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Senate

The Senate met at 10 a.m. and was called to order by the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia.

PRAYER

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

Let us pray.

Author of Life, who put into our hearts such deep desires that we cannot be at peace until we rest in You, mercifully guide our lawmakers on the path of Your choosing. May Your Holy Word be for them a lamp and a light in these challenging times. Lord, keep them mindful of the importance of being people of integrity, striving to please You in all that they do. Make them women and men of principle, who share a strong vision of a godly nation with a promising future. May their humility match Your willingness to help them and their dependence on You liberate them from anxiety about what the future holds.

We pray in Your sovereign 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 (Mrs. MURRAY).

The senior assistant executive clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 5, 2024.

To the Senate:

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

appoint the Honorable RAPHAEL G. WARNOCK, a Senator from the State of Georgia, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WARNOCK 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.

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 senior assistant executive clerk read the nomination of Tiffany Rene Johnson, of Georgia, to be United States District Judge for the Northern District of Georgia.

RECOGNITION OF THE MINORITY LEADER

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

TRIBUTE TO SCOTT RAAB

Mr. McCONNELL. Mr. President, every year, scores of bright young people arrive on Capitol Hill to begin careers of public service. On the whole, they tend to be bright, ambitious, principled, and patriotic. I have been fortunate to have the best of them on my team.

But I am certain no one has ever shown up on day one better prepared to

advocate for a State he is not from than my deputy chief of staff of policy, Scott Raab.

From the moment he walked in the door in 1999, Scott knew as much about my legislative record and about Kentucky's priorities as anyone on the team. Before long, he was fluent in the Commonwealth's smallest towns and counties. Somewhere along the way, he turned into a rabid fan of Kentucky basketball. And for years, new arrivals to my staff in the Republican leader office have consistently mistaken this honorary son of the Bluegrass for a native one.

I say all this to make it clear the kind of person we are dealing with. This is the sort of friend and adviser that simply doesn't grow on trees: the natural whiz who still studies relentlessly; the wonk whose expertise runs both deep and wide; the man for whom loyalty is not a transactional currency but a way of life; and, of course, the champion of "Blue Shirt Thursday" and the only member of my staff who can pull off the bow tie.

This exceedingly rare breed—this is Scott Raab. As my policy director, there is no topic that falls outside his portfolio. And there is no problem that isn't, in some way, his to solve.

This is hardly a recent development, and it is certainly not by accident. After just a few years on my personal office staff, through steady and unassuming competence, Scott became a clearinghouse for input on important decisions. Our entire team leaned on his encyclopedic knowledge, his good judgment, and, of course, his upset picks for March Madness brackets.

For much of Scott's tenure, his colleagues turned to him as a resident expert on healthcare policy. He had to protect my blind side on a set of issues I confess have always confounded me. But when you are as good as Scott is at boiling complex problems down to their essence, you wind up pulling extra duty. It didn't matter if an issue

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



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wasn't in his portfolio. If it was really hard and really important, it, of course, would wind up on Scott's desk.

Eventually, as is often the case with the greatest flying aces, it fell to Scott to lead the whole squadron, to marshal the strengths and expertise of my entire team, and to deploy them in pursuit of an outcome. There have been very few outcomes Scott has pursued and not achieved. And that is because he is one of the very few people in Washington who, by their very involvement in an issue, signal that things are probably going to somehow work out.

I am speaking, of course, about Scott's daily arrival to light and tend the fireplace in my chief of staff's office. In meetings anywhere in the Capitol, Scott speaks with my authority but a command of policy nuance and procedural nuance entirely his own.

Without uttering a word, Scott's patrols along the back wall of this Chamber are a sign to our colleagues things are under control—or at least they will be very soon.

Scott, of course, is too modest to acknowledge this. He is too self-effacing to admit the number of times where the price of rescuing must-pass legislation or keeping the Federal Government's lights on has been his nights, his weekends, and his all-hours attention.

For a husband and father with a young family, it is difficult to quantify this sacrifice. It is impossible to overstate how the road to high-stakes government funding agreements has so often been paved with missed swim meets and soccer games and with goodnight calls and bedtime stories over FaceTime illustrated with a Cookie Monster hand puppet.

So I am grateful to Scott's dear wife Katherine for her patience and to Molly and Lauren for sharing their dad with us so often.

There is simply no way to make sense of the quarter century of honorable service Scott has rendered without talking about a certain intangible devotion. You don't stick around that long for the pay. You certainly don't do it for the flexible hours. But if your name is Scott Raab, you might just do it because you love the Senate and believe in the people you work with.

As it so happens, Scott's colleagues over the years have believed in him too. They say that "his input was essential"; that he would be "the person in my will to take care of my kids"; that he "does the right thing the right way"; and that they are "proud to call him [their] friend."

Well, I am as well.

I am going to miss staring down the toughest fights with Scott Raab at my side. But if anyone is entitled to cut the net down and walk out of here satisfied they left it all on the court, it is Scott.

So Scott, thanks for everything.

The ACTING PRESIDENT pro tempore. The majority whip.

FBI BACKGROUND INVESTIGATIONS

Mr. DURBIN. Mr. President, I served on the Senate Judiciary Committee for

over 20 years, including the last 4 as chairman.

During that time, I voted on thousands of judicial U.S. attorneys, U.S. marshals, and Justice Department nominees.

Every nominee who has gone through our committee—everyone—shares one thing in common, whether nominated by a Democrat or a Republican President, every single nominee has undergone an FBI background investigation—everyone.

President-elect Trump has the right to nominate his preferred candidates for Justice Department and judicial vacancies, but the Judiciary Committee plays a critical role in offering advice and consent on nominations, which includes receiving and reviewing the results of FBI background investigations.

After weeks of reports that President-elect Trump planned to bypass the FBI entirely, it was a relief to hear that the Trump transition team had finally signed an agreement this week to allow the FBI to conduct background investigations.

But I remain concerned about whether President-elect Trump will require all his appointees to undergo the process. Listen to what the New York Times reported:

Despite the signing of the agreement, it remains unclear whether [the] Trump's team plans to send the names of all officials requiring a security clearance or Senate confirmation to the F.B.I. for vetting.

If President-elect Trump's nominees are not required to submit to the same FBI vetting procedure as previous nominees, it makes you wonder what they are hiding.

The practice of the FBI conducting background investigations is not a new idea. The nominations investigations of the President's nominees dates back 70 years to the Eisenhower administration, and it applies to every Senate-confirmed position, including more than 1,200 positions in the executive branch, 900 Federal judicial nominees, 93 U.S. attorney nominees, and 94 U.S. marshal nominees. Every single one is subject to an FBI investigation.

You might ask yourself, Why is it so important to vet all these nominees? Consider the views of Noah Bookbinder and Gregg Nunziata, former Democratic and Republican counsels on the Senate Judiciary Committee, who, on a bipartisan basis, reviewed hundreds of nominees' background investigations. They wrote in the New York Times:

Without nominees being scrutinized by the F.B.I., the danger is that neither lawmakers nor the public would know whether they are trustworthy or have issues that compromise their ability to do the job or [even] their loyalty to the United States.

As Mr. Bookbinder and Nunziata noted in their op-ed:

A nomination was never scheduled for committee consideration without the committee receiving an F.B.I. background check, reviewing it and clearing the nomination to move forward.

By design, positions that require Senate confirmation are of great im-

portance. These individuals make critical decisions that protect America, our national security, and affect many thousands of American lives, including who is investigated, who is charged with a crime, and how the justice system operates.

It is absolutely critical that people nominated to these positions are upstanding citizens who can be trusted with sensitive life-or-death government information, people who will be immune to blackmail or foreign influence and are truly loyal to the United States.

President-elect Trump has reportedly considered using a private investigative firm to conduct these background investigations. That is unacceptable for one basic reason. First, when the nominees submit their paperwork to the FBI as a part of their background investigations, they are on notice that lying or concealing material facts is a felony—a felony. The same goes for individuals who agree to speak with the FBI about nominees' character and fitness. In comparison, there would be no penalties for misleading a private investigative firm.

Second, the FBI's resources in determining if a nominee poses a risk far outweigh any private firm's capabilities. Seasoned agents at the FBI field offices nationwide are deployed to pull records, interview individuals, and report their findings.

Finally, any private firm paid by the Trump transition team would have an unavoidable conflict of interest. They would have an incentive to clear the backgrounds of nominees so they would get more business from the transition team. By contrast, the only motive for FBI agents is honoring their oath to the Constitution.

It is the duty of President-elect Trump to pick nominees of his choosing. It is also the duty of the Senate, under the Constitution, to carefully examine the record of each nominee before this body. To fulfill this constitutional duty of advice and consent on nominations, the Judiciary Committee must continue to receive background investigations conducted by the FBI for every single nominee.

We owe the American people a transparent transition of power, but that is only possible if the incoming administration follows longstanding, established practices ensuring that the President's nominees can be trusted in a position of power.

I yield the floor.

I suggest the absence of a quorum.

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

The senior executive assistant clerk proceeded to call the roll.

Mr. SCHUMER. Mr. 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 MAJORITY LEADER

The majority leader is recognized.