

House and the Senate broke with tradition and used this year's NDAA process to insist on all manner of partisan items, including nongermane domestic policy changes. This partisan approach left the future of the Pentagon's most urgent missions in the lurch.

So I am encouraged that bicameral negotiations, with participation from the White House, reached a conclusion last week. Most of the partisan demands predictably fell away. The result is not either side's ideal bill, but it is one that should be able to pass both Chambers under the circumstances. I hope the bipartisan conference report will be signed and moved quickly through each Chamber so Congress can finally fulfill our responsibility to America's Armed Forces for another year.

Then there is the appropriations process—another fundamental responsibility which, for the good of the Nation, is historically approached with a bipartisan willingness to find common ground.

It seemed like that might again be the case when a bicameral, bipartisan deal was struck by the President and the Speaker of the House back in July, but then, when negotiations resumed in earnest back in September, some of our Democratic colleagues realized they weren't really ready to part with partisan poison pills. They ignored their own agreement and months of stalemate ensued.

Fortunately, our appropriators are working hard to salvage the process. Last month, Chairman SHELBY and Chairwoman LOWEY and our other colleagues reached a deal on subcommittee allocations. I understand their hard work continued in earnest over this past weekend, with the goal of producing bills that both Chambers could consider before the end of this year.

I am grateful to colleagues on both sides of the aisle for their hard work. I hope this progress continues, and we can consider appropriations measures this month.

Now, there is still one more major piece of bipartisan legislation awaiting action by House Democrats. For months, Speaker PELOSI and House Democrats have been slow-walking President Trump's landmark trade agreement with Mexico and Canada. Month after month, House Democrats kept 176,000 new American jobs in limbo, but, finally, after weeks of a full-court press from Republicans in the House and the Senate, we are seeing hopeful signals that Speaker PELOSI's months-long stalling campaign may at long last be coming to an end. Reports suggest the Speaker may finally allow the House to vote in the near future. For our country's sake, I certainly hope so.

So what has been true for months is especially true now that time is short—it is going to take bipartisan collaboration and hard work for any of these outstanding legislative priorities to become law.

Even if House Democrats do finally relent and allow these key priorities to move forward, it is now the eleventh hour, and it will require consent and cooperation for the Senate to consider legislation in a timely fashion.

I ask for that collaborative spirit from my colleagues on both sides in the Senate as we move forward. We Republicans have been ready and eager for weeks to legislate on these key priorities. I hope these reports are accurate that leading Democrats may finally—finally—be willing to let Congress govern, and I hope we can move forward at a brisk pace and in a bipartisan way.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

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

#### UNANIMOUS CONSENT AGREEMENT—CALENDAR NO. 535

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Halpern nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### E-CIGARETTES

Mr. CORNYN. Mr. President, after months of headlines about the dangers of vaping and a litany of mysterious medical conditions, we hit a pretty concerning milestone last week—vaping-related lung injuries have now been reported in all 50 States.

Alaska became State No. 50 with the identification of a teen suffering from these illnesses. I said a teen. The teen

reported regularly vaping both nicotine and THC products, and while I am glad to hear the patient is recovering, it highlights the need for immediate action to this public health emergency.

Nationwide, nearly 28 percent of high school students and 1 in 10 middle school students are using e-cigarettes. That is just to the best of our knowledge.

Folks at home are struggling to respond to these growing numbers, and parents and teachers and others are trying to figure out how to get their arms around this problem.

Last year, 19 percent of Texas high school students had used an e-cigarette in the last 30 days, and all of these recent cases lead me to believe that this number has gone up and gone up significantly.

It is, I believe, a growing epidemic, but folks in North Texas are bearing the brunt of it. More than half of all the vaping-related injuries at home occurred in North Texas. It is also home to the first vaping-related death in the State.

Last Friday, I visited the University of North Texas Health Science Center in Fort Worth to learn more about the dangers of e-cigarettes and the community-led efforts to curb their use.

Let me be clear. When we are talking about adults making choices on what to put in their body, I will leave those choices to the individual adult, but if we are talking about children exposing themselves to a chemical that is addictive, which may lead to a life—even if they avoid some of the immediate public health consequences, it may lead to a lifetime of addiction and worse.

We heard from a pulmonary specialist that a lot of kids she talks to don't understand the risk of e-cigarettes. They think that because these devices aren't subject to the same regulations and restrictions as traditional cigarettes, they are somehow different and safer.

We got to hear from a teen who certainly had that mindset. Sixteen-year-old high school junior Anna Carey is one of the many students in her high school using e-cigarettes, and she admits to becoming rather quickly addicted to the nicotine.

She said she began to display symptoms like those we have seen across the country. She was extremely lethargic and would experience random and severe pains in her chest.

Two initial x rays came back clear. So her doctors released her, but her symptoms continued. Eventually, she was admitted to the Cook Children's Hospital and diagnosed with chemical-induced pneumonia in both lungs. That, Anna told us, was her wake-up call.

I am glad to report that Anna has fully recovered and is using her story to help educate and alert her fellow teens from going down the same path.

Everyone who participated in our discussion in Fort Worth last Friday

agreed that there is no single action or initiative that can put this outbreak to rest. We need to work together, not only the Federal Government but State and local governments, parents, teachers, and communities, to combat this crisis from every angle.

During our conversations we talked about the need for action by the Food and Drug Administration, something our colleagues on the HELP Committee have been examining. We also talked about the need to do more to educate our kids about the risks of e-cigarette use to stop them from picking up these devices in the first place.

One of the easiest ways we can do that is to make it more difficult for children to purchase vaping devices from online retailers, but, unfortunately, our current laws make that difficult to enforce. We are not talking about changing the age restrictions to purchase these devices, but merely the manner in which these devices are purchased in a way that avoids the age restrictions on their consumption.

For traditional cigarettes, consumers are able to make purchases online, but there are clear guardrails in place to prevent children from skirting the age restrictions. At the time of the delivery, the buyer has to sign and show an ID proving that they are an adult. That just makes common sense. You have to show an ID when you purchase cigarettes at a gas station or convenience store, and it shouldn't be any different when you purchase these devices online.

But e-cigarettes are on a different playing field. As often is the case, developments in the real world can outpace Congress's ability to respond, and this is, perhaps, a prime example of that.

Anyone, no matter how old or young, can go online and buy e-cigarettes and have them delivered to their front door—no questions asked, no age verification, no ID, no nothing—and that is wrong.

Kids can be resourceful, you better believe, in taking advantage of this loophole. In fact, a recent survey found that a third of underage e-cigarette users bought them online.

There is no reason why e-cigarettes should be subject to lesser restrictions than traditional cigarettes. They are just as addictive and dangerous. After hearing from a number of constituents who share my concerns about teen vaping, I introduced legislation to make it more difficult for our children to get their hands on these devices.

The Preventing Online Sales of E-Cigarettes to Children Act would put in place the same safeguards for e-cigarettes as traditional cigarettes purchased online.

Just to be clear, we are talking about protecting children. We are not talking about limiting adults' rights to use these devices.

This bill would require online retailers to verify the age of a customer, release deliveries only to an adult show-

ing a proper ID, and to comply with all State and local tobacco taxes.

These are commonsense reforms, and they have garnered broad bipartisan support. More than a quarter of the Senators in this body are cosponsors of this bill, and it recently passed by voice vote in the House of Representatives. When we are talking about passing consensus legislation that makes just common sense, well, this is as easy as it comes.

We need to do everything in our power to turn the tide on this wave of addiction to protect our children from these dangerous substances.

I appreciate Dr. Michael Williams and the folks at the UNT Health Science Center for hosting such an important discussion and for their work to educate the public on e-cigarettes and the dangers associated with their use, particularly by minor children.

I want to thank my colleagues who have thrown their support behind this legislation. It is a bipartisan bill, as demonstrated by the chief cosponsors on the other side, Senators FEINSTEIN and VAN HOLLEN.

I can't imagine why anybody would want to hold such a commonsense bill up, and I hope we will be able to send it to the President before we head home for the holidays.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### WYOMING WOMEN'S SUFFRAGE DAY

Mr. ENZI. Mr. President, today I would like to speak on a topic very important to my wife Diana, to me, and, for that matter, to all of Wyoming, and it should be important to all of America. It is a topic of great importance in Wyoming. It is a topic at the core of what makes Wyoming the Equality State. It is Wyoming Women's Suffrage Day tomorrow.

I recently had the pleasure of introducing and, along with my friend Senator BARRASSO, passing S. Res. 430, which recognizes tomorrow, December 10, 2019, as Wyoming Women's Suffrage Day.

Wyoming Women's Suffrage Day celebrates the contribution of women to our great State and Wyoming's place in history as the trailblazer for women's suffrage. One hundred and fifty years ago, on December 10, 1869, the Wyoming territory approved the first law in legislative history recognizing women's inherent right to vote and to hold public office—50 years before the enactment of the 19th Amendment to the Constitution in 1920.

This historic step even preceded Wyoming statehood. The young territory granted women the right to vote 20 years before becoming the 44th State admitted to the Union.

In fact, when Congress invited Wyoming to join the Union, they demanded that women's suffrage be revoked, and the Wyoming legislature—an all-men's legislature—said: "We will remain out of the Union 100 years rather than come in without the women." This pioneering spirit is truly remarkable and something I keep in front of my mind every day as I continue my work in the Senate.

Wyoming was not going to allow the acknowledgement of women's right to vote to be ceremonial or artificial. In fact, 1 short year after recognizing women's right to vote, women began holding public office throughout Wyoming, serving as the first women in the United States to do so.

In 1870, Esther Hobart Morris became the first female justice of the peace, serving in South Pass City, WY. That year, Wyoming also saw the country's first all-female jury and the first woman bailiff in the room, Martha Symon Boies. Later, in 1894, Estelle Reel Meyer became Wyoming's superintendent of public instruction—the first female in the country to be elected to a statewide position. From 1920 to 1921, Jackson, WY, was the first town in the United States governed completely by women. These trailblazing women embodied the cowboy values we hold dear and showed that Wyoming truly has earned its title as an Equality State.

Just as they did in 1869, women's voices and their votes continue to help build our economy and guide our democracy. Throughout history, Wyoming has been home to many remarkable women and today still recognizes how important women are to the success of the State. This continued dedication to being the Equality State has made Wyoming home to trailblazing women's organizations, such as the Wyoming Women's Legislative Caucus, a nonpartisan caucus that advocates for the support and leadership of women in all levels of government, and Climb Wyoming, which helps single mothers transition to long-term self-sufficiency through better paying jobs, including nontraditional jobs. That is the key to Wyoming's economy. Climb Wyoming does this through innovative programming that goes far beyond just job training. The Wyoming Women's Business Center supports aspiring female entrepreneurs and business owners through educational tools to help them plan, start, and grow successful businesses. As a former small business owner myself, I know how important these businesses are to the fabric of our great State.

Wyoming Women's Suffrage Day is a testament to the contributions women make and have made and will continue to make in Wyoming and the values that make our State stand out as an example to the rest of the country. I look forward to working with Senator BARRASSO and Congresswoman CHENEY to ensure Wyoming continues to do things the cowboy way, striving to

hold the tradition of excellence and equity and equality well into the future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BOOZMAN). Without objection, it is so ordered.

#### 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 bill 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 Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mike Crapo, Thom Tillis, Chuck Grassley, Jerry Moran, Kevin Cramer, John Barrasso, Mike Braun, Joni Ernst, Pat Roberts, John Cornyn, Roy Blunt, John Thune, Lindsey Graham, Roger F. Wicker.

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 Patrick J. Bumatay, of California, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), and the Senator from South Carolina (Mr. SCOTT).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea" and the Senator from Florida (Mr. RUBIO) would have voted "yea."

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

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

The yeas and nays resulted—yeas 47, nays 41, as follows:

[Rollcall Vote No. 386 Ex.]

#### YEAS—47

Barrasso	Ernst	Moran
Blackburn	Fischer	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Braun	Grassley	Portman
Burr	Hawley	Roberts
Capito	Hoeben	Romney
Cassidy	Hyde-Smith	Scott (FL)
Collins	Inhofe	Shelby
Cornyn	Isakson	Sullivan
Cotton	Johnson	Thune
Cramer	Kennedy	Tillis
Crapo	Lankford	Toomey
Cruz	Lee	Wicker
Daines	McConnell	Young
Enzi	McSally	

#### NAYS—41

Baldwin	Heinrich	Rosen
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Sinema
Carper	Leahy	Smith
Casey	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warner
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Hassan	Reed	

#### NOT VOTING—12

Alexander	Klobuchar	Sanders
Bennet	Risch	Sasse
Booker	Rounds	Scott (SC)
Harris	Rubio	Warren

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 41.

The motion is agreed to.

The Senator from North Carolina.

#### ORDER OF PROCEDURE

Mr. TILLIS. Mr. President, I ask unanimous consent that the postcloture time on the Bumatay nomination expire at 12:15 p.m. on Tuesday, December 10, and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

I further ask unanimous consent that notwithstanding rule XXII, following the cloture vote on the VanDyke nomination, the Senate proceed to legislative session and to the immediate consideration of Calendar No. 290, S. 2740. I further ask unanimous consent that there be 2 minutes of debate, equally divided between the leaders and their designees, and that upon the use or yielding back of that time, the bill be considered read a third time and the Senate vote on the passage of the bill with no intervening action or debate and that the Senate then resume executive session.

Finally, I ask unanimous consent that at 12 noon, on Wednesday, December 11, the Senate proceed to legislative session and to the immediate consideration of H.R. 2333, which was received from the House, and that the bill be considered read a third time and the Senate vote on its passage with no intervening action or debate.

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

#### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. TILLIS. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### S. 2942

Ms. MURKOWSKI. Mr. President, I rise today to say how pleased I am to join with the Senator from New Hampshire in introducing S. 2942, a bill to revise the tax treatment of certain contributions to the capital of corporations.

S. 2942 corrects a provision in the 2017 Tax Cuts and Jobs Act that disqualified government grants to corporations from treatment as tax-free contributions to capital. The provision resulted in the imposition of income tax on all such grants. At the same time, a companion provision in the act imposed income tax on "contributions in aid of construction," CIAC, to regulated water utilities, reversing a long-standing rule of prior law that shielded regulated water utilities from tax on such payments. The term CIAC refers to payments—from either governmental sources or other sources that are used by a utility to expand its physical plant.

Our bill corrects the TCJA, first, by restoring the tax exemption for CIAC received by water utilities. That change will ensure that Alaskans, along with all water utility customers around the country, who make payments to a water utility to help the utility expand its service territory or otherwise improve its physical plant will not thereby saddle the utility with a tax charge that could translate into an increase in rates for water service or that, alternatively, could be passed back to the payer of the CIAC.

There is no plausible basis for taxing CIAC received by water utilities and thereby saddling the utility and its customers with the tax charge. CIAC does not at all resemble normal taxable income received by a business in exchange for goods or services. In fact, our bill specifically precludes the utility from including CIAC in its rate base and thereby earning a return on it.

The treatment of CIAC as taxable income might not matter if water utilities could expense the cost of the capital improvements funded through CIAC. The expensing deduction would offset the income. But under the TCJA, regulated utilities do not qualify for expensing. Thus, they incur the tax on the receipt of CIAC and pass the tax on to the payer of the CIAC.