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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

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

Let us pray.

Eternal Father, the center of our joy, bless our lawmakers with the peace and wisdom needed to lead in our challenging world. Give them eyes to discern and understand the intricate complexity of this turbulent season. Lord, guide our Senators to the right paths. Lead them beside still waters. Restore their souls. Let them lack nothing, for You can keep them whole. Overflow their cups with gentleness, care, and understanding for the people they represent. Let them fear no evil and take courage in adversity, for You continue to lead them with Your all-knowing right hand.

We pray in Your everlasting 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. GRASSLEY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 10, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

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

SENATE LEGISLATIVE AGENDA

Mr. McCONNELL. Madam President, as we enter the final weeks of 2019, two things seem to be true here in Congress. No. 1, our Democratic colleagues, particularly over in the House, seem eager to pour the vast majority of their time and energy into their 3-year-long journey to impeach the President the American people elected. As a consequence, No. 2, Congress has yet to fulfill a number of its core governing responsibilities for this year.

At this late date, several crucial, must-pass bills remain undone. For months, my fellow Republicans and I have been stressing the need for productive, bipartisan cooperation on these pressing subjects: funding for the Federal Government, Defense appropriations—the money for our troops—and the National Defense Authorization Act. Yet, for months, our calls for the Democrats to join us in serious negotiations have gone largely unanswered as the Democratic leadership has opted for a different political playbook—to obsess over impeachment and obstruct this core business that we must do every year.

Earlier this year, the House Democrats pushed through what we believe was their first purely party-line NDAA that either Chamber has ever passed in the 58-year history of the legislation. This is the legislation that puts forward Congress's priorities for equipping, training, and maintaining the greatest fighting forces in the world. It has never been used before as a purely partisan weapon—that is, not until this year. Reassuringly, the past few days have finally brought an end to bipartisan talks and produced a compromise NDAA. The end result should be able to pass both Chambers and earn the President's signature. Believe me, it will not come a moment too soon.

The NDAA authorizes resources to keep crucial military installations—like Fort Campbell, Fort Knox, and the Blue Grass Army Depot in Kentucky—running smoothly. It is similarly important to facilities in many of our colleagues' home States as well. Nationally, of course, it directs readiness efforts, prioritizes research and development programs, and enacts vital reforms at the Pentagon.

I look forward to sending the final, bipartisan product by the conference committee to the President for his signature soon. In addition to that authorizing legislation, Congress, of course, needs to actually appropriate funds for our national defense and for all other functions of our Federal Government.

Just a few months ago, when leaders on both sides put their names to a bipartisan-bicameral roadmap for the appropriations process, it looked as though we might keep partisan disputes out of this process and finish up the appropriations with time to spare. Unfortunately, our Democratic colleagues decided that picking fights with the White House was a higher priority, and we spent the autumn being mired in disputes over exactly the kinds of poison pills and Presidential authorities the Speaker and the Democratic leader had previously promised

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



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would be off limits. Yet, as we speak, Chairman SHELBY and appropriators in both Chambers are trying to bring months of near stalemate to a close. Last month, a bipartisan-bicameral agreement was reached on subcommittee allocations, and talks continue this week on outstanding issues.

Thanks to the months of delay, we have a long way to go and a very short time in which to do it. I hope that our Democratic colleagues can finally stick to the terms of the budget agreement and keep partisan policy fights out of this process. That is the only way both Chambers will have a chance of being able to vote on funding bills before the end of this year.

That brings us to the USMCA. For the better part of the past year, President Trump's landmark agreement to update North American trade policy has been languishing as Speaker PELOSI and the House Democrats have indulged further and further in impeachment. There are 176,000 new Americans jobs that have sat waiting on ice as the Speaker has offered lukewarm assurances month after month that her caucus is hoping to be "on a path to yes." This week, at long last, it appears that the House Democrats may finally be willing to take action for American workers and job creators and let the House vote on the President's deal. I was pleased to hear that U.S. negotiators, led by Robert Lighthizer, were to head to Mexico today to finalize the details on this important win for the American economy. I hope this forward momentum continues.

So that is the state of play. There is a lot left to do for the American families we represent if our Democratic colleagues will simply allow it, and it will certainly take a great deal of cooperation and consent right here in the Senate if we intend to consider and pass these measures before the end of the year.

Obstruction and stalemate have brought us to the eleventh hour. I hope that, now that we are here, both Chambers will be able to set aside the Democrats' impeachment parade long enough to get the people's business finally finished.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit.

Mr. McCONNELL. Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

INSPECTOR GENERAL REPORT

Mr. SCHUMER. Madam President, for years, President Trump has speculated wildly about a "deep state" conspiracy against his Presidency based on the claim that the FBI opened an investigation into the President's campaign with political bias, with the explicit purpose that they were out to get him.

Yesterday, the Department of Justice inspector general released a report that puts this conspiracy theory to bed. The report conclusively debunks the baseless conspiracy that the investigation into Mr. Trump's campaign and its ties to Russia originated with political bias. In fact, the report quotes the FBI Deputy General Counsel as saying that "the FBI would have been derelict in our responsibility had we not opened the case."

Let me repeat that from the No. 2 counsel at the FBI. "The FBI would have been derelict in our responsibility had we not opened the case."

Donald Trump commits so many wrongs, and when people call him on it, he blames somebody and comes up with a conspiracy. And the most amazing thing is that not just his appointees but these Senators in this Chamber—almost too many of them—just echo those crazy theories designed to divert us from the truth.

The inspector general of the Department of Justice, Michael Horowitz, has been praised for years by Members on both sides of the aisle for his integrity and for his fairness. There is no reason to doubt the report's conclusion. He has never been accused of bias before.

Attorney General Barr and LINDSEY GRAHAM praised Mr. Horowitz, but all of a sudden, they are casting aspersions on him and his report. Only political actors doubt this report—political actors like Attorney General Barr and now, it seems, as well, his handpicked Federal prosecutor, John Durham.

Attorney General Barr has all too often acted on behalf of the President's interests rather than as a neutral law enforcement officer. He almost seems a hatchet man on a political campaign rather than an Attorney General—an august position—following the rule of law and trying to shield that office from politics whenever possible. Instead, Barr loves to jump into the political pool of muck.

I was skeptical when Mr. Barr appointed John Durham simply because

Attorney General Barr had picked him. He does almost nothing in these sensitive areas that are not political. But you had some hope. Durham, some said, had a good reputation. Well, yesterday, Durham's statement confirmed our suspicions that he is not a non-political actor. No prosecutor worth his salt would release a political statement like he did while conducting an investigation. Because of issuing that statement, Durham has lost a great deal of credibility even before he issues his report. No one who is thinking of these things down the middle is going to think Durham is a dispassionate, nonpolitical observer because he has already shown himself to be, in a certain sense, a henchman of Mr. Barr and his political activities.

To emphasize the broad acceptance of the IG report, FBI Director Wray, appointed by President Trump, embraced the report.

When Director Wray asked whether he thought the FBI targeted the Trump campaign, he said I do not. And for that, not surprising, but still rather, again, low, shallow, and disgusting, President Trump lashed out this morning at the FBI Director, saying, "I do not know what the current Director of the FBI was reading, but it wasn't the one given to me."

President Trump, if you actually read the report, you would understand exactly what FBI Director Wray was talking about, and you would understand exactly why it was his duty to defend his department when they behave on a nonpolitical rule of law basis.

My friends, it is a sad state of affairs when truth tellers have no place in Trump's Washington. Anyone inside the Trump administration willing to speak truth to power—Secretary Mattis, DNI Director Coats, even Chief of Staff Kelly towards the end, and so many others—cannot survive the President's insistence on blind loyalty, cannot survive the fact that the President makes them tell lies and mistruths to continue to serve him.

If you do not act in febrile obeisance to President Trump, he will turn on you, so this quality of people in this administration is getting lower and lower and lower. Top-notch people and the ability to govern and make smart decisions and the ability to care about the truth often go hand in hand, but if you care about the truth, you are out, and so Trump loses quality people in his administration. And the only people who survive are willing to bow down to Donald, who will do just what he wants and says, even when they know it is false.

And that is why this administration is so erratic, so disjointed, so ineffective, and, at this time, so unpopular with the majority of the American people. The American people know that Mattis is a fine man. They know that Wray is a fine man. They know that they are the kind of people that, if Trump says tell a lie, they won't. But,