

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

One unintended consequence of the taxability of CIAC, coupled with the ineligibility of regulated utilities for expensing, is the creation of an unjustifiable incentive for the development of water infrastructure outside regulated utilities—i.e. outside the companies that are best equipped to build and manage the infrastructure. The incentive exists because non-utility corporations, unlike regulated utilities, qualify for expensing and can thus eliminate the tax on the receipt of CIAC. Our bill eliminates the incentive by restoring the tax exemption for CIAC received by regulated water utilities.

The other correction our bill makes in the TCJA is to reverse the rule in the act that treats all government grants to corporations as taxable income. Under prior law, government grants that were not in the nature of ordinary purchases of goods or services could qualify as tax-free contributions of capital.

The TCJA failed to distinguish among different types of government grants in writing the new rule. For example, there is no apparent reason why government grants made to spur investment in rural broadband infrastructure should be taxable. The effect of the tax is to reduce the value and effectiveness of the grants. Nor should tax logically be imposed on grants intended to spur investment that would protect the environment or public health, including investment in water infrastructure.

There are, of course, types of government grants that could probably be taxed without adverse consequences. One example would be grants made to influence corporate decisions on the location of corporate headquarters or facilities.

To create a simple starting point, our bill simply eliminates the TCJA rule taxing government grants. As the Finance Committee and leadership consider the issue, we anticipate that, this time around, they will take the time to consider more carefully which types of grants should be taxable and which should be tax-free. At a minimum, the broadband and environmental grants described above should be tax-free, but there are probably many similar types of grants that should have the same treatment.

Mr. President, I look forward to working with the Senator from New Hampshire and with the members of the Finance Committee to craft sensible corrections to the TCJA to restore the tax exemption for CIAC received by water utilities and restore the tax exemption for government grants received by corporations where the grants are demonstrably in the public interest.

#### THE BALKANS

Mr. INHOFE. Mr. President, it is of the utmost importance that we recognize that the Balkan region is critical to U.S. interests in Europe due to the

implications in the region surrounding security, counterterrorism, cyber security, and implementation of 5G. It is a strategically significant region and a primary target of Russian malign influence.

Each year I have the honor of hosting a Balkan Roundtable Security Forum with leaders from the Balkans and Members of Congress. NATO's role in southeastern Europe is critical for the support of our interests in the region. Integration of the Balkans into NATO, the EU, and other partnerships with our friends in the region has long been an important goal, given the mounting threat posed by Russians continued behavior. In a time where our strategic competitors are seeking to expand their influence, it is critical that our friends in the Balkan region know that the United States is here to support them and work together to counter our common foes.

It is clearly stated in the President's National Security Strategy, the National Defense Strategy, and the National Military Strategy that Europe and the Trans-Atlantic NATO Alliance are paramount to our national security, and this includes the integration of our allies on the Balkan Peninsula. We have made significant strides in adapting our capabilities in many areas, including cyber, to meet the growing threats in the region, but we must continue to work with our partners to counter the evolving threats from Russia and China and preserve a Europe that is whole, free, and at peace.

#### TRIBUTE TO MAYO BODDIE

Mr. TILLIS. Mr. President, today I rise to honor and praise a great man, Mayo Boddie, who has lived a long and admirable life as a successful businessman and dedicated servant to the people of North Carolina and his country.

Mr. Boddie was born on December 6, 1929, on a farm in Nash County, NC. The son of Nick and Lucy Boddie, Mr. Boddie learned the value of hard work and perseverance at an early age. In 1962, along with his brother Nick and his uncle, Carleton Noell, Mayo Boddie opened his first Hardee's restaurant in Fayetteville, NC. Fast food was a relatively new concept back then, but the new company, Boddie-Noell, knew the recipe for success.

Today, he is chairman of Boddie-Noell Enterprise, headquartered in Rocky Mount in the great State of North Carolina. Under Mr. Boddie's leadership, Boddie-Noell Enterprises operates more than 350 Hardee's restaurants and is the popular brand's largest franchisee. Despite their rapid growth and expansion throughout the Carolinas, Virginia, and Kentucky, Boddie-Noell has maintained a close-knit family culture in which every individual is treated with dignity and respect. To Mayo Boddie, the secret of his success is "our people."

His devoted leadership never went unnoticed. In 1987, he received the

North Carolina Jaycees Outstanding Boss of the Year Award. In 1991, he was named Master Entrepreneur of the Year for North Carolina by Inc. Magazine. In 2000, Mayo and his brother, Nick, were named NC Restaurant Association's Restaurateurs of the Year.

At the age of 90 years old, celebrating a recent birthday, Mayo Boddie continues to be very active in his community of Rocky Mount and Eastern North Carolina. He still serves as an advisory board member for the NC Wesleyan College Entrepreneurial Center and continues to serve on the East Carolina Council BSA executive board. He remains an active member of First Presbyterian Church in Rocky Mount and has been active in the Boy Scouts since 1941. His support for scouting is legendary. In honor of this support, one of the Scout reservations in Beaufort County—Camp Bonner—was renamed Camp Boddie.

Mr. President, it is obvious Mr. Boddie is well respected and loved among many who know him, and I am proud to honor him and his life-long and innovative service to the great State of North Carolina, along with his many accomplishments throughout his lifetime.

#### RECOGNIZING MILITARY MISSIONS IN ACTION

Mr. TILLIS. Mr. President, I rise today to pay tribute to Military Missions in Action, MMIA, an organization with locations in Fuquay-Varina and Southern Pines, NC, that is doing tremendous work throughout the State of North Carolina for Active-Duty servicemembers, veterans, and military families.

Mr. Mike Dorman founded MMIA in 2008 after a 20-year career in the U.S. Coast Guard. Since then, MMIA has worked tirelessly to accomplish a wide array of support for servicemembers, veterans, and their families. MMIA conducts a number of operations each year such as: Operation Building Hope, which gathers volunteers to make modifications and repairs necessary for safe and independent living for veterans with disabilities; Homes for Healing, through which volunteers provide new and gently used furniture and household goods to formerly homeless veterans; Operation Rescue Christmas, which provides holiday assistance to low-income veteran and military families through gift cards, new toys, and monetary support; and Fill the Footlocker whereby comforts from home, health, and hygiene items are packaged and shipped to deployed servicemembers.

MMIA completes the operations mentioned above in addition to many other projects in community engagement and support with the help of volunteers and other collaborators. To date, MMIA has completed 710 building projects, assisted over 30,500 homeless veterans, provided furniture and household goods to 463 families, shipped over 58,000 care