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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, December 6, 2018, at 12 p.m.

Senate

WEDNESDAY, DECEMBER 5, 2018

The Senate met at 2:30 p.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

The PRESIDING OFFICER. Today's opening prayer will be offered by Pastor Louie Giglio, of Passion City Church, from Atlanta, GA.

The guest Chaplain offered the following prayer:

Let's pray together.

Father, we pause today to lift our eyes to Heaven, the place our help comes from.

And we bow to honor You and to worship You for who You are.

We recognize that You are here and that we are here because of Your sovereign will. So, may this Chamber know the wind of Heaven today as it seeks the common good for those it serves.

We ask that Your supernatural discernment, courage, and unity rest on this Senate so that Your Kingdom may come and Your will be done on Earth as it is in Heaven.

Father, I lift each Member of this esteemed Chamber to You. Please touch them and their families with Your love and grace and surround them with the angel armies of Heaven.

We celebrate the life and the legacy of President George Herbert Walker Bush. We lift his family and those who loved him to You, knowing that You are the God of all comfort. And we ask that You guide us today as we seek to take our place among the thousand points of light.

Especially in this season, we thank You for the gift of Your Son, the Prince of Peace, and we commit this

day to You for the sake of Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

WELCOMING PASTOR LOUIE GIGLIO

Mr. CORKER. Mr. President, it is an honor to be here with Pastor Louie Giglio, from Atlanta, who pastors the Passion Church there.

I think everyone in this body knows Congress led on an issue to end modern slavery around the world. That was something that passed this body a couple of years ago. The appropriators have funded it. We are well on our way leading the world today in trying to end modern slavery, where today we have 27 million people around the world in slavery—more than at any time in the world's history. I can honestly say the genesis of that, the seed for that, the beginning of that, started at Passion Church, where he led an effort to make sure people are aware of this scourge on mankind. I am grateful to him. Millions of people around the world will be grateful to him and his congregation. I am honored to know him and be his friend, and I thank him for his leadership in that regard but also beginning our day in this way. Thank you so much.

With that, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

REMEMBERING GEORGE H.W. BUSH

Mr. McCONNELL. Mr. President, earlier today, our 41st President George Herbert Walker Bush departed the Capitol Rotunda and was memorialized at the National Cathedral. Now his remains are on the way back to Houston for a funeral service at St. Martin's Episcopal Church before he is laid to

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



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rest right next to Barbara, his loving wife and partner of 73 years, and their daughter, Robin.

It has been reported that, some years ago, as the Bush family discussed funeral plans and the subject of lying in state came up, the former President joked in a self-deprecating way: "Do you think anyone will come?"

Well, Mr. President, they sure did. Dignitaries, world leaders, and thousands of Americans from all walks of life waited for hours and streamed through this Capitol to pray for and pay tribute to the life and legacy of George Bush. I might add, in addition to that, on the way up to the National Cathedral, there were citizens on both sides of the road, all along the way, with their iPhones, taking photographs of this great American.

Today, at President's Trump's direction, the country is observing a national day of mourning. I know this body continues to stand with all Americans in appreciation for his inspiring example and in solidarity with the Bush family.

NOMINATION OF BERNARD L. MCNAMEE

Mr. MCCONNELL. Mr. President, on a completely different matter, the Senate is resuming our work this afternoon. Later today, we will vote to advance the nomination of Bernard McNamee, the President's choice to serve on the Federal Energy Regulatory Commission.

This is an impressive nominee who has the right qualifications for this important job. In his career as a well-regarded lawyer on energy issues, he has represented clients and gained expertise all across the energy sector. He has helped clients build solar projects and natural gas facilities and get renewable energy standards approved. In his own words, he said: "I have not just talked about fuel diversity and 'all of the above' energy policies; I have worked to help make them a reality."

Mr. McNamee has worked as an energy policy expert at the Department of Energy, as well as right here in the Senate. FERC plays a pivotal role in ensuring our energy security and enabling prosperity. Among other responsibilities, the Commission is responsible for permitting important infrastructure investments such as pipelines and export terminals. Continuing with a deadlocked and understaffed Commission could threaten the status of these investments and the jobs that revolve around them. Therefore, we need to confirm Mr. McNamee promptly.

His obvious qualifications and his commitment to fairness and impartiality earned him a bipartisan vote out of the Energy and Natural Resources Committee last month with a favorable recommendation. I hope the same common sense will prevail today so we can move this nominee forward with the bipartisan vote he well deserves.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. 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 Bernard L. McNamee, of Virginia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2020.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. will be equally divided between the two leaders or their designees.

The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is going to soon vote on the nomination of Bernard McNamee to be a Commissioner of the Federal Energy Regulatory Commission.

If Mr. McNamee takes a seat on the Commission, it will mean that Christmas is coming early for the executive who wants big, dirty energy bailouts.

Mr. McNamee has had for some time a plan to bail out some of the oldest, dirtiest plants in America, and he wants typical Americans to pay for it with higher utility rates. That is right—a bailout for some of the dirtiest, oldest facilities—and a pretty small number of them at that—and then a big spike in rates for working families and seniors across the country. We shouldn't sugarcoat the McNamee plan. It is a rip-off, plain and simple.

All of this doesn't come out of thin air. Mr. McNamee, in fact, was directly responsible for this miserable proposal while he was at the Trump Energy Department. The plan was to interfere with utility companies' private business decisions, to force them to actually prevent utility companies from

shutting down those dirty, old powerplants—some of them coal plants—even when the utilities wanted to move to cleaner, newer plants. So much for the free market. The utilities actually wanted to move to cleaner plants. Yet this would have prevented them from shutting down dirty, outdated plants to go to the more efficient, newer ones. So much for the free market. So much for protecting consumers.

This proposal was so flawed that every member of the Commission joined in a vote to reject it. Let me repeat that. Every member of the Federal Energy Regulatory Commission that Mr. McNamee is so eager to join voted against his plan to stick it to all the consumers with a rate spike.

For a period, I chaired the Energy and Natural Resources Committee, and we always saw that, traditionally, if a flawed proposal gets met with enormous rejection, the typical person in a rational way says: Hey, we had better get back to the drawing board and take a different tack. That is not so with the Trump administration.

The Federal Energy Regulatory Commission wouldn't green-light Mr. McNamee's rate-hiking plan to prop up the executives at these dirty facilities. So the President wants to put Mr. McNamee on the inside and give him a seat on the FERC. I have to say that I haven't seen anything like this sort of deliberate effort to hijack sound market-oriented principles that would naturally take you to cleaner power rather than to dirty old coal facilities. But what we have here is, in effect, an individual who has shown a track record of wanting to do the bidding of special interests.

FERC is supposed to be an independent, apolitical energy regulator.

As I said during the committee's hearing on this nomination, this is not a question of the fox guarding the henhouse. This is a question of putting the fox inside the henhouse. That is what this will do if the Senate makes a flawed judgment to approve this nomination. Several of us at the Energy Committee hearing—myself and other colleagues—asked Mr. McNamee if he would recuse himself from matters that he worked on that relate to this flawed bailout for dirty, outdated plants. He refused to commit to that.

Since the hearing, new evidence of his energy policy biases has come to light in the form of video footage where he candidly expresses that he is just plain, old biased against renewable power. The video reveals Mr. McNamee speaking frankly about his skepticism of wind and solar power. He basically says: You shouldn't regulate carbon dioxide as a real pollutant. His comments, joined with his recent actions, which I have described as the "Trump Energy Department," make it clear to me that he is not going to bring the judicious, objective approach, if he is confirmed as FERC Commissioner, to these critical issues. He certainly is not in this to protect the American