

2755, a bill to require a report on the plan to secure the enduring defeat of the Islamic State of Iraq and Syria; that the bill be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, reserving the right to object.

I thank the Democratic leader for his concerns about the defeat of ISIS. If there is one thing I hope we can all agree on, it is that Turkey is not our ally or friend right now. Turkey's invasion of Syria is benefiting ISIS, Iran, and Russia, and hurting our great ally, Israel.

The United States must stand up for our partners, the Kurds, who helped us fight ISIS. I am hopeful the ceasefire will last, keeping American soldiers and our partners, the Kurds, safe. Nobody wants our men and women in uniform involved in unnecessary, extended military conflicts.

Bringing our troops home is a goal we all share. In order to achieve that goal, we need to have a fuller understanding of the crisis in Syria and what got us there—with the hope our troops can finally come home.

I also agree that the President should always be clear with Congress on where all U.S. troops are located and the purpose of their deployment. Unfortunately, my colleague's proposal would produce a report that only tells a small part of the story.

In the name of transparency and a fuller understanding of how we got here, I am proposing a modification to my colleague's bill to require a report that includes information on President Obama's plan for Syria.

We didn't get here overnight. The Democratic leader knows that. He said himself it took us 5 years to get here. So I think we all would like to see what the strategy—or lack of strategy—was from the last administration that put us in this position today. Let's get all the facts on the table so lawmakers in Congress and Americans all across the country can have all the information we need to keep Americans and our allies safe.

Reserving the right to object, therefore, I ask that the Democratic leader modify his request to include my amendment, which is at the desk. I further ask that the amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Will the Democratic leader so modify his request?

Mr. SCHUMER. Madam President, this is a diversion. We can all debate history. Maybe Bush was to blame. Maybe Obama was to blame. Who knows. Maybe Harry Truman was to

blame when they set up CENTO. That is something we can debate at a later time.

We have an immediate crisis. We need a report, and our Republican colleagues keep finding ways so they can object so the President doesn't have to answer. That is wrong. It risks the security of America, and it is not what we should be doing.

So I object, and I urge us to pass the amendment without the modification, which is still as valid as it was a few minutes ago.

The PRESIDING OFFICER. The objection is heard on the modification.

Is there objection to the original request?

The Senator from Florida.

Mr. SCOTT of Florida. Madam President, reserving the right to object. I am disappointed in yet another political stunt from the Democratic leader. It is clear this is nothing but a political attack on the President.

President Trump's goal is to bring American troops home and keep our partners, the Kurds, safe and our ally, Israel, secure. The Democratic leader is requesting information from President Trump but refuses to join me in asking for information about the sequence of events and the strategy under President Obama that led us to this point.

This is sad, but it is not surprising. It is just another charade in a long list of political games. Americans deserve a safe Israel and a safe Syria, so I stand today to object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. SCHUMER. Madam President, if they are worried about an attack, it is not on this President or a previous President. That is the political stunt here, I would say to my friend in Florida. He knows what he is doing. He is trying to stop this from happening. The attack we are worried about is an attack by ISIS on the United States.

Whether you are a Democrat, Republican, liberal, or conservative, the country needs a plan. All of the diversion, all of the games will not prevent the American people from seeing that we need that, and it is our job as Senators to push the administration to do it.

So I would have hoped we could have passed this amendment without the diversionary, partisan proposal made by the Senator from Florida. I am sorry we haven't been able to move the amendment. It is so wrong for the safety of this country.

I yield the floor.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Philpott Wilson, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Philpott Wilson nomination?

Mr. BARRASSO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. CARDIN), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 351 Ex.]

#### YEAS—88

Alexander	Fischer	Reed
Baldwin	Gardner	Risch
Barrasso	Graham	Roberts
Bennet	Grassley	Romney
Blackburn	Hassan	Rosen
Blumenthal	Hawley	Rounds
Blunt	Heinrich	Rubio
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Schatz
Brown	Inhofe	Schumer
Burr	Johnson	Scott (FL)
Cantwell	Jones	Scott (SC)
Capito	Kaine	Shaheen
Carper	Kennedy	Shelby
Casey	King	Sinema
Cassidy	Lankford	Smith
Collins	Leahy	Stabenow
Coons	Lee	Sullivan
Cornyn	Manchin	Tester
Cortez Masto	McConnell	Thune
Cotton	McSally	Tillis
Cramer	Menendez	Toomey
Crapo	Merkley	Udall
Cruz	Moran	Van Hollen
Daines	Murkowski	Warner
Duckworth	Murphy	Whitehouse
Durbin	Murray	Wicker
Enzi	Paul	Young
Ernst	Peters	
Feinstein	Portman	

#### NAYS—3

Gillibrand	Hirono	Markey
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#### NOT VOTING—9

Booker	Isakson	Sanders
Cardin	Klobuchar	Warren
Harris	Perdue	Wyden

The nomination was confirmed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of William Joseph Nardini, of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT REQUEST—H.R. 1994

Mr. TOOMEY. Madam President, I rise this afternoon to offer a path forward on the SECURE Act—the way that I think we could actually do some legislating around here and pass a constructive bill.

A little brief history, I think, is in order and helpful for context. About 3 years ago, the Senate Finance Committee passed a reasonably similar legislation out of committee unanimously. It was never considered on the Senate floor. The House took up some of these ideas and passed their own legislation.

My own view is that most of the substance of this legislation is very constructive. Most of what it does is it makes it easier for middle-class families to save for their retirement. That is constructive. However, the bill that came over from the House is different from the bill that came out of the Senate Finance Committee and was never considered on the Senate floor. The House bill dropped a number of provisions that had bipartisan support. They added some provisions that had never been vetted by anybody on the Senate side, at least not in a procedural way.

There is a proper way to resolve these kinds of differences, and that is to put this bill on the Senate floor, open it up for amendments, and allow the Senate to work its will. The Senate will almost certainly pass some version—probably very similar to the House bill—and then we can iron out whatever little differences there are.

This is the way we legislate. That is what I am suggesting we do today. To do otherwise would be to treat this body as just a rubberstamp for the House, and that is not the purpose of having two legislative bodies.

I should also note that our Democratic colleagues have frequently criticized Republican leadership and the Republican majority for not legislating. Sometimes they have a point. The minority leader has said that the Senate is a legislative graveyard. He has criticized Leader MCCONNELL for not putting bills on the floor and at one point Senator SCHUMER said:

We want to debate these other issues. . . . We are not saying our Republican friends are going to think exactly as we do, but let's have a debate and vote.

I couldn't agree more. I think we should have a debate. I think we should have a series of votes. I think we could bang this out in a day, at the end of which we would pass the SECURE Act, preferably after considering amendments from both sides. That is what I am proposing. In fact, we have been proposing this for weeks.

We have shared with our Democratic colleagues several amendments that the Republican Senators would like to offer. One is mine. I have other colleagues who would like to offer them. We have been asking our Democratic colleagues for their list of amend-

ments. What things would they like to do? What amendments would they like to consider? We have restricted our amendments to those which affect the Tax Code. We have suggested that they do likewise.

Amazingly, to me, we haven't heard a single suggestion yet from our Democratic colleagues. It is amazing because I have heard plenty of criticism about our Tax Code from our Democratic friends, including criticism about the limitation we put on State and local tax deductions. I know there are Democratic colleagues who would like to extend the electric vehicle credit. There are some who have proposed new taxes on wealth. Chairman WYDEN has a proposal to put a tax on unrealized market-to-market gains on assets. There is a long list of ideas we have heard from the other side.

This is the opportunity to have some votes and find out whether there is support and to what extent there is support for these things. On our side, we are willing to vote. Every Republican Senator is in favor of this proposal that I am going to suggest in a few moments, whereby we would have specific amendments on our side and allow the Democrats to have an equal number on their side. I don't know what could be more reasonable than this approach.

Quickly, my amendment fixes a technical drafting error in our tax reform. It is called the QIP. It is the acronym that is used for it. It stands for "qualified improvement property."

Here is the problem. Due to a drafting error, businesses are now forced to recognize the cost of improvements over a long period of time rather than to expense them in the years in which the expenses occurred. It was a drafting error. Everybody acknowledges it was a drafting error and was unintended.

Thirteen of my Democratic colleagues are cosponsors of my legislation to fix this, and every Republican Senator supports fixing this error. Those are 66 Senators right there. I am not asking for a guaranteed outcome. I am just asking for a vote. Let's have a vote on it. I have other colleagues who would also like to have votes on their amendments. As I said, our proposal is that the Democrats pick an equal number of items that are important to them, and let's have votes on those. It would look a lot like legislating. It would be good to get back to legislating. In a moment, I am going to make a unanimous consent request to do exactly that.

Before I do, I yield the floor to my colleague from Texas, Senator CRUZ, for his thoughts on this.

Mr. CRUZ. Madam President, I thank the Senator from Pennsylvania for his leadership on this issue.

I think Senator TOOMEY's proposal is an eminently reasonable, commonsense proposal in that we take up the SECURE Act with an equal number of amendments from the Republicans and

the Democrats and that we vote on the amendments on the Senate floor.

Now, everyone expects, in a few minutes, we are going to see the Democrats stand up and object to that proposal and say: No, we don't want amendments. We are not willing to vote on amendments. We are going to see the Democrats hold the SECURE Act hostage because they are unwilling to vote on amendments. We are going to see the Democrats hold hostage bipartisan reform that would improve retirement savings and also hold hostage tax relief for Gold Star families that should have passed a long time ago. It is cynical for the Democrats to hold this hostage, but because they are afraid to vote, they are getting ready to object and say that Gold Star families don't get their tax relief. The Democrats are afraid to have a vote in this body, and they are willing to hold the Gold Star families hostage.

One of the proposals they are afraid to vote on is that of commonsense education reform that has bipartisan support. It concerns what are called 529 savings plans, which are immensely popular tax advantage savings plans. Over 18 million Americans use them right now. The vast majority of those who use 529 savings plans are middle-class Americans. What 529 savings plans allow is for parents and grandparents to save for the educational expenses of their kids.

In 2017, as part of the tax reform, I introduced an amendment to expand 529 savings plans not just to college but to K-12 education. The Senate took up that amendment, and it became the only amendment the Senate adopted on the floor of the Senate that added anything to the tax cut. It passed this body at about 1 o'clock in the morning, by a 50-50 vote, with the Vice President's having broken the tie.

It has become the most far-reaching and significant Federal school choice legislation that has ever been enacted, benefiting up to 50 million school kids across this country. That legislation is already done, and it is actually not what this fight is about. That fight was about expanding 529s to K-12 education. The American people won that fight, and the Democratic opposition lost that fight.

This amendment is, instead, a much more modest amendment that takes 529 savings plans and expands them to three groups of people.

No. 1, it allows the parents and grandparents of kids with disabilities to use 529s to save for educational therapies for kids with disabilities and to save for the additional assistance those kids with disabilities need. That is an eminently commonsense proposition.

No. 2, it allows homeschooling families to participate in 529 savings plans. In 2017, the Democrats cruelly carved out of 529s both kids with disabilities and homeschooling families. There is no reason kids with disabilities should

be discriminated against by the Democrats in this body, and there is no reason homeschooling families should be discriminated against by the Democrats in this body.

The third group of people it benefits is that of public school students. What this amendment says is that the parents and grandparents who have kids in public schools can use 529s to pay for additional educational expenses. That means they can use 529s to pay for standardized test preparation. That means they can use 529s to pay for tutoring costs or whatever additional educational expenses they have above and beyond their public schooling. This would potentially benefit every child in public school today.

We may see the Democrats suggest that voting on this is somehow partisan or divisive. The nice thing is that we know as an absolute fact that it is not. Why do we know that? My amendment is for the expanding of 529s for kids with disabilities, for homeschoolers, and for public school students.

My amendment was taken up in the House Ways and Means Committee, and it was adopted in the House Ways and Means Committee—and this is important—unanimously. That means every single Republican on Ways and Means voted for it and that every single Democrat on Ways and Means voted for it. The Democratic chairman of the House Ways and Means Committee voted for this 529 reform. It was unanimous, bipartisan, commonsense reform. Unfortunately, what happened after that is, when the bill left Ways and Means and went to the House floor, some political leaders and teachers unions got upset, and Speaker PELOSI essentially did a drive-by shooting and, on the floor, took the provision out.

Here is the part that is particularly ironic. Do you know the single biggest monetary beneficiary of the 529 reform for which I am asking for a vote? The single biggest monetary beneficiary would be the public schoolteachers. Why is that? It would allow public school students and their parents to have 529 savings accounts in order to pay for tutoring. Who do you think those parents are going to hire to tutor their kids in public school? They are going to hire other public schoolteachers. We are literally talking about millions of dollars for public schoolteachers that you are about to see the Democrats block.

I would speak to the members of the press corps. Just once, I would like to see the press corps ask a Democrat: Why are you blocking relief for children with disabilities and their parents? Why are you discriminating against homeschooled kids, and why are you hurting public schoolteachers and stopping public school students from being able to get tutoring and test preparation?

It is worth noting that Senator TOOMEY's proposal is not even that this proposal be adopted. It is simply that

we vote on it. Yet the cynicism of today's Democratic Party is such that we are about to see them object to even having a vote. That is unfortunate and it is wrong.

I say let's go back to the bipartisan proposal for which every single Democrat on the House Ways and Means voted and every single Republican. Let's work together, and let's actually serve the people who elected us.

I yield to the Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I yield to the Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my colleague.

I agree with him. As both my colleagues here know and as my friends across the aisle know, I strongly support the underlying legislation.

I think the legislation is needed right now. Unbelievably, if you are in a small business, less than 50 percent of the workers have access to retirement plans. Two-thirds of Americans think they will be in trouble in retirement because they will not have enough money to take care of their retirements. Do you know what? They are right to be worried, for we have a huge problem in this country, and that is what the underlying bill addresses. It helps small businesses in their ability to offer plans, which is where most of the problem is in terms of there being a lack of retirement savings and the peace of mind in retirement that all of our constituents want.

The problem is that the legislation that came over from the House was never considered here on the Senate floor. In fact, if you go back to 2016, when it was last considered, it was by the Committee on Finance. So I think it is reasonable to say, yes, this underlying bill is good, and I strongly support it, but let's have a little debate here on the floor. We shouldn't be afraid of that.

Let me make a point. I support what my colleague from Pennsylvania talked about in terms of the qualified improvement property, and I support what my colleague from Texas said in terms of the 529 plans. Yet we are not asking our colleagues on the other side of the aisle to support these amendments. I don't have an amendment in the mix, and we are not asking them to support any of these amendments.

All we are asking is for them to allow for a process by which we can have a vote on their amendments, whatever they are, that relate to retirement and to tax policy—because this is a vehicle through which we can talk about tax policy—and to vote on our provisions that my colleague from Pennsylvania has laid out. Then let's see what happens. That is how we are supposed to operate around here. This is supposed to be the world's greatest deliberative body, and sometimes we find ourselves so tied up in knots that we can't deliberate. We are just asking for deliberation.

My hope is that this will work today—that we will actually open up

this process and allow for a vote on the SECURE Act, which is so important. It came out of the House with a vote of 417 to 3. What an incredibly bipartisan vote that was. Let's have a little discussion on the floor about retirement policy and about tax policy. Let's vote and let the chips fall where they may. Then let's actually send a bill to the President that will help the people whom we all represent.

Mr. TOOMEY. Madam President, in reclaiming my time, as in legislative session, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of H.R. 1994, the Setting Every Community Up for Retirement Enhancement Act of 2019, the SECURE Act, which is at the desk.

I further ask that there be a period of general debate on the bill to be limited to 10 hours, equally divided between the two leaders or their designees, and that following the use or yielding back of that time, the only amendments in order on the Republican side be the amendments to be offered by Senators TOOMEY, LEE, BURR, BRAUN, and CRUZ or their designees, the texts of which are at the desk, and five amendments that propose changes to the Internal Revenue Code to be determined by the Democratic leader, with the concurrence of the chairman and ranking member of the Committee on Finance.

I further ask that debate on each amendment be limited to 30 minutes, equally divided between proponents and opponents, and that each amendment, unless it would be considered germane postcloture, be subject to an affirmative 60-vote threshold and that following the use or yielding back of time on each amendment, the Senate proceed to a vote on each amendment.

Finally, I ask that following the disposition of those specified amendments, the bill, as amended, if amended, be read a third time and that the Senate vote on the passage of the bill, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER (Mrs. BLACKBURN). Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, in reserving the right to object, earlier this year, the House passed the SECURE Act—a bipartisan package—in a nearly unanimous vote of 417 to 3. This bill has overwhelming bipartisan support, and it takes many good steps toward improving retirement security for families across our country. It would help Gold Star families, small businesses, long-term and part-time workers, and more.

With families in our country, nationwide, in the middle of a retirement crisis, we should take the opportunity we have right here in front of us today to offer them some relief as soon as possible.

This bill, the SECURE Act, has wide bipartisan support here in the Senate,

## IMPEACHMENT

and Democrats are ready to pass it today as is. But now we have a few Republican Senators who want to sidetrack it with last-minute amendments, including proposals that are not in the interest of working families and will kill any chance this bill has of becoming law. For example, one of the amendments strips out an important provision the House made sure to include, while another one tries to jam back in a proposal that the House took out before it passed it so it could pass by an overwhelming margin.

Well, let me be clear. Democrats don't think families relying on this relief should have to wait while Republicans try to chip away at it. We want to pass this bill today as it is, which is why I would like to ask the Senator from Pennsylvania to modify his unanimous consent request; that the Senate proceed to the immediate consideration of H.R. 1994, which is at the desk, the SECURE Act, the bipartisan House bill; and that the bill be considered read a third time and passed and the motion to reconsider be made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Will the Senator from Pennsylvania so modify his request?

Mr. TOOMEY. Madam President, reserving the right to object, I just will say briefly that this is very disappointing. What we are hearing from our Democratic colleagues is that the Senate is supposed to be a rubberstamp for what the House has done. We are not supposed to consider and deliberate ourselves as a body. We are not supposed to, apparently, entertain amendments—equal numbers from both sides—to attempt to reflect our constituents' interests and get to a legislative solution that would inevitably have broad bipartisan support. I am very disappointed.

Of course, I would reiterate, no Republican has ever asked for a guaranteed outcome on any amendment. All we are asking for is a vote, and apparently that is asking too much, according to our Democratic colleagues. I object.

The PRESIDING OFFICER. Objection is heard.

Is there an objection to the original request?

The Senator from Washington.

Mrs. MURRAY. Madam President, it is very disappointing on this side that there is an objection to this bill that addresses so many important issues. It has broad bipartisan support. Instead of working to pass this bill in front of us today, some Senators have focused on tacking on amendments that don't help families and do not make this a better bill; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. CASEY. Madam President, I rise today to discuss the impeachment inquiry currently underway in the House.

First, I want to recognize the courageous public servants who have testified in the House in recent weeks in defense of U.S. national security and in defense of the rule of law and our democratic institutions. I will cite just four: Lieutenant Colonel Vindman, Ambassador Yovanovitch, Ambassador Taylor, and Ambassador McKinley.

Despite the two decades of military service by Lieutenant Colonel Vindman and the Purple Heart he earned for his sacrifice for our country in Iraq, his character has faced brutal attacks from cable news and from some current and former Members of Congress.

As former U.S. Ambassador to Russia Michael McFaul put it in a Washington Post column last week, "Such smear tactics are revolting and un-American. [Lt. Col.] Vindman has served our country with honor and distinction, both on and off the battlefield. . . . And he is a patriot—as you would expect from someone with his outstanding resume."

So said former Ambassador McFaul, and I agree with him. I think most Americans would agree with him.

Lieutenant Colonel Vindman is just one of the many brave patriots who have testified as part of this impeachment inquiry.

Ambassador Yovanovitch has dedicated over 30 years to U.S. foreign service. She has rightfully earned the respect and credibility that she has within the U.S. national security community for her anti-corruption efforts in Ukraine and for her unwavering commitment to U.S. national security interests.

Ambassador McKinley has served this country as Senior Advisor to the Secretary of State and Ambassador to Brazil, Afghanistan, Colombia, and Peru. He has demonstrated fierce loyalty to his colleagues in the State Department and to the United States itself.

Ambassador Taylor's life has been marked by his service to our Nation, from West Point to the 101st Airborne in Vietnam, to his work as Ambassador to Ukraine and other significant foreign policy roles.

We should all be inspired by these and countless other public servants who work to protect and serve the United States every day. When I reflect upon their service to our country and their integrity, I am reminded of one of the lines from "America the Beautiful": "Oh, beautiful for patriot dream That sees beyond the years." That is what these patriots are doing—trying to understand and deliberate about what their actions should be now that will help America over time, to see beyond the years. That is part of the dream of a patriot, and these individuals have demonstrated that. They have a care and a concern about our institutions, our government, our democ-

racy, our Constitution, and, of course, a concern about what their actions mean for the future.

Over the past week, the House committees leading the impeachment inquiry regarding President Trump's, in my judgment, abuse of power have publicly released the first full transcripts from several of their interviews with State officials and diplomats. The transcripts explain in rich detail how the President employed Rudy Giuliani, his personal attorney, to manage a shadow diplomacy agenda focused on personal vendettas and unfounded—and that is an understatement—conspiracy theories in Ukraine.

Ambassador Yovanovitch testified that there was a "concerted campaign" to have her removed as Ambassador to Ukraine and repeatedly discussed the threatening and bullying behavior of the President and Mr. Giuliani because of her disagreements with Mr. Giuliani. The Ambassador explained that a senior Ukrainian official expressed significant concerns regarding Mr. Giuliani's behavior and told the Ambassador that she "really needed to watch her back."

When asked whether she felt threatened after President Trump told the Ukrainian President that she was "going to go through some things," Ambassador Yovanovitch responded unequivocally "yes," meaning yes, she felt threatened.

And she indicated some of her friends were "very concerned" about her personal safety.

Just imagine that. Imagine that. A U.S. Ambassador concerned about what would happen to her next. Even those around her were concerned about her personal safety because of what a President was saying and doing—and those around him.

Later in her testimony, Ambassador Yovanovitch discussed the influence of Rudy Giuliani in Ukraine. When asked whether anyone at the State Department tried to stop Giuliani's efforts, she explained as follows:

I don't think so. I don't think they felt they could.

Now, let's turn to Ambassador Taylor. He described similar concerns about Mr. Giuliani. Referencing the investigations President Trump wanted Ukraine to pursue into his political opponent—in this case, former Vice President Joe Biden—Ambassador Taylor described that the "irregular channel" of Ukraine policy directed by Mr. Giuliani was focused on "one or two specific cases, irrespective of whether it helped solve the corruption problem" in Ukraine.

Ambassador Taylor further explained that it was his "clear understanding" that "security assistance money" for Ukraine would not be delivered until President Zelensky "committed to pursue the investigation."

Ambassador McKinley, a former senior adviser to Secretary of State Pompeo, confirmed that he resigned because of his concerns about the President's shadow diplomacy efforts

with Mr. Giuliani. When the chairman asked Mr. MCKINLEY whether he resigned in part because of efforts to use the State Department to dig up dirt on a political opponent, Mr. MCKINLEY responded:

That is fair. And if I can underscore, in 37 years in the Foreign Service and different parts of the globe and working on many controversial issues, working 10 years back in Washington, I had never seen that.

As the Washington Post reported on September 21, the President's behavior related to this Ukraine matter has revealed—in the opinion of this journalist at the Post, a reporter who has covered the President very closely—No. 1, “a President convinced of his own invincibility—apparently willing and even eager to wield the vast powers of the United States to taint a political foe and confident that no one could hold him back.”

Let me move to the whistleblower protections. Armed with this sense of invincibility, the President has directed some of his most pointed criticisms at the brave whistleblower who came forward to expose the President's call with the Ukrainian President.

On Twitter, the President has demanded to meet the whistleblower face-to-face, despite laws that clearly protect the whistleblower's right to anonymity.

Just the other day, the whistleblower's attorney confirmed that his client offered to answer written questions under oath from House Republicans as long as the questions did not compromise the individual's identity.

House Republicans immediately denounced the offer, and the President tweeted that “[w]ritten answers are not acceptable,” despite the fact that President Trump refused—refused to be interviewed by Special Counsel Mueller's team and only answered written questions during the special counsel's investigation into election interference.

Despite his own unwillingness to answer live questioning, the President has persisted in his desire to “out” the whistleblower by tweeting that “we must determine the Whistleblower's identity” and arguing that the press would be “doing the public a service” if it outed the whistleblower.

Nothing—nothing the President has done or said in his more than 2½ years as President convinces me that he has any understanding of public service or doing the public a service, depending on how you look at it.

President Trump has even demanded to know who provided the information to the whistleblower and suggested that the source was “a spy” who would have been executed “in the old days.”

These comments follow the testimony of Acting Director of National Intelligence Joseph Maguire—a former Navy SEAL with 36 years of military experience and a Presidential Appointee—before the House of Representatives in September.

Mr. Maguire said the following:

[W]e must protect those who demonstrate courage to report alleged wrongdoing. . . . The Inspector General is properly protecting the complainant's identity and will not permit the complainant to be subject to any retaliation or adverse consequences for communicating the complaint to the Inspector General.

Yesterday, in floor remarks, the junior Senator from Kentucky compared the whistleblower to Edward Snowden and argued that the current concerns about the safety of the whistleblower are nothing more than “selective outrage.”

To be clear, Edward Snowden broke the law. He abused his security clearance and position of trust to leak classified information to the press. He sought safe haven in Russia, and we are unaware of any other information he may have shared that could further jeopardize national security.

The current whistleblower has strictly followed the appropriate channels of reporting, as confirmed by Director Maguire, and the individual deserves the full protection under the law.

The Senator from Kentucky referenced Edward Snowden in a conversation about blowing the whistle on President Trump's abuse of power. I hope that anyone would not make a comparison between the two cases. Threatening a witness or retaliating against a whistleblower is illegal. We know that. The President's public attacks on the whistleblower only add to the record of impeachable conduct.

His careless and extreme rhetoric not only places the whistleblower's personal safety in jeopardy, it undermines the entire whistleblower program of the intelligence community and across the government.

The intelligence community and Congress must continue to do all we can to protect the current whistleblower's identity and personal safety. The current legal protections for whistleblowers are insufficient to fully protect those who are courageous enough to come forward and report wrongdoing.

Of course, the reason we need the additional protections is the President's conduct in threatening the whistleblower. No other President has ever done this.

Congress must consider more ways to protect whistleblowers, including criminalizing the disclosure of the whistleblower's identity. It should be clear that should be a crime, if the statutes do not provide for it now.

We must use this experience to ensure that whistleblowers will be protected from threatening rhetoric and from actions by a President or any other public official meant to intimidate whistleblowers. If you are threatening a whistleblower, if you are trying to “out” them, that is always—always wrong. We do not have to worry about whether a specific statutory provision made it a crime. It is always wrong. Until this President, that was well understood by people in both parties, both Houses, and both branches.

This inquiry is not simply about President Trump's clear abuse of power. This inquiry is about our democracy and the values our Founders agreed should guide our Nation.

We owe the whistleblower, Lt. Col. Vindman, Ambassadors Yovanovitch, Taylor, and McKinley, as well as others, our deepest gratitude and our appreciation for their integrity and commitment to American values. They are real American heroes who, despite the President's bullying and harassment, have stood up in defense of our democratic institutions and the values the Founders fought to guide our Nation.

I yield the floor.

Ms. COLLINS. Madam President, I ask unanimous consent that the vote scheduled for 1:45 p.m. start at this time.

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

#### VOTE ON NARDINI NOMINATION

The question is, Will the Senate advise and consent to the Nardini nomination?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KENNEDY). Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Indiana (Mr. BRAUN) would have voted “Yea” and the Senator from Kansas (Mr. MORAN) would have voted “Yea”.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. CARDIN), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER (Mr. YOUNG). Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 86, nays 2, as follows:

[Rollcall Vote No. 352 Ex.]

#### YEAS—86

Alexander	Collins	Gardner
Baldwin	Coons	Graham
Barrasso	Cornyn	Grassley
Bennet	Cortez Masto	Hassan
Blackburn	Cotton	Hawley
Blumenthal	Cramer	Heinrich
Blunt	Crapo	Hirono
Boozman	Cruz	Hoehn
Brown	Daines	Hyde-Smith
Burr	Duckworth	Inhofe
Cantwell	Durbin	Johnson
Capito	Enzi	Jones
Carper	Ernst	Kaine
Casey	Feinstein	Kennedy
Cassidy	Fischer	King

Lankford	Risch	Smith
Leahy	Roberts	Stabenow
Lee	Romney	Sullivan
Manchin	Rosen	Tester
McConnell	Rounds	Thune
McSally	Rubio	Tillis
Merkley	Sasse	Toomey
Murkowski	Schatz	Udall
Murphy	Schumer	Van Hollen
Murray	Scott (FL)	Warner
Paul	Scott (SC)	Whitehouse
Peters	Shaheen	Wicker
Portman	Shelby	Young
Reed	Sinema	

## NAYS—2

Gillibrand

Markey

## NOT VOTING—12

Booker	Isakson	Perdue
Braun	Klobuchar	Sanders
Cardin	Menendez	Warren
Harris	Moran	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action with respect to the nominations confirmed here in today's session of the Senate.

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

## LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 387.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

Mitch McConnell, Roger F. Wicker, Mike Rounds, Rick Scott, John Barrasso,

Kevin Cramer, Richard Burr, Steve Daines, James E. Risch, John Cornyn, John Boozman, John Hoeven, James Lankford, Todd Young, David Perdue, John Thune, Lamar Alexander.

## LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 486.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit.

## CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, John Hoeven, Steve Daines, James E. Risch, Roger F. Wicker, Pat Roberts, John Thune, Mike Rounds, Roy Blunt, Mike Crapo, John Boozman, John Cornyn, Lindsey Graham, Thom Tillis, David Perdue, Chuck Grassley, Rick Scott.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

## ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture motions ripen at 5:30 p.m. on Tuesday, November 12.

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

The Senator from Ohio.

## BARKER HOUSE

Mr. PORTMAN. Mr. President, I would like to take this opportunity to talk about something positive that is happening in Ohio with the help of the U.S. Army Corps of Engineers.

The Army Corps is involved with some civic-minded community volunteers in something that will help pre-

serve our history in Ohio. It wouldn't be happening but for the vision of the head of the Army Corps, Mr. R.D. James, the Assistant Secretary of the Army for Civil Works. It is a good-news project regarding the preservation of an important piece of the history of the Northwest Territory and my home State of Ohio. It is called the Barker House. It is a historic home that dates back almost 200 years. It was built by the owner's father, who was a Revolutionary War officer and a famous early settler and pioneer architect in Ohio. A number of historic homes of his were built along the Ohio River, and this is one of them that is still left standing. Colonel Joseph Barker, Sr., was his name, and he is one of our most famous early pioneers in Ohio.

The House was listed on the National Register of Historic Places in 1979 for its historic significance. In fact, Joseph Barker, Sr., and the houses he built play an important role in a new, award-winning book by the great historian David McCullough, "The Pioneers," and it tells the story of the Northwest Territory and the founding of Ohio in the wake of the Revolutionary War. In "The Pioneers" book, Colonel Barker's stately homes were an anomaly out on the frontier. His own home was described as "a large, brick house in the Federal style, with a handsome front door, flanked by recessed side windows and an elliptical fanlight overhead. . . . [O]nce completed the whole house was painted white, and soon became, as intended, a 'distinguished seat of hospitality.'"

This also describes the historic Barker House we are trying to preserve.

These houses brought a level of architectural refinement that stood in sharp contrast to the log cabins on the rugged landscape where these pioneers were settling.

The Barker House is currently owned by the U.S. Army Corps of Engineers. It is owned by them because it sits right next to the Willow Island Locks and Dam on the Ohio River. The house was used as office space by the Corps back in the 1960s, and today, the house is still standing. It is vacant, in bad shape, and unsafe to enter, but it is savable.

I visited this historic Barker House back in September of 2018. I learned then that the Corps was proposing to demolish the Barker House. They then considered a proposal to move it brick by brick to a new location off of Army Corps' land. Neither made sense.

That is when I met Jack Haessly, who led a group—along with Wesley Clarke, Bill Reynolds, Bob Ferguson, and others—a local Barker House friends group who said they would be willing to raise the money to restore this home on its historic site overlooking the Ohio River. They wanted to make sure it would be accessible to visitors there and made into a museum.

I immediately called the Secretary, Mr. R.D. James of the Army Corps, and