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Senate

The Senate met at 10 a.m. and was called to order by the Honorable KEVIN CRAMER, a Senator from the State of North Dakota.

PRAYER

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

Let us pray.

Holy God, You make the clouds Your chariot and walk upon the wind. We see Your works in the rising of the Sun and in its setting. For the beauty of the Earth and the glory of the skies, we give you praise.

Today make our lawmakers heirs of peace, demonstrating that they are Your children as they strive to find common ground. May they take pleasure in doing Your will, knowing that by so doing, they are fulfilling Your purposes in our world. Lord, you are never far from us, but often we are far from You, so show us Your ways and teach us Your paths.

We pray in Your merciful 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 senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 4, 2019.

To the Senate:

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

appoint the Honorable KEVIN CRAMER, a Senator from the State of North Dakota, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mr. CRAMER thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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 legislative clerk read the nomination of Richard Ernest Myers II, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

RECOGNITION OF THE MAJORITY LEADER

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

HONG KONG

Mr. MCCONNELL. Mr. President, on Sunday, as we Americans savored the holiday weekend and gave thanks for our liberty, the people of Hong Kong took to the streets to demand their own. Many waved American flags.

Hongkongers are continuing to speak up for the freedoms and the autonomy that Beijing has slowly tried to erode. As long as Beijing does not relent, it looks like the people of Hong Kong are

not going to relent either. In local elections last week that were largely symbolic, pro-democracy candidates literally blew away the candidates the Chinese Communist Party would have preferred in a literal landslide. Not even Beijing's propagandists can credibly blame this massive display of popular revulsion at their authoritarianism on the "black hand" of the West. In spite of China's propaganda, the West should not stay silent as Beijing sneaks to snuff out dissent in Hong Kong.

Just a few days prior, the Congress and President Trump had sent our clearest signal yet that, yes, the United States of America stands with Hong Kong. The Senate unanimously passed the Hong Kong Human Rights and Democracy Act, and the President signed it into law. It delivered important updates to the original U.S.-Hong Kong Policy Act, which I authored back in 1992. Preserving freedom and promoting democracy has required constant vigilance with Hongkongers since Communist China assumed control of the region.

I have been proud to stand with that effort. With my original legislation, we paved the way for cooperation between Hong Kong and the United States, codifying and strengthening economic ties and facilitating the robust exchange of ideas and support of greater democracy in the autonomous region. We have laid the foundation for a U.S.-Hong Kong relationship that has strengthened both their society and ours and created leverage to hold Beijing accountable.

Back in 1992, I observed that democracy was "finally gaining a tenuous foothold in Hong Kong." Recent months certainly have reminded us just how tenuous that foothold can be when an authoritarian country flexes its muscles. They reminded us just how intent Beijing remains on exporting its oppressive surveillance state not just within mainland China but also into Hong Kong and, frankly, all around the world.

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



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The unanimous Senate vote for expanded oversight and firm responses to Beijing was welcomed news on the streets of Hong Kong, not because the U.S. Senate or international nonprofits or anybody else is ginning up these protests, as Beijing wants people to believe, but because those speaking out for freedom recognize a friend of freedom when they see one.

It has been funny to see how invested Beijing is in these conspiracy theories that this organic protest movement is actually the work of shadowy puppeteers. Just a few days ago, the Chinese Communist Party's Foreign Ministry took the panicked and laughable step of "sanctioning" several American nonprofits and NGOs, such as the International Republican Institute, the National Democratic Institute, and the National Endowment for Democracy. Like I said, it is laughable. I admire the heck out of these organizations, but they aren't exactly in the business of commanding millions of people from Hong Kong to Beirut, to Baghdad, to Tehran to take to the streets. They are not that good.

Here is the business they are in: speaking up for the timeless and universal principles of basic human freedom. They help keep the torch lit. It is the brave souls around the world who want better lives for themselves and their children who pick up the ball and run with it for themselves.

The junior varsity tantrum that Beijing is throwing against these U.S.-based organizations is literally comical. It puts the Communist Party's hypersensitivity on full display. It is the same flailing that we see from other regimes from Moscow to Tehran, driven by the same aggressive, authoritarian instincts that push social media propaganda, street corner surveillance, police violence, and the modern-day gulags where China is imprisoning and brutalizing the Uighur people. These are the forces history never judges kindly. I am proud of the people of Hong Kong. I am proud of the Senate's latest action to support them, and I am proud to continue standing alongside them in their journey to true self-determination.

APPROPRIATIONS

Mr. President, nearly every day I have come to the floor to talk about the key pieces of legislation that we will only be able to complete with bipartisan cooperation—essential things like funding for the entirety of our Federal Government, something we have to do, including funding for our men and women in uniform; the money for the tools and the training and the weapons that our volunteer servicemembers need to complete their missions; things like the National Defense Authorization Act, which Congress has passed every single year, always on a bipartisan basis, for the last 58 years. This is literally the bill that reauthorizes the U.S. military. It could not be more basic or fundamental.

So it is dismaying that my Democratic colleagues have seen fit to hold

these basic duties hostage for the sake of picking fights with the White House, for advancing a partisan domestic agenda. It is disappointing that Speaker PELOSI and the Democratic leader have abandoned their own written promises that they would not make our bipartisan appropriations processes conditioned on poison pills, policy riders, or changes to Presidential transfer authorities. All those commitments were made in the summer. Even though they put that in writing, they have chosen to shoehorn partisan demands right back into the process. So we are stalled. We are stalled because the agreement we all reached in the summer has not been honored by the other side.

Today I want to keep this really simple. The Senate's dispensation on that Hong Kong legislation proves that we can still work together when our core principles and our national interest are at stake. Of course, those things are exactly what is at stake with defense funding and the NDAA. So it is way past time—we are in December—to get serious.

Chairman SHELBY and Chairwoman LOWEY have agreed on subcommittee allocations. Chairman INHOFE and Senator REED have made strides on our bipartisan NDAA. I would implore my Democratic friends: Please stop gambling our national security on the roulette wheel of domestic politics. Please stop that. Stop putting political theater ahead of our troops.

We all know this is a heated political moment, but domestic politics do not excuse our men and women in uniform from doing their duties. So they cannot excuse our Democratic colleagues from doing theirs. Our servicemembers need Congress to have their backs. We can only fund the government if it is bipartisan. We can only pass an NDAA if it is bipartisan.

The roadmaps are in hand. We have the same traditions that have yielded 58 bipartisan NDAAs in a row, and we have the bipartisan agreement that everyone signed just a few months ago when Speaker PELOSI and the Democratic leader promised in writing they wouldn't throw partisan wrenches into appropriations.

Our country can't afford for the Democrats to obsess over impeachment and obstruct everything else. Look, let's use these roadmaps. Let's get these things accomplished for the American people.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. 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.

5G TECHNOLOGY

Mr. THUNE. Mr. President, 4G technology is pretty amazing. When I talk

about 4G technology, that stands for fourth generation. On your smartphone, it might say LTE, but it is the fourth generation of technology that we have available to us on our wireless devices. We can FaceTime with family members across the country, order dinner or groceries without leaving our couches, watch a football game on the go with our phones, adjust the heat in our houses before we actually get home, carry around an entire library on a tablet the size of one small book, deposit a check without actually visiting the bank, and the list goes on.

As amazing as 4G technology is, it can't hold a candle to 5G, or fifth generation technology. 5G mobile broadband technology will deliver speeds that will be up to 100 times faster than what today's technology can deliver. Think about that—downloads that will be 100 times faster than what we have today. It will be vastly more responsive than 4G technology. It will be able to connect 100 times the number of devices that can be connected with 4G. That is pretty hard to imagine, really. Our phones and computers today seem pretty fast and responsive, but 5G will be much, much faster.

While that will make it even easier to do the things we do today, like check our email or stream our favorite shows, the biggest benefits of 5G will lie in the other technologies it will enable. For example, 5G will have the potential to pave the way for the widespread adoption of precision agriculture, which uses tools like robotics and remote monitoring to help farmers manage their fields and boost their crop yields. The U.S. Department of Agriculture estimates that precision agriculture will reduce farmers' operational costs by up to \$25 per acre and increase farmers' yields by up to 70 percent by the year 2050.

5G will pave the way for automated vehicles, which will have the potential to dramatically reduce traffic injuries and fatalities. There are 37,000 people lost every year on America's highways due to traffic accidents. Over 90 percent of those are as a result of human error—driving while under the influence, driving while distracted. 5G technology and the enablement of automated vehicles will go a long way toward saving lives on America's highways.

It will facilitate surgical innovations and new ways to treat chronic illnesses or heal injuries and so much more.

The technology for 5G is already here. Several cities around the United States, including my hometown of Sioux Falls, have already unveiled limited 5G networks, but there is more work to do before we all can start to see the benefits of 5G on our phones.

The widespread deployment of 5G will require two things: adequate spectrum and adequate infrastructure. While 4G relies on traditional cell phone towers, 5G technology will also require small antennas called small

cells that can often be attached to existing infrastructure like utility poles or buildings.

Earlier this year, I introduced legislation called the STREAMLINE Act to make it easier for companies to deploy these small cells so that we can get the infrastructure in place for 5G technology. I have also spent a lot of time focusing on securing adequate spectrum for 5G.

Last year, the President signed into law my bipartisan bill called the MOBILE NOW Act. It was legislation that I introduced to help secure adequate spectrum and to facilitate next-generation infrastructure. Tomorrow, in my role as chairman of the Commerce Subcommittee on Communications, Technology, Innovation and the Internet, I will be chairing a hearing looking at the progress that has been made in implementing the MOBILE NOW Act. We have a great slate of witnesses testifying tomorrow, including Sioux Falls Mayor Paul TenHaken, who has driven the implementation of advanced mobile broadband technology in Sioux Falls, SD.

The MOBILE NOW Act has helped us make progress toward the deployment of 5G, particularly in identifying licensed spectrum that can be used to support 5G deployment in more rural areas of the country.

MOBILE NOW also recognized the critical role that unlicensed spectrum plays in the development of 5G and in the larger communications landscape. Wi-fi operating on unlicensed spectrum will have an increasing role as we continue to connect more devices in the 5G era.

There is more work to be done, though. While we have made good progress on securing low- and high-band spectrum, China and South Korea are ahead of us in opening up mid-band spectrum for 5G. We don't want to lose out to China and South Korea on 5G, so we need to substantially increase the amount of mid-band spectrum available to U.S. companies.

Senator WICKER and I recently introduced legislation to facilitate the rapid acquisition of mid-band spectrum. Our 5G Spectrum Act would bring a substantial amount of mid-band spectrum to market for U.S. companies ready to deploy robust 5G networks.

In addition to fostering tremendous technological breakthroughs in everything from agriculture to energy, 5G has the potential to add \$500 billion to the economy and to create literally millions of new jobs. But in order to achieve those economic benefits, we need to stay at the head of the 5G revolution.

The United States lagged behind other countries in deploying 2G and 3G technology, which had real economic consequences. Europe, for example, took the lead in 2G and cornered most of the market in sales of networking equipment and telecom hardware.

As 4G emerged, however, the U.S. wireless industry stepped forward, in-

vesting billions in 4G deployment. The government also took steps to support the wireless industry, freeing up spectrum and making it easier to deploy the necessary infrastructure. That is what we have to do again today. If we want to stay at the head of the race to 5G, the government needs to make sure that wireless companies have access to the necessary spectrum and the ability to efficiently deploy small cell infrastructure.

We are right on the edge of the 5G revolution, and I am confident that the United States can lead the world in 5G, just like we did with 4G. We just need to take the last few steps to enable widespread 5G deployment.

I look forward to talking with individuals on the frontlines of 5G deployment at the hearing tomorrow. I will continue to work with my colleagues to ensure that both the spectrum and the infrastructure are in place for 5G technology.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative 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 MINORITY LEADER

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

IMPEACHMENT

Mr. SCHUMER. Mr. President, yesterday afternoon, the majority on the House Intelligence Committee released a report on the evidence it has examined thus far in the impeachment inquiry into President Trump. The report asserted that the inquiry has "uncovered a months-long effort by President Trump to use the powers of his office to solicit foreign interference on his behalf in the 2020 election," going on to say that the "President placed his own personal and political interests above the national interests of the United States."

Those are extremely serious charges, and the conduct they describe is undoubtedly worthy of congressional investigation, which is precisely what the House impeachment inquiry is designed to do.

Whatever your party affiliation, it is up to us in Congress—and particularly in the Senate—to examine the evidence, remain impartial, and treat this matter with the seriousness it deserves. But at the moment, too many Members of the President's party are stretching the bounds of truth in an attempt to defend the President's behavior. Certain Members on the other side have parroted the fiction invented by Vladimir Putin's intelligence services that Ukraine, not just Putin, interfered in the 2016 elections. One Member repeated this falsehood, recanted on

live television, and then went back to making similar comments a few days later.

Yesterday, Leader MCCONNELL, when asked to set the record straight, said that it was a matter for the intelligence committees to look into.

Well, Leader MCCONNELL, the intelligence committees have looked at it. In fact, according to reports, the Republican-led Senate Intelligence Committee investigated the allegations that Ukraine interfered in the 2016 election and found no evidence to support the claims. The Republican-led Intelligence Committee found no evidence, and Leader MCCONNELL and so many of our Republican friends, in febrile obeisance to Donald Trump and his falsehoods and lies, have refused to even rebut that.

It is a dark day for America when a foreign leader who is our enemy can spread a false truth and is either defended or there is a lack of rebuttal from our Republican colleagues. What the heck is going on here in this America?

David Hale, the No. 3 official at President Trump's State Department, was asked by Senator MENENDEZ yesterday whether he was aware of any evidence of Ukrainian interference in 2016. He said: I am not. He was not aware. Fiona Hill, another Trump appointee and a former NSC official, testified under oath that it was "a fictional narrative."

There is no doubt that the idea of Ukrainian interference in 2016 is a hoax perpetrated by Putin's intelligence services, echoed by FOX News and acolytes of President Trump's, who similarly have shown no regard for truth—none.

The fact that Republican Senators are repeating and amplifying this fiction or playing coy about it, as Leader MCCONNELL is, is just wrong for America, wrong for the future of our country—a turning point, a dark point, in our history. And in my view, it shows the extreme depths—the febrile depths—to which certain Members on the other side will stoop to provide cover to a President accused of serious wrongdoing—a President who almost no American believes is credible any longer.

APPROPRIATIONS

Mr. President, on another matter where we could use some bipartisanship, in 16 days, funding for the government will expire. We have several important pieces in place to avoid a shutdown, including the recent agreement on allocations known as 302(b)s. Several sticking points remain, but overall, this is good news because I believe, left to our own devices, Congress could work through the final issues and make sure the government stays open.

However, a report came out yesterday suggesting President Trump may refuse to sign any funding agreement without securing funding for his border wall first. If all of this seems a little familiar, it is because it is. Nearly a

year ago exactly, the President torpedoed bipartisan negotiations by demanding the very same thing—funding for his border wall—and the result was the longest government shutdown in history.

Funding for a border wall was a non-starter for Democrats then, and it remains a nonstarter for Democrats now. The votes did not exist even within the President's own party then, and they have not materialized now.

We had hoped the President had learned his lesson, but it appears that exactly a year after losing this same battle, the President is considering a repeat of history and another Trump shutdown.

I hope cooler heads will prevail—I believe they will—but I would warn President Trump and my Republican colleagues, the last Trump shutdown was terrible for the American people and terrible for Republicans. It is in all of our interests to keep the President away from the appropriations process and avoid another Trump shutdown before Christmas.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Mr. President, finally, on SNAP, today the Trump administration announced it had completed a new rule that would potentially throw hundreds of thousands of needy Americans off food assistance.

Let me repeat. Hundreds of thousands of people who need food and have struggled to find employment would be kicked off Federal food assistance under a new Trump administration rule.

Right now, there are about 37 million Americans who receive benefits under the Supplemental Nutrition Assistance Program. The vast majority of them work, but they don't earn enough to feed their families, and those who don't qualify for assistance for 3 months out of every 3 years.

Under the new rule, the Trump administration would trample on States' abilities to request waivers to these strict time limits in areas of great unemployment. Nearly every State in the Union has requested a waiver at one point or another.

The Trump administration is driving the vulnerable into hunger just as the Christmas season approaches. It is heartless, it is cruel, and it exposes a deep and shameful cruelty and hypocrisy in this administration.

One of the Trump administration's justifications for these cuts is that they will save the government money. Well, 2 years ago this very month, the Trump administration blew a more than trillion-dollar hole in our deficit with a gargantuan tax cut for corporations and the ultra-rich. The Trump administration argued it was money well spent. Now, the same administration says we have to pinch pennies when it comes to helping the hungry, particularly around Christmastime? This makes the Grinch look charitable. The same Trump administration that

has steered millions of dollars to wealthy agribusinesses and foreign-owned entities is now saying they need to save money by cutting off food aid to poor families who need it. This is jarring hypocrisy, and it shows clear as day where this administration's priorities clearly lie—with the rich and powerful, not the most vulnerable members of our society.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

NATIONAL DEBT

Mr. LANKFORD. Mr. President, we have a debt issue in America. For some reason, we are losing track of that. The economy is so good right now. Unemployment is at historic numbers. The inflation numbers have stayed down. More Americans are bringing home more take-home pay, which means they can buy more stuff. More job opportunities are out there. In fact, we literally have 1.5 million more job openings in America than we have people looking for work in America.

With the economy going so well right now, everyone is losing track of the debt and deficit, which are not going well right now. Last year, the Federal Treasury received more tax revenues than it has ever received in the history of the United States, which is surprising to some folks I have talked to who said that there was a big tax cut in 2017, so that would mean tax revenue would go down. It didn't. It went up.

When that tax cut occurred, more people were able to bring home more money and to spend more, which created more jobs. There was more investment, and the economy charged up. So we actually have more revenue coming in now than we used to have, but we still have a trillion-dollar deficit. That is the amount of overspending in a single year. We have the highest amount of revenue we have ever had. Yet we have epic levels of deficit spending, adding to \$23 trillion in total debt as a nation—\$23 trillion. It is a number none of us can even fathom.

We are approaching a time when it would take the income of every single American for the entire year to be collected as taxes to pay off our debt. We are at 95 percent total debt to GDP. These kinds of numbers can't be sustained, and everyone quietly knows it in the back of their mind, but dealing with debt and deficit seem to be something we will deal with in the future—someday, someday, someday.

I am here to encourage this body to say that we should be taking on the issues of debt and deficit now. The two things that have to occur in order to get on top of our debt and deficit are to get a growing economy with growing revenues—we have that now—and then we have to deal with Federal spending.

What would it take to manage Federal spending? We are so far out of balance. A trillion dollars—literally we could shut down the entire Department of Defense, the Department of Education, the State Department—we

could close down every single one of those, and we still wouldn't balance in a year. And no one would propose doing that. There is no 1-year fix to trying to get on top of our deficit; this will be a multiyear process.

Just to state how bad it has become, if we chipped away at our deficit for the next 10 years—for 10 years, chipped away at our deficit to get us back to just balance—and then we had a \$100 billion surplus the next year, which would be an enormous surplus, with a \$100 billion surplus—it would take us 230 years in a row of having a \$100 billion surplus in our Treasury just to deal with our debt. It would take 230 years in a row of \$100 billion surpluses.

Again, we are not just out of balance; we are way out of balance. There is no one secret thing we can do to get us back on track, but we do need to get started. That is why our team puts out something we call "Federal Fumbles." The "Federal Fumbles" guide is something we put out every single year. It is just a group of ideas. It is no magic bullet. It is just something our office puts out that looks at areas of inefficiency across the Federal Government and ask: Why is this happening the way it is happening, and what would happen if we continue doing the same things we are doing? Are there areas where we can save money and that we would be OK with as a group?

We are not trying to put out partisan ideas; we are just putting out ideas. Quite frankly, the "Federal Fumbles" guide is not a confrontation for this body; it is the opening salvo in a conversation. We are bringing our ideas. You may have different ideas. Great. Bring yours. Let's try to figure out how to solve this together because this last year, we paid \$371 billion just in interest payments on our debt. This fiscal year, we paid \$423 billion just in interest. That is \$423 billion that is not going to healthcare, transportation, the basic structure of our government, or the national defense. It is \$423 billion spent on interest payments, and it just goes away.

We are asking questions as we put out this Federal Fumbles guide. How do we solve this? What are some ideas?

We have simple questions such as, why did the Social Security office pay \$11.6 million to deceased beneficiaries in Puerto Rico?

We ask questions such as, why did the government pay almost half a billion dollars last year on temporary tents—not buying them, renting temporary tents—along our southern border? Was there a better way that could have been done other than half a billion dollars in cost?

We have some questions about the 21 government shutdowns that have occurred in the last 40 years, including the one earlier this year. That shutdown cost the Federal taxpayer over \$4 billion.

We ask straightforward questions about things like tax credits. If you like the Tesla that you pull up next to

at a stoplight and you gaze at its beauty and think that is a beautiful car, well, great, I am glad you like it because you helped pay for it. All of those Teslas that are on the road—\$7,500 of the cost of that Tesla was paid by you, the Federal taxpayer. So what you should do at a stoplight is roll down your window and say to the person driving the Tesla: It is my turn. I helped pay for the car. Why don't you let me drive it for the rest of the day?

We ask questions about grants for such things as sea lions in Russia because the U.S. taxpayer gave almost \$2 million to study sea lions in Russia last year. We spent \$600,000 doing a documentary on Joseph Stalin. We spent a big chunk of money actually studying the Russian flu in 1889. Why did we do that?

Some of these things are small, and some of them are large.

We laid out a proposal dealing with prescription drugs because the way the tiering is done on prescription drugs now costs the Federal taxpayer \$22 billion. That is because generic drugs were placed on a higher cost branded tier, so the Federal taxpayer and the consumer end up paying not the generic price but the more expensive branded price when they could have paid the lower price. That is a cost of \$22 billion for just that one piece.

We laid out a whole set of ideas and said: Let's just look at them together.

This Congress passed \$380 million that was sent out to the States to help with election security. After the Russians were clearly trying to interfere with our elections in 2016, we decided to do something about it to help our States. So \$380 million was sent out to the States to do the work that was needed to be done to upgrade election security equipment and to be prepared for 2020.

As of this last July, of the \$380 million sent to the States, the States have only spent a little over \$100 million. They have literally banked the other \$250 million and just saved it and said: We will use it sometime. The 2020 elections are coming. The money was allocated, but it has not actually been spent and used for election security.

We want to highlight issues and find ways to solve them. We didn't try to bring partisan ideas; we just brought ideas.

This is our fifth volume. We have had other editions that dealt with other issues that need to be resolved. In the back of the book, we actually put out what we call the "Touchdowns" and the forward progress. These are some of the things we listed in previous versions that we actually looked at and can say we have made some progress on these things in trying to actually solve them. That is because at times we complain about what is happening in government, but we don't identify the good things, and there are a lot of good things that are actually happening.

This Senate passed the GREAT Act. The GREAT Act dramatically in-

creases the way we handle data on grants. About \$600 billion a year in the Federal Government is spent just on grants. We think there needs to be greater oversight on that, and this Senate has agreed. This Senate has sent the GREAT Act over to the House and has said: Let's try to resolve how we can be more effective in how we do grants and be more transparent in the process and streamline the data itself to make it easier on those requesting a grant, as well as allowing for more transparency in where the Federal dollars are going. We don't want to just complain about the way grants are done; we want to try to actually fix it.

We highlight multiple other areas where we have made real progress in the past year tackling some of the things we have listed in previous versions of "Federal Fumbles."

But I do want to remind this body that while we talk about some of these hard issues, we often break into Republican-Democratic fights over hard issues. America is more than an economy, and while the economy is extremely important, we are Americans. We are Americans together. While we struggle to deal with hard issues, such as debt and deficit and what is going to be done to resolve this, we just can't conveniently go into our corners and make speeches and say that we have tried; we have to sit down and do hard things and do hard things together.

That is why we are opening this conversation. That is why we keep this conversation going, because I do believe that while the economy is important, who we are and how we value each other is just as important because we have the responsibility to solve this. Again, other offices may have other ideas on how to resolve it. Great. Let's bring all those ideas together. Let's get 100 books like this, and everyone bring their ideas. Then let's actually do the work to solve this in the future.

We are Americans. We do hard things. This one is going to be hard, and it is going to take a long time, but it doesn't get easier if we don't start, and it doesn't get done until we begin. So I am challenging us today to begin. Let's deal with the ways we have fumbled the ball in the past, and let's solve our debt and deficit together over the years into the future.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. 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.

The Senator from Ohio.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. PORTMAN. Mr. President, I am on the floor today to urge the U.S.

Congress to do the right thing, and that is to allow a vote on this new agreement between Mexico and Canada and the United States.

Unbelievably, this agreement was negotiated a year ago—they signed it at the end of November last year—and yet for a year now, Congress has refused to take it up. It has got to go to the House of Representatives first, and Speaker PELOSI and the House Democrats who control that body have not been willing to at least take it to the floor for a vote.

The agreement is such a big improvement over the status quo. The status quo is the NAFTA agreement, which is 25 years old. The new agreement, which was negotiated a year ago, gives something that Canada wants, Mexico wants, and the United States wants. We want it because it is really important to us.

It is particularly important to my home State of Ohio. I will tell you our No. 1 trading partner by far is Canada. We send about 40 percent of our exports to one country: Canada. So to have a better agreement with our biggest trading partner—and our second biggest trading partner, which is Mexico—is really important. Alongside Mexico, our trade with Canada accounts for about \$28 billion a year.

I am hearing a lot about it. I am hearing from Ohio farmers. They have had a tough time. A combination of bad weather, a combination of shrinking markets for them in China, and a combination of low commodity prices going in to the bad weather period last year has made it really tough for farmers. A lot of them are having a very difficult time making ends meet this year.

They see the USMCA for what it is, an expansion of their market. They can sell more stuff to Canada and to Mexico, and that will help them improve their prices and help them to be able to get through this tough period, so for them, it is a light at the end of the tunnel. If we can get this new trade agreement passed, it means expanded markets for dairy products, for pork, for corn and soybeans, and other commodities. Get those prices up, and give our farmers a chance to compete on a level playing field. This is a good thing. That is why they are all for it.

Businesses really want the USMCA passed. By the way, I hear mostly from small businesses about this because they increasingly have looked to markets overseas—particularly Canada and Mexico in the State of Ohio—and they are concerned that if we do not put this agreement forward, we are going to have a lot of uncertainty out there, and they are going to sell less stuff, rather than more stuff, to these countries.

So a lot of small manufacturers in particular sell a lot from Ohio to Canada and to Mexico, and they tell me they want this agreement passed—and passed now—because it will really help them. My colleagues here in the Senate

have to be hearing the same thing. When they go home, they have to be hearing from these same people because all around the country, when people look at this agreement, they say: Of course, this is better than the status quo for my business. Workers, farmers, service providers will all benefit.

Taken together, our neighbors in Canada and Mexico now make up the biggest foreign market for U.S. goods anywhere, so these two countries together combined are the biggest market anywhere in the world. One-third of all American exports in 2019 have gone to Canada or Mexico, way ahead of all foreign markets. It is about 12 million jobs, so 12 million jobs nationally depend on trade with Canada and Mexico.

I am a former trade lawyer myself—a recovering trade lawyer—and I do not practice it today, but I did at one time. I am also a former member of the trade committee in the House of Representatives, called the Ways and Means Committee, and today, I am a member of the Senate Finance Committee, which is the trade committee over here. In the interim, I was U.S. Trade Representative for President George W. Bush. I will tell you, from all the experiences that I have had in trade, I have learned one lesson, which is, yes, it is complicated, trade has a lot of nuances, it is politically difficult, but it is really important to our economy.

Why? Because we have got about 5 percent of the world's population and about 25 percent of the economy here, so it is in our interest to access that other 95 percent of consumers outside of America in order to keep America as a prosperous country.

That is what these trade agreements tend to do. The problem with the NAFTA agreement, the current one, is that it is 25 years old, and it needs to be updated. You know, it is one of the oldest trade agreements we have, and it is one that is fraught with problems right now, some of which are fixed in this USMCA.

The USMCA, the successor to it, is a lot better. It creates a more balanced and more healthy trade relationship with Mexico and Canada for us. Again, for the workers and farmers and service providers that I represent and other people that this body represents, the level playing field is important because, while trade works if it is done properly and fairly, it does not work well when you have big trade deficits, when other countries cheat, when they do not play by the rules. Everything in this agreement helps to level that playing field.

As an example, right now, our trade agreement with Canada and Mexico does not have a lot of things you would expect in a modern agreement, like provisions relating to the digital economy. So much of our economy now operates on the Internet, yet there is nothing in the NAFTA agreement that protects data from tariffs, for example.

Another one would be labor and environmental standards which are weak and unenforceable under the current NAFTA. All of our new trade agreements have labor and environmental agreements, and they are enforceable. Well, guess what, USMCA does too. It includes a lot of the modern provisions that we have in our more recent trade agreements. I have got a handy chart here to talk about some of the specific changes between USMCA and NAFTA. First, the USMCA means more jobs. The independent International Trade Commission said it will add 176,000 new jobs. New jobs? USMCA, yes; NAFTA, no.

By the way, from my home State of Ohio, which is a big auto State, thousands of those jobs are going to be created in the auto industry, which is a great opportunity for us in America to help to bolster our manufacturing—176,000 new jobs is significant, 20,000 in the auto industry.

In fact, it is going to grow our economy by double the gross domestic product of that which was projected in the Trans-Pacific Partnership. That was the agreement that was done with countries in the Pacific region, Asia, and Latin America. It is an agreement that many Democrats have praised and a few years back criticized the administration for not going into the Trans-Pacific Partnership. But as much as they thought that the Trans-Pacific Partnership was going to be good for our economy, this is even better for our economy. Again, it more than doubles the GDP growth, the economic growth, as compared to the Trans-Pacific Partnership.

Second, the agreement does level the playing field we were talking about. It has enforceable labor and environmental standards—USMCA, yes; NAFTA, no—so another big difference. By the way, these standards are one reason why we have lost so many jobs to Mexico over the years.

Third, the USMCA, like I said, it has new rules for the Internet economy. Those new rules of the road are really important, particularly to small businesses in Ohio and around the country that rely on Internet sales for their businesses.

Unlike all our modern trade agreements, right now, there is no chapter in NAFTA—none at all—as it relates to the digital economy. Fortunately for Ohio online businesses, the USMCA has these protections. As an example, small businesses that rely on access to Canada and Mexico are going to have an easing of their customs burden for small values of their products, so both countries have agreed to raise their cap. I frankly wish they had agreed to raise it even more. But this is important both for small businesses that are in the Internet economy to save some money from customs and tariffs, but also it simplifies their business, which is fair because the United States has a higher cap.

The USMCA also prohibits requirements that data be localized in Mexico

and Canada. This is a big concern around the world. The country says: Okay, you can do it, but you have to localize your data here. In other words, you have to have your servers and your data here in our country. That is not required now. Under USMCA, that can be huge for our small businesses, and USMCA helps.

If I may, it does prohibit tariffs on data, which NAFTA does not do. So these are key provisions to keep the modern economy moving. And voting against USMCA—or not allowing it to come up, which is what is happening right now—really means that you believe these burdens and uncertainties should continue for our small businesses.

Fourth, USMCA goes further than any agreement we have toward leveling the playing field on steel. Steel production in this country is an incredibly important manufacturing sector. In Ohio, we are big steel producers. We are proud of that. It is one of the core industries we need to keep in this country. USMCA requires that 70 percent of the steel in vehicles that are produced under NAFTA in North America has to be steel from North America—so USMCA, 70 percent requirement; NAFTA, nothing, nothing.

Fifth, there is also an unprecedented requirement in the USMCA that is not in any other agreement in the world and that helps to level the playing field considerably by saying that between 40 and 45 percent of vehicles have to be made in NAFTA countries by workers earning at least \$16 an hour. We have heard a lot about, well, it is not fair in our dealings with Mexico in particular because they have lower wage rates. Well, this is being addressed very directly in a way that it has never been addressed in any previous agreement.

Democrats have been talking about this for years. They should hail this as a great breakthrough and allow the NAFTA agreement to end and the USMCA to take its place because this is better.

Voting for USMCA will also help to level the playing field on labor costs between the United States and Mexico because this new agreement requires that USMCA-compliant autos and auto parts have a higher percentage of U.S. and American content.

Under the NAFTA agreement, that requirement for content is 62.5 percent. So if you want a car within the NAFTA agreement that gets the advantages of NAFTA and that gets to come into the United States at a lower tariff from Canada or Mexico, 62.5 percent of it has to be from NAFTA countries. Under USMCA, we raised that 62.5 percent up to 75 percent. This means more autos and more auto parts are going to be made here in the United States and you have fewer imports and fewer jobs in other countries, like China or Japan or Germany. So this is good for us.

By the way, that 75 percent is the highest content requirement of any trade agreement we have. That is in USMCA.

All of these things are going to ensure that we have more manufacturing jobs in Ohio and across the country.

Frankly, the Trump administration, and particularly U.S. Trade Representative Bob Lighthizer, has listened to Democrats' concerns—listened very carefully—and then incorporated these concerns into this agreement.

Some of the concerns have also been raised by Republicans over the years, but, frankly, when I was U.S. Trade Representative, it was Democrats who mostly raised these concerns about the labor standards being enforceable and ensuring that you had something like the minimum wage that is now in this agreement.

These are provisions that Democrats have demanded for years. Yet now we can't get a vote. They will not even let it be voted on. How does that make sense? How do you explain it? I don't believe any Democrat thinks the status quo, NAFTA, is better than the USMCA. If they do, I would challenge them to explain to the American people why they think the status quo, NAFTA, is better than USMCA.

Blocking this trade agreement hurts so many sectors of our economy, as I have talked about. It hurts our auto industry and the hard-working men and women who are on the assembly lines. It hurts our farmers. They aren't going to be able to gain new access to markets in Canada and Mexico. That is why nearly 1,000 farm groups from our country have now come out strongly to support USMCA. Blocking USMCA means blocking our farmers out of these markets.

With all of these new requirements and all of these new improvements, it should be clear to everyone that this is not an effort to rebrand NAFTA. This is new. It is different. It is not your father's Oldsmobile. They are big and meaningful changes that will benefit all of us.

In short, USMCA is good for jobs. It is good for small businesses. It is good for our farmers. It is good for workers, and it is good for the economy.

This is a rare opportunity, my colleagues, to do something that is good for America and to do it in a bipartisan way. It can have such a positive impact at a time when our country needs to have us come together and do something that is good for everybody.

To Speaker PELOSI and the House Democrats: The ball is in your court. We realize that. Under the rules up here in Congress as to how you deal with trade agreements, this has to start in the House of Representatives. If it were to come to the floor here in the Senate, I believe it would pass and pass with a good bipartisan margin because it just makes so much sense. But it has to go through the House first.

If that agreement did come to the House floor, I believe logic would prevail, and it would pass there, as well, because I believe Members would say: Here is my choice, and it is a binary choice: Do I go with the status quo,

NAFTA, that I have been complaining about for years, or do I go with the new and improved USMCA? I think that is a pretty easy vote for a lot of Members who look at this objectively and with the interests of their constituents in mind.

A vote for USMCA, quite simply, is a vote for improved market access, more U.S. manufacturing, and a more level playing field for American workers, farmers, and service providers.

A vote against USMCA and blocking it from coming to the floor is a vote to keep NAFTA. It is as simple as that. A vote against USMCA is a vote for the status quo, which is NAFTA.

Supporting NAFTA today means supporting unenforceable labor and environmental standards, nonexistent digital economy provisions, and outdated rules of origin provisions that allow more automobiles and auto parts to be manufactured overseas rather than in America. We have a chance to fix all of this by passing USMCA.

I am confident that this new agreement will pass if we can get it up for a vote because the American people will demand it. There is plenty of time for politics between now and the 2020 election. Right now, let's focus on what is best for the American people. Let's work together and put them first, and, by doing so, let's pass USMCA.

I yield back my time.

THE PRESIDING OFFICER (Mr. SASSE). The Senator from Utah.

NOMINATION OF DAVID B. BARLOW

Mr. LEE. Mr. President, I come to the floor today to discuss my friend, my former colleague, and soon-to-be confirmed Federal District Judge David Barlow.

Last night, the Senate voted to invoke cloture as to Mr. Barlow's nomination. We will be voting later today to confirm him. Based on the support we have, I expect the vote to be overwhelming, and with really good reason.

David Barlow is someone I have known for a long time. He is someone I have known, in fact, for more than 30 years.

David Barlow and I first met when we were both in high school. Oddly enough, we met in Washington, DC, while we were both participating in an event known as American Legion Boys Nation. We had both attended Boys State in our respective States—I in Utah and he in Idaho—and we were both selected to go to Boys Nation to represent our respective Boys States.

Shortly after we convened as Boys Nation senators, David Barlow was elected to be the President pro temp of the Boys Nation senate. As a result, when we visited the White House a few days later, it was David Barlow who got to stand right next to Ronald Reagan as he greeted us in the Rose Garden and addressed Boys Nation.

David Barlow was someone who seemed to have been born for public service, and he was born for public service for all of the right reasons, in all of the right ways. He had a certain

enthusiasm about the workings of government—not in a partisan way, not in a self-interested way but in a way that was infectious and made all around him want to build a better country, want to find common ground, and want to come to know more about our country's rich histories and tradition.

Mr. Barlow and I became reacquainted about a year after we first met, when we first enrolled as freshmen students at Brigham Young University in the fall of 1989. David Barlow was there on a full academic scholarship and did not disappoint with his academic performance. As I recall, he graduated with a 4.0 grade point average from Brigham Young University with highest honors. Here again, David was smart but in a way that didn't make other people feel less smart. He made other people feel smart and eager to learn more, eager to be more enthusiastic about the academic process. He isn't someone who would have ever talked to other people about his outstanding grades or about his wonderful accomplishments.

A few years later, we both graduated from BYU. He graduated in 1995 from Brigham Young University and enrolled at Yale Law School, where he received his jurist doctorate degree in 1998.

After he graduated, David Barlow started his legal career as an associate at the law firm then known as Lord, Bissell & Brook in the firm's Chicago office. Just a couple of years later, David joined Sidley and Austin LLP as an associate in the firm's Chicago office. He later became a partner starting, I believe, in 2006, and he remained a partner at Sidley up until 2010.

During much of that time, I was an associate at Sidley and Austin in the firm's Washington, DC, office. I got to know David again through this process, this time as a lawyer, as a professional. Although we worked in different offices, as part of the same firm, we knew the same people.

The network of lawyers with whom I worked quickly identified David Barlow as one of the lawyers in the firm who could be trusted with everything, one of the lawyers in the firm who, even as a young associate, could be given any task, and any lawyer giving him that responsibility could do so with the full assurance that the client would be well served, that no ball would be dropped, and that every stone would be turned over in an effort to properly handle the case.

Mr. Barlow worked on a wide variety of litigation matters, including complex civil litigation, class actions, and products liability cases. He also handled a number of domestic violence cases on a pro bono basis.

Among many of his clients, David Barlow became known as Dr. Barlow. It was a name assigned to him by some of his clients when he was working on some liability cases involving the medical field. He became so immersed in the subject matter of the litigation

that over time he acquired more knowledge in some cases than some of the doctors who were consulting with the client on that same matter. To this day, I occasionally refer to him as Dr. Barlow just for fun.

In 2011, shortly after I had been elected to the U.S. Senate, David Barlow joined my team as my chief counsel and chief staffer on the Judiciary Committee. He is someone who had never worked in the U.S. Senate prior to that time but, literally, within a matter of weeks, had learned the ropes of this body to a degree sufficient that no one would have been able to discern the difference between Mr. Barlow and somebody who had worked in the Senate for many, many years.

He quickly became a favorite within my office. David Barlow was someone who we could always turn to in a moment if someone had a question. In a moment of crisis, he would figure out how to solve it. In a moment where we needed an answer to a legal question, he either knew the answer or, if he didn't know the answer, he could find it in a short period of time, and we could proceed with the correct understanding that, when he gave us an answer, it was right and we could rely on it.

The fact that he was so beloved within my office extended far beyond his legal acumen or his professional abilities. He is also just a delight to be around. He is really funny, and he is equally conversive in a wide variety of material, from Shakespeare to Chaucer, from the Old Testament to old episodes of "30 Rock" and Saturday Night Live." He had a sophisticated sense of humor that managed to be outrageously funny, while never inappropriate. That is a skill that we in Utah particularly strive to attain and very few are able to achieve.

Later in 2011, President Obama chose David Barlow to serve as the U.S. attorney for the District of Utah. This was a bittersweet moment for me and my staff, having learned to rely on his skill, but we were very happy for David and especially happy for the people of Utah, who were the beneficiaries of his outstanding service as the U.S. attorney. Having previously worked in that U.S. Attorney's Office myself as an assistant U.S. attorney, I stayed in contact with many of my former colleagues, all of whom came to absolutely love this outstanding public servant.

David served as U.S. attorney through 2014, at which point he returned to his partnership at Sidley Austin and worked in the firm's Washington, DC, office. In 2017, he joined Walmart as vice president over compliance for the company's health and wellness business. I still remember the moment when someone reviewing him for that position, prior to the time he had been offered the job, called to ask me what I thought about his qualifications for that job. I explained at the outset to this reviewer that my com-

ments regarding David Barlow would be so overwhelmingly positive that she would think I was joking. I was, in fact, not.

Mr. President, I ask unanimous consent to deliver my remarks to an extent not to exceed 4 minutes.

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

Mr. LEE. Mr. President, needless to say, he got the job. He flourished there as he has everywhere else.

Then, in 2018, David Barlow, to the great happiness of many of us in Utah who know and love him, decided to return to Utah, and he joined Dorsey & Whitney, LLP, as a partner in the firm's Salt Lake City office. For the past several years, David Barlow has had a practice that has focused on handling government enforcement actions and internal investigations, which have typically been large multijurisdictional matters. He is someone who knows how to handle complex litigation.

I would also like to note that since I first met David Barlow, I have also gotten to know David Barlow's family. They are extraordinary people—David's wife Crystal and their children. David's parents, Bruce and Emily Barlow, in fact, used to live just a couple of doors down from me in Utah. They are as kind and decent a people as you could ever hope to meet. While one's parents certainly can't independently qualify one for service in a lifetime article III judicial appointment, if ever one could qualify through that route, that would probably qualify him here simply because Bruce and Emily Barlow are perhaps the most kind and decent people I have ever met and the warmest and loveliest neighbors anyone could ever hope to have.

For all these reasons, and based on Mr. Barlow's mastery of the law, his professionalism, his kindness, his demeanor, his collegiality, which I have never heard questioned or in any way called into question, David Barlow is qualified to be a U.S. district judge, and I am grateful that he will be serving once he is confirmed as judge on the U.S. District Court for the District of Utah.

I urge my colleagues to support his confirmation and look forward to voting for him later today.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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 Richard Ernest Myers II, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Mitch McConnell, John Boozman, Richard Burr, Shelley Moore Capito, John Cornyn, Mike Crapo, John Barrasso, Roy Blunt, John Thune, Steve Daines, Thom Tillis, Kevin Cramer, Chuck

Grassley, Tom Cotton, Rand Paul, Roger F. Wicker, Cindy Hyde-Smith.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard Ernest Myers II, of North Carolina, to be United States District Judge for the Eastern District of North Carolina, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from South Dakota (Mr. ROUNDS).

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

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

The yeas and nays resulted—yeas 72, nays 22, as follows:

[Rollcall Vote No. 375 Ex.]

YEAS—72

Alexander	Feinstein	Paul
Barrasso	Fischer	Perdue
Blackburn	Gardner	Peters
Blunt	Graham	Portman
Boozman	Grassley	Reed
Braun	Hassan	Risch
Burr	Hawley	Roberts
Capito	Hoeben	Romney
Cardin	Hyde-Smith	Rosen
Carper	Inhofe	Rubio
Casey	Isakson	Sasse
Cassidy	Johnson	Scott (FL)
Collins	Jones	Scott (SC)
Coons	Kaine	Shaheen
Cornyn	Kennedy	Shelby
Cotton	King	Sinema
Cramer	Lankford	Sullivan
Crapo	Leahy	Tester
Cruz	Lee	Thune
Daines	Manchin	Tillis
Duckworth	McConnell	Toomey
Durbin	McSally	Warner
Enzi	Moran	Wicker
Ernst	Murphy	Young

NAYS—22

Baldwin	Hirono	Smith
Bennet	Klobuchar	Stabenow
Blumenthal	Markey	Udall
Brown	Menendez	Van Hollen
Cantwell	Merkley	Whitehouse
Cortez Masto	Murray	Wyden
Gillibrand	Schatz	
Heinrich	Schumer	

NOT VOTING—6

Booker	Murkowski	Sanders
Harris	Rounds	Warren

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 22.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the