

House Joint Resolution No. 15 in the 64th Legislative Session calling on the “federal government to restore federal recognition to the Little Shell Tribe of Chippewa Indians” and asking Congress to pass legislation to accomplish this. If the Senate passes H.R. 3764, Montanans’ calls to restore federal recognition to the Little Shell Tribe will finally be answered.

The Little Shell Tribe of Montana enjoys immense support in the State of Montana because tribe’s history and culture are the fabric of Montana. The Little Shell deserves the passage of this legislation. It has been long overdue for this recognition and I call on the United States Senate to respect the State of Montana’s voice in this debate and move to pass H.R. 3764 in its current form. The Tribe has waited long enough for this action.

Sincerely,

STEVE BULLOCK,
Governor.

Mr. DAINES. The Little Shell is also unique, and all 12 of Montana’s Indian Tribes on our seven Indian reservations also support its recognition. The Little Shell also has the support of the entire Montana delegation. It has the support of our Governor, and it has the support of our Attorney General.

Here are their letters.

In fact, Federal recognition of the Little Shell has enjoyed support from the congressional delegation and our State’s Governors since the 1930s and 1940s when our country first began to federally recognize Indian Tribes. The American Indian Policy Review Commission, from later in 1977, also recognized its plight as a distinct entity.

There are more documents for the RECORD. Clearly, the record has existed in support of this Tribe’s Federal recognition. I remember, during my time in the House, looking at what it had been going through—literally, stacks and stacks of paperwork—in following a process. There is, indeed, longstanding evidence supporting its recognition, and I strongly disagree with my colleague’s objection.

The Little Shell Tribe has seen lifetimes—not a lifetime but lifetimes—of neglect from our Federal Government. I had hoped we could finally deliver its recognition here today. We are just one vote short in the Senate. I will not stop pushing for our government to rectify this injustice.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF WILLIAM R. EVANINA

Mr. GRASSLEY. Mr. President, yesterday one of my colleagues came to the floor to talk about my objection to the unanimous consent request relating to the nomination of William R. Evanina.

When I noticed my intention to place a hold on this nominee back in June of this year, I made it very clear to the public and to the administration my reasons for doing so, and I put my statement of those reasons in the RECORD. I have done that consistently, not only since the rules of the Senate

require every Member to do that but even before that rule was ever put in place. When I put a hold on a bill or a hold on a nominee, I don’t ever want anybody to, say, put the adjective “secret” before the word “hold” because there is nothing secret about what I do when I place a hold on something.

The Judiciary Committee has experienced difficulty in obtaining relevant documents and briefings from the Justice Department and the Office of the Director of National Intelligence.

For example, Deputy Attorney General Rod Rosenstein personally assured me the Senate Judiciary Committee would receive equal access to information that had been provided to the House Permanent Select Committee on Intelligence with regard to any concessions in its negotiations regarding pending subpoenas from that committee related to the 2016 election controversies. I have not received equal access, as promised, on that front.

On August 7 of this year, I wrote to the Justice Department and pointed out that the House Intelligence Committee had received documents related to Bruce Ohr that we had not received. The Department initially denied those records had been provided to the House Intelligence Committee. After my staff confronted the Department on that misinformation, we eventually received some Bruce Ohr documents.

In that 2018 letter I have referred to, I asked for documents based on my equal access agreement with Deputy Attorney General Rosenstein, and as you might expect, I have not received a response to date.

This morning, I had Acting Attorney General Whitaker in my office for issues he wanted to bring up, but I also had an opportunity to present him with three pages—fairly finely printed—that had a multitude of requests for information that in my constitutional role of oversight of the Justice Department, they should be providing to me. Some of them have nothing to do with this hold, but the Department does have a pretty good record of not responding to this chairman of the Judiciary Committee on things I have a constitutional responsibility to do.

I also have a promise from these Department heads that they will supply information when Congress asks for it. Since that 2018 letter, I have learned the Justice Department has taken the position that Director Coats has prohibited them from sharing the requested records with the committee.

In addition to the records that were requested in May of this year, the Director of National Intelligence and the Justice Department provided a briefing in connection with a pending House Intel subpoena to which no Senate Judiciary Committee member was invited. Thus far, the committee’s attempts to schedule any equivalent briefing have been ignored. The administration’s lack of cooperation has forced my hand. So then, I continue to press for this hold on this nominee.

My objection, if there were ever a request for a unanimous consent to move ahead, is not intended to question the credentials of Mr. Evanina in any way whatsoever. However, the executive branch must recognize it has an ongoing obligation to respond to congressional inquiries in a timely and reasonable manner.

INTERNATIONAL TRADE

Mr. GRASSLEY. Mr. President, now I would like to speak to the issue and several issues that deal with international trade.

During the last 2 years, there has been more talk about international trade in this town than at just about any other point since this President has been President or, you might say, over a long period of time in Washington.

When I was elected to the Senate in 1980, the General Agreement on Tariffs and Trade, known as GATT, was the main guiding document on international trade. GATT was signed by 23 nations in Geneva on October 30, 1947, a little more than 2 years after the destruction of World War II. It remained the institutional foundation for global trade until January 1, 1995. That day is when the World Trade Organization—we refer to it as WTO—was born with 81 charter members, including this great country of the United States. The WTO has been in place now for 24 years, serving as the clearinghouse for our rules-based international trading system.

Since the start of the WTO, international trade volumes have increased by 250 percent. Countries representing 98 percent of global merchandise trade are currently members of the WTO, with 22 more countries officially working toward joining. Over all, the WTO is moving global commerce forward just as planned. The rules-based trading system it promotes has been very successful, integrating people across the world into the global economy.

I also must acknowledge that international trade can, at times, be disruptive. There are regions of the country that have been disproportionately impacted by job losses, at least in part, to foreign competition over the last several decades. Those losses become especially problematic when they are the result of market forces being overwhelmed by foreign government intervention—any foreign government, as far as that is concerned. President Trump has rightly pointed that out and has delivered on his promise to make trade fairer for workers across our country, for agriculture and international trade is the bridge to the world’s customers.

In Iowa, we export every third row of soybeans. Some people like to say that God made Iowa for the growing of corn and soybeans, and I agree. Iowa also has significant pork and beef exports as well. American farmers produce more than we can possibly consume here in

the United States, so we understand then why the ability to trade and the freer trade, as well, is very important to us. So we rely on global customers. Export markets are and will continue to be vitally important to Iowa's farmers. I will make it a priority, as I resume chairmanship of the Finance Committee. After about 12 years of not being the chairman, I am going to concentrate on gaining access to new markets.

The United States must continue leading the world on trade and economic issues. The U.S. market is one of the most open in the world. Unfortunately, other countries throw up numerous barriers to our exports.

President Trump and Ambassador Lighthizer are working to correct these injustices. I intend to assist them in this fight, with the understanding that creating market barriers of our own, like tariffs, is not a long-term solution.

One of the top issues Congress needs to address next year is implementation of the recently signed United States-Mexico-Canada agreement, which updates NAFTA for the modern economy.

The new trade deal with Mexico and Canada make significant updates to the original NAFTA, with new sections on digital trade, currency manipulation, and State-owned enterprises. It goes further than any other trade agreement in protecting intellectual property rights and makes important changes to market access for agricultural products.

While I commend the President for following through on his promise to renegotiate NAFTA, there are a few areas of concern. Those concerns go beyond just the Canada-Mexico agreement. As long as 232 tariffs on steel and aluminum imports from Canada and Mexico remain, the U.S. farmers and others facing retaliation, along with the American businesses that rely on those imports, will be unable to realize the full potential benefits of the United States-Mexico-Canada agreement.

This is why I urge the administration to consult with Congress, as intended by the trade promotion authority, to ensure a clear path forward for the United States-Mexico-Canada agreement.

I intend to work with members of the Finance Committee and, of course, with the Senate leadership to move the United States-Mexico-Canada agreement quickly in the new Congress as soon as the President submits it. But I can't do it without a strong commitment from the administration that we will work together.

The Constitution tasks Congress with the authority to regulate trade with foreign countries. We collectively—meaning the President and Congress—have a responsibility to ensure that U.S. farmers, ranchers, and businesses face minimal uncertainty from the updating of the United States-Mexico-Canada agreement.

Building on the success of this new agreement, we must continue to play

offense and pursue new market access opportunities. That is why I am happy the administration is pursuing new agreements with Japan, the European Union, and the United Kingdom. The economies of those countries account for 27 percent of global GDP. Having more access to those markets will help U.S. farmers, ranchers, and businesses for generations to come.

I expect the agreement with the European Union and with the UK, when ready, to address agriculture. There is some talk that the Europeans don't want to talk about making any agreements on agriculture. The notion that some people in the EU think there could be an agreement that doesn't address the many ways they block our good agricultural products from being sold in Europe is outright ridiculous.

While I agree with the President that we must have fair trade that benefits Americans, I want him to know, as well—and I have told him—that I am not a fan of tariffs. Put simply, tariffs are taxes on U.S. consumers and businesses.

The Constitution grants Congress authority over tariffs and international trade, but Congress has delegated some of its authority to the President through legislation. To some extent, I think, particularly in the 1963 legislation, too much authority was delegated.

I am no novice when it comes to understanding the delicate balance between congressional and executive authority over international trade. In fact, I was the leader in renewing trade promotion authority as the ranking member of the Finance Committee in 2002. In addition to that, and more recently, I strongly supported its renewal under the leadership of Chairman ORRIN HATCH in 2015.

What was important then and remains truer now is that Congress plays a central and pivotal role in crafting trade policy. Our Founding Fathers were very explicit in placing this responsibility with Congress in article I of the Constitution. We must remain vigilant to ensure that the aspects of trade authority that Congress has delegated are used appropriately and in the best interests of our country. I am certainly not opposed to being creative in negotiations with other countries, but I strongly disagree with the notion that imports of steel and aluminum, automobiles, and automobile parts somehow could pose a national security threat, as the President's actions have stated.

So I intend to review the President's use of power under section 232 of the Trade Act of 1962, which grants the President broad legal authority to impose tariffs in the name of national security. Senator PORTMAN and my colleague, Senator ERNST, and others have already introduced legislation to narrow the scope of how an administration can use the power that Congress authorized in 1962 under the influence of the Cold War. Maybe, considering 1962

and the issue of the now-forgotten Cold War, there may have been reasons for Congress at that point to overdelegate power to the President, but I am not sure that those conditions exist today.

I believe these efforts to restrain delegation of the authority to the President serve as a prudent starting point for the discussions we need to have on section 232 authority in the next Congress. The tariffs against products from China that were imposed as a result of U.S. Trade Representatives' findings under section 301 investigations are not ideal, but I do agree with the reasons that have been applied.

The President is absolutely right to confront China regarding section 301 findings. I am glad that he had a successful meeting with President Xi at the G20 summits last month. My hope is that the ensuing negotiations will result in a change in China's discriminatory policies and practices and an easing of tariffs and tensions.

I recommend that everyone read the findings of the section 301 investigation that were published in March of this year. That report outlines in detail many of the ways that China abuses American businesses and workers and steals, or forces the transfer, of U.S. intellectual property. American businesses that are able to access the Chinese market are, as a result of these Chinese policies, often forced to participate in joint ventures with Chinese firms and turn over the details of their technologies. No one can call that a level playing field.

The Chinese claim is that this simply represents the cost of market access. My answer to that is hogwash. That is not how members of the WTO should act. It is an organization you join based upon respect for other people's rights, but the most important thing is to respect the rules of trade.

I voted in favor of China's accession into the WTO. In many ways, I regret that vote. China has not lived up to its obligations or honored its promises, yet it enjoys many of the benefits that come with membership in the WTO.

Part of the reason, in my view, that China gets away with so much is that the WTO systems we rely on have failed and are in great need of reform. The fact that China, the world's most populous country and the second largest economy on Earth, can self-certify as a developing economy—that is a term used in the WTO documents—is extremely frustrating to me. Can you imagine the world's most populous country and the second largest economy in the world is still somehow a developing country?

I know many of my colleagues here in the Congress share that frustration.

I have great interest in the WTO reform process that has begun. Reform and oversight are critical to the proper functioning of institutions. That is true whether we are talking about a Federal agency or the WTO. I will also continue conducting rigorous oversight as chairman of the Finance Committee.

The United States has free-trade agreements in place with 20 countries. One problem we have had with our agreements is that other countries don't always live up to the text and spirit of the agreement they signed. I will work with the administration to hold our partners accountable in order to improve outcomes for American businesses and consumers, but most important to American businesses and consumers is to get the proper respect for the rules of trade that come as a result of the WTO.

In short, the Finance Committee has its work cut out for it and for us on the committee next year. International trade is a force for good. Farmers and businesses in Iowa and across the country have benefited tremendously from international trade and are better off because they can sell their products around the world. I am committed to making sure they have access to open markets with the guarantees of fair treatment and enforceable protections.

JUDICIARY COMMITTEE ACHIEVEMENTS

Mr. GRASSLEY. Mr. President, I now would like to go to a final set of remarks—probably the final set of remarks for this Congress as we draw to a close—to summarize some of the work of the Judiciary Committee, as I have been chairman for the last 4 years.

I have served on the Judiciary Committee for each of my 38 years in the Senate. Four years ago, I became chairman. Senator LEAHY, my colleague from Vermont, who served as chairman before I took the reins, marked the occasion by presenting me with a larger than life gavel. Of course, that was a lighthearted moment, and I appreciated his gesture of good will and collegiality. It is this spirit of camaraderie that sustains the Senate and has guided the bipartisan accomplishments of the Judiciary Committee.

The work we do on the Judiciary Committee shapes our way of life in America to a great extent. Its legislative jurisdiction includes constitutional amendments, bankruptcy laws, civil liberties, immigration, patents, copyrights and trademarks, antitrust laws, juvenile justice, criminal laws, and more. The committee conducts oversight of the Justice Department, including the FBI and sections of the Homeland Security Department. It also handles consideration of judicial nominees.

As chairman, I put forth a number of legislative priorities. I wanted to increase oversight efforts to hold government accountable and advance judicial confirmations. I wanted to strengthen whistleblower protections and increase competition in the pharmaceutical markets to lower the cost of prescription drugs. I wanted to enact juvenile justice reform and update our criminal justice system. I wanted to protect election integrity and bolster victims'

rights. At the close of this Congress, I am happy to report that the committee has made progress in all of these areas.

This week, the Senate passed the FIRST STEP Act, a historic criminal justice reform bill that had overwhelming bipartisan support in Congress and the backing of the President.

Earlier this month, the Senate unanimously passed bipartisan juvenile justice legislation, which legislation hadn't been updated since 2002.

The Elder Abuse Prevention and Prosecution Act, the Missing Children's Reauthorization Act, and Kevin and Avonte's Law to help families locate people with dementia and others who wander and go missing all became law during the 115th Congress.

Overall, 61 bills were reported out of committee, all of them bipartisan. Of those bills, 45 were passed in the Senate, and 29 became law in the past two Congresses under Presidents Obama and Trump. And if the House passes our criminal justice reform bill today, that figure will be 30 bills that have gone through Congress. Again, I want to emphasize that all were bipartisan.

The committee also delivered on judicial nominees. This wasn't so bipartisan. The Senate confirmed a historic number of lifetime appointments to the Federal bench this Congress. That includes 53 district court judges, 30 circuit court judges, and 2 Supreme Court Justices—85 Federal judgeships in the last 2 years. This reflects an alltime record for the first 2 years of any Presidency. These lifetime appointments will uphold the rule of law and preserve freedom and liberty for generations to come.

These accomplishments weren't easy. There was contention, and there was rigorous debate and, as I said, plenty of disagreement.

The confirmation hearing for Justice Brett Kavanaugh was the height of discord on the committee. As chairman, I was determined to uphold order and the rule of law, protect due process, and maintain credibility in our constitutional responsibility of advice and consent. I took the allegations that were brought forth very seriously. The committee conducted the most thorough, comprehensive, and transparent confirmation process in history. And if that word "history" bothers you, it is numerically justifiable by saying that we had more documents on Kavanaugh than we had on the previous five Supreme Court Justices combined. So I hope, after half a million documents, it is shown that we left no stone unturned. In the end, another extremely well-qualified Justice was confirmed.

However, the divisions that defined the Kavanaugh hearings do not define the body of work produced by the committee this Congress. The Judiciary Committee passed seven bipartisan bills to help families, healthcare professionals, and law enforcement address the opioid crisis in their local communities. The President signed

these measures into law with the SUPPORT for Patients and Communities Act. We also passed the Comprehensive Addiction and Recovery Act in 2016 to rapidly respond to the opioid crisis and prevent others from falling into addiction.

With hearings and legislation, the Judiciary Committee also worked toward ending the pervasive problem of human trafficking. In all, the Senate adopted a series of five bills that were signed into law to enhance Federal efforts to protect victims and prevent and prosecute enslavement for forced labor and sex trafficking.

As a committee, we have made great progress on behalf of the American people. We tackled the priorities I outlined at the beginning of my chairmanship and achieved success on a bipartisan basis. That is what our constituents expect from those of us who are Senators. That is what I strive to deliver every day.

The 115th Congress is drawing to a close. Although I won't serve as chairman during the next Congress, I have every confidence that my friend Senator GRAHAM of South Carolina will build upon the successes we have accomplished. I look forward to continuing my service on the Judiciary Committee in the next Congress, and I am thankful to all of my colleagues on the committee and even some off the committee for their hard work and cooperation on behalf of the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

SYRIA

Mr. MENENDEZ. Mr. President, yesterday, Christmas came early to the Kremlin. First, we have President Trump's announcement to pull our troops out of Syria. Second, the administration wants to delist three companies controlled by Oleg Deripaska, though, I am not sure he has adequately relinquished control of those companies. Third, the administration has done nothing to respond to Russian aggression in the Sea of Azov and the Kerch Strait. This is a trifecta for Vladimir Putin and sends a global message that creates real concerns. Christmas has indeed come early to Moscow.

The Trump administration's withdrawal from Syria lacks any strategy, is foolhardy, and it puts U.S. security in the Middle East—including our ally, the State of Israel—at great peril. This is not simply an error. It is dangerous. It is dangerous.

Let me be clear. Withdrawal from Syria without success is failure. American credibility will take a horrible hit