

I believe the Republican Party is going to have huge trouble in the future and will shrug its shoulders or say: Oh, this is political correctness. No, it isn't. It is because they tolerate things just like this—not all but too many. Right now, we only have one person on the other side of the aisle who has said he will vote against Farr. I don't care what the marching orders are, they are wrong.

Here, in response to a question from Ranking Member FEINSTEIN, Farr denied that he had participated in any meetings in which the postcards were discussed before they were sent. However, the Deputy Chief of the Voting Section of the Department of Justice's Civil Rights Division said Farr's response was contrary to the facts. In effect, that DOJ person was saying Farr did participate. We don't know the exact circumstances of the mail, but at a minimum, it is disturbing that Farr was involved, often directly, in defending multiple attempts by North Carolina Republicans to disenfranchise African-American voters.

As the Congressional Black Caucus said, "Had the White House deliberately sought to identify an attorney in North Carolina with a more hostile record on African-American voting rights . . . than Thomas Farr, it could hardly have done so." It is well said.

I don't care if you are a Republican; I don't care if you are a Democrat or something in between, we should not elevate a person to the Federal bench who has spent a good part of his career defending those who want to undermine the rights of Americans to vote.

Let's look at the circumstances of this nomination. You know, MITCH MCCONNELL brags as to how many seats he has filled. These seats were held