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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, a Senator from the State of Mississippi.

PRAYER

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

Let us pray.

God of grace and glory, on Your people, shower Your blessings. Be for us a shield and sure defense. Lord, as we live in this tangled world, give us the wisdom to keep our eyes on You.

Bless our Senators. Crown their deliberations with Your wisdom so that Your purposes will prevail. Lord, quicken in our lawmakers noble impulses as You sanctify their efforts with Your mercy and might.

Be merciful to us. Forgive our faults, and remember that we are but dust, like a wind that blows by and is gone. Lord, keep us from stumbling or slipping.

We pray in Your gracious 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 12, 2019.

To the Senate:

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

appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Aurelia Skipwith, of Indiana, to be Director of the United States Fish and Wildlife Service.

RECOGNITION OF THE MAJORITY LEADER

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

SENATE LEGISLATIVE AGENDA

Mr. McCONNELL. Madam President, I have spoken at length about the serious impact the Democrats' impeachment obsession has had on months' worth of important legislative priorities. For months, the Republicans have been calling for bipartisan solutions to the NDAA, to the appropriations process, and more, but only in the last couple of days, here in mid-De-

ember, have our Democratic colleagues gotten sufficiently serious about these must-pass bills.

In the meantime, while we have waited on the House Democrats to act, the Senate has made good use of our floor time to complete the American people's business with respect to nominations. Last week alone, the Senate confirmed two executive branch nominations and put eight impressive jurists in seats on Federal district courts.

This week, we have considered yet another slate of the President's well-qualified nominees. The Senate will consider today John Sullivan, of Maryland, to serve as Ambassador to the Russian Federation, Stephen Hahn, of Texas, to serve as Commissioner at the Food and Drug Administration, and Aurelia Skipwith, of Indiana, to be Director of the U.S. Fish and Wildlife Service.

Already this week, we have confirmed two more outstanding jurists to the Court of Appeals for the Ninth Circuit—Patrick Bumatay, of California, and Lawrence VanDyke, of Nevada. Mr. Bumatay is a graduate of Yale and Harvard Law School. He clerked for the Eastern District of New York and the Tenth Circuit, practiced in the private sector, and served in a variety of roles with the Department of Justice. Mr. VanDyke graduated from Montana State University and Harvard Law School. His career has included a clerkship with the DC Circuit, time as a State solicitor general, and service as Deputy Assistant Attorney General at the Department of Justice. Both of these jurists are well qualified, and both have widespread respect from legal peers. Now they are the 49th and 50th circuit judges to have been nominated by President Trump and confirmed by the Senate in the last 3 years.

As I have said before, these kinds of milestones are emphatically not partisan achievements. It is not one party or the other that benefits when our

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



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Federal courts consist of men and women who understand that a judge's job is to follow the law, not to make the law. The entire country benefits from that. Our constitutional system benefits from that as well. If a judge's applying our laws and our Constitution as they are written strikes anybody as a threat to one's particular agenda, it is the agenda that needs to change, not the judiciary the Framers intended.

On another matter, as I said, the Democrats' fixation with impeachment has pushed critical governing priorities right into the eleventh hour. Just yesterday, after months of delays and hostage-taking, the House Democrats finally approved an NDAA conference report. Next week, the Senate will pass it and send this overdue legislation to President Trump. Yet, of course, we need to follow up Defense authorization with Defense appropriations so that we actually supply the funding our servicemembers need to carry out their missions and our commanders need to plan for the future.

It is not just defense funding that has been hampered by the Democrats' impeachment obsession and reluctance to do anything bipartisan. All Federal funding has been jeopardized by the House's procrastination. That includes critical domestic programs with implications for every one of our colleagues and all of our constituents. Even today, at this late date, the Democratic leadership is continuing to delay a bipartisan agreement on appropriations. Even now, at the eleventh hour, the Democratic leadership is still threatening to potentially tank the whole process and force another continuing resolution.

Look, the story is the same as it has been for months—partisan policy demands, poison pills. It is exactly the playbook the Speaker of the House and the Democratic leader had explicitly promised months ago, in writing, they would not use in order to sabotage appropriations.

Let me say that again. Last summer, the Speaker of the House and the Senate Democratic leader explicitly promised in writing that they would not use poison pills or changes to Presidential transfer authorities to sabotage the appropriations process. Yet, even in mid-December, they are still using those tactics to jeopardize all of our progress.

It doesn't have to end this way. I know earnest discussions are still underway as our colleagues in both Chambers work to fix this. I urge the Democratic leadership to let the committees do their work, to let the Congress do its work, and to let us pass legislation on a bipartisan basis next week.

On a related matter, while we hold out hope for a breakthrough in appropriations, we also know there has been one major casualty of Speaker PELOSI's impeachment obsession—Congress's ability to pass the President's USMCA this year.

It was more than a year ago that President Trump first signed the draft agreement with the leaders of Canada and Mexico—more than 12 months ago. That is how long the House Democrats have dragged their heels on the USMCA and have kept 176,000 new American jobs on ice. Now, at the eleventh hour, Speaker PELOSI has finally realized it would be too cynical and too nakedly partisan to allow her conference's impeachment obsession to kill the USMCA entirely.

So after a year of obstruction, she finally gave in to Republican pressure and struck a notional deal with the White House. But actions have consequences. That entire calendar year that House Democrats wasted has consequences. The Speaker's action was so belated that the administration is still—still—in the process of writing the actual bill. We don't have a bill yet. Once a bill is produced, the House has to take it up first, and then, under trade promotion authority that exists to protect the deals Presidents negotiate, after House passage, the bill spends up to 15 session days in the Senate Finance Committee. After that, there are up to 15 session days for the Senate to vote on the floor.

So, unfortunately, the Speaker's 12 months of delay have made it literally impossible for the Senate to take up the agreement this year. And if House Democrats send us impeachment articles, those have to come first in January, so the USMCA will get pushed back yet again.

Like I said, actions have consequences. There is just no way the Senate can make up for 12 months of House Democratic delays in just a couple of days. Governing is a question of priorities. Speaker PELOSI failed to make this trade deal a priority for the entire year, and we are now bound by the time requirements of TPA to protect the agreement here in the Senate.

On one final matter, speaking of priorities, listen to what the House Democrats are prioritizing. Listen to what they are doing today while all of this crucial legislation goes unfinished: more Judiciary Committee hearings on impeaching the President and on the floor, a vote on yet another far-left messaging bill with literally no chance of becoming law.

They are spending floor time on their socialist scheme to micromanage Americans' prescription drugs and put the Federal Government in charge of the medicines so many people rely on. The Speaker wants to take us down the road of nationalizing an entire industry and imposing Washington's stifling influence on the life sciences sector that produces lifesaving cures—never mind the fact that this far-left messaging bill has zero chance of passing the Senate and that President Trump has already threatened to veto it.

We know by now that political performance art takes precedence over bipartisan legislation where this Democratic House has been concerned. I

hope these stunts—stunts—come to an end soon. I hope the House finds time to finish negotiating the things we actually have to pass—the funding of the government. I hope we can do that in good faith. I hope our Democratic colleagues join Republicans at the table, and let's get the American people's business that must be done accomplished.

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.

Mrs. BLACKBURN. Madam 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.

CHINA

Mrs. BLACKBURN. Madam President, this past Sunday, hundreds of thousands of protesters filled the streets of Hong Kong to remind Beijing that totalitarianism will no longer go unchallenged.

I was reading a New York Times article about this protest when I came across a particularly striking quote. When asked why she had taken to the streets, a 24-year-old biology researcher named Alice said:

We want Hong Kong to continue being Hong Kong. We don't want to become like China.

Madam President, I ask unanimous consent to have printed in the RECORD this article on the Hong Kong human rights protest, that appeared in the December 9 edition of the New York Times and that depicts a beautiful picture of what people will do for the cause of freedom.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 7, 2019]

HONG KONG PROTEST, LARGEST IN WEEKS, STRETCHES SEVERAL MILES

(By Javier C. Hernández and Elaine Yu)

HONG KONG.—Hundreds of thousands of protesters, basking in a recent election victory by Hong Kong's pro-democracy camp, poured onto the city's streets on Sunday in one of the largest marches in weeks to pressure the government to meet demands for greater civil liberties.

The huge turnout was a reminder to China's leader, Xi Jinping, that the monthslong campaign against his authoritarian policies still had broad support in Hong Kong despite a weakening economy and increasingly violent clashes between protesters and the police.

Tensions in Hong Kong, a semiautonomous territory, had eased somewhat in recent days, after pro-democracy advocates won a stunning victory in local elections two weeks ago, giving new hope to the movement.

On Sunday, demonstrators returned in force, packing city streets to denounce Mr. Xi's government, rail against police brutality and reiterate demands for greater civil liberties, including universal suffrage. They beat drums, sang protest anthems and chanted, "Fight for freedom." Though the march was largely peaceful, some demonstrators vandalized shops and restaurants and lit a fire outside the high court.

"We want Hong Kong to continue being Hong Kong," said Alice Wong, 24, a biology researcher who stood among protesters gathered at Victoria Park. "We don't want to become like China."

As many as 800,000 people attended the march, according to Civil Human Rights Front, an advocacy group that organized the gathering.

The mood at the march was relaxed, with people taking selfies against a backdrop of the vast crowds. Children, some dressed in black, marched with their parents, holding hands as they shouted, "Stand with Hong Kong!"

A sea of protesters, spread across several miles, filled major thoroughfares as they moved between towering skyscrapers. In some areas, there were so many people that the crowds moved at a snail's pace and spilled into adjacent alleys. Some small businesses encouraged the turnout by promising giveaways if more than one million people joined the march.

The protesters said they intended to remain peaceful on Sunday, but some vowed to use more aggressive tactics if the police cracked down. In the evening, the police readied canisters of tear gas as they stood opposite crowds of protesters who had barricaded a street downtown in a briefly tense moment.

The large turnout could further embolden the movement's confrontational front-line protesters, who said they planned to disrupt the city's roads and public transportation system on Monday. The call for further action seemed to resonate among some protesters on Sunday.

"If the government still refuses to acknowledge our demands after today, we should and will escalate our protests," said Tamara Wong, 33, an office worker who wore a black mask as she stood among the crowd gathered at Victoria Park.

The protesters have demanded amnesty for activists who were arrested and accused of rioting, as well as an independent investigation of police conduct during the demonstrations.

Despite the show of strength on Sunday, it is unlikely that the protesters will win further concessions from Beijing, which has worked to portray demonstrators as rioters colluding with foreign governments to topple the governing Communist Party.

Jean-Pierre Cabestan, a professor of political science at Hong Kong Baptist University, said that even though Sunday's march showed the protest movement remained strong and unified, Beijing was unlikely to listen to its demands.

"Hong Kong is condemned to live in a permanent political crisis as long as China is ruled by the Communist Party," Professor Cabestan said.

Mr. Xi, who has cultivated an image as a hard-line leader, has demanded "unswerving efforts to stop and punish violent activities" in Hong Kong. He has publicly endorsed the city's beleaguered leader, Carrie Lam, and her efforts to bring an end to the unrest.

Chinese officials have suggested that the United States is responsible for helping fuel unrest in Hong Kong, pointing to statements by American officials in support of the protests. Last month, President Trump signed tough legislation that authorizes sanctions on Chinese and Hong Kong officials responsible for rights abuses in Hong Kong. The move was welcomed by many protesters but also seen as exacerbating tensions between the two countries.

In a possible sign of increased scrutiny of American citizens working in Hong Kong, two leaders of the American Chamber of Commerce in Hong Kong said on Saturday that they had been denied entry to Macau, a

semiautonomous Chinese city. Mr. Xi is expected to visit Macau this month to mark the 20th anniversary of the former Portuguese colony's return to China.

Tara Joseph and Robert Grieves, the president and the chairman of the American business group, said they had planned to attend an annual ball put on by the chamber's Macau branch.

"We hope that this is just an overreaction to current events and that international business can constructively forge ahead," Ms. Joseph said.

The protests, which began in June in opposition to a bill that would have allowed extraditions to mainland China, have hurt the tourism and retail sectors, pushing the city's economy into recession.

In recent weeks, the violence has escalated, with protesters intensifying their efforts to vandalize businesses they associate with hostility to the movement. The police shot an antigovernment protester last month, inflaming tensions. Then, in some of the worst violence, universities became battlefields, with black-clad students hurling gasoline bombs, throwing bricks and aiming arrows at the riot police, who shot rubber bullets and fired tear gas in return.

Many demonstrators acknowledge that a compromise with the government is unlikely, despite recent victories. Mrs. Lam, the city's leader, who is under pressure from Beijing to restore order without weakening the government's position, has brushed aside their demands and has warned that the mayhem could "take Hong Kong to the road of ruin."

Government officials have cast the demonstrations as primarily centered on economic issues, arguing that vast inequality in Hong Kong has exacerbated anger among the city's youth. They rolled out emergency measures recently to counter the effects of the turmoil on the economy, including providing electricity subsidies to businesses and expanding job training for young people.

The authorities have justified their efforts to crack down on the movement by saying that protesters are endangering public safety. On Sunday, the police said they had found a 9-millimeter semiautomatic pistol, five magazines, 105 bullets and two ballistic vests, as well as fireworks, among other items, during a series of early morning raids.

Senior Superintendent Steve Li of the Hong Kong Police said early in the day that officers had received information that the firearm and fireworks would have been used on Sunday to create chaos.

The police have in recent months banned many protests and rallies in Hong Kong, citing safety concerns. But the government granted a rare approval for the march on Sunday, which was held to mark the United Nations' Human Rights Day.

Demonstrators said they believed that the turnout sent a strong message: The protest movement would not back down.

"If the government thinks that we will give up," said Adam Wong, 23, a university student who was waving a black flag, "today's turnout will prove them delusional."

Mrs. BLACKBURN. Madam President, Alice's statement is loaded with historical context and correctly implies that what we are seeing now is the culmination of a slow but sure violation of the laws and norms that once defined Hong Kong's semiautonomous relationship with mainland China. These protests erupted after what Beijing argued was a simple proposed change to existing extradition laws, but the people saw it for what it was—a thinly veiled threat to Hong Kong's

relative autonomy. It wasn't a take-over. It was just that foot in the door, and China is nearly unparalleled in its ability to turn a foot in the door into a permanent existing condition.

Sometimes their power plays are very obvious, and sometimes they are not. On my recent trip to Djibouti, I saw firsthand the influence of China's debt-trap diplomacy.

Here is what debt-trap diplomacy is. It is a fancy way of saying that China has increased its influence around the world by offering to struggling nations that they are going to hold their debt in exchange for preferential treatment on trade or maybe a physical presence such as a port or other sweetheart deals.

In Djibouti City, I saw this tactic run wild. Now China would say that what they have done is to help the Djiboutians create a "smart city" in the Horn of Africa, but in reality they have negotiated their way into creating a full-blown surveillance state.

Cameras are everywhere—on every corner and every street, with 24/7 footage—and guess where that footage lands. Beijing. They have even tried to point one of those cameras at our military base, right at the entrance to Camp Lemonnier.

Debt-trap diplomacy is bold. It is obvious. If that is all you see of China, it is easy to assume that all of their tactics are that bold and obvious. As I said, they will go after you in obvious areas and also in areas that are not as obvious.

Even domestically, China's surveillance state is notoriously the opposite of covert. Their domestic "smart city" program has outpaced that of every other country on the face of the Earth and the majority of their \$70-plus billion budget for that project has been spent not on intelligent power grids or traffic management systems or on clean air or clean water, but it is being spent on surveilling their own citizens.

The greatest danger China has created by engaging in brash and at times absurd surveillance and suppression is that it has created a false sense of security here in the West when we don't see the evidence of what they are doing. In the United States we are not particularly vulnerable to their debt trap, but we are vulnerable to less obvious attempts to get that foot in the door.

In some form or another, most Americans have allowed Big Tech to take hold of a portion of their lives. Smartphones and cloud storage once were very novel, but now we assume that even simple transactions come predicated by an additional condition. Everything is free as long as the app or the service has access to—guess what—your data. They want to own your virtual you.

Popular apps like TikTok, whose parent company is based in China, have left me with more questions than answers about the platform's business practices, privacy protections, and ideological loyalty to the Communist

Party. Consider that the U.S. Army has barred soldiers from using TikTok. Everybody needs to understand this. The U.S. Army has said: You cannot use TikTok. This very body has expressed our concerns on a bipartisan basis with the platform's censorship and data handling practices.

It is no wonder that TikTok's chief executive officer canceled this week's scheduled meetings here in DC with Members of this body. The fact that millions of Americans, especially our American children, continue to offer their personal data to TikTok is beyond disturbing, but we will not be able to roll back the creeping surveillance state without setting our own standards for what is acceptable from both foreign and domestic companies.

When I introduced the BROWSER Act earlier this year, I did so not only to give Big Tech solid guidelines regarding data privacy and content but to set a new standard for what consumers expect from Big Tech. Our problem here in this country is pretty much one of awareness and of understanding that the exact same philosophy drives China's surveillance programs and their less obvious but much more personal individual monitoring schemes—their surveillance state scheme.

China's Communist Party is after more than just ad revenue and more complete data sets. Their goal, as those Hong Kong protesters put it, is to trick other countries in becoming more like China, which is not tilting toward freedom but tilting away from freedom.

My goal with the BROWSER Act and with my focus on what has become the surveillance state is to do the exact opposite—to enable freedom, to encourage freedom, not only here but around the globe—and to make certain that consumers here decide how much of their data they want to be able to share. We must make certain that we continue to support the cause of freedom wherever human beings show up to protect the freedoms they have.

I yield the floor.

RECOGNITION OF MINORITY LEADER

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

JERSEY CITY SHOOTING

Mr. SCHUMER. Madam President, I learned yesterday that two of the innocent victims in the shooting in Jersey City earlier this week are from my hometown, my home borough, the great borough of Brooklyn—Moshe Deutsch and Mindy Ferencz—and that the kosher deli where they were all killed in all likelihood was targeted as part of a hate crime.

This morning, I stand in solidarity with the Jewish communities of New Jersey and New York as they confront the anti-Semitic poison that motivated that horrible attack, and I stand in sorrow at the loss of innocent lives from my community. May their memory be a blessing.

I also salute the great police officer, as well, who fell in the line of duty trying to apprehend these brutal thugs.

IMPEACHMENT

Mr. SCHUMER. Madam President, on impeachment, the House Judiciary Committee will continue today its markup of Articles of Impeachment against Donald Trump.

The articles charge that President Trump abused the Office of the Presidency by soliciting the interference of a foreign power in our elections to benefit himself personally. The articles also charge him with obstruction of justice in the investigation into those matters.

Those articles were drafted after a months-long investigation into the President's dealings with Ukraine, which included scores of fact witnesses and expert testimony. Throughout that time, and still today, the White House refuses to participate in the House process. It has blocked key witnesses. It has withheld relevant documents. It has instructed members of the administration to defy congressional subpoenas and not to testify. Those that did testify did so bravely against the wishes of the White House.

What is the President hiding? What do these witnesses know? What do these documents show?

Those are fair questions that every American could ask and, because neither the President nor Republican Congress Members have presented any refutation of the facts in the impeachment charges or any exculpatory evidence other than grand conspiracy theories, the American people have a right to say the President must be hiding something.

If there are documents or witnesses the President believes could provide exculpatory evidence, nothing is stopping the witnesses from testifying and the documents from being sent over, except the President of the United States, who in all likelihood is afraid of what they show because they confirm and corroborate the lengthy factual basis that the House compiled to come up with the Articles of Impeachment. The fact that President Trump is blocking witnesses from testifying and blocking documents from release means that, more likely than not, those witnesses and documents do not and cannot refute the charges against the President.

When someone who might be guilty of a crime says he doesn't want witnesses of the crime to come forward, what do you think that means?

Why haven't the President and his allies presented exculpatory evidence—evidence that says this is not true? Why, instead, have they created these bobbles, these objects far away, saying: There is a conspiracy here. There is a conspiracy there.

It is the old lawyer saying: When you have the facts, argue the facts. When you have the law, argue the law. When you have neither, pound the table.

In this case, pounding the table means coming up with diversionary conspiratorial theories.

House Republicans, rather than mount a vigorous defense of the President on the merits, have attacked the process. If House Republicans could focus on the merits, could find evidence that said: No, this is not true; that is not true; he did not try to influence Ukraine to help his campaign, they would have presented it.

Why has no evidence been presented directly refuting the core of the charge against the President? Because there probably isn't any.

In the Senate we have several Members who are swimming in the murky waters of conspiracy to divert attention from the fact that they don't have the facts and the law on their side. The only way they can defend the President's comments is to come up with crazy, out-of-line conspiracy theories that are not based on any evidence.

Some Senate Republicans find it so difficult to argue the President's defense on the facts that they resort to fiction. For instance, in the past few weeks, certain Republicans have actually helped spread disinformation invented by Putin's intelligence services. He said that Ukraine, not Russia, interfered in the election. No one believes it. There is no factual basis of it. Of course, Putin would say he wants to divert attention from Russia, but it is amazing that Senators would traffic in those theories, totally made up, not one bit of fact. It is a low moment for the Senate when their blind obeisance to President Trump overshadows any need to find truth and to defend rule of law. That is not what a democracy is about. That is the edges of dictatorship.

Chairman GRAHAM conducted an entire hearing yesterday to give public viewing to the now completely debunked conspiracy theory that the FBI investigation into the Trump campaign began with political motives. Inspector General Horowitz, to his credit, stuck to the findings in the report. He found no evidence of bias. So Senator GRAHAM, as he tends to do these days, put on a big show, a lot of ranting, a lot of raving—no refutation of the fact of what the IG found.

So it is just like Ukraine where certain Members are so unable to defend what the President did with Ukraine, they latch on to Russian propaganda, or they come up with these histrionics, again, to try to divert attention, a shiny object to take the American people's attention away from the wrongdoing that the House is accusing him of. In fact, the deputy counsel of the FBI actually said that the department "would be derelict in its responsibility" if it did not open an investigation into Trump. She is not a political person. She is a law enforcement officer.

If you think President Trump is above the law, go right ahead, but that is not what George Washington or Benjamin Franklin or Thompson Jefferson

or Alexander Hamilton thought this Nation was about; that is not what generations of Americans who fought and died for our country thought it was about. We have reached a low moment in American history and a very low moment for the Republican Party now that it has been taken over by Donald Trump. This is not the Republican Party of the last 150 years.

All of this is a backdrop to the impending trial of President Trump, where two lines of argument may be presented in a court of impeachment. One line of argument—accusations against the President—has relied on facts, public record, and the sworn testimony of dozens of officials with knowledge of the events. The other line of argument—the defense of the President—has so far relied on conspiracy, innuendo, hyperventilation about the process, with no refutation of the specific facts that the House has found.

The American people will be savvy enough over the next several months to tell the difference.

TAX REFORM

Madam President, now, on taxes, this month marks 2 years since President Trump and the congressional Republicans passed a trillion-dollar tax cut for large corporations and the richest Americans. Republicans make many promises to sell this legislation as a boom for jobs and middle class. They were outlandish at the time, and now, recent history has proven them even crazier. Two years later, these phony promises have not come close to living up to their billing.

President Trump promised the tax bill would benefit middle-class America, creating a \$4,000 raise for every American family. No way. Ask the average American family. The rich Americans will say yes. The top 1 percent will say yes, but, of course, they received a tax cut 64 times the size of the one given to the middle class. President Trump and Republicans promised the bill would prompt businesses to increase investments into their companies, leading to job growth and higher wages. This, too, has proved a fantasy. Less than 5 percent of all workers in America were ultimately promised pay increases or bonuses as a result of the tax cut.

Out of 5.9 million employers, only 413 announced bonuses to workers or wage hikes. Do you want to know where the lion's share of that Republican tax cut went? Shareholders, not workers. In the 2 years since the tax bill, the annual total of corporate stock buybacks have shattered records over \$1 trillion in 2018.

It is impossible to look at the last 2 years with a straight face and say that the Republican tax cut was designed or is helping middle-class families. If anything, the Republican tax bill exacerbated the already staggering inequalities of work and wealth in our country. We need to start moving the needle in a completely opposite direction. Next year, voters will have a chance to

make that happen by voting for a change in the Senate leadership.

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. DURBIN. Madam 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.

NOMINATION OF LAWRENCE VANDYKE

Mr. DURBIN. Madam President, the Republican majority leader was on the floor a little earlier, and he talked about the business of the Senate and how busy we are in the Senate. I would like to state for the record, so far in the calendar year 2019, on the floor of this U.S. Senate, where the greatest deliberative body meets and considers the lofty issues of our time, in the year 2019—currently this year—we have considered 22 amendments in the entire year—22 amendments.

Madam President, six of them were offered by the junior Senator from Kentucky. One Senator had six amendments: Senator RAND PAUL. They were all defeated. Then some 16 other amendments were offered.

To put that into perspective, on a good day in the Senate, when the Senate was the Senate, there would be 10 amendments; bills would come to the floor; we would debate; amendments would be adopted. Some would lose. People would give speeches. We would pass legislation, send it over to the House, go to a conference. We don't do that anymore.

Under Senator MCCONNELL, the Republican leader of the Senate, we do not do that anymore. There were 22 amendments in the course of the entire year. If we were paid for the actual piecemeal that we do, we would not get a paycheck this year because we haven't done anything.

I will take that back. What we have done is to fill as many Federal court vacancies as possible with some of the most unqualified people ever offered by a President of the United States. This week, a man named VanDyke is being named to the court in Nevada. He has such a limited connection with Nevada that both Nevada Senators refuse to approve him for this court appointment. He has no connection to their State, but he was chosen by the White House.

He went through a background check by the American Bar Association, and they concluded unanimously that he was unqualified to be a Federal judge—unqualified. He is not the first. Under this President, we have had nine different court nominees found unqualified by the American Bar Association. You say, Well, that is going to happen, lawyers disagree.

Do you know how many were found unqualified under the Obama administration in 8 years? None, not one.

There are nine unqualified men and women now with lifetime appointments on the Federal bench because, for Senator MCCONNELL, that is his priority: Fill the bench with people of his political stripe at any cost.

Take up legislation? No. The Democratically-controlled House of Representatives has sent us over 200 different measures to consider on the floor of the Senate. Senator MCCONNELL has refused. He will not take up any legislation. He is very proud of it. To his credit, he is not ashamed or embarrassed. He says to call himself the Grim Reaper when it comes to measures coming over from the House. He is here to kill them, and he has done a pretty good job of that, if that is his goal in what he wants to achieve. When I hear him come to the floor and say we are not doing enough in the Senate—22 amendments in 1 year. I say to Senator MCCONNELL, you have been in the Senate for a long time. You know that that number tells the whole story.

FOR-PROFIT COLLEGES AND UNIVERSITIES

Madam President, it is the holiday season, and many families are gathering at special meals, giving gifts, with a lot of fond memories, but instead of celebrating, hundreds of thousands of people across America who have been defrauded by for-profit colleges and universities are just trying to get by. There will not be many presents that they will be able to give or probably receive. They have been waiting day in and day out for one person to make a decision. Her name is Betsy DeVos. She is the Secretary of Education. She can provide them relief from their federal student loans that they desperately need, but she refuses to do it.

After being lured with false promises, these people I am talking about ended up in programs at for-profit colleges and universities. Who were the for-profits? See if these names ring a bell: Corinthian, ITT Tech, Westwood, DeVry, University of Phoenix, Dream Center. These are for-profit colleges and universities, and these student borrowers were left with mountains of debt, worthless credits, and diplomas that employers laugh at when it was all said and done. Now, Secretary DeVos refuses to provide these students with relief from their student loan debt to which they are entitled under the borrower defense provision of the Higher Education Act.

Take Rachel from Missouri who attended Corinthian's Everest College. She says, "I am not able to buy my children clothes or shoes."

Pamela from South Carolina owes \$140,000 after attending the corrupt ITT Tech for-profit school. Here is what she says: "I have an autistic daughter that depends on me, and I can't afford to get a decent place to live or buy the things she needs." Is that any surprise with \$140,000 in debt from one of these corrupt for-profit colleges?

Jennifer, who attended the Illinois Institute of Art—not to be mixed up

with the Illinois Art Institute, a reputable institution—but the Illinois Institute of Art where she attended, she owes \$67,800 in Federal student loans, and she says, “The stress and anxiety of working 3 jobs to make a living to pay off these loans, feed my kids, and keep a roof over my head, is exhausting.”

For borrowers like Rachel, Pamela, and Jennifer, Secretary DeVos might as well be Secretary Scrooge this holiday season. She continues to deny them a fresh start. She continues to refuse to apply the borrowed defense provision which would allow the discharge of their federal student debt. More than 200,000 borrowers find themselves in similar positions, while Secretary DeVos lets claims back up at the Department. She has failed to approve a single claim in more than a year, not one for all these hundreds of thousands of students facing this fraudulent debt.

Why we should give them a break? Why should they have any forgiveness for student debt? Let me tell you why. It is because it starts with the U.S. Federal Government Department of Education recognizing the accreditation of these institutions—these worthless institutions. That accreditation says to students applying there: This is a real college.

Well, it turns out that they weren't real colleges and universities. But they were real when it came to costs. Some of the most expensive places to attend higher education in America are these for-profit colleges and universities.

What kind of record do they have? Well, consider this: just nine percent of all postsecondary students in America go to these for-profit colleges and universities—nine percent. This will be on the final, for the students who are listening. Nine percent go to for-profit colleges and universities. Thirty-three percent of all the federal student loan defaults are from students at for-profit colleges and universities. What does that tell you? Well, if I go to one of these schools, I am going to rack up a lot of debt. Maybe I will not be able to find a job; maybe I will not even be able to finish school; and then I learn my credits aren't even transferable from a for-profit school to a real college or university.

It all started with the U.S. Federal Government recognizing the accreditation of these schools, saying “These are real schools,” with the students depending on that accreditation. Then they backed it up, saying: Oh, incidentally, you can borrow money from the Federal Government to go to these real schools. Then, when these schools went bankrupt, when they defrauded everyone in sight, when they were sued by the State attorneys general and other federal agencies, when it turned out they were big frauds and the students saw the schools crumble in front of them, the students ended up with the debt.

We say, under the law, that the Federal Government has some responsi-

bility. We should have done a better job of overseeing these schools.

That isn't the way Secretary DeVos sees it. As far as she is concerned, these kids are on their own. They are not kids anymore. They have been hanging on to their student debt for so long, they don't know which way to turn.

Despite Secretary DeVos's excuses, the reality is that nothing is legally preventing her from providing borrower defense discharges to these students for the loans they took out at these for-profit colleges and universities. She could do it tomorrow. She could clear the backlog quickly, if she wanted to.

We know using her legal authority to provide relief to defrauded borrowers gives her “extreme displeasure”. We know that because she wrote that in an order she issued for the Department. She was extremely displeased to discharge the student loans of these students who had been defrauded by for-profit schools.

Well, I am not surprised. She surrounded herself at the Department of Education with people from that industry who believe that the industry has done no wrong. We know better.

We also know from her previous statements that Secretary DeVos thinks many borrowers got some value from their experience, even though they were defrauded into massive debt. She thinks these borrowers are just after “free money,” and they don't deserve a full discharge.

Yesterday, National Public Radio released a series of internal Department memos showing that the facts don't back up Secretary DeVos's claims.

Back in 2017, the Department staff concluded that “the value of an ITT [Tech] education—like Corinthian—is likely either negligible or non-existent.”

This was a school whose accreditation was recognized by our Federal Government, Secretary DeVos, and it has turned out to be worthless. The memo went on to conclude, “Accordingly, it is appropriate, for the Department to award eligible borrowers full relief.” I agree. It is reasonable for the Department of Education to try to make amends for this miserable failure of oversight of these schools and to give these student borrowers a chance.

Nonetheless, this week, Secretary DeVos announced a new scheme to use something called gainful employment earnings data to deny defrauded student borrowers full discharges. Remember, that the gainful employment rule was meant to ensure that programs were actually preparing students for jobs after graduation. But Secretary DeVos delayed and then eliminated the rule. Now, instead of using gainful employment data to hold poor-performing programs accountable, she wants to use it to punish defrauded student borrowers. She has already tried it once, only to be told by a Federal judge that what she did was illegal.

While it is unclear if this slightly tweaked version of the scheme will pass legal muster, the result for the borrowers would be the same: ultimate denial in terms of full relief from their student loans from miserable for-profit schools.

Not only is Secretary DeVos delaying and denying relief for previously defrauded borrowers, she is rewriting the rules to make it almost impossible for future defrauded borrowers to get relief. She continues to recognize the accreditation of these unworthy institutions. She continues to say to the United States and the world: These are perfectly good schools. Then, when it turns out they are perfectly awful, she wants to accept no responsibility.

She released a new version of the borrower defense rule just a few months ago that places unreasonable burdens on borrowers, way beyond their capacity to detect the fraud being perpetrated at the time. The net result is this: According to The Institute for College Access and Success, the new DeVos rule will cancel just 3 percent of all loans associated with misconduct. She is going to cancel 3 percent.

In September, I introduced a resolution in the Senate to overturn the DeVos borrower defense rule. Forty-two of my colleagues have joined me. I plan to bring it to a vote on the Senate floor, where it needs a simple majority to pass.

Just this week, 57 student, veteran, and consumer organizations released a letter supporting the resolution. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 2019.

SENATOR DICK DURBIN,
Washington, DC.

REPRESENTATIVE SUSIE LEE,
Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE LEE: As 57 organizations representing and advocating for students, families, taxpayers, veterans and service members, faculty and staff, civil rights and consumers, we write in support of your efforts to disapprove the 2019 Borrower Defense to Repayment rule pursuant to the Congressional Review Act.

The purpose of the borrower defense rule as defined by the Higher Education Act is to protect students and taxpayers from fraud, deception, and other illegal misconduct by unscrupulous colleges. A well-designed rule will both provide relief to students who have been lied to and cheated, and deter illegal conduct by colleges.

However, the final rule issued by the Department of Education on September 23, 2019, would accomplish neither of these goals. An analysis of the Department's own calculations estimates that only 3 percent of the loans that result from school misconduct would be cancelled under the new rule. Schools would be held accountable for reimbursing taxpayers for just 1 percent of these loans.

The DeVos Borrower Defense rule issued in September imposes unreasonable time limits on student borrowers who have been deceived and misled by their schools. It requires applicants to meet thresholds that make it almost impossible for wronged borrowers to obtain loan cancellation.

The rule eliminates the ability of groups of borrowers to be granted relief, even in cases where there is substantial compelling evidence of widespread wrongdoing. It prohibits the filing of claims after three years even when evidence of wrongdoing emerges at a later date. It requires borrowers to prove schools intended to deceive them or acted recklessly, although students have no ability to access evidence that might show this intent. And the rule stipulates that student loans taken by students under false pretenses are insufficient evidence of financial harm to allow the loans to be cancelled.

Additionally, the 2019 rule eliminates the promise of automatic loan relief to eligible students whose school closed before they could graduate. Instead, the Department would force each eligible student impacted by a school closure to individually find out about their statutory right to relief, apply, and navigate the government's bureaucracy to have their loans cancelled.

Many of us wrote to the Department in August 2018 in response to the notice of proposed rulemaking and offered carefully considered recommendations. However, the Department rejected our recommendations that would have provided a fair process that protects students and taxpayer dollars. Instead, the new rule would do little to provide relief to students who have been lied to, and even less to dissuade colleges from systematically engaging in deceptive and illegal recruitment tactics. Moreover, a borrower defense rule that fails to adequately protect students harms the most vulnerable students, including first-generation college students, Black and Latino students, and military-connected students, who are targeted by and disproportionately enroll in predatory for-profit colleges.

Meanwhile, the Department refuses to take action on a massive backlog of over 200,000 pending borrower defense claims, having failed to approve or deny a single claim in over a year. We fully support your effort to repeal the 2019 borrower defense rule, and look forward to restoration of the 2016 rule, which took major steps to provide a path to loan forgiveness for the hundreds of thousands of students who attended schools where misconduct has already been well documented.

Signed,

AFL-CIO, AFSCME, Allied Progress, American Association of University Professors, American Federation of Teachers, Americans for Financial Reform, Association of Young Americans (AYA), Campaign for America's Future, Center for Public Interest Law, Center for Responsible Lending, Children's Advocacy Institute, CLASP, Clearinghouse on Women's Issues, Consumer Action, Consumer Advocacy and Protection Society (CAPS) at Berkeley Law.

Consumer Federation of America, Consumer Federation of California, Demos, Duke Consumer Rights Project, East Bay Community Law Center, Economic Mobility Pathways (EMPath), The Education Trust, Empire Justice Center, Feminist Majority Foundation, Government Accountability Project, Higher Education Loan Coalition (HELIC), Hildreth Institute, Housing and Economic Rights Advocates, The Institute for College Access & Success (TICAS), Maryland Consumer Rights Coalition.

NAACP, National Association for College Admission Counseling, National Association of Consumer Advocates, National Association of Consumer Bankruptcy Attorneys (NACBA), National Consumer Law Center (on behalf of its low-income clients), National Education Association, National Urban League, New America Higher Education Program, New Jersey Citizen Action, One Wisconsin Now, PHENOM (Public Higher

Education Network of Massachusetts), Project on Predatory Student Lending, Public Citizen, Public Counsel, Public Good Law Center.

Public Law Center, Service Employees International Union (SEIU), Southeast Asia Resource Action Center (SEARAC), Student Debt Crisis, Student Defense, Student Veterans of America, Third Way, U.S. Public Interest Research Group (PIRG), UnidosUS, Veterans Education Success, Veterans for Common Sense, Young Invincibles.

Mr. DURBIN. Among the organizations supporting the resolution are the American Federation of Teachers, the Center for Responsible Lending, the Consumer Federation of America, the Education Trust, the National Association of College Admission Counseling, the NAACP, the National Education Association, the Student Veterans of America, and the American Legion on behalf of American veterans who have been victims of this fraud as well.

When our resolution comes to the floor, I hope a handful of my Republican colleagues will take a look at it and realize that we have to give these students a second chance at their lives. We misled them into attending for-profit schools that were worthless. The schools defrauded them. They ended up with a debt to our government, and under the provisions of the Higher Education Act, that debt can be forgiven. Let's give these defrauded student borrowers a second chance. Ultimately, they deserve an opportunity from our government to have a better holiday coming before them and a better life ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Ohio.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. PORTMAN. Mr. President, I have come to the Senate floor several times over the past year to talk about the importance of passing the U.S.-Mexico-Canada Agreement. This is the successor agreement to the 25-year-old NAFTA accord.

Yes, it has been a year; in fact, it has been over a year since that agreement was negotiated between Canada and Mexico, and then Congress was meant to take it up. It has been too long.

However, I am happy to report today that now we are at the end of that long process. I am told that the legislation is actually going to be voted on in the House of Representatives probably next week and then here in the U.S. Senate right after the holidays.

We will have a chance, finally, to pass this agreement that is so good for the farmers, for the workers, for the manufacturers, and for the small businesses that I represent.

I am really pleased that the President of the United States and his chief trade negotiator, Bob Lighthizer, had the persistence to get this done. I am not sure I would have had the same patience.

I also want to congratulate House Speaker NANCY PELOSI for making the

decision to move forward with it. This is one of these situations in which, under our law, the agreement has to be voted on first by the House. So the Speaker of the House had an unusual role here, where it couldn't go forward without her approval. Again, finally, we are there.

The agreement, which was negotiated over a year ago and languished—specific language was sent up here in May of last year—is pretty much the same. About 99 percent of it is the same agreement. It is a good agreement because it opens up more markets for us. What has changed is there are new provisions, different provisions, as it relates to enforcing the labor standards that are already in the agreement.

In the agreement, what Mexico and Canada were asked to do, in addition to the United States, in terms of higher labor standards, was negotiated over a year ago, but what has happened over, really, the past several months is now there is a mechanism to enforce it that is a little different.

I think it will make it easier to enforce potential violations of the agreement we have reached, particularly with regard to Mexico. It doesn't really come back against the United States at all. We can explain this in more detail as we see the exact language that is coming up in the next couple of days.

The bottom line is, for a U.S. company, the labor standards that are established are the ones we already have in our law. For Mexico or Canada to file an objection to us potentially not following that agreement is simply after there has been a U.S. law processed, which would involve the National Labor Relations Board and our existing law, so it really shouldn't affect us at all.

By the way, Secretary Scalia, who is the Secretary of Labor, was very involved in ensuring that it wouldn't come back on U.S. companies, on U.S. workers, and on our economy.

At the end of the day, although it took way too long to get there, we have ended up with a very good result—an agreement that does expand trade, and that is the whole idea.

We have talked a lot on the floor as to why this is so important. I will tell you, in my home State of Ohio, we send more than half of our exports to two countries, Canada and Mexico. By far, the No. 1 trading partner is Mexico, and No. 2 is Canada.

This is really important because these jobs are really important. It is about \$28 billion a year. These are jobs that pay higher wages and better benefits—export jobs. For our farmers, this is really important. For manufacturers and workers, it is really important because this lets them be able to do what we do best, which is efficiently and productively make things and produce things that could be sold to other markets.

Remember, in America, we are only about 5 percent of the global economy—five percent of the people—so our

population is only about 5 percent, but we are about 25 percent of the GDP of the world. We are a relatively small country by population, but we have this big economy. To access that 95 percent of consumers outside of America to sell our products is absolutely essential to our prosperity here, to our jobs here.

As I mentioned earlier, those export jobs tend to be better jobs and higher paying jobs with better benefits.

What does this agreement do? First of all, it creates a bunch of new jobs. This chart has 176,000-plus new jobs. That is because the International Trade Commission—which is the independent body that analyzes these things—gave us a range. The GDP increased. It increased our economy. The number of jobs is huge, by the way—greater than any other trade agreement we have entered into, greater on the economic growth side than the Trans-Pacific Partnership that many of my colleagues on the other side of the aisle thought was something we should have entered into and was so important. This is even bigger.

Obviously, it is so big because Canada and Mexico are such big trading partners with us. So even relatively small changes to open up new markets have a big impact. These are going to be welcome jobs and, again, higher paying jobs.

Second, it really helps us with regard to online sales. One of our advantages as a country is we do a lot of commerce over the internet. When the original NAFTA agreement was written and was currently enforced—the status quo—there really were not any significant online sales—virtually none. So there were no provisions in there. Every modern trade agreement has provisions for online sales or for sales over the internet. Now we have them with regard to Mexico and Canada, which we would not have had under the old NAFTA. So that is a big improvement. For Ohio, that is a lot of small companies because entrepreneurs—some of these new startups are online companies—really like these provisions.

By the way, it says a number of things. It says you can't require localization of data. In other words, Canada and Mexico can't say: Hey, you have to have your servers in our country if you are going to do business with us. That is really important to our American online industry.

Second, it says that you can't put tariffs on data online. Again, it is very important to establish that, not just for Canada and Mexico but as a precedent for other trade agreements going forward.

Third, it actually raises the de minimis level. In other words, to apply customs duties on stuff going to Canada and Mexico, they have a very low level. We have a relatively high level here. That level has increased for Canada and Mexico. That is an administrative burden that is lifted off of a lot of these

small businesses but also a costsaver because they don't have to pay customs duty on a relatively small product that goes to another country.

These are all good things for American jobs. Again, we have a comparative advantage here because we do a lot of online sales.

Third is more U.S.-made steel and auto parts. This is really important to Ohio but also to our country. Manufacturing is now finally on the upswing. Manufacturing jobs are actually increasing in this country for the first time in years, and we are getting back on our feet in terms of what has always made America great, which is that we produce things; we make things. So this agreement helps.

It says, as an example, that 70 percent of the steel that goes into automobiles—and the automobile industry is a big deal for Canada and Mexico and the United States—has to be from North America. That helps U.S. steel mills and steel mills in Ohio, as opposed to steel coming in from China, for example, from Brazil, and from other countries.

Second, it changes the rules of origin—how much stuff can go into an automobile that comes from other countries. It is 62½ percent now, and it would take it up to 75 percent in this agreement. That is the highest level of any agreement we have with anybody.

Why is that important? Well, think about it. We have agreed with Canada and Mexico that we are going to have this agreement that lowers the tariffs in all these countries and lowers the trade barriers generally. In other words, it gives them an advantage in our market. We get an advantage in their market. That is the idea. If you don't have a rule of origin where you say stuff can't come in from other countries and take advantage of that, then you have basically free riders.

As an example, China can send a bunch of their auto parts to Mexico and produce a car that is a Mexican car that therefore gets the benefit of the NAFTA agreement. China has not opened its market at all; it has only provided this product to Mexico. But then the product gets the advantage of the lower tariffs and lower trade barriers generally. That is not fair. Raising it from 62½ percent to 75 percent is really significant. Again, it is the highest number of any trade agreement we have, and it avoids this problem.

Some of us say: Gee, that sounds protectionist. I don't think it is. I think what it says to China, Japan, Brazil, or other countries is that if you want to get the advantage of the U.S. market that Canada and Mexico are getting and that we get reciprocally from them, then enter into a trade agreement with us.

Let's have more trade agreements. Let's lower the barriers for everybody. That actually will expand trade. But we ought not to allow them to do it without that. This is a big deal.

It also is true that in this agreement, there is something unprecedented with

regard to leveling the playing field. Remember, a basic concept of our trade laws is that you want to have a balanced trade law where you have imports and exports because that makes sense—keeps consumer prices down and allows us to have good jobs here—but you want it to be reciprocal and balanced. You don't want to have a situation where a country, because of its low wage rates and lack of labor standards or lack of environmental standards, where it is polluting a lot, can take advantage by having lower cost goods coming into America.

In this agreement, we do say that there is a minimum wage for between 40 and 45 percent of the auto production. It is \$16 an hour. That will end up benefiting us because wages are relatively higher in America and Canada than they are in Mexico. That will be good for auto jobs here and help to level the playing field. This is why you might have seen that some of the labor unions are supporting this agreement and some of the U.S. manufacturers are supporting this agreement. They have a lot of facilities here in America, and they like that part of it as well.

There are new markets for farmers. I mean, this is kind of a no-brainer that has made it, for me, frustrating over the last year because we haven't been able to move forward on this agreement while farmers have really been suffering because of a few different things.

One is weather. We have had some lousy weather, particularly in my State and across the Midwest, where it is too wet to plant and too dry for the crops to grow properly for a harvest, and that has hit us hard. We couldn't plant in Ohio in a number of cases this last year because of the weather being too wet, and so farmers have been hit by that.

The second is that prices have been relatively low—not just recently but really over the last several years for different commodities such as corn, soybeans, and wheat. Part of that is because of the global markets.

Part of it is because of the third issue, which is China. Because of our ongoing negotiation with China and disputes with China over what they are doing on intellectual property, stealing our technology, and other issues, they have bought less of our farm products. For Ohio, as an example, our No. 1 market overseas for soybeans is China, and one out of every three acres planted in Ohio is planted for export. Think about how that affects your prices if you lose that big market share and that big customer.

I am pleased to say that we seem to be making some progress with China right now, incidentally, as an aside. It is great to have this agreement done. The next agreement I hope we get done is with China and get them to play by the rules and open those markets more. This week, they started to buy more soybeans, and that is good.

In the meantime, our farmers are desperate for more markets, and in this

agreement, that is exactly what they get. So if you are an Ohio farmer—and we are No. 2 in the country on eggs—you can now have access to these markets in Canada and Mexico, on eggs, that you never had before.

On dairy, Canada in particular has some very protectionist provisions in place with regard to dairy products—think milk and cheese.

If you are an Ohio dairy farmer, you can sell stuff into Canada you couldn't sell before—also pork, beef, wheat, and other products. This is good for our farmers. This is why over 1,000 farm groups around the country have supported this agreement. I mean, I don't know a farm group in Ohio that doesn't support it strongly. Again, part of it is that this is a great agreement for them, and part of it is that they are hurting, and this gives them some light at the end of the tunnel, an opportunity to see new markets and therefore see some prices increase in our ag community.

This is a good agreement that is good for jobs, good for small business, as we talked about, good for farmers, good for workers, and good for our economy. It is important that we get it done. I am glad the House is going to go ahead and vote on it in the next week. I wish we could vote here in the Senate right away, too, but under the process called trade promotion authority, we do have some processes we need to go through. It is probably best to have it happen after the holidays. Right after the holidays, my hope is that here on the floor of the Senate, Members will look at this for what it is. This is not a Democratic or a Republican victory; this is an American victory.

Again, I appreciate the efforts of President Donald Trump because he was persistent and tough on the negotiations, and then he was persistent and patient in working with the U.S. Congress. There were a lot of people saying: Go ahead and send the agreement up and try to jam the Democrats into doing the right thing. He didn't do that. He waited to figure out a way to come up with an agreement, particularly on the labor enforcement provisions we talked about, and as a result, we now have the ability on a bipartisan basis to get this done. I hope the vote in the House will reflect that; likewise, here in the Senate.

I know there are some of my colleagues on both sides of the aisle who think this agreement is not perfect. No agreement is perfect; I will just say that. I am a former U.S. Trade Representative. I am a former trade lawyer. I am a former member of the Ways and Means Committee, which is the trade committee over there. I am now on the trade committee here, the Finance Committee. No agreement is ever perfect. It is not the agreement exactly that you would write or I would write, but, boy, this is a good agreement.

To make perfect the enemy of the good would hurt the farmers and the

workers and the small businesses that we represent that want this agreement badly because they know it is going to help them.

The other thing I would say is that it also helps our relationships with our two biggest trading partners in Ohio, Canada and Mexico, and also our neighbors.

For North America's future, this is a good idea—to have the certainty and predictability that comes with an agreement we have all been able to coalesce around and improve the status quo. NAFTA was negotiated 25 years ago. A lot has happened in the last 25 years. We talked about how the digital economy has transformed our economy, and we have a competitive and comparative advantage in that. That is one small example. So many things have changed.

We have better protections for intellectual property in this agreement, as an example. We have these new trade-opening opportunities in agriculture. We have these opportunities in manufacturing to do more here in North America and specifically in the United States.

A vote against this new agreement is a vote for NAFTA, which is this 25-year-old agreement that has these flaws because that is the status quo. My hope is that the next time I come to this floor to talk about this, it will be to ask my colleagues in short order to support a vote, that it will have come out of the Finance Committee with a strong bipartisan vote, that it will have come to the floor with a strong vote from the House, and that we can get this done. Then President Trump can sign it, and the people we represent will be better off, our community of nations here in North America will be better off, and the United States of America will have another victory.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPROPRIATIONS

Mrs. SHAHEEN. Mr. President, I came to the floor this morning to address what has been an alarming and inaccurate information campaign that is being spread about the international family planning amendment included in this year's State and Foreign Operations appropriations bill.

I would note that while this amendment is referred to as the "Shaheen amendment" in alarmist and inaccurate blog posts, it is actually bipartisan language that was agreed to by both the subcommittee and full committee chairs of the Appropriations Committee and ultimately approved unanimously by Republicans and

Democrats in the committee. Yet articles and op-eds online have condemned the amendment as pro-abortion. I was surprised to hear this given that, despite my objections, the amendment does not address the Mexico City policy—or the global gag rule, as it is known—abortion services, or information. In fact, this is the first time in 18 years—I am going to say that again. It is the first time in 18 years that members of the Appropriations Committee were prevented from offering a bipartisan amendment that would strip the bill of the Mexico City provision.

Instead of allowing the established committee process to amend the SFOPs bill with this provision, the entire bill was pulled from consideration. In response to that, in an effort to ensure the bill wasn't endangered, I worked with my colleagues Senator COLLINS of Maine and Senator MURKOWSKI of Alaska and with Republican leadership to limit the scope of the amendment so we could allow the appropriations bill to go forward.

It is false—absolutely, positively false—to say this amendment funds abortions abroad. In fact, it is wrong to say, and inaccurate to say, that any U.S. assistance goes to funding abortions at home or abroad. In compliance with U.S. law, family planning funding does not and never has gone to abortion services. I hope everyone is clear about that. Under our law, family planning funding does not go to support abortion services.

Now that I have outlined what this amendment does not do, let me discuss what it does do. It provides an increase of \$57.5 million for a total of \$632.5 million for existing international family planning accounts. This money funds programs and services that provide modern contraceptives, which 214 million women around the world who want to avoid pregnancy are not able to access.

Again, I don't know when the debate around abortion came to include contraceptives and family planning. It also would allow for the healthy timing and spacing of births, which is very important to the health of infants and it is important to the health of women to be able to space the births of their children to recover between births. It provides education information and counseling about family planning issues. It ensures access to antenatal and postnatal care for a healthy mother and baby. It provides for HPV vaccination and prevention, something very important to the health of children.

These are a few of the critical services the assistance provides. The impact of these services is very real.

According to the Guttmacher Institute, with each additional \$10 million the U.S. dedicates to family planning and reproductive health programs, 400,000 more women and couples receive contraceptive services and supplies. With the \$57.5 million increase provided for in this amendment, more than 2.2 million women and couples

will have that access. That will result in 654,500 fewer unintended pregnancies, 291,500 fewer unplanned births, 280,500 fewer induced abortions. If you care about abortion and you don't believe that is the right alternative, then you should support family planning because that gives families and couples an option to ensure they can have the children they want, and it would provide for 1,320 fewer deaths of women.

While these numbers are stark, the transformative effect of simply having access to family planning information and services on the lives of women and their families should not be underestimated.

The most vulnerable women who are reached by family planning programs report that learning about family planning options, receiving services to prevent unwanted pregnancies, and ensuring that wanted pregnancies are healthy and happy so the babies they want to have are healthy and happy gives them some control over their lives. Many women are making healthcare choices for themselves and their families for the very first time with help from these programs.

These critical programs change lives, and our partners who implement these programs are indispensable. In October, USAID Administrator Mark Green said he could not "imagine an effective development Agency that doesn't partner with the community of faith." Luckily, he doesn't have to. For those people who were worried that family planning programs are not going to be implemented by our faith community, that is just wrong.

The family planning account goes to a range of program implementers, including healthcare providers, international NGOs, and faith-based organizations alike. All of these organizations have the goal of saving women's lives and saving the lives of their children. They need more resources, not fewer, to do this work.

What else does the international family planning amendment do? It includes an additional \$33 million to USAID's family planning account for money that is rerouted away from the U.N. Population Fund.

Again, unlike what the blogs are mistakenly saying, this is not money that currently goes to UNFPA's lifesaving operations. Instead, it will be redirected back into the family planning account and contribute to the programs I just outlined.

Third, the amendment requires the Government Accountability Office to produce a report that evaluates the efficacy of family planning programs and their structure. Again, this was another bipartisan effort with my Republican colleagues to ensure that our U.S. dollars are most effective and they contribute to programs and services that are most effective. Again, if you have a concern about how family planning dollars are being spent, then you should support this amendment because it is going to give us data and in-

formation to show what is effective and what isn't.

Finally, the amendment includes language to reaffirm an existing non-discrimination policy within USAID. This is an existing nondiscrimination policy. This is not a new policy. That policy within USAID ensures the services funded by these accounts reach all segments of the population.

As I said, this is not a new policy. The anti-discrimination policy has existed for several years, and it is not targeted toward faith-based organizations, despite what some of the blogs mistakenly are putting out there. In fact, the complaints I have heard in my office about single women being rejected for services didn't touch on work that faith-based organizations are doing.

I hope all of our colleagues in the Senate will not allow misinformation about the family planning dollars that are in the State and Foreign Operations bill to dismantle what has been a very important bipartisan achievement. Its impact is too great and its programs are too important to let them be killed by a campaign to try and mislead people about what is in the amendment.

I yield the floor.

NOMINATION OF AURELIA SKIPWITH

Mr. CARPER. Mr. President, I want to share with the Senate my reasons for opposing the nomination of Aurelia Skipwith to serve as the Director of the U.S. Fish and Wildlife Service.

Let me begin by saying that I am disappointed to find myself in this position. When I had the privilege of serving as Governor of Delaware, I was able to assemble my own leadership team, so I appreciate how important it is that people in executive positions, including Presidents, have that same ability.

However, in article II of the Constitution, our Founders set up a system in which the President would nominate individuals to the top posts in our government and Senators would provide "advice and consent" on those nominees.

In order for the Senate to fulfill that constitutional role, those nominated individuals must cooperate with the confirmation process. And, unfortunately, Ms. Skipwith has not provided information requested by the Democrats during the nomination process.

Despite my repeated requests for the nominee to be more forthcoming—requests made twice in writing and twice in person, during her nomination process—Ms. Skipwith has refused. Instead, she has given me the impression that she does not take this confirmation process seriously.

Her lack of candor has elevated questions that already existed about her qualifications, her commitment to environmental conservation and whether she can ethically lead the Fish and Wildlife Service.

Therefore, I cannot support this nomination.

Ms. Skipwith first joined the Trump administration in April 2017, when she was appointed as Deputy Assistant Secretary of Fish and Wildlife and Parks, a non-Senate-confirmed political appointment at the Department of the Interior.

During her tenure there, the Fish and Wildlife Service proposed and finalized controversial regulations that drastically altered implementation of the Endangered Species Act.

The Service has also issued a legal opinion that changes the way the Department of the Interior enforces the Migratory Bird Treaty Act. Former senior Interior officials from every administration since the early 1970s, both Republican and Democrat, have strongly opposed this Migratory Bird Treaty Act legal opinion. At her confirmation hearing, Ms. Skipwith vehemently defended it.

Prior to her controversial tenure at the Interior Department, Ms. Skipwith had no previous work experience related to conservation or wildlife management—none.

By contrast, the 16 individuals who previously served as Fish and Wildlife Service Directors for both Republican and Democratic Presidents had an estimated average of 12 years of experience at the Fish and Wildlife Service before taking on the Director role. They also have an estimated average of more than 22 years of professional experience in fields related to wildlife or fisheries management.

Ms. Skipwith has also not seemed to make up for her lack of previous experience while on the job. At her confirmation hearing, when asked to name the conservation scientist who had most influenced her career and her approach to wildlife and fisheries management, Ms. Skipwith struggled to name any conservation scientist. Ultimately, she named a former Monsanto vice president with whom she used to work, but she misremembered his name.

This was not an insignificant misstep. To me, it was revealing. Ms. Skipwith's response to my simple question represented a clear lack of familiarity with the basics of wildlife management, a troubling quality for a Fish and Wildlife Director nominee.

By contrast, Ms. Skipwith does have significant experience in the agribusiness industry. Before joining the Trump administration, she worked for Monsanto, one of the world's largest agrochemical firms. Monsanto regularly has business interests before the Interior Department. She also worked for Alltech, a Kentucky-based agricultural products company.

She also co-founded AVC Global, an agribusiness-technology start up, and was employed by Gage International, a Washington, DC, based lobbying firm founded by her fiancé.

That is why even before her confirmation hearing, I asked Ms. Skipwith some basic questions about how these companies operate and

whether Ms. Skipwith has recused herself from working on those issues. Unfortunately, Ms. Skipwith has refused to answer those questions.

She has repeatedly refused to provide her calendars with the appointments she has had as a Department of the Interior official. This information could be made available to any member of the public under the Freedom of Information Act, but she has refused to provide it to me for months within the confirmation process.

This information is important because Ms. Skipwith's former employer, Gage International, has represented water utilities that have lobbied Congress to weaken Western water policy and the Endangered Species Act.

Unanswered questions also remain about Ms. Skipwith's role in the development of a controversial repeal of an existing ban on using pesticides that have been shown to harm birds and bees in national wildlife refuges. And one of the largest producers of these pesticides is Monsanto, another one of Ms. Skipwith's former employers.

Yet when Senator GILLIBRAND asked Ms. Skipwith about her role in the ban's repeal, Ms. Skipwith defended the reversal but denied any role in the decision. This answer does not appear to be consistent with some of the email records that have been obtained under Freedom of Information Act, which show that she expressed interest in the matter and received materials on the issue from career staff.

If Ms. Skipwith was indeed involved with the decision to reverse the pesticides ban, it would constitute a violation of the ethics pledge she signed when she joined the Department. An examination of Ms. Skipwith's calendar entries could clear up these outstanding questions, but her lack of cooperation makes that impossible.

This lack of being forthcoming is troubling, not only because it undermines the Senate's advice and consent role for Presidential nominees, but it also because it demonstrates the nominee's may not be cooperative when it comes to congressional oversight.

I have found that, when a nominee is unwilling to provide information as part of their confirmation process, they almost always prove to be even more defiant to congressional oversight requests after they are confirmed.

I urge my colleagues, especially my Republican colleagues, to take this matter seriously. In fact, I would urge my Republican colleagues to remember these words spoken by my friend, former Congressman Trey Gowdy of South Carolina.

In June 2012, during the House Oversight and Government Reform Committee contempt proceedings against Attorney General Holder, then Congressman Gowdy said: "The notion that you can withhold information and documents from Congress no matter whether you are the party in power or not in power is wrong. Respect for the

rule of law must mean something, irrespective of the vicissitudes of political cycles."

Eventually, whether it is in 1 year or in 4 years or in 8, we will eventually have another Democratic administration. And when that time comes, Republicans in Congress will want officials in that Democratic administration to answer questions and respond to congressional oversight requests.

I fear that my Senate colleagues will find the process completely broken by then if we continue undermining our duty as Senators to both provide advice and consent on Presidential nomination and to conduct congressional oversight.

This clear defiance of our sworn constitutional duty and congressional oversight role diminishes the Senate, weakens our intricate system of checks and balances, and undermines the trust of the American people.

Beyond her lack of qualifications and her questionable role in some of this administration's major conservation policies, there are too many troubling concerns and questions about this nominee that remain unaddressed or unanswered.

Therefore, I will be opposing this nomination, and I encourage my colleagues to do the same.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the vote that was going to start at 11:45 a.m. start now.

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

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

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.
The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Kentucky (Mr. PAUL), the Senator from Georgia (Mr. ISAKSON), and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Ms. DUCKWORTH), 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 (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 39, as follows:

[Rollcall Vote No. 395 Ex.]

YEAS—52

Alexander	Braun	Cotton
Barrasso	Capito	Cramer
Blackburn	Cassidy	Crapo
Blunt	Collins	Cruz
Boozman	Cornyn	Daines

Enzi	Lankford	Rubio
Ernst	Lee	Sasse
Fischer	Manchin	Scott (FL)
Gardner	McConnell	Scott (SC)
Graham	McCally	Sinema
Grassley	Moran	Sullivan
Hawley	Murkowski	Thune
Hoeven	Perdue	Tillis
Hyde-Smith	Portman	Toomey
Inhofe	Risch	Wicker
Johnson	Roberts	Young
Jones	Romney	
Kennedy	Rounds	

NAYS—39

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

NOT VOTING—9

Booker	Isakson	Sanders
Burr	Klobuchar	Shelby
Duckworth	Paul	Warren

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of John Joseph Sullivan, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Ms. DUCKWORTH), 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 22, as follows:

[Rollcall Vote No. 396 Ex.]

YEAS—70

Alexander	Blunt	Capito
Barrasso	Boozman	Cardin
Blackburn	Braun	Carper