

(D) in paragraph (3) (as redesignated by subparagraph (B))—

(i) in the matter preceding subparagraph (A), by striking the paragraph designation and all that follows through “unless—” and inserting the following:

“(3) DETERMINATIONS.—Except as provided in subsections (d), (e), and (g), and subject to paragraph (4), no sale or transfer of uranium shall be made unless—”; and

(ii) in subparagraph (B), by striking “the sale” and inserting “the sale or transfer”; and (E) by adding at the end the following:

“(A) REQUIREMENTS FOR DETERMINATIONS.—

“(A) PROPOSED DETERMINATION.—Before making a determination under paragraph (3)(B), the Secretary shall publish a proposed determination in the Federal Register pursuant to a rulemaking under section 553 of title 5, United States Code.

“(B) QUALITY OF MARKET ANALYSIS.—Any market analysis that is prepared by the Department of Energy, or that the Department of Energy commissions for the Secretary as part of the determination process under paragraph (3)(B), shall be subject to a peer review process consistent with the guidelines of the Office of Management and Budget published at 67 Fed. Reg. 8452–8460 (February 22, 2002) (or successor guidelines), to ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by Federal agencies.

“(C) WAIVER OF SECRETARIAL DETERMINATION.—Beginning on January 1, 2023, the requirement for a determination by the Secretary under paragraph (3)(B) shall be waived for transferring or selling uranium by the Secretary if the uranium has been identified in the updated long-term Federal excess uranium inventory management plan under subsection (c)(1).”; and

(6) in subsection (g) (as redesignated by paragraph (1)), in the matter preceding paragraph (1), by striking “(d)(2)” and inserting “(f)(3), but subject to subsection (f)(2)”.

Mr. SULLIVAN. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Barrasso substitute amendment at the desk be agreed to; and that the bill, as amended, be considered read a third time.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4175) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SULLIVAN. I know of no further debate on the bill.

The PRESIDENT pro tempore. Is there any further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 512), as amended, was passed.

Mr. SULLIVAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DIRECTING THE SECRETARY OF ENERGY TO REVIEW AND UPDATE A REPORT ON THE ENERGY AND ENVIRONMENTAL BENEFITS OF THE RE-REFINING OF USED LUBRICATING OIL

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 1733 and the Senate proceed to its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1733) to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SULLIVAN. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 1733) was ordered to a third reading, was read the third time, and passed.

DESIGNATING THE ORRIN G. HATCH UNITED STATES COURTHOUSE

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3800, introduced earlier today.

The PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3800) to designate the United States courthouse located at 351 South West Temple in Salt Lake City, Utah, as the “ORRIN G. HATCH United States Courthouse.”

There being no objection, the Senate proceeded to consider the bill.

Mr. SULLIVAN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 3800) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ORRIN G. HATCH UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 351 South West Temple in Salt Lake City, Utah, shall be known and designated as the “Orrin G. Hatch United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “Orrin G. Hatch United States Courthouse”.

(c) EFFECTIVE DATE.—This Act shall take effect on January 3, 2019.

The PRESIDENT pro tempore. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, congratulations on that bill. It is very appropriate that you should be the one passing it, since it is named after you.

The PRESIDENT pro tempore. I am not so sure about that. I appreciate that. I am not so sure I am the one who should be here. I didn't realize that was going to happen this morning, but I am very honored, and I am honored by the Senator from Alaska and my fellow Senators in the U.S. Senate.

Mr. SULLIVAN. I yield the floor. The PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON. Mr. President, I add my congratulations.

The PRESIDENT pro tempore. Thank you, sir. Thank you so much.

Mr. NELSON. Mr. President, it is my understanding that Senator SCHUMER wants to speak, and then I will seek recognition later.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SULLIVAN). The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, last night, the Senate agreed to pass a short-term continuing resolution to keep the government open through early February.

With less than 2 days to go until the appropriations lapse, if we are to avoid a shutdown, the House must pass this continuing resolution and President Trump must sign it. If President Trump vetoes the short-term spending bill, he would no doubt compound the serious errors he has made throughout the budget process. It is already indisputable that a shutdown would fall on President Trump's back. He has been demanding it for months, and, of course, when Leader PELOSI and I went to the White House, he demanded it in front of all the American people.

Now, compounding that—vetoing the last train out of the station, a CR—he would be doubling down on his responsibility for a Christmas shutdown, and every single American would know it. Most importantly, it would not move the needle an inch toward the President getting his wall.

I mention these points because several Members of the Freedom Caucus—the hard rightwing in the House—and hard-right voices in the media are openly encouraging the President to veto any CR that doesn't have his money for the wall. These are the same voices pressuring the House leadership to refuse to put the CR on the floor. The voices of the hard right—both in the House and in the media—give no strategy at all—simply, shut the government down. But none of them have detailed any path to get their wall.

Let me just walk my friends in the House through it. Democrats are not budging on the wall. We favor smart, effective border security, not a medieval wall.

A Trump shutdown will not convince a single Democrat to support bilking the American taxpayers for an ineffective, unnecessary, and exorbitantly expensive wall that President Trump promised Mexico would pay for.

I hear Mr. JORDAN and Mr. MEADOWS say: This was a campaign promise. They are only mentioning half of the campaign promise. The promise throughout the campaign was this: We will build a wall, and Mexico will pay for it.

Furthermore, there are not the votes in the Republican House for a wall. There are not the votes in the Senate for a wall—not now, not next week, not next month or beyond.

If Speaker RYAN refuses to put the CR on the floor or President Trump vetoes it, there will be a Trump shutdown, but there will be no wall. And if President Trump or House Republicans cause a shutdown over Christmas, on January 3, the new Democratic House will send the Senate a clean CR bill. Based on passage of the CR last night, it is clear—and to their credit—that Senate Republicans don't want a shutdown.

What is the endgame here? What is the endgame of those who are demanding the President not sign the CR—that the House not pass the CR? It seems, unfortunately, that the Trump temper tantrum is spreading like a contagion down Pennsylvania Avenue to the allies in the House.

Trump's allies in the House can pound their fists on the table all they want, but it is not going to get a wall. They can—having caught the Trump temper fever—jump up and down, yell and scream. It is not going to get a wall. And neither Mr. MEADOWS nor Mr. JORDAN have outlined any conceivable plan on how to achieve what they say they want to achieve.

I would say this to my less frenzied friends in the House. Go ask Mr. JORDAN and ask Mr. MEADOWS: What is your plan? What is your endgame? What is your path to getting the wall?

I suspect that anyone who asks them will find that they don't have one. They are just angry and mad, and so they pound their fists on the table. They have caught the Trump temper tantrum, but they have no conceivable plan, and so their anger will result in a Trump shutdown, but not a Trump wall. Frankly, their anger will result in further discrediting the President whom they support.

Amazingly, Representative MEADOWS said yesterday that the American people will support President Trump shutting down the government over the wall. I don't know what evidence he has for that or whom he speaks to, because every public poll that I have seen shows that the American people are not only strongly against a border

wall, but they are even more strongly against a shutdown to get the wall. Imagine how strongly they would feel as he ties those two things together.

When Mr. MEADOWS says the American people are for it, he must think the American people are only conservative Republicans. If he widened his horizons a bit, he would come to the understanding that shutting down the government over President Trump's wall is futile, self-defeating, and has minimal support among the American people. Even a quarter of President Trump's shrinking base does not support shutting down the government over the wall, and among the vast majority of other Americans who are not part of President Trump's base—and those are the majority of Americans—the strong majority are totally against it.

We need to get something done here to keep the government open over Christmas. We need to tell the hundreds of thousands—millions—of workers that they will get paid over Christmas. The House needs to come to the same sensible conclusion that the Senate came to—that we should not hold millions of innocent Americans hostage to demand something they will never get.

The Senate has produced a clean bill. There are no partisan demands, no poison pill riders. We could have demanded lots of things in the bill that we want. It is just a clean extension of funding. If House Republicans and President Trump refuse to pass it, then we will have a Trump shutdown over Christmas. The choice is theirs.

NOMINATION OF WILLIAM BARR

Mr. SCHUMER. Mr. President, last night we received some extraordinarily concerning news regarding the President's nominee for Attorney General, Mr. William Barr.

According to reports earlier this year, Mr. Barr sent the Justice Department an unsolicited memo criticizing what he believed to be an avenue of investigation by Special Counsel Robert Mueller. Mr. Barr's memo reveals that he is fatally conflicted from being able to oversee the special counsel's investigation and that he should not be nominated for Attorney General.

Mr. Barr believes Presidents, in general, and, more frighteningly, President Trump, who has shown less respect for rule of law than any President, are above the law—much like Justice Kavanaugh—because he has an almost imperial view of the Presidency—as almost a King, not an elected leader. That much comes across in the memo because it doesn't allow legal processes to work against the President, who might be breaking the law.

We will see what Mueller finds out if that is true, but we should let him go forward. The fact that Mr. Barr holds these deeply misguided views and chose to launch them in an unprovoked writ-

ten attack on the special counsel unquestionably disqualifies Mr. Barr from serving as Attorney General again.

Since Mr. Barr hasn't been formally nominated yet, the President must immediately reconsider and find another nominee who is free of conflicts and will carry out the duties of law impartially.

ACTING ATTORNEY GENERAL

Mr. SCHUMER. Finally this morning, on another Justice Department matter, the Justice Department seems that it is becoming more and more of a swamp—at least in its top leaders. This time it is Mr. Whitaker.

This morning, we learned that ethics officials at the Justice Department told Acting Attorney General Matthew Whitaker that he did not need to recuse himself from overseeing the special counsel's investigation. The decision by the Justice Department defies logic. Matthew Whitaker has publicly and forcefully advocated for defunding and imposing severe limits on the Mueller investigation, calling it a "mere witch hunt." He also has troubling conflicts of interest, including his relationship with Sam Clovis, who is a grand jury witness in this investigation.

There is clear and obvious evidence of bias on the part of Matthew Whitaker against the special counsel's investigation. To allow him to retain oversight over that investigation without his recusal is incredibly misguided.

The Congress and the American people must be informed of any instance in which Mr. Whitaker has sought or is seeking to interfere with the Mueller investigation. If Mr. Whitaker has sought any limitation on witnesses, funding, subpoenas, or any other limitation, we must be informed of it right now.

We believe that Matthew Whitaker shouldn't be in the job in the first place. His appointment is potentially unconstitutional. His oversight of the Russia investigation is hopelessly biased.

It is clear that President Trump is trying in every way possible to appoint or to nominate people to lead the Justice Department who could well impede the special counsel's investigation.

I thank the Senator from Florida for patiently waiting.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Florida.

SYRIA

Mr. NELSON. Madam President, Syria has been a mess and a concern for quite a number of years. By putting in a small footprint now of a little over 2,000 special operations troops, the United States has been considerably successful when you think of what a chaotic place it was and still is and that it was especially inimical to the interests of the United States just a