

Mr. WYDEN. I thank the chairman for his willingness to work with me on this important matter. I know we believe that further oversight needs to be done; however, at this point, the Treasury Department has been sufficiently cooperative. Accordingly, I am lifting my hold on Treasury Department nominees.

CONFIRMATION OF STEPHEN
ALEXANDER VADEN

Mr. VAN HOLLEN. Mr. President, President Trump nominated Stephen Vaden to be General Counsel for the Department of Agriculture. In that role, Mr. Vaden will oversee all of the legal services for all operations and programs of the Department and 250 attorneys nationwide.

Most of Mr. Vaden's experience is not in agriculture or natural resources issues. Much of his work at the law firm Jones Day focused on election law, and during the 2016 election cycle, he coauthored amicus briefs in States where State legislatures had enacted discriminatory voting laws designed to suppress minority votes following the Supreme Court ruling in *Shelby County v. Holder* which gutted the Voting Rights Act of 1965. State legislatures in North Carolina, Ohio, and Virginia took full advantage of the *Shelby County* ruling that removed previous preclearance requirements.

In North Carolina, the legislature passed a law changing various State voting procedures. The legislature utilized racial data on voting practices in drafting the law, and where they saw voting practices that were predominately utilized by African American voters, they changed those voting practices.

Mr. Vaden was one of three attorneys who submitted an amicus brief in support of the State of North Carolina, for Senators Tillis, Graham, Cruz, Lee, and the Judicial Education Project. The *Jones Day* amicus brief argued that "North Carolina's race-neutral regulations of the time, place, and manner of its elections do not violate Section 2 [Of the Voting Rights Act]." They further wrote, "Quite to the contrary, North Carolina allows all citizens to vote. Although members of minority races may disproportionately choose, for socio-economic or other reasons, not to take advantage of this equal opportunity, North Carolina's practices are not the proximate cause of this phenomenon."

In its published opinion, the U.S. Court of Appeals strongly disagreed with that argument and found that the North Carolina State election law "targeted African Americans with almost surgical precision." The court further stated, "We cannot ignore the evidence that, because of race, the legislature enacted one of the largest restrictions of the franchise in modern North Carolina history," and "Faced with this record, we can only conclude that the North Carolina General Assembly en-

acted the challenged provisions with discriminatory intent."

At the November 9, 2017, Committee on Agriculture, Nutrition, and Forestry hearing to consider Mr. Vaden's nomination, I questioned him about his role in the amicus brief in the North Carolina voting rights case. I am a firm believer in the right to vote and deeply troubled by the U.S. Circuit Court of Appeals findings that the North Carolina case involved voter discrimination.

I did not find Mr. Vaden's answers to my questions to be sufficient. When I asked him if the Judicial Education Project paid Jones Day in full for their work on the North Carolina case, he simply said, "As an associate I did not have access, nor did I participate in the billing function of the firm." I find this answer insufficient.

Also, I noted in my questions to Mr. Vaden that, in my experience as having been an associate at a law firm, if an associate indicated to a partner that they did not want to participate in a case, the firm would certainly defer to their wishes. When I asked Mr. Vaden if he expressed any concern with participating in the voting rights cases to his partners at Jones Day, he replied that he did not.

I also note Mr. Vaden's lack of experience in the area of agriculture. Prior to joining USDA last January, Mr. Vaden had no particular involvement in any agriculture-specific issues or any agriculture-specific clients during his tenure at Jones Day. His nomination is a significant departure by the Trump administration from the background and experience of previous USDA General Counsel nominees, Republican or Democrat. For example, during the Obama administration, Jeff Prieto was a longtime attorney at the Justice Department's Environment and Natural Resources Division before becoming USDA General Counsel. His predecessor, Ramona Romero, was an attorney with a major U.S. agribusiness company involved in a wide range of agricultural policy and legal issues. Going back to the administration of George W. Bush, Nancy Bryson was a long-time environment and natural resources attorney both at the Justice Department and in private practice.

I am also troubled to learn that the American Federation of Government Employees, AFGE, came out in opposition to Mr. Vaden's nomination, citing that one of Mr. Vaden's first official acts at USDA was to terminate the labor contract between the office and its staff of 250 lawyers and legal professionals nationwide. In their statement, the AFGE stated that, due to his lack of collaboration and partnership with Office of General Counsel workers, they believe he will "continue creating an agency culture that results in even more unprecedented levels of poor worker morale, with the potential to negatively impact the quality of services provided to virtually all Americans."

For these reasons, I opposed Stephen Vaden's nomination for General Counsel of the Department of Agriculture.

NOMINATION OF JUSTIN MUZINICH
AND NOMINATION OF MICHAEL
FAULKENDER

Mr. WYDEN. Mr. President, today I am lifting my holds on the nominations of Justin Muzinich, to be Deputy Secretary of the Treasury and Michael Faulkender to be Assistant Secretary of the Treasury for Economic Policy, both of which were reported favorably from the Finance Committee. I had placed holds on these nominations until the Treasury Department agreed to provide the Senate Finance Committee with certain information I had requested in connection with the committee's oversight of the Treasury Department.

Working with Chairman HATCH, I reached an agreement under which the Treasury Department has cooperated with the Finance Committee on a number of my requests.

For these reasons, I will no longer object to any unanimous consent request concerning the nominations of Mr. Muzinich and Mr. Faulkender.

COAST GUARD REAUTHORIZATION
BILL

Mr. THUNE. Mr. President, this evening the House of Representatives concurred in the Senate amendment to the House amendment to S. 140, legislation known as the Frank LoBiondo Coast Guard Authorization Act of 2018. The House's action clears the way for this measure to reach the President's desk. As the Coast Guard works through hurricane season and continues drug interdiction and other critical efforts, House passage of this legislation is a critical step toward supporting the men and women in uniform who guard our Nation. Among this bill's provisions is a title that addresses the need for clear and enforceable standards of incidental water discharges from vessels. Senator CARPER and I reached a bipartisan agreement, included in this legislation, which places the Environmental Protection Agency in the lead role of establishing standards, which the Coast Guard will monitor and enforce. Clear, achievable rules will be the most effective way to address environmental concerns about the spread of invasive species through ballast water discharges. I am pleased to have reached this agreement, and I want to inform my colleagues that we will be submitting errata to the Committee Report on the Coast Guard Authorization Act of 2018 Senate Report 115-89, that reflects the agreement we reached. I ask the Senator from Delaware if the Senator agrees that the modifications we negotiated over the last few months have made a significant improvement to the legislation?

Mr. CARPER. I thank the Senator from South Dakota. I do agree. Today, we are one step closer to getting this