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## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

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

Let us pray.

Eternal God, the giver of every good and perfect gift, help our Senators to listen clearly to Your sacred Word and find wisdom in Your guidance. May they remember Your teachings and courageously follow them.

As You guide them along the right path, keep them from stumbling. May they live such exemplary lives that they will be like sunlight at dawn, growing brighter with the passing hours.

Lord, give our lawmakers wisdom to carefully guard their thoughts, to strive to speak truthfully, and to refuse to deviate from integrity.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

The PRESIDING OFFICER (Mrs. BLACKBURN). The Senator from Iowa.

### PRESCRIPTION DRUG PRICING REDUCTION ACT

Mr. GRASSLEY. Madam President, Senator WYDEN and I received a letter from the Michael J. Fox Foundation for Parkinson's Research. Their letter endorsed our bipartisan Prescription Drug Pricing Reduction Act, which tries to respond to what we are hearing from our constituents about the public outrage over the big increases in prescription drugs.

Now, it happens with Parkinson's disease that about 1 million Americans

have it, and it seems like up to now there is no way to stop it or cure it, but thanks to modern medicine, the symptoms can be treated to help patients live a much better life.

Ninety percent of all individuals diagnosed with Parkinson's disease are on Medicare. Our bill, the bill to reduce prescription drug prices, would help these seniors afford their medicine with a cap on out-of-pocket expenses. In other words, they would know at the beginning of the year that they only have to spend x number of dollars on drugs, no more.

Of course, this brings me to what Congress should be doing. Congress needs to act, not only for those with Parkinson's disease, but for all Americans who need our help.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume

consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Matthew Walden McFarland, of Ohio, to be United States District Judge for the Southern District of Ohio.

The PRESIDING OFFICER. The Senator from Illinois.

TOBACCO TO 21

Mr. DURBIN. Madam President, this week we are going to be voting on some appropriation bills. They are rather large. They call them minibuses. But there will be six or eight appropriations bills bunched together, and they will include things other than strictly spending measures.

One of the areas that will be addressed is the age that you must reach to purchase tobacco and vaping materials in the United States. It is known euphemistically as T-21, and I have supported it for years. The notion of raising the purchasing age to 21 for these products, to me, just makes sense.

We know that they are addictive. Both cigarette tobacco and vaping materials have nicotine in them, a highly addictive chemical. Raising the age of purchase across the United States to 21 makes sense.

But I am disappointed as well. Although I originally sponsored this bill, there have been several revelations in the last few months, which call for us to move far beyond the idea of establishing a new age for purchasing these products, and let me be specific.

One of the things we have been working on is trying to address the shocking increase in the use of vaping materials and e-cigarettes by young people across America. It has been called a public health epidemic, not by a politician but by the Commissioner of the Food and Drug Administration. That Commissioner told us, as well as the Surgeon General of the United States, that this is an issue that cannot be ignored.

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



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Today, we estimate that nearly 30 percent of school-age children are vaping—more than 5 million kids across America.

A group of young high schoolers came in to see me from New York last week and said: Senator, you are all wrong. In our schools it is a majority.

A majority of the students are vaping, not only outside of the school, but even in the classroom. They have hooked up vaping devices to the clothing that they are wearing, and when the teacher turns his or her back on the class, they are puffing on their vaping materials—their Juuls—and blowing the white vapor into the air of the classroom.

It sounds incredible, but they told me it is true and it happens all over the school—in the restrooms, in the cafeteria, in the classrooms.

The reason it is happening is that so many students are vaping now and it is an addiction. As these students continue to vape, their appetite for the product grows.

Kids are using these products for many reasons, and I can get into the psychology of it for a minute, but let me dwell on the obvious.

The flavors that are being sold on these vaping materials are designed for them—to attract children to Juul's products, to flavors like Cotton Candy, Unicorn Milk—whatever the heck that is—Cool Mint, Mom's Sugar Cookies, and, yes, Menthol.

According to the Food and Drug Administration, more than 80 percent of children who vape start with a flavored e-cigarette.

Now, the vaping industry says: Oh, you have got it all wrong. You see, this is a non-tobacco product which people can use to get off cigarettes.

Well, that sounds pretty noble; doesn't it? We want people to move away from something more dangerous, like tobacco cigarettes.

But when you look at the incidence of people using this product, it is miniscule in terms of adults with a tobacco addiction moving to vaping products, and the number of children and young students moving from non-vaping to vaping is dramatic. As I mentioned, the official figures are 30 percent of high school students.

According to the Food and Drug Administration, one of the things that is luring young people to this behavior is the flavoring or the flavor pods. Does anyone believe these flavors are intended for some 50-year-old chain smoker who wants to give up on tobacco cigarettes—flavors like Farley's Gnarly Sauce, Bubble Purp by Chubby Bubbles, Blue Razz by Candy King, Cotton Candy by Zonk? Some 50-year-old is attracted to Cotton Candy by Zonk?

We know better. These flavor pods are made for kids—to attract kids, get them started, get them hooked, and make them lifelong customers.

Together with bipartisan colleagues, I have pressed the Food and Drug Administration and the White House for

years to put an end to these kid-friendly flavor pods.

Well, the tobacco giant Altria—it used to be Philip Morris, if I am not mistaken—stepped in and bought the lion's share of the stock of Juul, the most prolific producer of vaping devices in the United States.

Altria knows this business and how to attract kids because they used to make Marlboro cigarettes. Remember that cowboy designed to appeal across the board, particularly to young smokers?

Well, now they have a new gig. It is called vaping, e-cigarettes, and Altria has bought in in a big way.

They have been taking out ads to support raising the Federal age to purchase tobacco products to 21.

Wait a minute. A tobacco company wants to raise the age for purchasing the products?

They do. They see it as inevitable, but it is also part of their market strategy. That is the same policy I have supported, and I thank my colleagues Senator SCHATZ and Senator Kaine for joining in the effort, along with Senator ROMNEY. But what we have seen is that Altria has invested \$13 billion to acquire a 35-percent stake in Juul, which controls more than 70 percent of the vaping market. Tobacco is big in vaping.

Altria and Juul together now believe that if the only thing we do is just raise the tobacco age to 21, they will be in the clear and they can avoid the scrutiny for their targeted efforts to hook kids on e-cigarettes.

I disagree. I have made clear that any T-21, "Tobacco to 21" policy must be coupled with meaningful provisions to get rid of the e-cigarette flavors now addicting our kids, but they have turned to one of their allies, Senator McCONNELL, on this effort, who was an original sponsor on T-21. His party resisted the effort to join the banning of flavor pods for e-cigarettes as part of the T-21 bill in our appropriations bill.

I fear that the spending bill will come before us and include just the T-21 policy, and that of course doesn't address what is happening with vaping among children in America.

If we are serious about sparing Americans, particularly our kids, from addictions to nicotine, it has to reach beyond tobacco cigarettes to vaping. It is a mistake not to do so.

The public health community agrees with me on that. Any serious solution to skyrocketing rates of youth e-cigarette use must include the removal of kid-friendly flavors—not just the tobacco industry's preferred policy—and I will continue to work with Members on both sides of the aisle in pushing to do so.

Finally, let me say on this subject that on September 15, President Trump held a press conference in the Oval Office on this subject of vaping. Sitting next to him was the First Lady of the United States, Melania Trump. She doesn't often stand up on political

issues, but she is the mother of a teenager, and she decided to speak out against vaping. I thanked her. I praised her along with the President. They did the right thing, but now we are not sure where the President is on this subject. We are not sure if he is going to continue his effort to end the scourge of vaping and e-cigarettes.

I hope the President comes back to the position he announced in September. We need his help to ban these flavor pods.

The recent appointee as FDA Commissioner, Stephen Hahn, has told me personally and many of my colleagues that he thinks this is a serious issue. I believe he ought to be given the authority to exercise his legal right and power to stop these pods and stop these devices as quickly as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### IMPEACHMENT

Mr. McCONNELL. Mr. President, all eyes today are on the House of Representatives. The country is waiting to see whether these House Democrats will give in to the temptation that every other House in modern history has managed to resist and misuse the solemn process of impeachment to blow off partisan steam. I will have more to say on this subject if House Democrats do, in fact, proceed.

Yesterday I came to the floor to discuss one initial aspect of this that concerns our Senate process. Over the weekend, my colleague the Democratic leader began asking the Senate to break from precedent, break with the unanimous template from 1999, and begin choreographing the middle of a potential trial before we have even heard opening arguments.

Back in 1999, all 100 Senators agreed on a simple pretrial resolution that set up a briefing, opening arguments, Senators' questions, and a vote on a motion to dismiss. Senators reserved all other questions, such as witnesses, until the trial was underway. That was the unanimous bipartisan precedent from 1999. Put first things first, lay the bipartisan groundwork and leave midtrial questions to the middle of the trial.

I have hoped, and still hope, that the Democratic leader and I can sit down and reproduce that unanimous bipartisan agreement this time. His decision to try to angrily negotiate through the press is unfortunate, but no amount of bluster will change the simple fact that we already have a unanimous bipartisan precedent. If 100 Senators

thought this approach was good enough for President Clinton, it ought to be good enough for President Trump.

I hope House Democrats see reason to pull back from the precipice, but if they proceed, I hope the Democratic leader and I can sit down soon and honor the template that was unanimously agreed to the last time.

Mr. President, on another matter, in the meantime, the Senate is busy completing the legislation our country actually needs. Yesterday the Senate passed the NDAA conference report and put it on President Trump's desk. Thanks to the diligence of Chairman INHOFE and Ranking Member REED, this critical legislation to support our armed services will become law for a 59th consecutive year.

#### APPROPRIATIONS

Mr. President, tomorrow we will vote on government funding bills the House passed yesterday. A lot of hard work brought this appropriations process back from the brink. Here are some of the important things that will happen as a result: stable, full-year funding for our Armed Forces, including research and modernization; the largest pay raise for our troops in a decade; and more support for key alliances like NATO, close partners like Israel, and high-priority areas like Hong Kong.

The bills also deliver on vital domestic priorities as well. It funds infrastructure and transportation projects. It repeals even more of Obamacare by cutting out more harmful taxes.

Every single State wins in this bill. By way of example, here are a few ways my State will benefit. This bill keeps the decade-old promise of a new, modern VA medical center with a special emphasis on care for women veterans. There is support for fighting invasive Asian Carp in West Kentucky, for Central Kentucky's role in high-tech agricultural research. Of course, Kentucky has a huge stake in our Nation's battle against opioid and substance abuse. I am proud these bills fund housing and treatment programs established by my CAREER Act to help those in long-term recovery reenter the workforce.

Speaking of addiction, I am especially proud that this legislation includes my T-21 legislation to raise the nationwide age for purchasing tobacco and vaping products to 21 years old and help roll back the explosion in tobacco and nicotine use among our Nation's youth.

I am proud to have worked with Senator KAINE and others on both sides to ensure that the legislation we drafted became law this year. Senator TODD YOUNG of Indiana was also deeply involved in this as well. I am proud that these bills include direct bipartisan action that I urged to shore up the looming pension and healthcare crisis faced by coal communities in Kentucky and across the Nation.

These are some examples from Kentucky. This legislation touches, in fact, all 50 States. This is why full-year funding bills are better than chronic

CRs. This is why the Senate should pass these bills this way and send them to the President's desk.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from South Dakota.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. THUNE. Mr. President, we are wrapping up the year in the Senate, and I am looking forward to getting home to South Dakota for Christmas. Before we leave, we will wrap up this year's spending bills, including the Defense funding bill.

Yesterday we passed the National Defense Authorization Act, which is yearly legislation to authorize funding for our military and our national defense. I am pleased to report that this year's bill authorizes the full annual funding request for development of the B-21 bomber, which will be coming to Ellsworth in the not-too-distant future.

The news that Ellsworth Air Force Base had been selected as the first home of the future B-21 Raider was exciting news this year. Ellsworth Air Force Base has been a priority of mine since I first came to the Senate and worked with a lot of dedicated people to prevent Ellsworth from being closed by the Base Realignment and Closure Commission in 2005.

Since then, I have worked with the other Members of the South Dakota delegation and the Air Force and community leaders to make sure the base never again finds itself in the same position. Among other things, our efforts resulted in the expansion of the Powder River Training Complex into the largest training airspace in the continental United States.

It is undoubtedly partly thanks to this airspace that Ellsworth was chosen as the first home for the B-21. Ellsworth is going from strength to strength. I am honored to advocate for our national security and the airmen at Ellsworth in the U.S. Senate.

#### UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. President, agriculture is the lifeblood of our economy in South Dakota, and our farmers and ranchers are always at the top of my priority list in the Senate. Thanks to national disasters, protracted trade disputes, and several years of low commodity prices, farmers and ranchers have had a tough few years.

This spring, farmers throughout the Midwest were hit with heavy rainfall and flooding. By the time the soil finally dried out enough for planting, it was too late for many farmers to plant their normal crops, and many had to turn quick-growing cover crops that could be used for feed and grazing and to protect the soil.

The farmers in South Dakota and other Northern States faced a problem. The Department of Agriculture had set November 1 as the first date on which farmers could harvest these cover crops for feed or use them for pasture without having their crop insurance indemnity reduced.

Farmers who hayed or grazed before this date faced a reduction in their prevent plant indemnity payments, which are crop insurance payments to help them cover their income loss when the fields can't be planted due to flooding or other issues.

While November 1 is a reasonable date for farmers in Southern States, for farmers in Northern States like South Dakota, November 1 is too late for harvesting thanks to killing frost and the risk of late fall and early winter storms. It is too late to maximize the use of cover crops for pasture, since a killing frost is liable to flatten cover crops before they are grazed.

So, beginning in early May, I started pressing the Department of Agriculture to change the November 1 date. In June, the Department of Agriculture announced that it would move up the November 1 date for 2019 by 2 months, to September 1—a significant amount of time that allowed South Dakota farmers to plant cover crops without worrying about whether they would be able to successfully harvest or graze them.

A year ago this week, the President signed into law the 2018 farm bill, which contained nearly 20 provisions that I authored based on input from South Dakota farmers and ranchers. This year, I have closely monitored the Department of Agriculture's implementation of the bill. In particular, I have pressed the Department of Agriculture to implement the bill's improvements to the Conservation Reserve Program and hold CRP signups, and I am pleased the administration opened a CRP signup earlier this month.

When I talk to farmers and ranchers at home in South Dakota, they emphasize that the most important thing Washington can do to boost our agriculture economy is to take action on trade agreements.

Farmers and ranchers need access to new and expanded markets for their products. Just as importantly, they need certainty about what international markets are going to look like going forward.

I have spent a lot of time this year pushing for Congress to approve the United States-Mexico-Canada Trade Agreement. After months and months of unnecessary delay, I am pleased this agreement is now moving forward. I am hopeful the Senate will pass it in January so the farmers and ranchers can start experiencing the benefits.

#### RENEWABLE FUELS

Mr. President, one piece of good news for corn farmers came this year with the administration's announcement that it would permit the year-round

sale of E15, which is 15 percent ethanol-blended fuel. I spent over a decade advocating the year-round sale of E15, and I was very pleased by the administration's announcement.

However, for corn farmers to see the full benefit of year-round E15 sales, the Environmental Protection Agency needs to start accounting for its unprecedented use of small refinery exemptions. These so-called hardship waivers should be limited only to instances where small refiners would no longer be profitable or competitive by complying with their blending obligation under the renewable fuel standard.

On Friday, the EPA is poised to finalize a supplemental rule that it assures us will deliver on the President's commitments to account for waivers and to truly blend 15 billion gallons of ethanol each year.

However, based on this EPA's track record, it is difficult to trust it will retreat from its aggressive issuance of small refinery exemptions. I hope the EPA proves me wrong, but I think I speak for most of farm country when I say I will believe it when I see it.

On the topic of renewable fuels, I am happy to be able to say that the biodiesel tax credit will be extended for 5 years, through 2022, as part of this year's tax extenders deal. Biodiesel is a good deal for farmers, as it adds value to each bushel of soybeans by making use of the oil from bean processing, and it is a good deal for our environment because the use of this fuel lowers emissions.

#### MOBILE NOW ACT

Mr. President, as a former chairman of the Senate Commerce Committee and current chair of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet, I have spent a lot of time over the last few years focused on Internet, communications, and data privacy issues.

One big priority of mine has been paving the way for 5G—the next generation of wireless technology—ensuring that rural areas and not just big cities get this technology.

Last year, the President signed the law, my bipartisan MOBILE NOW Act, which was legislation I introduced to help secure adequate spectrum for 5G technology.

#### STREAMLINE SMALL CELL DEPLOYMENT ACT

Mr. President, earlier this year, Senator SCHATZ and I introduced the STREAMLINE Small Cell Deployment Act to address the other part of the 5G equation. That is infrastructure.

I was thrilled to be home in Sioux Falls to mark a huge milestone for the city and for South Dakota—the unveiling of Sioux Falls' first 5G small cells, which are small antennas that will join traditional cell towers to support 5G technology.

5G has tremendous promise for rural areas, but it will deliver on that promise only if we ensure that 5G cells are actually deployed in these areas. I am proud we have made a good start in

South Dakota. The Sioux Falls mayor, Paul TenHaken, has worked aggressively to remove barriers to telecommunications investment in Sioux Falls.

Advancing 5G will continue to be a priority of mine here in the Senate. We want the United States, not China or South Korea, to win the race to 5G and to seize the economic benefits that 5G will bring.

Another thing I have spent a lot of time working on in the Commerce Committee this year is data privacy. In October, I introduced the Filter Bubble Transparency Act, which is designed to address one aspect of the data privacy problem—the issues that arise from internet companies' use of consumers' personal data to shape what consumers see on their platforms.

I also introduced legislation this year with Senator ED MARKEY to address the problem of annoying, illegal robocalls. I am hopeful that our legislation, the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act—or the TRACED Act—will pass the Senate soon and be on the President's desk before Christmas.

I have worked on a lot of other bills this year to make life better for South Dakotans and American families. I have introduced tax reform bills to help small businesses, update the tax code for the 21st century economy, encourage charitable giving, and permanently protect family farms from the death tax. I have introduced legislation to protect access to healthcare in rural areas, helped Americans repay their student loans, and much more. I will continue to work on these issues in the new year.

As always, my priority will be ensuring that Congress is addressing the challenges facing South Dakota families.

The holidays are a time to reflect on the blessings we have received, and I feel truly blessed to call the great State of South Dakota home. It is an honor and a privilege to represent the people of South Dakota in the U.S. Senate.

To all South Dakotans, I hope you have a wonderful Christmas and a joyous holiday season. I look forward to continuing to represent your priorities here in Washington and in the coming new year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### CHANGE OF VOTE

Ms. HASSAN. Mr. President, on roll-call vote No. 380, I was recorded as yea. It was my intention to be recorded as

nay. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

Ms. HASSAN. Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### EXECUTIVE CALENDAR—Continued

##### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

##### IMPEACHMENT

Mr. SCHUMER. Mr. President, in response to the limited set of relevant witnesses I proposed for a potential Senate trial earlier this week, the Republican leader gave a lengthy speech on the floor yesterday and another speech today. In neither of those speeches could the Republican leader offer one salient argument as to why the witnesses I proposed—all senior Trump administration officials—shouldn't be allowed to testify. Instead, he made what are, in my view, irrelevant and incomplete comparisons to the 1999 Clinton trial.

When faced with the fact that it is only fair to have these witnesses, who were eyewitnesses to the major, major allegations against the President and who had not testified before, the leader can't talk about 2019. He has to go back to 1999 because he has no good argument as to why they shouldn't testify.

We are not asking to be dilatory. We are not asking for a list of 4,000 witnesses. We are simply asking that those who know the truth best come and talk to us here in the Senate and to the American people.

There is one fact that is impossible for the Senate to ignore. In the two Presidential impeachment trials in the history of this body, the Senate heard from witnesses, but Leader MCCONNELL continues to push for no witnesses in the Senate trial. I have yet to hear an explanation as to why less evidence is better than more evidence, particularly when it comes to something as somber, as serious, and as important as impeachment of the President of the United States of America.

Leader MCCONNELL keeps talking about 1999 because he doesn't want to talk about 2019. The two situations are not analogous. Rather than focus on the past, the Republican leader should focus on the present and offer one good reason why relevant witnesses shouldn't testify in an impeachment trial of President Trump, particularly in light of the fact that we have not

heard from them. They probably have better evidence than anybody, even though the evidence the House has prepared, in the eyes of so many, is overwhelming.

I was disappointed to hear yesterday that Leader MCCONNELL declared that he would not be an impartial juror when it comes to the serious charges against President Trump. He said it proudly. What kind of example does that set for the country, which is looking for fairness and impartiality?

In the event of a trial, every Senator will swear an oath—different from our standard oath of office—to do impartial justice, but yesterday MCCONNELL told reporters: “I’m not an impartial juror. This is a political process. I’m not impartial about this at all.” Let me repeat that. Let the American people hear it loud and clear. The Republican leader said proudly: “I’m not an impartial juror. . . . I’m not impartial about this at all.” This is an astonishing admission of partisanship. The President may demand these public displays of fealty, but they are troubling for the leader of an independent branch of our government. I hope all Senators will take seriously the oath to do impartial justice that we seem likely to take in the near future.

The House of Representatives, of course, will take a historic vote today on the impeachment of President Donald J. Trump. If the articles of impeachment are passed, the focus will quickly move to the Senate, where our Chamber will serve as a court of impeachment. We must, very soon, figure out the rules and procedures that will allow the Senate to rise to this occasion.

Despite our disagreements, I do expect to sit down with Leader MCCONNELL in the near future to discuss these matters. I have proposed a very reasonable structure for a trial based on the grand American tradition of a fair and speedy trial. We propose four witnesses—only those with direct knowledge of the charges made by the House; only those who could provide new, relevant, and potentially illuminating testimony—and place strict time limits on each stage of the process to prevent the trial from dragging out too long. No one is interested in delaying.

The Senate’s goal, above all, should be to conduct a trial with dignity, fairness to both sides, and one that examines all the relevant facts. There are large partisan divisions these days, but I suspect most Senate Republicans would agree with these goals. I suspect that even President Trump would agree with these goals—or at least say that he did. The President has repeatedly complained about a lack of due process and said that he “would love”—his words—“would love” for aides like Mr. Mulvaney to testify in the Senate.

Setting aside for the moment that the President has refused to participate in the House process despite multiple invitations; setting aside for the moment that he has blocked witnesses

from appearing and documents from being produced—Mr. President, we are offering you the due process you sought in your letter last night. Allow your current and former aides—Mulvaney, Blair, Duffey, Bolton—to testify on your behalf. Turn over all the requested documents and show that you and your aides didn’t try to use taxpayer money to force a foreign government to announce an investigation against your political opponent. Let the truth come out.

Mr. President, we are offering you due process. Due process means the right to be heard. Please take it. Don’t ask for it and then refuse to take advantage of it.

President Trump, you have a habit of accusing others of the offenses that you have, in fact, committed. You accuse the House of affording no due process while obstructing the process every step of the way. If you truly want due process to present your side of the case, President Trump, let your aides testify and turn over the documents we requested.

We want to conduct a fair trial—fair to both sides. We don’t know whether the witnesses we propose will incriminate the President or exonerate him. They are the appointees of President Donald J. Trump; they are hardly biased. We don’t know what their testimony will be, but we do know one thing: We should hear from them. We just want the facts—“Just the facts, ma’am,” as Detective Friday says—facts that will allow Senators to make fully informed decisions about something as serious—so serious—as the conviction or acquittal of an impeached President.

Each individual Senator will have the power and will have the responsibility to help shape what an impeachment trial looks like. Do my Republican colleagues want a fair and honest trial that examines all the facts, or do they want to participate in a coverup?

#### APPROPRIATIONS

Mr. President, now on appropriations, before the week concludes, we must pass legislation to keep the government open and provide appropriations for the following year. Luckily, over the weekend, an agreement was reached between appropriators—House and Senate, Democratic and Republican—that would see us achieve that goal.

I am proud to report that the final appropriations agreements include several important Democratic priorities to help American families and to help American security.

Democrats have secured more than \$425 million in election security grants—nearly double the amount Senate Republicans reluctantly supported in earlier legislation. Democrats have secured an increase of \$550 million in grants to help offset the cost of childcare for low-income families. Democrats have made progress on several fronts to combat climate change, record-level funding for clean energy

and energy efficiency programs, record-level funding to provide clean, electric buses, and increased funding for climate change science and research.

For the first time in decades, Democrats have secured \$25 million in gun violence research at the CDC and NIH, breaking through what had been a ridiculous ban on fact—another ban on fact now broken because we can do gun violence research. Medical research, scientific research, environmental protection, and education and housing programs will see significant increases in Federal support.

Of course, we did not achieve everything we wanted. I am particularly and strongly disappointed, for one, that the tax agreement included in the second package omits critical clean energy tax incentives to fight climate change, including incentives for electric vehicles, battery storage, and offshore wind and solar energy. This is a fight we have been waging and we will continue to wage. It is a fight Democrats intend to return to in 2020 when we negotiate the next tax agreement.

I am also sorely and deeply disappointed that we were unable to reach an agreement on the drinking water standard and more resources to clean up PFAS contamination—a toxic chemical that has plagued too many communities in New York and across the country.

People on the other side of the aisle should look at these. The President, who was against many of these proposals, should reexamine them. We need them. Senate Democrats—Senator LEAHY, the appropriators—have done a lot of hard work on this issue. Our disappointment today will in no way diminish our resolve to force Congress to take further actions next year, particularly on PFAS and on clean energy.

I yield the floor.

#### 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 senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Matthew Walden McFarland, of Ohio, to be United States District Judge for the Southern District of Ohio.

Rick Scott, Steve Daines, Mike Crapo, Pat Roberts, Marco Rubio, Lindsey Graham, John Boozman, John Hoeven, Roy Blunt, John Thune, John Cornyn, Deb Fischer, Mike Rounds, John Barrasso, James E. Risch, Tim Scott, Mitch McConnell.

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 Matthew Walden McFarland, of Ohio, to be United States District Judge for the Southern District of Ohio, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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).

Mr. DURBIN. I announce that 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. SASSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 38, as follows:

[Rollcall Vote No. 401 Ex.]

YEAS—55

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Brown	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Jones	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sinema
Cotton	Lee	Sullivan
Cramer	Manchin	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

NAYS—38

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

NOT VOTING—7

Booker	Isakson	Warren
Burr	Klobuchar	
Harris	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 38.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Texas.

HOSTAGE NEGOTIATIONS

Mr. CRUZ. Mr. President, I rise today to talk about one of our most complicated areas where diplomats have to engage when brutal regimes and terror groups seize Americans and use them as hostages, hoping to extract concessions from our government. These are situations that are infuriating, and they are heartbreaking. At the same time, they are immensely complicated. There are no easy solutions when dealing with hostage-takers.

We know what doesn't work. We know that paying ransom for hostages, as the Obama administration did with Iran to the tune of billions of dollars,

only incentivizes more hostage-taking. It is exactly the behavior you would expect from hostage-takers, and it is exactly the behavior we have seen played out over and over. My colleagues and I, along with the Trump administration, have sought other ways of securing the release of American hostages.

Sometimes what is called for is diplomatic pressure. So early in my tenure in the Senate, the very first bill that I passed into law was legislation that kept Iranian regime figures who had seized American hostages in 1979 from receiving diplomatic visas to come into the United States.

I also recently joined with Senator COTTON to introduce the Global Hostage Act, a bill that would require the President to impose sanctions on foreign government officials responsible for taking Americans hostage.

The Trump administration recently secured the release of Americans held hostage in Iran without the need for pallets of cash flown in the darkness of night. Nevertheless, all of these solutions are imperfect. So it is no surprise that even in countries where we enjoy successes, those successes are often heartbreakingly partial, with hostages left behind.

Today, I want to talk about two countries, specifically, where Americans from my home State of Texas are languishing today.

In Syria we have seen some Americans released while others remain away from their families. This summer, American Sam Goodwin and Canadian Kristian Baxter were released by captors in Syria, which were joyful developments on their own and encouraging signs of progress. But Austin Tice remains in captivity after more than 7 agonizing years. Austin is a Texan and a veteran Marine Corps captain who served our country in Iraq and Afghanistan. He was working as a freelance journalist to inform Americans about the horror of the Syrian conflict when he was captured.

I have repeatedly had the opportunity to sit down and visit with Austin's parents, Marc and Debra. Austin's picture sits on my desk in my Senate office, and I remain committed to working with President Trump, with the Trump administration, with my colleagues in Congress to bring Austin home.

I joined with 51 Senators, 120 Representatives to write a letter to President Trump affirming that "the Tice family and your own administration are confident that Austin is alive" and calling on President Trump to redouble our country's efforts to bring him home. No one should doubt the entire U.S. Government's commitment to this task.

Secondly, in Venezuela, we have also seen partial progress but partial progress of a different sort. In the case of the Citgo 6—five American citizens and one permanent American resident—they have been released from

jail, which is a good thing, but they remain under house arrest.

So while Jose Luis Zambrano, Alirio Zambrano, Jorge Toledo, Gustavo Cardenas, Tomeu Vadell, and Jose Angel Pereira are no longer under the constant threat of dying from abuse and neglect, they are still very much held captive and away from their loved ones. Today, here in the gallery, are Gabriela and Alirio Rafael, the daughter and the brother of Alirio Zambrano.

These five Texans and one Louisianan are now 2 years into their nightmarish journey. They had been summoned to Caracas a week shy of Thanksgiving, and upon their arrival, they were summarily detained and remained in jail on orders of the Venezuelan military. They would go days without food and months without sunlight, but the random punishments were nothing if not persistent.

I have met members of the Citgo 6 families many times. Alexandra Forseth, Alirio Zambrano's daughter, shared with me haunting accounts that came from her father. He described exactly how harrowing the experience has been and the physical toll it has taken.

These families have left no stones unturned in their efforts to bring back their loved ones. They have hired lawyers who have grappled with the shifting and inadequate legal institutions in Venezuela, and they have found little recourse.

After years of this literal darkness, just last week the Citgo 6 were released to house arrest. This is progress. It is undeniable progress, but it is far from enough. Here, too, we must redouble our efforts to ensure their full release, to ensure that they can come home to America. Every effort must be made to bring them back to the United States, to their families, to their children, to their homes.

Sergio Cardenas, the son of Gustavo Cardenas, was born with a rare disease, and at the age of 17, he is battling chronic congestive heart failure. The doctors and his family are gravely concerned that he will never see his father.

Jose Toledo's mother is severely handicapped and requires constant medical attention and care. Alirio and Jose Luis both have teenage daughters currently in high school. These families are waiting for their fathers, for their sons, for their husbands to come home.

Venezuela has a seat on the United Nations Human Rights Council. If human rights means anything, it is that citizens of all countries are entitled to speedy due process and that human rights violations must have human rights remedies. The Citgo 6 have suffered enough. It is past time for them to be released back to their families.

Finally, let me say I believe that the light of truth—calling attention to these human rights atrocities—can overcome the darkness of imprisonment. The voices of the families and

the voices of those who speak out on their behalf resonate and resonate loudly. Those who are keeping Americans wrongfully imprisoned, who are committing evil, should know that we will not give up. We will not rest until these Americans are set free.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

PEARL HARBOR NAVAL SHIPYARD SHOOTING

Ms. HIRONO. Mr. President, 2 weeks ago today, the State of Hawaii was in shock as an active shooter took the lives of two workers at Pearl Harbor Naval Shipyard and wounded a third worker.

Located on Joint Base Pearl Harbor Hickam, the shipyard is a pillar of our community. It employs over 6,400 workers who labor every day to keep our Pacific Fleet "Fit to Fight."

Hawaii is a small place where we have deep connections to one another. Almost everyone in Hawaii either is related to or knows someone who works on base or in the shipyard. In my State office in Honolulu, a member of my staff has a son who is an apprentice at the shipyard and who was there that day. These connections are part of the reason why the shooting has impacted our State so deeply. Too many families were waiting that day for news of their loved ones in harm's way.

The investigation into what happened is ongoing, and there is no easy explanation for what happened and why.

It is clear that no community in our country is immune from the tragedy of gun violence. Today, I rise to honor the lives of those we lost—Roldan A. Agustin and Vincent J. Kapoi, Jr.

Mr. Kapoi and Mr. Agustin were both dedicated Department of Defense—DOD—civilian shipyard workers and members of the International Federation of Professional and Technical Engineers Local 121.

Roldan Agustin was 49 years old and lived in Ewa Beach. He was adored by his family, who describe him as a "true American patriot" who dedicated his career to his country. After serving honorably in the U.S. Navy, Mr. Agustin also served in the Army National Guard, retiring as a staff sergeant, having deployed to Afghanistan and Kuwait.

At Pearl Harbor Naval Shipyard, he served as a DOD civilian employee, working as a shop planner in non-destructive testing and a metals inspector.

In paying tribute to their lost loved one, Mr. Agustin's family said in a statement:

He was a loving son, brother, uncle, and friend to many. Having grown up in Waipahu, Roldan enjoyed working on cars with his friends and spending time with his family and adored his nieces. We will forever remember Roldan to be humble and honest, and a generous and patient man.

Vincent Kapoi was 30 years old and lived in Honolulu. He grew up in Waiānae and graduated from Kameha-

meha schools. His father, brother, sister, and sister-in-law are also civilian employees at the shipyard, where he served as a metals inspector apprentice. He was dearly loved by his family, which includes his wife, parents, siblings, aunties, uncles, grandmother, cousins, and friends.

His wife offered these loving words:

I have been through a lot of tragedy in my life, but nothing compares to losing the love of your life. I will miss you truly, and I will always love you Vincent J. Kapoi Jr.

His sister Theona said in a family statement:

He will always be that easy going, fun loving, "let's do this" man that will remain in our hearts. There are so many unanswered questions. We all have to be honest, it changes nothing because we can't bring him back. What we must do is honor his memory, keep him alive in our hearts.

I also want to honor Roger Nakamine, who was wounded in the attack. Mr. Nakamine was working as a civilian apprentice at the shipyard when he was wounded.

Upon leaving the hospital about a week after the attack, Mr. Nakamine said:

My family and I would like to express our gratitude to the first responders and the expert medical staff at Queen's, as well as to all the friends and extended 'ohana who have been reaching out to offer their support physically, emotionally and spiritually. Our deepest condolences go out to the friends and family of Vincent Kapoi Jr. and Roldan Agustin.

Roldan and Vincent, like thousands of their fellow workers, dedicated themselves to the shipyard's critically important mission of repairing, maintaining, and modernizing the U.S. Pacific Fleet in defense of our country.

In recognition of their service and in keeping with the words of their families, I ask all my colleagues to join me in honoring the lives of those we lost: Roldan Agustin and Vincent Kapoi, Jr.

This is a photograph that depicts the memorial, which was set up the day after this tragedy, where friends and family brought lei to honor their fallen heroes, their loved ones.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

5G

Mr. KENNEDY. Mr. President, I rise briefly today to thank a number of my colleagues—first, the senior Senator from Mississippi, ROGER WICKER, who has offered a bill called the 5G Spectrum Act.

I have offered a bill pertaining to the 5G spectrum, as well, and my two Democratic friends, Senator SCHATZ and Senator CANTWELL, have offered a bill on that subject as well.

We have been working enthusiastically and in good faith for some time to try to work out our differences on this legislation so that we could pass it this calendar year. I regret that we are not going to be able to work out our differences for the moment, but we are going to continue our efforts in good faith.

The good news about all this legislation is that we all agree that the FCC should conduct a public auction of the 5G spectrum.

What does that mean? We all have heard about 5G. It is extraordinarily fast internet—100 times faster than we have right now. But in order for 5G to work, there is a certain part of our spectrum, or our radio waves, if you will, that the telecommunications have to use to deliver the 5G service. It is called the C-band.

Of course, when we communicate between and among each other on the internet or by cell phones through wireless technology, all we are doing is sending electromagnetic radiation or radio waves from my device to your device. It is obviously more complicated than that, but at its fundamental level, that is what it is.

These radio waves and the airwaves through which though radio waves travel—this electromagnetic radiation—belong to the American people. It is called spectrum, and that is what we mean when we talk about 5G spectrum. We can't lose sight of that fact.

The wireless telecommunication companies provide an extraordinary service. They are going to make 5G possible with the help of the U.S. Government and our other forms of government, but we cannot lose sight of the fact that none of this would be possible without that spectrum, and that is owned by the American people. That spectrum is essential.

As a result of the efforts of some swamp creatures both in and out of government, we came that close to having this spectrum, which belongs to the American people and is worth as much as \$30 billion to \$60 billion, given away in a backroom through a private auction to three satellite companies that happen to be domiciled in foreign countries.

The excuse given was that these three foreign satellite companies can conduct an auction themselves and allocate it to the American telecommunication companies that need it for 5G faster than the FCC can, even though the FCC has only conducted about 100 of these public auctions generating about \$123 billion for the American people. Why? Because the American people own the spectrum that is being auctioned off. It is theirs. But there was a proposal that came that close to passing the FCC to just give this spectrum to these three companies and let them keep the \$30 to \$60 billion that the spectrum auction would have generated and let them decide who was going to get to participate in the 5G throughout our country.

I thank the FCC. Fortunately, the FCC, at the last minute, said no, and I want to thank them. Hence, we have the legislation by Senators WICKER, CANTWELL, SCHATZ, and myself, and the good news about the legislation is that it would require a public auction by the FCC of the spectrum that belongs to the American people. The auction



would be open to anybody who wants to bid. There would be a fair and level playing field, and it would be conducted in front of God and country in a public meeting. The best way to resist temptation is a strong set of values, a proper upbringing, and witnesses. There will be witnesses to this auction.

What we cannot agree on is how much money, if any, to give to the foreign satellite companies. You ask: Why should we give them a dime? Well, the foreign satellite companies, the three companies to which this spectrum was almost given, are currently using this spectrum. They don't need all of it. They don't even need close to all of it, but they have been using it for a number of years. The FCC just gave it to them. They didn't pay a dime for it.

Now, I am not criticizing. They put it to good use, but they don't own it. They don't have a license. They have sort of a 30-day, month-to-month lease. That is the way I think of it. And the lease agreement says that the FCC can take it back any time it wants to.

Since the satellite companies have been using the spectrum and they have customers, we want to be fair to these companies. Certainly, when we decide how to allocate the proceeds of the public auction in front of God and country, which the FCC is going to conduct, we certainly want to consider the satellite companies' interests. But I am not going to support giving them half of the money this auction generates because this money belongs to the American people. It can be used to extend 5G and other forms of broadband to those of us who don't live in major cities but happen to live in rural areas and are all still very much Americans.

So I rise today to say thanks to Senator WICKER, and I mean that from the bottom of my heart. I learned so much from working with him. I thank Senators CANTWELL and SCHATZ. We are going to keep working toward a compromise in a way that will allocate this money to everybody fairly and efficiently.

I am going to end as I began—that first and foremost in my mind is the American people because the American people own this spectrum.

I don't own this spectrum. The U.S. Senate doesn't own the spectrum. The three foreign satellite companies don't own the spectrum. The FCC doesn't own the spectrum. The telecommunications companies, for which we are grateful, don't own the spectrum. The American people own the spectrum, and the vast majority of the money generated by this public auction should go to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, before I begin my comments about an upcoming nominee, I want to say in response to Senator KENNEDY that I agree 100 percent. Thank you.

#### NOMINATION OF DANIEL MACK TRAYNOR

Mr. President, later today the Senate will have the opportunity to vote on President Trump's second nomination to the U.S. District Court for North Dakota. My friend, Dan Traynor, has been nominated and we will be voting on his confirmation to be district judge for our district.

I have known Dan for a long time. That is why I was honored to recommend him to the President and pleased when the President nominated him earlier this year.

Dan received his bachelor's degree from the University of North Dakota and his jurist doctorate from the University of North Dakota School of Law. He clerked for the legendary chief justice of the North Dakota Supreme Court, Gerald VandeWalle, before heading to Devils Lake, ND, where he joined his family's law firm and where he works today.

Since that time, he has spent a couple of decades in various capacities, practicing various types of law, including being the assistant city attorney for Devils Lake. His extensive criminal and civil experience both as a prosecutor and defender in State and Federal courts and also in Tribal court are the main qualifications I think he brings to this important position. Again, I am honored to support him.

He has tried about 80-plus cases to a verdict or judgment or to a final decision, which I think is very good experience for somebody who is then going to stand in judgment. In addition, the ABA gave him a unanimous "well qualified" rating. He has also been recognized since 2015 as a "super lawyer." In 2017 he received Martindale-Hubbell's "AV Preeminent Rating."

So Dan's academic record, experience, and qualifications are more than adequate to be a good district judge. What makes him an exception is that Dan and his wife Trish, who is an Air Force veteran, are raising a beautiful family and are what we call pillars of their community and our State. As for Dan's family, his mom and dad, Jack and Jane, I know quite well, and they are what we would call legends in their community and in our State.

The bottom line is that Dan is eminently qualified in every way, including possessing the character, demeanor, and temperament, as well as the intellectual capacity, to be an excellent judge. I look forward to voting for him, and I urge my colleagues to do the same.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### BIPARTISAN AMERICAN MINERS ACT

Mr. MANCHIN. Mr. President, I rise today to talk about something very

rare in Congress these days. On Monday—on Monday, after 4 long years of working hard through many uncertainties, Congress came together—Democrats and Republicans—to secure healthcare and pensions for our Nation's coal miners. We did our job. This confirms to me that we can do so much more. This is so important.

It was the coal miners of America who made us look beyond politics. These were hard-working people. They weren't Democrats or Republicans; they were hard-working Americans who built America.

I want to give my sincere thanks to all of my colleagues for putting partisan politics aside and for rising above the divisiveness and tribalism in order to keep the promise that was made in 1946.

Over 70 years ago, President Harry Truman recognized the importance of the workers who produced the coal for this country. After World War II, we had to keep this economy moving, we had to keep it churning, and we couldn't do it without the energy. Coal was basically the driver of this at that time, and there was a promise that the government would guarantee our brave coal miners benefits in return for their services. This agreement was a sacred promise between workers and our country, and it captured the very best of our American values.

This week, we kept the promise by including the Bipartisan American Miners Act in the end-of-the-year funding bill. We kept our promise to 13,000 retired coal miners and their families who will not lose their healthcare by the end of the year. We kept our promise to the 92,000 coal miners and their families who will not see their pensions drastically reduced starting next year.

Coal miners are the most patriotic people in America. They have done the heavy lifting. They have done everything that has been asked of them by this country. They provided the energy that made us the greatest country on Earth and the superpower—the only superpower in the world today.

Because of what they have done for our country, we have won two World Wars. We have built iconic American cities, and we have a strong middle class. They continue to provide the resources that make us the energy leader of the world, all while advancing the American dream.

The journey has not been short, and it sure hasn't been easy. In 2015, we knew the United Mineworkers of America's 1974 pension plan was severely underfunded. Unlike other public and private pension plans, the 1974 pension plan was well managed and funded prior to the crash in 2008—the economic financial crisis we had—which hit at a time when the plan was being drawn down more than ever because more people were retiring. The mining of coal, with the new automation, was being replaced, and a lot of miners were retiring out of it. This was coupled with the fact that many of the



beneficiaries are often retirees whose employers are no longer in the coal business—companies would shut down. In fact, there are only 10,000 active workers for 120,000 retirees. It doesn't take a mathematician to figure out that this is not going to work.

It placed the plan on the road to insolvency, and that was what started the collapse. If the plan became insolvent, these coal miners would have had their pensions cut, and the government Pension Benefit Guaranty Corporation would have had to step in and assume billions of dollars in liabilities. That would have started a tumbling effect on all of our privately insured and private pension plans. That is what we were trying to prevent from happening.

That is why I wrote the Miners Protection Act and introduced it with my fellow Senator from West Virginia, SHELLEY MOORE CAPITO, and Senators BOB CASEY and SHERROD BROWN. It was bipartisan from day one.

I was told to go through the regular order, which I did. In March of 2016, Cecil Roberts, the President of the UMWA, testified in front of the Senate Finance Committee, and the Miners Protection Act was passed out of the Finance Committee in September with strong bipartisan support and the chairman of the majority.

A month later, 16,300 retired coal miners and their widows received notices that their healthcare would be terminated by the end of that year. I knew—I knew we could not let Congress leave for Christmas without fixing it. This is a tactic that I haven't used. It is one of the rules and one of the privileges as a U.S. Senator that each one of us has. In December of 2016, at that time, I said I will shut down the government. I will make us go through the process and stay here as long as it will take to get this taken care of. I wanted to make sure that not one coal miner would lose their healthcare.

MITCH MCCONNELL would agree to nothing more than a 4-month extension on healthcare at that time. So 16,300 coal miners would have been forced to sit through the holidays and another 4 months of uncertainty, not knowing when it was going to come to an end. You talk about cruel and unusual punishment—that was it.

Things started to look up, though. In January of 2017, I received assurances from then-President-elect Donald Trump that he was committed to finding a fix, but by March, 22,600 coal miners received letters telling them their healthcare would be terminated by the end of April. By the end of April, it would be gone.

In typical fashion, Congress waited until the very last minute, but on May 1, we secured a permanent healthcare fix for 22,600 retired coal miners and their families.

Although this was a huge win, we still needed to fulfill other obligations and secure the miners' pension because it was in dire need, and it was in jeopardy of being cut drastically. Now I

was more determined than ever. I turned around and immediately introduced the America Miners Protection Act with Senator CAPITO, Congressman MCKINLEY, and Congressman WELCH to secure pensions for 92,000 coal miners. Now it was not only bipartisan; it was bicameral.

In February of 2018, I was appointed to the bipartisan, bicameral Joint Select Committee. I had the task of solving the country's pension crisis, including our coal miners, with all of our other pensioners in our Central States who are in dire need of our help too.

The United Mine Workers pension fund was the first fund in jeopardy. So I made it very clear during that—I said: If this starts tumbling, if this goes down, we will have to count on the PBGC, which basically is Federal Government funded, and if that happens, we are going to put that in insolvency. Then everything starts tumbling at a much faster rate, and it would be an absolute financial calamity for this country.

Things came to a head in October of this year. Murray Energy declared bankruptcy just this October. The largest coal producer we have for union workers was the Murray coal company. They declared bankruptcy. Basically, that significantly sped up the deadline for pensions and truly put us in a debt spiral.

Instead of going insolvent in 2022, which is what was predicted, the UMWA pension fund would now expedite—speed up to insolvency by 2020, next year. Not only that, but in between the time of securing healthcare and now three coal companies had gone bankrupt, putting another 13,000 more coal miners in jeopardy of losing their healthcare, 1,000 would have lost theirs at the end of this month and another 12,000 at the end of March.

This bankruptcy, in particular, got the attention of many of my colleagues. I appreciate all of you so much, knowing how difficult this was going to be on so many people and their families.

It was a call to action for Congress to step up to the plate and honor the promises made to our miners. In 1946, that was the only pension system in America that had the silver approval of Congress and the President of the United States—the only one.

In November, I was proud to partner with a bipartisan group of my colleagues again, including the majority leader this time, which I am so appreciative of. It is an act that would introduce the Bipartisan American Miners Act that would secure pensions for 92,000 coal miners and their families and 13,000 coal miners and their families who would get healthcare. Even though that was good news, we still weren't over the finish line.

On December 11, for the first time since I have been here—9 years—I put a hold on all Senate legislation. I said there is no way I am going to go home or anyone else is going to go home and

enjoy Christmas with their family and New Year's when you have this many people in dire straits in jeopardy—people who built America. If we can't stand up for them, whom do we stand up for? So I said: This is what we are going to do. I was very clear. I telegraphed it by December 11. There were no surprises.

After many negotiations with the House of Representatives and the White House, we finally secured a permanent fix in the spending deal, ensuring retired coal miners will not lose their healthcare or pensions.

Throughout all of these years, thousands of retired coal miners from all across the country have come to Congress. I know you have seen them walking around. They have their shirts on, their proud green shirts, if they are working. They are walking the halls, meeting with every person in Congress they possibly can to tell their stories and meeting with every Member. The reason for that is, these are people who have truly given their heart and soul, their blood, and their sweat to this country, and they are just saying: This is something we negotiated. We didn't take the money home. We basically invested this money into our pension and our healthcare, and now because of a bankruptcy loophole, we are the last in line, and we lose everything. Something is wrong. It is not who we are as Americans.

So we worked through all of this. They walked the halls tirelessly, fighting for what they earned, for what they paid for, and truly for what they deserved.

This would have never happened without their relentless dedication. I have said this. They dedicated themselves religiously, for almost 4 years, day in and day out, coming here—coming here at their expense. It has been the honor of my life to fight alongside them. I can't be more proud of anything I have been able to do in public service than to stand shoulder to shoulder with the people who have made America great. I feel so honored to have had that opportunity.

I thank all of my colleagues, current and former Members of this body, who have stood with them throughout the years, even when the going got extremely tough.

I ask unanimous consent to have printed in the RECORD a list of all of those who have cosponsored these bills.

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

SENATE COSPONSORS OF SENATOR MANCHIN'S  
MINERS PENSIONS AND HEALTHCARE BILLS  
S.2788—BIPARTISAN AMERICAN MINERS ACT OF  
2019 (116TH CONGRESS)

1. Capito
2. McConnell
3. Jones
4. Kaine
5. Duckworth
6. Brown
7. Casey
8. Durbin
9. Warner

10. Portman
11. Sinema
12. Van Hollen
13. Reed
14. Carper

S. 27 AS AMENDMENT TO NDAA—AMERICAN MINERS ACT (116TH CONGRESS)

Entire Democratic Caucus

S. 27—AMERICAN MINERS ACT (116TH CONGRESS)

1. Kaine
2. Warner
3. Brown
4. Jones
5. Casey
6. Durbin
7. Sanders
8. Warren
9. Van Hollen
10. Blumenthal
11. Harris
12. Gillibrand
13. Markey
14. Sinema
15. Duckworth

S. 1105—MINERS PENSION PROTECTION ACT (115TH CONGRESS)

1. Capito
2. Brown
3. Casey
4. Warner
5. Franken
6. McCaskill
7. Nelson
8. Warren
9. Murray
10. Kaine
11. Donnelly
12. Heitkamp
13. Portman
14. Whitehouse
15. Durbin
16. Heinrich
17. Burr
18. Sanders
19. Booker
20. Duckworth
21. Wyden

S. 175—MINERS PROTECTION ACT OF 2017 (115TH CONGRESS)

1. Capito
2. Casey
3. Brown
4. Kaine
5. Warner
6. Portman
7. Tester
8. Murray
9. Sanders
10. Durbin
11. Franken
12. Booker
13. Donnelly
14. Heinrich
15. McCaskill
16. Heitkamp
17. Nelson
18. Burr
19. Sullivan
20. Whitehouse
21. Murkowski
22. Warren
23. Risch
24. Duckworth
25. Cotton
26. Udall
27. Harris

S. 1714—MINERS PROTECTION ACT OF 2015 (114TH CONGRESS)

1. Capito
2. Casey
3. Brown
4. Kaine
5. Warner
6. Roberts
7. Cotton

8. Risch
9. Rounds
10. Burr
11. Durbin
12. Tester
13. Kirk
14. Portman
15. Murray
16. Sanders
17. Boxer
18. Franken
19. Moran
20. Sullivan
21. Murkowski
22. Booker
23. Donnelly
24. Heinrich
25. Coons
26. McCaskill

Mr. MANCHIN. Mr. President, they have all recognized, just like President Truman, that our country would not be where it is today without them and that we needed to get this done—and we did.

I want to give you a little bit of a background and history of why this is so near and dear to me.

My grandfather came to this country—this wonderful country, the United States of America—in 1900 as a baby. He started working in the coal mines at 9 years of age. So he was able to get a fourth grade education before he had to go help support his family.

In 1927, he and my grandmother had four children, and my grandmother was pregnant with my uncle. So she would have had four and three-fourths of a child at that time. My grandfather would always tell me: JOEY, we couldn't pay the bills at the end of the month. He said: I never did see any money because it was all script, and it went to the company house or the company store. So the old song lyrics, "I owe my soul to the company store"—he truly did. He just said: We can't make it.

He would go out, and he would tell people: We have to do better than this. We have no healthcare. We have nothing to look forward to and we can't pay our bills and we are working 6 days like dogs. He had a mule. Poppa had a mule; he had a buggy; and he had a car-bide light.

He would go in and have to do everything. He would have to, as he would say—he loved to say: Fire in the hole. He would always tell me that. Basically, what he meant by that is, he would have to go back into the mine. He would have to get a block of coal he was assigned to, and he would have to drill it. He would have to tamp it and put the dynamite in it, and he would pack it. Then he had to go back, and he would fire it. Then everything would blast away, and he had to get all the coal and load it by hand. This is what he did from 9 years of age.

He was trying to improve the quality of life for all coal miners. He said: This is not right. Well, he fought for those rights of coal miners. It is engrained in my family history.

The rest of the story is, in 1927—with those four children and being pregnant with Uncle Jimmy, because he was

talking about improving the quality of life for the people who did this unbelievable work for this great country, at a time when this country needed it, and the industrial age was coming—on Christmas Eve, they came to the company house where he lived and rented, took all of their furniture and threw it in the middle of the street. They threw them out because they said he was an organizer.

Papa was a survivor. He was just trying to survive, and he wanted other people to have the same quality of opportunity to survive. I know this is ingrained in me. Let me just tell you, when you saw these miners and you saw the fight they had in them, that is why. There is still more that we have to do. We have to do much more.

If you want to stop this from continuing and repeating itself in so many different professions, we have to change the bankruptcy laws in America. We cannot allow the bankruptcy laws in this country that put hard-working people—that take money out of the paychecks of hard-working people and let people from Wall Street come in and take over—through hedge funds or whatever they do—and rob them and put them at the back of the line.

Every working person in America who pays in out of their paychecks and their sweat and their blood and their hard work should be at the front of the line getting equal treatment, not just the financial institutions. That is why I am asking in a bipartisan way that we make sure we protect the people who continue to make this country go and make this economy turn. We can do that in this body and nowhere else.

In January, when we get back from recess, I will be working with my colleagues to move this legislation through Congress because if we cannot continue to stand for American workers ahead of the almighty dollar and Wall Street greed, what in the world are we here for? What is our purpose? How do you go home and look at people? "So sorry you lost everything. I wish we could do more." Well, we can do more. We just showed them we can do more for the miners. Let's make sure every working person is protected.

I have always said that we must set our priorities based on our values. If you can't set your priorities based on your values, you better check the box in the morning before you go to work. We have done that with the fight for our coal miners, and we will continue to do that for all American workers.

By working together across party lines since 2016, we have been able to secure lifetime healthcare benefits for 36,000 coal miners and their families. We have also secured pensions for 92,000 miners and their families. Most of these pensions are going to widows. Their husbands have passed away. Do you know what the average pension for a coal miner's widow is today? It is less than \$600. She doesn't have a portfolio. She doesn't have investments in the

stock market. She has Social Security and that \$590 pension, and they want to take that away.

That is what we fought for. That is why every one of us should be proud, Democrats and Republicans. We did our job because we stood here as Americans. We stood here representing America, not representing our parties and our tribal interests and not condemning each other. We did this working together, and we can continue to do a lot more.

Again, I thank all of my colleagues. I thank Cecil Roberts, president of the United Mine Workers, for being shoulder to shoulder all the way with us. I thank all the coal miners and their families, my colleagues in the House and the Senate, and President Trump for coming together to keep the promise that we have all made and that we should continue to make and keep.

I thank you all very much from the bottom of my heart. Merry Christmas to all, and to all, a good night. This has been very emotional, as you can tell. I know what this place can do. I have been here long enough that I have heard enough.

When I was Governor of the State and BOB BURR was sitting in his seat over there, I saw the good that came from him. It was basically all of us. Everybody in here has good in them or they wouldn't be here. Everybody came here for the right reason or they wouldn't have gotten here. This is not an easy place to get to, and by golly, when we get here, we try to do the right thing, and we did it. I can go home and you can go home, and we can be proud of what we did here. We finally did the job we were asked to do, and I want to continue doing that with you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### RECOGNIZING GOVERNMENT EMPLOYEES

Mr. VAN HOLLEN. Mr. President, I start by thanking my friend and colleague from West Virginia, Senator MANCHIN, for his remarks and for his steadfast support for workers throughout the United States of America and for working to try to bring us together in a bipartisan manner to get things done in the United States.

I rise today to give thanks to all who serve our country in uniform and as civilians. Even as partisan division and anger seem to reach new depths every day, Democrats and Republicans have remained united in our support and our high regard for our fellow Americans who honorably serve in the U.S. Armed Forces. Those who serve have earned every measure of gratitude shown to them by friends and neighbors and by all of us here in the Congress.

Other public servants deserve our thanks as well, but unfortunately, support for them is not nearly as unanimous or as universal. I will focus the remainder of my remarks on them. While they do not go into combat, they share the same dedication and love of

country as those who do. Many of them also go into harm's way—law enforcement officers, diplomats in war-torn lands, smokejumpers fighting forest fires—and all of them swear an oath to our Constitution, just like our troops and just like Members of Congress.

I am talking about Federal civil servants. These dedicated public servants, men and women, are not normally public figures, but the Nation saw their strength and their character at the witness table in last month's House impeachment hearings. Americans like Laura Cooper, David Hale, George Kent, Bill Taylor, Jennifer Williams, Marie Yovanovitch, all of whom have served in nonpolitical positions for all or most of their careers. All of them testified before Congress under subpoena.

These are just a few of the 2.1 million Americans who make up the Federal civil service and the Foreign Service. They work together here at home and abroad in every field of endeavor and on behalf of all of us. For example, budding entrepreneurs can call on Small Business Administration loan officers for help accessing capital and foreign commercial service officers to help sell their inventions to the world. Farmers know that the Natural Resources Conservation Service employees can help them keep their land productive for the long term. Foreign agricultural service diplomats help American farmers make a living feeding the world.

Yet, too many of our colleagues, including many on the other side of the aisle, have defamed public servants and now accuse those who testified in the House of attacking the President. That accusation has it exactly backward. The modern civil service was created after an attack on a President in order to prevent future attacks on Presidents. Yes, President Garfield was assassinated in 1883 by a disgruntled job seeker.

In those days, each President handed out most of the Federal jobs, often based on political allegiance more than skill. Imagine if that system still existed today—small business loans going only to campaign aides, law enforcement protecting only certain communities that voted for the President, and farm assistance being denied to those who backed the wrong Presidential candidate. Countries today with corrupt systems like that are among the poorest on Earth. None of this came to pass in America because the President who came after Garfield, Chester A. Arthur, signed a law creating the modern civil service.

Today, the President still has the authority to make political appointments to the most senior positions in the executive branch, but the overwhelming majority of positions are career civil servants who are hired based on merit, not political connections. The diplomatic corps was similarly professionalized in the decades that followed.

Put simply, that swamp was drained. Now other swamps have arisen, and ac-

tions like campaign finance reform are badly needed to address them, but professional civil servants are not the problem. In fact, since the civil service and Foreign Service were created, they have risen to every challenge. They mobilized America's resources to protect the public health and to beat back the Great Depression and wage war on fascism and on poverty.

Over the last half century, as the number of Americans they are serving has grown by more than 120 million, the number of civil servants has remained flat. That is doing a lot more with less.

If problems arise in the conception or execution of Federal programs, they must always be acknowledged and they must be fixed. Congress works hard to do that, often with the help of whistleblowers who raise the alarm about great fraud, waste, and abuse.

But some of my colleagues and our predecessors have made the terrible mistake over the last 40 years of systematically disparaging all "bureaucrats." This causes incalculable harm by turning good people away from public service and demoralizing those who are there. It hurts dedicated public servants to hear "bureaucrat" spat out as some kind of insult when the Senator or candidate doing so was probably more upset by the policies they were directed to implement than the civil servants implementing those policies.

Of course, the attacks and criticism leveled against Federal employees in the past were a lovefest compared to the hostility demonstrated by this administration and this President—asaulting them with name calling, assaulting bargaining rights, and even moving offices 1,000 miles away to get people to quit.

A new report by the Partnership for Public Service finds plummeting morale at the U.S. Department of Agriculture driven by a huge decline in scores at the USDA's Economic Research Service and the National Institute of Food and Agriculture. The Trump administration did not like the reports that those researchers at those agencies were publishing, and they punished them by suddenly moving their jobs halfway across the country and in the process lost hundreds of experienced, knowledgeable Federal employees in the area of agriculture. The vast majority of staff at those agencies lost their jobs when they decided not to move, and many of their jobs now remain unfilled. This has needlessly caused an upheaval that is delaying all sorts of reports on which those in the farming economy rely.

This administration's hostile atmosphere has been cited as contributing to a 61-percent increase in civil servants resigning during the first 18 months of this administration, including almost 1,600 leaving the EPA. Nearly half of our most senior Foreign Service officers left the government during President Trump's first 2 years, along with

many midcareer diplomats. Applications to the Foreign Service are at a 10-year low during this Presidency—a hollowing out at every level. It will take a generation to recover.

But as vicious as the attacks on Federal employees have been during the first 3 years of this administration, in recent months, we faced an even more insidious threat from a President who incites his followers to violence in one breath or tweet and spews venom against individual—individual—public servants by name in the next. These verbal assaults have led to harassment of government employees, like those who appeared as witnesses in the House. The President's supporters have acted, in many cases, on his incitements. There have been at least 29 criminal attacks or threats prosecuted in our courts where the attacker was echoing the President's rhetoric, according to one analysis.

This need to maintain support for our Federal employees is going to be especially important in the next several months when events will unfold that are sure to evoke strong passions across the political spectrum and around the country.

First, the election season is heating up, as will, no doubt, the President's criticisms of those with whom he disagrees, and we are going to consider the question in this body of impeachment, as they are doing so today in the House.

I know it is hard, but I ask my fellow Americans to set aside for a moment how they feel about the impeachment case. Set that aside, and think about the particular individuals who testified, what they did and what they did not say. Think about Ambassador Taylor and Mr. Kemp, who learned four languages, not to seek personal wealth or personal glory but to advocate for our country. Think about being raised on stories of Nazi and Soviet oppression of your parents, like Marie Yovanovitch. No one could have faulted her for seeking a more comfortable life here. Instead, she ventured back out to some of the most dangerous parts of the world and sometimes at significant personal risk to herself. She went abroad to extend the American people's hand of friendship and to pursue our interests. She went as the direct, chosen representative of three Presidents.

These public servants don't have the luxury of choosing the policies they pursue or of just speaking their own minds at any time. Setting aside the personal beliefs they may hold, all the public servants I have spoken to so far served America under both administrations of both parties. Even last month, they did not have the luxury of speaking their minds on subjects of their choice or at a time of their choosing, as we do right here in the U.S. Senate. No, congressional subpoenas and their duty to our constitutional laws compelled them to testify, not to opinions but to facts.

The witnesses spoke about their love of country and pride in serving it. They did not speak about political affiliations or show any desire to undermine, let alone overthrow, this or any other President. They honored their oath of office, just as other dedicated civil servants and Foreign Service Officers do every day, striving to accomplish what Congress, the President, and their agency leaders ask of them.

Nobody—nobody—who swears the same oath to the Constitution, as we do in this Chamber, should criticize them for honoring their oath.

Far from a nefarious deep state, the depth of knowledge, the expertise, and the diligence of public servants show the depth of our agencies of government, the depth of our state. They are the ballast that keeps the ship of state on course.

We believe that America's strength springs not only from the undisputed benefits of a free people pursuing their ambitions and dreams but also from sometimes harnessing those talents for important national purposes.

We believe that America's greatness has resulted not only from a collection of individuals acting alone but from our capacity to work together for the common good. We should not see government as the enemy but as the imperfect instrument by which we can accomplish together, as a people, what no individual or corporation can accomplish alone.

I ask my colleagues to stop, to think about what we have built in this country—a system of government that has helped eradicate many diseases, sent mankind to the Moon, built the infrastructure to connect the continent, and so much more. American ingenuity, harnessed to common purpose through government, powered these achievements.

As we look to the future, let's consider what it will take to maintain our momentum and maintain our greatness as a united country. It takes people. It takes skilled people, and it takes, among others working in our free society, a dedicated public service. We will lose those public servants, as we are already seeing, if people keep attacking them.

Let's ask ourselves a simple question. What kind of country do we want to be—a country that embraces all who serve, in uniform and out of uniform, or a country that retreats even further into tribalism and political echo chambers?

I am proud to stand with our civil servants. In 2017, Senator SULLIVAN and I cofounded the Foreign Service Caucus to support our diplomats, a bipartisan start toward turning the tide.

This week, we have taken additional steps forward with the passage of paid parental leave for Federal employees, and we will pass a well-deserved pay raise shortly. There is so much more we can do. Senators can start right now and take personal responsibility for ushering in a new era of respect for

all of our public servants. I ask my colleagues on both sides of the Capitol to stop the insults, stop the verbal assaults, and stop questioning the patriotism of these fine Americans.

We can fight over programs; we can fight over budgets; but let's not speak ill of civilians who serve. Let's not hurl the term "bureaucrat" as a slur. Let's not call people in certain government agencies "scum." Let's disagree with witnesses without questioning their patriotism.

Let's remember that those who join the Federal service do so out of a desire to help their fellow Americans and that they deserve our respect and our thanks. If we want to know what is really going on with the Federal program, we should be talking to our civil servants to get ideas about what is working and what needs to be fixed. They are always willing to offer their opinions for those purposes. If you want to root out waste, fraud, and abuse, let's keep open the lines of communication with Federal employees and whistleblowers. Remember that Federal employees cannot bargain for wages or benefits, so, instead, they bargain for a workplace that works better for the American people.

On April 19, we will mark 25 years since the bombing of the Alfred P. Murrah Federal Building in Oklahoma City—America's deadliest domestic terror attack, where 168 people perished, many of them Federal workers. As we honor all those who were killed that day, we must come together, across the aisle. We must reject the idea of politically motivated violence. And we must do it every day, not just on the anniversary of that tragedy.

We can do this. I have confidence we can do it because we have done something like it before. I mentioned at the outset of my remarks our universal respect for our fellow citizens and aspiring citizens who serve in the military. But it wasn't always universally so.

During the war in Vietnam, many of us remember how polarized and divided our country was and how in some cases disagreement over the war morphed, for some, into directing anger at our troops. This country learned from that mistake. We turned the tide. We came together. Now we have nearly universal agreement that it is wrong to blame servicemembers for carrying out decisions to go to war that they had no part in making themselves; that you can disagree with the war but still embrace the warrior.

For too many of our colleagues, especially as we witness what is happening on the other side of the Capitol, that fallacy is playing out again today; people are blaming and attacking public servants for following the laws they are sworn to uphold, for obeying lawful subpoenas, and for doing their duty to tell the truth.

I am an optimist, and I believe today's critics will learn from our past mistakes and correct our approach in the future, just as we learned after the

Vietnam war that it was wrong to criticize or focus our anger on our soldiers, even if we disagreed with the war they were deployed to undertake and fight.

I hope we will take that same approach with respect to our civil servants; that we will understand and honor their service. I hope we will all then jointly proclaim that alongside the greatest military in the world, we have the greatest civil service and the greatest Foreign Service the world has ever seen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### FIRST STEP ACT ANNIVERSARY

Mr. GRASSLEY. Mr. President, I am here today to commemorate and celebrate the 1-year anniversary of a groundbreaking achievement. On December 18, 2018, the Senate passed the FIRST STEP Act. Three days later, President Trump signed this far-reaching legislation into law. The FIRST STEP Act is the most significant criminal justice reform law in a generation.

I am proud of the work we accomplished 1 year ago on the Senate floor by voting it out of this Chamber with a rollcall vote of 87 to 12. This historic vote means a lot to this Senator, who then was chairman of the Judiciary Committee. In fact, in one of the conference rooms in my office in Washington, I have the official tally sheet from this bill's vote framed and hung on a wall. Now Iowans, advocates, and those who visit my office can see this piece of history.

Our criminal justice system is based on the rule of law. That means when you commit a crime, you should be punished. But the punishment should fit the crime. If the penalty is too harsh, it doesn't do any more to deter criminal activity, and it is a bad value for our taxpayers when you keep people in prison if it doesn't do any good to have them there.

Overly harsh penalties can also make it harder for prisoners who are trying to change their lives to turn over a new leaf. It is worth noting that almost all criminals are eventually released from prison.

Our criminal justice system must do much more than punish and deter. It should rehabilitate and prepare prisoners to reenter society. That is exactly what the FIRST STEP Act does. It gives nonviolent prisoners an incentive to participate in programs in prison, such as job training, drug treatment programs, and counseling, which have been shown to reduce recidivism.

The FIRST STEP Act also makes sentencing more fair. It leaves tough penalties in place for the worst criminals, but it reduces mandatory minimum sentences, giving judges the ability to tailor punishment to fit the crime.

Today marks a very happy occasion and a time of reflection. However, we must remain focused on the future and

implementation of that law. With vigilant and consistent oversight into the implementation of the FIRST STEP Act, we can ensure these goals of reducing recidivism and improving our criminal justice system are met.

I have had the opportunity to meet with dozens of former prisoners who have been released because of the reforms in the FIRST STEP Act, and I also had a chance to meet with some of the families. These former prisoners are inspiring. They are finding jobs. They are taking care of their families. They are paying their taxes and contributing to their communities. They have told me that the FIRST STEP Act gave them hope. It reminded them that the rest of the country had not forgotten about them but wanted them to succeed.

The FIRST STEP Act gives former prisoners a better chance at changing their lives. Every day, there are more success stories. No doubt, there will be some prisoners who don't learn a lesson and return to a life of crime, but the reforms we put into place have been shown at the State level to reduce crime by reducing recidivism. It is the right thing to do for people in the criminal justice system, but it is a good value for the taxpayers, as well, because it costs tens of thousands of dollars to keep people in prisons.

As we commemorate the FIRST STEP Act, it is important to acknowledge that this was a bipartisan effort. A lot of people didn't think it was even possible, but we did it by working together and finding a way to work out a reasonable compromise.

First and foremost, I want to acknowledge Senator DURBIN. I guess you would call the two of us partners in crime. There is no better advocate for criminal justice reform than Senator DURBIN, and this bill would never have passed without his hard work and willingness to forge this bipartisan compromise.

I point especially to Senator LEE because he knows the criminal justice code inside out, and when we needed people to tell us what we could or could not do, what was reasonable, he had an answer. So I want to thank Senator LEE.

I also thank Senators CORNYN, SCOTT, WHITEHOUSE, BOOKER, and LEAHY, among others.

I also want to recognize President Trump and give a sincere thank-you to him and his team, particularly Jared Kushner, for the support and leadership in this space.

Today, December 18, will always be an important day for me as a legislator. I look forward to making sure that this law is implemented successfully and to finding additional ways to improve our criminal justice system.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, all postcloture time is expired.

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

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that 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. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 38, as follows:

#### [Rollcall Vote No. 402 Ex.]

##### YEAS—56

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Brown	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Jones	Scott (SC)
Collins	Kennedy	Shelby
Cornyn	Lankford	Sinema
Cotton	Lee	Sullivan
Cramer	Manchin	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

##### NAYS—38

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

##### NOT VOTING—6

Booker	Isakson	Sanders
Harris	Klobuchar	Warren

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent that with respect to the McFarland nomination, the motion to reconsider be considered made

and laid upon the table and the President be immediately notified of the Senate's action.

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

### 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 senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Anuraag Singhal, of Florida, to be United States District Judge for the Southern District of Florida.

Mitch McConnell, John Boozman, Richard Burr, Shelley Moore Capito, John Cornyn, Mike Crapo, John Barrasso, Roy Blunt, John Thune, Steve Daines, Thom Tillis, Kevin Cramer, Chuck Grassley, Tom Cotton, Rick Scott, Roger F. Wicker, Cindy Hyde-Smith.

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

The question is, Is it the sense of the Senate that debate on the nomination of Anuraag Singhal, of Florida, to be United States District Judge for the Southern District of Florida, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. DURBIN. I announce that 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. PERDUE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—76 yeas, nays 18, as follows:

[Rollcall Vote No. 403 Ex.]

#### YEAS—76

Alexander	Duckworth	Manchin
Barrasso	Durbin	McConnell
Blackburn	Enzi	McSally
Blumenthal	Ernst	Menendez
Blunt	Feinstein	Moran
Boozman	Fischer	Murkowski
Braun	Gardner	Murphy
Burr	Graham	Paul
Capito	Grassley	Perdue
Cardin	Hassan	Peters
Carper	Hawley	Portman
Casey	Hoeven	Reed
Cassidy	Hyde-Smith	Risch
Collins	Inhofe	Roberts
Coons	Johnson	Romney
Cornyn	Jones	Rosen
Cortez Masto	Kaine	Rounds
Cotton	Kennedy	Rubio
Cramer	King	Sasse
Crapo	Lankford	Scott (FL)
Cruz	Leahy	Scott (SC)
Daines	Lee	Shaheen

Shelby  
Sinema  
Sullivan  
Tester

Thune  
Tillis  
Toomey  
Warner

Wicker  
Young

#### NAYS—18

Baldwin  
Bennet  
Brown  
Cantwell  
Gillibrand  
Heinrich

Hirono  
Markey  
Merkley  
Murray  
Schatz  
Schumer

Smith  
Stabenow  
Udall  
Van Hollen  
Whitehouse  
Wyden

#### NOT VOTING—6

Booker  
Harris

Isakson  
Klobuchar

Sanders  
Warren

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 18.

The motion is agreed to.

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Anuraag Singhal, of Florida, to be United States District Judge for the Southern District of Florida.

#### ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that notwithstanding provisions of rule XXII, at 4 p.m. today, the Senate vote on the motions to invoke cloture filed on Monday's session of the Senate in the order filed. I further ask that if cloture is invoked, the Senate vote on confirmation of Executive Calendar No. 465 and the nominations at a time to be determined by the majority leader in consultation with the Democratic leader; that if confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

The PRESIDING OFFICER. The Senator from Florida.

### CONDEMNING THE TERRORIST ATTACK AT NAVAL AIR STATION PENSACOLA ON FRIDAY, DECEMBER 6, 2019, HONORING THE MEMBERS OF THE NAVY WHO LOST THEIR LIVES IN THE ATTACK, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL INDIVIDUALS AFFECTED BY THE ATTACK

Mr. SCOTT of Florida. Today we come together to honor the courage of our brave men and women in uniform—our heroes—and remember the victims of the tragic terrorist attack that took place at Naval Air Station Pensacola on the morning of Friday, December 6.

I would like to thank my colleagues, Senators RUBIO, PERDUE, ISAKSON, SHELBY, and JONES, for standing with me today as we honor the sacrifice and memory of the three victims and their families.

Amn Mohammed Sameh Haitham, known to friends and family as "Mo," was just 19 years old from St. Petersburg, FL. He was a great athlete who loved to make others laugh.

ENS Joshua Kaleb Watson of Alabama was a 23-year-old natural born leader and selfless volunteer who had lifted others up. Joshua died a hero after giving first responders information on the shooter's location while he was mortally wounded.

Amn Apprentice Cameron Scott Walters of Richmond, GA, was just 21 years old, with a contagious smile. His dream was to serve our country.

Our sailors and law enforcement officials showed heroism and bravery in the face of evil as they ran toward the shooter that day, saving lives. To our first responders who came to the swift aid of those in need, I would like to thank each one of them.

Today, the State of Florida stands united around the community of Pensacola and the families of victims as we pray for healing. I join my colleagues as we do everything we can to prevent future terrorist attacks.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 457, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 457) condemning the terrorist attack at Naval Air Station Pensacola on Friday, December 6, 2019, honoring the members of the Navy who lost their lives in the attack, and expressing support and prayers for all individuals affected by the attack.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 457) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. SCOTT of Florida. I yield the floor to Senator RUBIO.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I want to thank my colleague Senator SCOTT for offering this and all of our colleagues and, of course, all of the Senators who voted for it unanimously.

My colleague from Florida has already mentioned the three names of those in the service of our country who lost their lives in Pensacola. I will talk about them more in a moment.

I do want to say a couple of things. First, Pensacola really is one of the hidden gems of the State that Senator SCOTT and I represent. To understand Pensacola, you must understand that it is not just a city in which a naval facility is located. The Navy is very

much a part of the fiber of that community. I would almost equate it to a college town's relationship with a university; that is how much its identity is connected to this naval air station. This attack wasn't just an attack on this facility, but it was an attack on the heart and soul of Pensacola as a community.

As I had an opportunity to visit in the aftermath of the attack, I was not just deeply saddened by the loss of life but impacted, first, by the way the community responded and, second, by some of the stories, which I hope we will learn more about as the information comes out, of extraordinary bravery—not just the first responders but others who happened to be there at that time who exhibited extraordinary stories of heroism in the face of evil in this terror attack. People rushed into the building the gunshots were coming from instead of running away as most people would do. I want to point out some of those things.

ENS Joshua Kaleb Watson, who was mentioned earlier, happened to be the officer on deck at the time of the shooting, and he ran toward the shooter and was yelling for people to get out of the way. He actually proceeded to tackle the killer and fought him in an attempt to disarm him, all while being shot at least five separate times. He was wounded, but he, nevertheless, happened to make his way out to flag down first responders and be able to give an accurate description of the shooter, which ultimately allowed him to be neutralized.

Amn Mohammed Haitham's family moved to St. Petersburg from New Orleans after Hurricane Katrina. His school's assistant principal called him "the Perfect One" because he was a good student, a track star, and basketball player. This is a quote from the assistant principal:

[He] would walk into any room and it would light up. He had this magnetic personality—big smile, always happy. And people would always gravitate toward him.

His commanding officer told his father that it was his son Mohammed who had also bravely attempted to take down the gunman and lost his life.

Then there was Cameron Walters of Georgia, described as "an amazing guy, he always had something good to say to everybody, and was always smiling."

The morning of the shooting, Airman Walters was randomly assigned to watch duty in Building 633. He had been stationed in Pensacola for only 2 weeks before this attack.

Again, I want to thank Senator SCOTT, my colleague of Florida, for offering this. It ensures that not only will we not forget the heroes who sacrificed their lives while protecting fellow Navy members as this tragedy unfolded, but it also reminds us of the obligation we have to get to the bottom of how this happened and why this happened so that it may never, ever happen anywhere again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AGENT ORANGE

Mr. WARNER. Mr. President, I rise today to draw attention to a group of veterans who served this country decades ago but who continue to suffer to this day as a result of their service. I am talking about hundreds of thousands of veterans who were exposed to Agent Orange during their service.

From 1962 to 1975, the United States sprayed over 20 million gallons of Agent Orange across Vietnam, Cambodia, and Laos. Millions of our servicemembers, not to mention millions of Vietnamese civilians, were exposed. Fifty years later, hundreds of thousands of Vietnam-era veterans are still paying the price.

From the start, the Federal Government has tried to slow-walk attempts to cover the care these veterans earned. It wasn't until 1991 that the VA recognized the connection between Agent Orange exposure and several diseases and conditions, finally allowing these veterans to seek treatment from the VA. Currently, the list of conditions at the VA stands at 14, but science tells us the list is far from complete.

In 2017, then-Veterans Affairs Secretary Shulkin called for three more conditions to be added to the list: bladder cancer, underactive thyroid, and Parkinson's-like symptoms. Now, these weren't randomly chosen. They were conditions found by the National Academy of Science to be connected to Agent Orange exposure.

The science was there. The VA was there. Yet this White House and its OMB Director, Mick Mulvaney, have blocked this effort to expand the list of conditions.

Do you know what the deciding factor was? It wasn't scientific evidence. It wasn't the advice of VA doctors. No, the White House decided that the cost of providing care to 83,000 veterans suffering from these conditions was just too high, and for that this administration turned its back on 83,000 veterans who answered the call to serve.

Unfortunately, this is just the latest example of the Federal Government trying to avoid paying for the care of men and women our Nation sent to war. My office hears regularly from veterans facing problems like prostate cancer, Parkinson's, and other conditions that have been linked to Agent Orange. Time and again, we hear how the VA tries to deny benefits on the basis of a technicality. This is just not right. Unfortunately, this administration is far from the first to ignore evidence about Agent Orange in order to save a few bucks.

I want to share a few stories from my State of Virginia, where more than 204,000 Vietnam veterans currently call home. In many cases, veterans who were exposed to Agent Orange have been fighting multiple administrations to get these life-or-death benefits—benefits they earned by their service decades ago.

One veteran, William Badgett of Hampton, VA, was exposed to Agent Orange during his service in Vietnam with the Army. He was in the 101st Airborne, 1st Cavalry, where he served as a helicopter mechanic and supply sergeant. He has been diagnosed with a number of health conditions, including enlarged prostate, osteoporosis, kidney disease, and hardened arteries, none of which are on the VA's presumptive list.

While the VA considers prostate cancer to be on the list, Mr. Badgett's enlarged prostate is not presumed by the VA to be connected to his exposure to Agent Orange simply because it is not cancer.

Another example: Sam Harvey from Newport News, VA, was exposed to Agent Orange during the Vietnam war. He served in the U.S. Navy from 1966 to 1970 aboard the USS *Constellation*. He was diagnosed with aggressive prostate cancer. Yet, with prostate cancer being on the presumptive list, he struggled to get VA approval for the treatment he needs.

Finally, I want to talk about Dorman Watts from North Chesterfield, VA. He suffered for years to get the disability rating from the VA that will qualify him for the comprehensive care from the VA. He has prostate cancer and heart disease and is currently undergoing radiation treatment from a private provider. This is unacceptable.

That is why I am glad Congress included important accountability measures as part of the Defense appropriations legislation we passed this week. Finally, after years of reluctance, years of ignoring the science, these veterans are going to get some of the answers about the conditions that have resulted from their service.

There is more than enough evidence to expand the list of Agent Orange-related conditions. We should be thanking these veterans for their service, not nickel-and-diming them. I urge my colleagues to listen to the veterans in their States, and I urge the White House to let the VA provide these veterans with the benefits they have earned.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

APPROPRIATIONS

Mr. CORNYN. Mr. President, following the longest government shutdown in history earlier this year, it seemed to be a bipartisan consensus that we need to get back on track with the regular appropriations process. Both parties knew there was a funding crisis at stake this fall if we could not come together and reach a compromise, so this summer, that is exactly what we did—or at least we thought we did.



At the time we reached an agreement that set top-line funding levels for defense and nondefense spending, there was a promise not to derail the appropriations process with poison-pill policy riders, and we got it done in August with plenty of time to spare. It wasn't perfect. No negotiated product ever is, but we knew this agreement would provide us the time and the space and the framework to get the appropriations process back on track and leave room for necessary debate on government spending habits. As our national deficit continues to grow, that could not be more critical. I actually remember a time when concern about the deficit and debt was a bipartisan concern, but apparently, it is not currently.

Before we hit the first funding deadline, our Democratic colleagues backed out of the commitment they made in August of 2019. The open debate we hoped for did not happen. We were forced to pass two short-term funding bills known as continuing resolutions, and now, here we are, just days away from the current continuing resolutions expiration, reading text of these funding bills that total nearly \$1.4 trillion. We are reading these for the first time.

When it comes to the appropriations process, I have learned from experience; you are never going to be 100 percent happy. That is just the nature of compromise. You have got to weigh the good, the bad, and the ugly and decide how the scales tip. There is certainly a lot of calculating when it comes to these appropriation bills, but let me start with the good. I think the national security appropriations package goes a long way to rebuilding our military, providing them the resources they need to maintain readiness, and providing our Armed Forces with the resources they need to face growing threats around the world. From adversaries like Russia and China, to rogue regimes like North Korea and Iran, our military must be prepared to counter a diverse range of threats.

This funding bill will continue the work of Congress under President Trump to invest in our military by providing a nearly \$20 billion increase over last year's defense funding levels. It will provide funds to both modernize and grow our aging fleet so we can continue to send our troops around the world where they are needed. One of the major challenges we face is the development of new technologies by our adversaries. We cannot have our enemies deploying hypersonic glide vehicles, artificial intelligence, and missile defense systems that rival or perhaps surpass our own. That would be destabilizing. That may produce a miscalculation, which would be dangerous.

This bill sends funding toward the research and development of new technologies so we can stay on the leading edge. We should not be satisfied with anything other than America being in the lead when it comes to our national security.

I am glad this package also includes a number of provisions that support our men and women in uniform, including a 3.1 percent pay increase, which is the largest in a decade. Above all, this defense funding answers our commanders' request for steady and predictable funding so they can address and plan for the threats of today and prepare for those we will face tomorrow.

In addition to strengthening our national security, this package will also make our community safer here at home. It sends vital funding to the Department of Justice law enforcement grant programs and invests \$1.4 billion in the border wall system on the Southwest border. As a border State Senator, I can tell you the Border Patrol, whom I consider the experts when it comes to border security, say there are three components of border security: There is physical infrastructure; there is technology; and then there is the personnel, the boots on the ground. This appropriation bill invests \$1.4 billion in this system that includes a border wall.

Despite concerted attempts from our Democratic colleagues, the President's authorities to transfer funds that he deems necessary for border security remain intact.

Now, the domestic spending bill takes strides to address some other challenges. It allows us to bolster our fight against the opioid epidemic, expand mental health access, and improve our crumbling transportation infrastructure. It includes \$400 million for farmers and ranchers in Texas and elsewhere affected by drought, trade wars, and low commodity prices. It would also send an additional half a billion dollars to the Army Corps of Engineers that can be used for infrastructure projects right here at home.

With less than a year until the next election, it would provide more than \$400 million in additional funds to safeguard our election systems so that voters can head to the polls with the confidence that their vote will be counted correctly.

As we continue to bring down healthcare costs for the American people by providing them more choice and competition for their premium dollar, this legislation permanently repeals some of the three most oppressive ObamaCare taxes that are burdening American families: the premium tax, the Cadillac tax, and the medical device tax.

This bill also extends funding for critical healthcare programs like community health centers. This is the safety net in our healthcare system, the community health center. It is something I have long supported.

Despite pushes from our colleagues across the aisle, appropriators also managed to fight off an electric vehicle tax credit expansion, which would be nothing more than a taxpayer subsidy for wealthy Americans who want to purchase electric vehicles.

There are a lot of great provisions in these appropriations bills to address some of our top priorities, but I remain concerned that, with some of the shortcomings, these could also be described as the bad part of this appropriation process.

The domestic funding bill includes a range of controversial provisions that will move us further away from our goal of decreasing the national debt. It significantly increases deficit spending without offsets or pay-fors for long-needed reforms for mandatory spending programs, which are the primary cause of our deficits and debt, accounting for about 70 percent of Federal spending.

This bill also includes a terrible provision, which is a retroactive tax on American energy companies. We did this without any sort of consideration by the committee of jurisdiction—the Finance Committee, upon which I sit—with no opportunity to provide amendments or even a debate on this massive retroactive tax. The only choice we are given now that it has been included as a result of the negotiations among five people is the choice to vote either up or down on this massive piece of legislation.

This bill also extends other tax benefits, without addressing problems with the Tax Code, which actually have a negative impact on American businesses and families.

This funding bill would also extend the National Flood Insurance Program, which is long overdue for reforms. This sidesteps the need for those reforms entirely. The program is hemorrhaging money, and we need to be looking at ways to improve it, instead of continuing to flush good money down the drain.

As I mention, we started this process on a strong path with the budget agreement that was reached in August. I know I wasn't alone in thinking that would help us get the regular appropriations process back on track, but things quickly took a turn—not for the good, not for the bad—but for the ugly. Our colleagues let government funding come second to their disagreements with the President. They tried to inject the very poison pills they vowed to steer clear of and derailed the process that they committed to restoring.

Rather than having an open debate and votes on spending, as we planned, the process fell to just a handful of people negotiating behind closed doors. This is reminiscent of the smoke-filled backroom deals that Congress has long been criticized for, and we really have no alternative but to vote up or down on this massive \$1.4 trillion spending package without any opportunity to debate it or, more importantly, to change it by offering amendments.

The way I see it, this has been the plan of Speaker PELOSI and the minority leader here in the Senate all along. If you think about it, this really puts the power in their hands, which is exactly what they want, and they can extract concessions and other things that

are important to them, rather than allow the process to work as it was intended to do through regular order, through the regular appropriations process.

This also takes power from their very own Members because no Democrat or Republican can offer any amendment to this which can change it at all under this closed process. So this really isn't just an affront to the Members on this side of the aisle; it is an affront to their own Members who have no opportunity to offer amendments or have meaningful debate and modify the bill.

Our Democratic colleagues have held these appropriations process hostage for the past several months. Over what? I think that is an important question. Well, as it turns out, it was their obsession with .3 percent of our Nation's budget. That is not how this process should work, and it is certainly not how to make decisions that are in the best interest of the country.

As further evidence of the rush to get this done without adequate consideration or debate or amendment, our House Democrats even had to violate their own 72-hour posting rule for major legislation just to get this legislation done before we leave this week.

It is frustrating to see our colleagues across the aisle undermine what could have been a very productive discussion about our Nation's spending habits, about deficits and debt and what our priorities should be, and, instead, chose to move forward with these bills, which fall short in any number of places.

I must say that the majority leader, the Senator from Kentucky, was committed to a process of getting these appropriations back on track so we could give a voice to all Members in these negotiations and take them up in an orderly fashion so amendments could be offered, and they could be debated and voted on, all of which has now been swept to the side.

I am also grateful for the tireless work of the chairman of the Appropriations Committee in the Senate, the Senator from Alabama, Mr. SHELBY, as well as the other members of the committee who have been negotiating an agreement to support our national defense and avoid book-ending the 2019 year with a second shutdown.

As we move closer to a vote on these appropriations bills tomorrow, I am going to continue to review their text. They are massive pieces of legislation, and we have only recently gotten access to them. I will be making my individual decision—as I trust each Member will—on whether to support these appropriations bills and whether they represent the best interests of their States and of the American people.

The PRESIDING OFFICER. The assistant Democratic leader.

#### RELIEF ACT

Mr. DURBIN. Mr. President, it is hard to believe that in this Nation of immigrants we have such a broken immigrant system, but it is a fact.

We have addressed so many problems in this system over the years. A few

years ago on the floor of the Senate, we passed a comprehensive immigration reform bill, which didn't survive in the House of Representatives. So it is no surprise that, on a regular basis, we face challenges when it comes to our existing immigration laws.

One of the most serious challenges is the green card backlog in this country. To try to describe it in just the simplest terms, under the current law, in my estimation, there are not nearly enough immigrant visas—also known as green cards—available each year. Each year in America, there are 226,000 family green cards available and 140,000 employment green cards available. That is 140,000 each year for a nation of 350 million people. So many of those who are aspiring to get a green card and ultimately move to a permanent resident status and citizenship wait and wait and wait for the day to arrive.

Children in many of these families who are from workers currently in the United States on things like the H-1B visa age out when they reach the age of 21, and they are no longer protected by their parents' presence. So they are at risk of being deported, even as they go into their teenage years. It is a horrible situation. It is really a heart-breaking situation. I have come to meet and know many of the families affected by it.

We are trying to deal with this green card backlog with the reality of current politics in Washington. Under the current political environment, there are limitations on what we can do.

My response is to increase the number of green cards that are available each year so we have more than 140,000 available. There are currently at least 800,000 people waiting for 140,000 green cards to come up each year. As a consequence, we are in a predicament, where we don't have nearly enough green cards for the people who are waiting for them.

I would increase that number, but politically that is not going to happen. The President doesn't agree with that position, and many Republicans in the Senate and the House don't agree either.

Senator LEE and I have confronted this issue, coming at it from different perspectives. Initially, we were at odds on how to approach it. I objected to a bill he brought to the floor; he objected to a bill I brought to the floor; and then we sat down to talk.

The bill I brought to the floor, as I mentioned earlier, would increase the number of green cards, would make sure that the families would be protected from deportation while they are waiting and would allow them to travel and to change jobs. That is called the RELIEF Act. I have introduced it. It has been introduced in the House of Representatives by Congresswoman SHALALA. It is a bill I still support and would like to see pass. That is my preference.

It is not a bill that would pass in the Senate at this time, so Senator LEE

and I sat down to try to find common ground, if we could, on an approach that might work to deal with the backlog in a humane fashion and to protect the families during the course of that.

We have come up with a proposal which I think moves us in the right direction. It is an agreement between us—a bipartisan agreement—which we are now hoping to offer to the Senate for consideration as quickly as possible.

I will very quickly state a summary of what it tries to achieve.

It protects immigrants and their families who are stuck in the green card backlog I mentioned. Immigrant workers and their immediate family members would be eligible for what is called early filing for their green cards. Immigrant workers would not receive their green cards early, but while waiting, they would be able to switch jobs and travel without losing immigration status.

The amendment includes a critical protection from the RELIEF Act that protects the children of immigrant workers from aging out of green card eligibility while the family is waiting so they will not face deportation.

Green card set-asides for immigrant workers stuck in the backlog overseas are provided. The amendment reserves 4,600 green cards on an annual basis for immigrant workers stuck in the backlog overseas and not eligible for early filing. The number is based on the actual or, at best, approximate number of the actual number of people who applied for employment green cards from overseas each year.

Third, it addresses abuses in H-1B temporary work visas. The first thing Senator LEE and I want to make clear is that we are committed, first and foremost, to American workers getting jobs.

In those circumstances where American workers with certain skills are not available, we have what is known as the H-1B visa. Working with Senator GRASSLEY, what we tried to do is to come up with a bipartisan way of strengthening that system.

Included in the strengthening of this amendment is a 50-50 rule, which says that the amendment would prohibit a company from hiring additional H-1B workers if the company's workforce is more than 50 employees and more than 50 percent are actually temporary workers. I personally believe those companies are suspect, and this bill raises that question. The 50-50 rule, as I mentioned, is from a bill Senator GRASSLEY and I introduced. It was part of comprehensive immigration reform.

The reality is, there is abuse in the H-1B system. We don't try to solve every aspect of it, but we do address what we consider to be one of the starting points of the problem we currently face.

Here is where we are. Senator LEE and I have reached a bipartisan agreement on what we think is a reasonable approach, and we want to make sure it

is acceptable to our colleagues to move forward.

I have been working on the Democratic side; Senator LEE has been working on the Republican side. We don't believe we can get it done at this very moment, but we are hopeful to get it done very quickly. The reason is obvious. These families affected by this backlog are really going through hardships and concerns no family should face. The sooner we resolve them, the better.

As I have talked to many of these families, they have asked: Why don't you sit down with Senator LEE to see if you can reach an agreement? I did. We have. Now I hope we can move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from the Utah.

Mr. LEE. Mr. President, it has been an honor and privilege to work with my friend and distinguished colleague, the senior Senator from Illinois, on this important project.

I have been working on bringing about an end to the arbitrary per country caps put in place on employment-based green cards for nearly the entire 9-year period I have been in the U.S. Senate. At no point has it been an easy process. These are significant and weighty issues, and they require attention.

Senator DURBIN and I have spent the last couple of months negotiating in good faith with a lot of energy and a lot of time and attention given to the project not only by the two Members involved, Senator DURBIN and myself, but also by our very dedicated and devoted staffs who have really put a lot of shoe leather, sweat, blood, and tears into this effort.

I am grateful to Senator DURBIN for being willing to work with me on this. I have enjoyed working with him over the years on a number of projects, including the passage just about a year ago—almost exactly a year ago—of the FIRST STEP Act. This was the result of a project that Senator DURBIN and I had been working on for 8 continuous years up until that point, culminating in a lot of proposals, including things like the Smarter Sentencing Act, the Sentencing Reform and Corrections Act, and, ultimately, the FIRST STEP Act. Like I said, that was passed almost exactly a year ago.

At no point in that process was there an easy path forward, an easy path toward victory. Yet he and I remained united in our desire to see something get passed.

Senator DURBIN and I, along with our staffs, have put a lot of energy and attention into this effort as well to try to bring about a resolution of the problem created by the arbitrary per country caps placed on employment-based immigrant visas.

I am very pleased with the outcome of those negotiations. I am very confident that this is something we can get passed into law. He and I are going to continue to work together. I am

going to make sure we have the buy-in we need. I want to make sure the co-sponsors of the legislation are comfortable with what we have negotiated and that they understand it.

To that end, I thank the Senator from Illinois and his staff and also my own staff for working on this. I have every hope, expectation, and confidence that this is going to result in something that can pass—something I believe that can—and will soon pass with the unanimous support of the Members of this body.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### SECURE ACT

Mr. CARDIN. Mr. President, several times on the floor of the Senate I have talked about the issue of retirement security. It has been a priority for me during my entire career in the U.S. Congress.

When the United States has led the world in just about every economic indicator, there is always one in which the United States is not doing well; that is international savings, particularly retirement savings.

When we take a look at recent figures, we find that 48 percent of those who are near retirement—over 55 years of age—have zero amounts in retirement funds. Almost half of our near elderly have no retirement funds and pensions at all. Twenty-nine percent have zero savings. So we need to do a lot better.

The issue is very much compromised because we have seen a major trend in the employment world from defined benefit plans to defined contribution plans.

In the defined benefit world, the employer guarantees certain benefits to their employees who take the risks of the market. In a defined contribution plan, it requires the employee to put his or her own money aside and be disciplined in order to do that. As a result, we find less retirement security for many wage earners today. This puts pressure on our Social Security system.

Social Security is a very, very important program, but it is only supposed to be one leg of a three-legged stool of retirement security, including private retirement and private savings.

We have responded in the past, and we have taken action. I am very proud of the work I first started doing in the House of Representatives with then-Congressman ROB PORTMAN. The two of us worked on pension legislation. We were able to get it enacted, and it made a big difference.

I hope we will be voting on these Omnibus appropriations bills tomorrow. We are going to have a chance to take a major step forward on retirement security with the passage the SECURE Act.

The SECURE Act, Setting Every Community Up for Retirement Enhancement Act, is a bill that was first

acted upon by the Senate Finance Committee back in 2016, so this has been a long time in coming. It passed the House of Representatives by a vote of 417 to 3, so you see that there is very strong bipartisan support for this next chapter in retirement security. It expands opportunities for Americans to increase their retirement savings and improve the portability of lifetime income options.

Many provisions are included in the SECURE Act. I want to talk about just a few, several of which I was very proud to be part of working to include within the SECURE Act.

First, for the first time in many years, we do something about the required minimum distribution. Under current law, once you reach 70½ years of age, you are required to take out a certain amount of your retirement income. The problem with that is, people are living longer and longer and longer, and their retirement income becomes inadequate the longer they live. They may have planned to live to be 80, 85, or 90 but find they still have an active lifestyle well beyond that. The required minimum distribution works against them being able to maintain an adequate amount of retirement funds for later in life.

This bill takes a step forward in increasing the date in which you are required to take out a minimum distribution to 72 years of age.

We are now also providing retirement opportunities for part-time workers. This is a major improvement on our retirement programs. I might tell my colleagues that part-time work affects women much more than men. This is something that was long overdue, and I am very pleased that this is also included in this legislation.

Part of the legislation that Senator PORTMAN and I have worked on deals with the fact that we have defined benefit plans that are available today, but in some cases employers have found it impossible to continue these plans for new employees. These are called “closed plans.”

Well, these defined benefit plans are still there to protect those who were enrolled in the plan before they became closed. Here is the problem. As more and more people are employed by the company who are not in this plan and more of the people who were in the defined benefit plans are no longer around, the nondiscrimination rule test is much harder to be met, and, as a result, these plans may have to be frozen or canceled, and that would be to the detriment of those who are currently protected under these closed plans. I have been told that as many as 400,000 workers would risk losing benefits by the end of this year if we do not take action to change the nondiscrimination rules in regards to these closed plans. The SECURE Act includes the provision to do this. I was very happy to work with Senator PORTMAN in getting that done. That is included

in this legislation, and it is very important that we enact it before the end of December.

There is a provision in here that I worked on with Senator ROBERTS, a bipartisan proposal to deal with church pension plans. We have had a church pension plan on the books for many years, but we have gotten inconsistent IRS regulations as it relates to the management of these pension plans, particularly when you are dealing with church-affiliated institutions, such as daycare centers or nursing homes. This legislation will clarify that so that these church plans can continue. It affects thousands of workers, and it makes a positive difference on retirement security.

The SECURE Act also includes a provision that will exempt State and local firefighters and emergency responders from income tax liability that was never intended on some pension plans. All of that is included in the SECURE Act, and it will help a great deal in dealing with the issue I raised at the beginning of my remarks, retirement security for individuals.

Now, we will get that done, I hope, this week. We expect to vote on the bill, hopefully, within the next day. That will be a major step forward for retirement security, but it is not the end. We have to do a lot more, and that is why Senator PORTMAN and I have filed the Retirement Security and Savings Act. That is a bill that contains almost 50 different provisions. Some are included in the SECURE Act, and we are grateful for that, but most are not. What is included in the Retirement Security and Savings Act builds on the SECURE Act to provide greater opportunities for retirement security.

Let me just give you a couple of examples. It improves the requirement for distribution, allowing individuals to be able to reserve more for the later years of their life. It also provides tremendous incentives for lifetime income.

Here is the problem. People may have retirement savings, and they say: Look, I guess I will live another 15 years. So they take their money out over 15 years, and, guess what, after 15 years, they are still healthy, but they have no money. Lifetime income guarantees that you will have income throughout your entire life. We provide incentives in our legislation on lifetime income options for retirement options when you retire.

We also make it easier for those who have student loans to be able to participate in retirement security. A lot of times, people would like to contribute to a pension plan but they have to pay off student loans. Well, we allow the paying off of student loans to act as a match for an employer's contribution—again, offering additional opportunities for people to participate in retirement savings.

We have provisions in here that particularly help low-wage workers. The bottom line is that low-wage workers

are the most challenged in order to participate in retirement security plans early in life. If you start a savings for retirement when you are young, it will produce the type of savings you need when you retire. Younger people have lots of obligations, including starting a family, paying off student loans, and all the things that we know about. So they need incentive. We have found that just the tax incentives alone will not be enough to get younger workers to participate in retirement.

We have the Thrift Savings Plan here for Federal workers, which is wonderful, because the Federal Government matches some of those contributions. What we are suggesting in the bill that we filed is expanding the tax credit program for savings, making it refundable directly into retirement accounts so that younger, lower wage workers will participate in retirement savings.

We provide provisions in this bill that help small businesses so small businesses can start retirement savings plans. All of that is included in the next step.

So, yes, let's approve the SECURE Act in the budget agreement, an important step forward, but let's recognize that we need to do a lot more. Let's work in a bipartisan manner in 2020 to build on the success of the SECURE Act to help Americans save for their retirement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF STEPHANIE DAWKINS DAVIS

Ms. STABENOW. Mr. President, I rise today because I am very glad to see the Senate moving forward in taking up the nomination of Stephanie Davis to be the district court judge for the Eastern District of Michigan.

Judge Davis was nominated by President Trump back in March to be a U.S. district judge for the Eastern District of Michigan. Our bipartisan Eastern District Judicial Nominations Advisory Committee strongly supported her. She was reported out of committee by a voice vote on May 22, and no one has expressed any concerns about her record, nor would they have a reason to express a concern. She is exceedingly qualified.

Judge Davis has been working in the U.S. Attorney's Office in the Eastern District of Michigan since 1997. During her time there, she has served in both the civil and criminal divisions. She has prosecuted fraud, bank robbery, embezzlement, violent crime, public corruption, and criminal conspiracies involving drug trafficking and money laundering. We are very lucky to have someone of her experience stepping forward and wanting to serve in this position. She has also overseen community and law enforcement initiatives and led the office's diversity efforts.

I have had the opportunity to meet with Judge Davis. I came away from my very first meeting, as well as subsequent conversations, being very im-

pressed with her background and her commitment to public service. She will be an excellent addition to the Federal judiciary, and I urge my colleagues to support her nomination.

I yield the floor.

NOMINATION OF ANURAAG SINGHAL

Mr. SCOTT of Florida. Mr. President, Judge Anuraag Singhal has honorably served the State of Florida for several years, and I proudly support his confirmation as a district judge for the Southern District of Florida today. He has built a distinguished legal career, serving as a criminal prosecutor for Florida's Seventeenth Judicial Circuit and later opening a private practice focused on criminal defense and appellate work. Throughout his career, he has demonstrated a firm commitment to the rule of law, and as Governor of Florida, I had the distinct honor to appoint Judge Singhal to Florida's Seventeenth Judicial Circuit court in 2011. I am equally honored to support his confirmation to the United States District Court for the Southern District of Florida today and know he will continue to serve our State and Nation well.

Ms. STABENOW. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. 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 Karen Spencer Marston, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 Karen Spencer Marston, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, 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 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 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 (Mrs. BLACKBURN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 7, as follows:

[Rollcall Vote No. 404 Ex.]

#### YEAS—85

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

#### NAYS—7

Gillibrand	Merkley	Wyden
Hirono	Schatz	
Markey	Schumer	

#### NOT VOTING—8

Booker	Isakson	Sanders
Duckworth	Klobuchar	Warren
Harris	Paul	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 7.

The motion is agreed to.

The Senator from South Dakota.

Mr. THUNE. Madam President, I ask unanimous consent that following the first vote in the series, the votes be 10 minutes each.

Mr. WICKER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, I would simply hope that—and I will not object—we will mean what we say when we limit the time on these votes.

We have eight more votes, and if Members will cooperate, we can get finished with that.

I withdraw my objection.

Mr. THUNE. Well stated.

The PRESIDING OFFICER. Is there objection to the request?

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 Daniel Mack Traynor, of North Dakota, to be United States District Judge for the District of North Dakota.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 Daniel Mack Traynor, of North Dakota, to be United States District Judge for the District of North Dakota, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that 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. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 42, as follows:

[Rollcall Vote No. 405 Ex.]

#### YEAS—51

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

#### NAYS—42

Baldwin	Hassan	Reed
Bennet	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

#### NOT VOTING—7

Booker	Klobuchar	Warren
Harris	Paul	
Isakson	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 42.

The motion is agreed to.

#### CLOTURE MOTION

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

The 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 Jodi W. Dishman, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 Jodi W. Dishman, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, 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 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 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. CRAMER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 17, as follows:

[Rollcall Vote No. 406 Ex.]

#### YEAS—76

Alexander	Crapo	Kennedy
Barrasso	Cruz	King
Bennet	Daines	Lankford
Blackburn	Duckworth	Leahy
Blunt	Durbin	Lee
Boozman	Enzi	Manchin
Braun	Ernst	McConnell
Brown	Feinstein	McSally
Burr	Fischer	Moran
Capito	Gardner	Murkowski
Cardin	Graham	Murphy
Carper	Grassley	Perdue
Casey	Hassan	Peters
Cassidy	Hawley	Portman
Collins	Hoeven	Reed
Coons	Hyde-Smith	Risch
Cornyn	Inhofe	Roberts
Cortez Masto	Johnson	Romney
Cotton	Jones	Rosen
Cramer	Kaine	Rounds

Rubio	Sinema	Warner
Sasse	Sullivan	Whitehouse
Scott (FL)	Tester	Wicker
Scott (SC)	Thune	Young
Shaheen	Tillis	
Shelby	Toomey	

## NAYS—17

Baldwin	Markey	Smith
Blumenthal	Menendez	Stabenow
Cantwell	Merkley	Udall
Gillibrand	Murray	Van Hollen
Heinrich	Schatz	Wyden
Hirono	Schumer	

## NOT VOTING—7

Booker	Klobuchar	Warren
Harris	Paul	
Isakson	Sanders	

The PRESIDING OFFICER. On this vote the yeas are 76, the nays are 17.

The motion is agreed to.

## CLOTURE MOTION

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

The 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 John M. Gallagher, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn,

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 John M. Gallagher, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that 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), the Senator from Michigan (Ms. STABENOW), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The yeas and nays resulted—yeas 82, nays 10, as follows:

[Rollcall Vote No. 407 Ex.]

## YEAS—82

Alexander	Blackburn	Boozman
Baldwin	Blumenthal	Braun
Barrasso	Blunt	Brown

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

## NAYS—10

Bennet	Markey	Schumer
Cantwell	Merkley	Wyden
Gillibrand	Murray	
Hirono	Schatz	

## NOT VOTING—8

Booker	Klobuchar	Stabenow
Harris	Paul	Warren
Isakson	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 10.

The motion is agreed to.

The Senate majority whip.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. THUNE. Mr. President, I ask unanimous consent that the cloture motions on Executive Calendar Nos. 234 and 349 be withdrawn; further, that the confirmation votes on the nominations occur in the series of votes in the previous order, with all other provisions remaining in effect.

The PRESIDING OFFICER. Is there objection?

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 senior assistant 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 Bernard Maurice Jones II, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 Bernard Maurice Jones II, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: 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 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. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 5, as follows:

[Rollcall Vote No. 408 Ex.]

## YEAS—88

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

## NAYS—5

Gillibrand	Markey	Schumer
Hirono	Schatz	

## NOT VOTING—7

Booker	Klobuchar	Warren
Harris	Paul	
Isakson	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 5.

The motion is agreed to.

## CLOTURE MOTION

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

The senior assistant bill clerk read the following:

## 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 Mary Kay Vyskocil, of New York, to be United States District Judge for the Southern District of New York.

Mitch McConnell, John Boozman, John Cornyn, Mike Crapo, Pat Roberts, Mike Rounds, Thom Tillis, Roger F. Wicker,

Cindy Hyde-Smith, Kevin Cramer, John Hoeven, Rob Portman, Dan Sullivan, Chuck Grassley, Richard Burr, John Thune, Roy Blunt.

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

The question is, Is it the sense of the Senate that the debate on the nomination of Mary Kay Vyskocil, of New York, to be United States District Judge for the Southern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from 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 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. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 89, nays 4, as follows:

[Rollcall Vote No. 409 Ex.]

#### YEAS—89

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

#### NAYS—4

Gillibrand	Hirono
Heinrich	Markey

#### NOT VOTING—7

Booker	Klobuchar	Warren
Harris	Paul	
Isakson	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 89, the nays are 4.

The motion is agreed to.

#### CLOTURE MOTION

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

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kea Whetzel Riggs, of New Mexico, to be United States District Judge for the District of New Mexico.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 Kea Whetzel Riggs, of New Mexico, to be United States District Judge for the District of New Mexico, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: 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 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. BRAUN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 92, nays 1, as follows:

[Rollcall Vote No. 410 Ex.]

#### YEAS—92

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

#### NAYS—1

Hirono

#### NOT VOTING—7

Booker	Klobuchar	Warren
Harris	Paul	
Isakson	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 92, and the nays are 1.

The motion is agreed to.

The majority leader.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I want to announce to all of our Members that by popular demand, the Democratic leader and I will have a bipartisan agreement that we will have 10-minute votes enforced tomorrow.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I just want to let our side know that this will be strictly enforced, so we have to be here.

#### 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 senior assistant 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 Gary Richard Brown, of New York, to be United States District Judge for the Eastern District of New York.

Mitch McConnell, John Boozman, John Cornyn, Mike Crapo, Pat Roberts, Mike Rounds, Thom Tillis, Roger F. Wicker, Cindy Hyde-Smith, Kevin Cramer, John Hoeven, Rob Portman, Dan Sullivan, Chuck Grassley, Richard Burr, John Thune, Roy Blunt.

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 Gary Richard Brown, of New York, to be United States District Judge for the Eastern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from 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 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. CRAMER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 2, as follows:



[Rollcall Vote No. 411 Ex.]

## YEAS—91

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

## NAYS—2

Hirono  
Sullivan

## NOT VOTING—7

Booker	Klobuchar	Warren
Harris	Paul	
Isakson	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 2.

The motion is agreed to.

## CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, John Hoeven, Roger F. Wicker, Pat Roberts, John Thune, Roy Blunt, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

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 Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Sen-

ator from Louisiana (Mr. KENNEDY), and the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that 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. Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 412 Ex.]

## YEAS—90

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

## NAYS—1

Hirono

## NOT VOTING—9

Blunt	Isakson	Paul
Booker	Kennedy	Sanders
Harris	Klobuchar	Warren

The PRESIDING OFFICER. On this vote the yeas are 90, the nays are 1.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Stephanie Dawkins Davis, of Michigan, to be United States District Judge for the Eastern District of Michigan.

The PRESIDING OFFICER. The Senator from Louisiana.

## GOVERNMENT FUNDING

Mr. CASSIDY. Mr. President, I rise to discuss the spending bill, which we are about to vote on, which is going to increase our deficit by almost a fourth of a trillion dollars over 10 years and of which I think I might be the first speaker. We are going to vote on this. We got it yesterday—Monday, maybe—and we are going to vote on it tomorrow.

I smile because this is supposed to be the world's greatest deliberative body, and we have not deliberated one bit on

far-ranging policies. Now, by the way, the mess is kind of bipartisan. We can spread the blame around.

Let me bring up the heart of it. When ObamaCare passed, President Obama famously said it would not increase the deficit by one dime. That is gone. I think that replaces "you can keep your doctor if you want to" as the greatest lie. What we did today is to repeal about \$400 billion in payments to pay for all the healthcare that is going out. It is kind of a joke on Republicans. We are getting ObamaCare, but we are not paying for it.

On the other hand, as I will explain in a second, it may ultimately be a joke on Democrats. Now, this concerns me because we didn't have a committee hearing on it, and we haven't had a floor debate, but we just committed that for almost \$400 billion that have been used to fund Medicaid expansion, people getting subsidies for their health insurance, and many other things, we just went poof, and it is gone.

Now, some of it, like the health insurance tax, was a tax that the insurance industry agreed to so that the Obama administration would force ObamaCare upon the rest of us. But now that it has been agreed to and ObamaCare is stuck, they don't want to pay the tax. They would rather that go poof.

Now, people say: Wait a second. If we get rid of that tax, maybe insurance premiums go down. One, they don't guarantee it, but, secondly, what we could have done is we could have taken that money, created reinsurance pools across the Nation, and that is estimated to lower premiums by 10 to 20 percent. In that case, not only would the insurance industry be fulfilling their bargain—hey, you stick the Nation with ObamaCare, but we will help pay for it—you would actually be able to use the money to lower premiums. That would be something good. One, they would have kept their word, and, two, it would have been good for the American patient, if you will.

The other tax that has gone just poof—\$300 billion just gone without debate, without deliberation, without a committee hearing, which is still there on Friday, and today we walk in on Monday, and it is poof, and we vote on it tomorrow, and I am the first person to speak on it—is the so-called Cadillac tax.

Now, on the Cadillac tax, that is a provision under ObamaCare in which for high-cost policies, if they go too high, you get taxed on them. The whole idea is to encourage wiser purchasing of health insurance. Now, frankly, I didn't care for the Cadillac tax. I get the reason it was there. But 100 different economists have said that it serves a purpose across the political spectrum. My preference is that if we had replaced the Cadillac tax, one, we would have paid for it. We shouldn't be getting ObamaCare without paying for it. Secondly, we would have gotten

some reforms. They are reforms that actually would have been—if we were not going to use the Cadillac tax to hold down the cost of premiums—another mechanism by which we could hold down the cost of premiums.

Why is this important? Because not only did we just go poof to almost \$400 billion, but because healthcare expenditures are driving our debt and deficit. It is not just that we lost this \$400 billion. We lost any restraint upon policies going higher and higher.

Now, that is bad for the American patient. It is bad for the American household because our country will continue its indebtedness.

I am a doctor. I know if you put more money into the furnace, it will burn that much higher, and now there is just no excuse to try and rein in those expensive policies.

It is not just that. One thing that my Republicans apparently have agreed with Democrats on is to stop the Trump administration from taking on something called “silver loading.” It is a little technical here, but just hang with me. For the middle-class family in your State who buys their insurance on the exchange and does not get a subsidy, pop, there goes their premium.

How does this happen? When the Trump administration ended the payments from the Federal Government to insurance companies, insurance companies figured out a way around it. They are smart. They know how to get out of taxes that they have agreed to pay for, as an example. So they did what is called “silver loading.” They increased the cost of so-called silver policies on the ObamaCare exchange. So if you are not getting a subsidy, you are paying a lot more. But because if you are not getting a subsidy and you are paying a lot more, that increased the amount of subsidies for people who were. So if you are, you know, getting a subsidy, you are probably pleased with it. If you are the middle-class person making 400 percent of Federal poverty level and you are paying your taxes and you are trying to do it right, you just got stuck with a higher premium.

The administration was trying to take it on. This deal, which we have not discussed, which was not heard in committee, which we have not deliberated on at all, says to the administration: You can't take that on. Yes, that middle class family not getting a subsidy is paying far more, but you can't take it on. Stand down, administration, we are going to stick it to that family, as well as saying poof to \$400 billion.

Now, there are some other issues that are important to me in my State. The National Flood Insurance Program is an important program. We advanced some reforms that would make it more affordable for the homeowner, more sustainable for society, and more accountable to the taxpayer. We haven't had anything in there. We renewed it. I am pleased that we renewed it.

We renewed it without reforms. You have had flooding in your State, and I

have had flooding in my State. You have had yours in yours, and I have had it in mine. We need that program to be sustainable, accountable, and affordable. We have lost the opportunity. I forget how many short-term extensions we have had without reform. I think it is like 10, 12, 14, or 16. You lose count after a while. We have missed that opportunity.

So we started on Friday. Everybody goes home except for a few people. They work on it over the weekend, they come in on Monday, and we get a 2,000-page bill on Monday. We will vote on it tomorrow, and I am the first person to speak on it.

Now, I understand that impeachment is taking a lot of energy and oxygen out of the Chambers. I understand that a lot of attention is addressed elsewhere, but all I can say is that you have just imperiled your country's fiscal health.

On one more thing before I wrap up, there is a little bit of an irony here. Republicans are getting ObamaCare, but it is unpaid for. There is another irony here as well. The courts today ruled that the individual mandate in ObamaCare is unconstitutional. Now, I am not an attorney, but I gather they did not rule that this was so-called severable.

If this is not constitutional, then the rest can stand because we just sever it off. Imagine this. Imagine that the courts decide that that portion of ObamaCare—which is related to Medicaid expansion and is related to the exchanges in which people get subsidies to buy these policies—is unconstitutional but would have allowed the mechanism by which to pay for it to stand, because that is another part of the law. We have just repealed that. Why is that important? Because if this falls, we have to have the money to pay for a replacement.

Democrats have so long screamed that we need to have universal access. By the way, I am a doc. I would like everybody to have insurance. I fought for it, and I worked for it. But the other party, which has said this is such a high priority, has just eliminated the funding that could be used for replacement in *Texas v. Azar*, the court decision that may strike down that portion of ObamaCare.

So, Republicans, we got ObamaCare that is not paid for. Democrats, they may end up with no ObamaCare at all. Patients, whether they are on Medicaid, getting a subsidy, or not getting a subsidy, will lose.

I hope that we can return to being the world's greatest deliberative body, but as regards that, this has to be considered a low point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

IMPEACHMENT

Mr. LANKFORD. Mr. President, it is a historic day and busy week in the Senate. The historic day happening is happening just south of us right now.

There is debate in the House of Representatives over impeaching the President of the United States. It is only the third time that has ever occurred in our Nation's multicentury history.

Current impeachment conversation is an interpretation of a phone call President Trump had with President Zelensky; that if you twist that phone call just the right way, it sounds like he is trying to influence the President of Ukraine, except the President of Ukraine never said he felt influenced by that, and they never took any action. President Trump is being accused of. Five different meetings happened in the days after that phone call and none of those meetings ever included any conversation about Rudy Giuliani or Hunter Biden or Joe Biden. The money did go to Ukraine in time. It was the 11th of September, and the deadline for it to arrive was the 30th of December. The whole time the Ukrainians, who apparently were threatened by President Trump according to the Articles of Impeachment, said they never knew they were threatened.

I have a feeling that if President Trump wanted to threaten somebody, they would know it, but apparently, in this situation, the House is currently impeaching the President because they perceived the President meant to do something he didn't actually do, when the whole time the President said that, no, that was never his intent. The only one fact witness the House called through the entire process—the one fact witness they called—said they actually talked to the President, and the President said: No, there is not any quid pro quo; of course I don't want to do that.

But they are going through impeachment anyway. That will then come to the Senate in January, and all of January will be consumed with walking through the two Articles of Impeachment the House is choosing to send over.

It is ironic to me that earlier today, Michael Horowitz, who is the inspector general for the Department of Justice, was in a hearing in the Senate, talking about the process on the Russia investigation. I happened to be on that committee as we went through the process. It was very ironic to me today, in the line of questions and the issues and things that were coming up in the Horowitz report, one of the things that probably the media will never report on, but Michael Horowitz, the inspector general, pulled out through this process, was, in October of 2016, Christopher Steele—famous for the dossier that was an opposition research project from the Democratic National Committee on President Trump leading up to the election that was supposedly all this dirty information about Russia. Christopher Steele was contacted by someone in the State Department, the Obama-led State Department. In October of 2016, Christopher Steele was invited to the State Department where,

at that time, State Department officials gave Christopher Steele information that they said was from a Turkish businessman who had been visiting with a Russian member of the FSB that was derogatory to President Trump, and they were encouraging Steele to take that back and then use it before the election.

The irony of the day today for me is, while the House is impeaching the President, at the same time that is being debated, Michael Horowitz, the inspector general, is giving testimony about individuals in the Obama-era State Department getting information from foreign individuals, slipping it to individuals working on the Clinton campaign, and literally using foreign sources to fight against Candidate Trump from Hillary Clinton's staff at the State Department.

Sometimes the world feels more upside down than others. This is one of those weeks. A year ago today, the Senate was working in a bipartisan fashion to be able to pass the criminal justice reform bill, called the FIRST STEP Act. It was a landmark piece of legislation dealing with helping us in Federal prisons deal with recidivism. That was a good day for us in Congress.

We started getting more job training to people who are in prison, more opportunities for faith-based programs in our Federal penitentiaries—just like they are in our State penitentiaries—more opportunities for prisoners to connect with their families because the vast majority of prisoners in our Federal prisons will be released one day, and it would be helpful if they had job training and if they had a faith-based background, if they choose to, and if they have connections to make with their families. It helps us bring down the crime rate in the days ahead. That was a year ago today in the Senate, instead of fighting through the impeachment process that is happening now.

There are a lot of people who said to me recently that nothing is getting done. That was true for the past couple of months while we have been waiting on the House to be able to move on other issues, but this week has been a pretty busy week moving through pieces of legislation.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. President, JIM INHOFE, who is the chairman of the Armed Services Committee, has led this Senate and has led, quite frankly, all of Congress through a process on what is called the NDAA, the National Defense Authorization Act. That got passed this week. That is an incredibly important bill, not just to us in Oklahoma but to us across the Nation and for our national security. It included things like a pay raise for all of our servicemembers. It included additional benefits of things going to our family members as they move from place to place, living with their servicemember, and helping them in their transition.

It addressed the issue of housing, which is so important to Oklahoma, as

we have had problems with private contractors at some of our bases in Oklahoma not living up to the standards of their contract. JIM INHOFE has been the one actually fighting to get that fixed. He has been the one who has taken the lead on that.

This is incredibly important to us in Oklahoma for our five bases and posts, as well as our National Guard and our reservists. Just in Oklahoma, there will be \$2.2 billion for the KC-46A refueling tankers. They will be trained in Altus, and they will be repaired and serviced at Tinker Air Force Base. The authorization for the T-X Program, which positively impacts Vance Air Force Base, is incredibly important.

The improvements to military family housing, which I have already talked about, included an amendment in the bill which dealt with reservists, in what is called the DD-214 Act of 2019. If you are not in the military, you have no idea what that is. If you are in the military, you know exactly what that is. There was a problem that guards and reservists didn't have the same kind of records in the DD-214 that Active Duty does. We are fixing that now so that when guards and reservists get close to retirement, their records are all in place.

We have a continuation of the Paladin Integrated Management System, which is at Fort Sill. We have the authorization of the Fort Sill barracks that are so incredibly important to be able to have better living facilities there as well.

The fuels storage complex at the Tulsa International Airport is very important for the 138th Fighter Wing of the Air National Guard.

Language to enhance our direct higher authority, which is so incredibly important—we expand that again to make sure civilians who are being hired in places like McAlester and Tinker continue to be able to serve there. Those civilian service folks are so incredibly important to our national security.

#### APPROPRIATIONS

Mr. President, that was just in the NDAA that passed this week. There are 12 appropriations bills we have been working on for months that I am glad the House has finally come to a decision to work through this impeachment process, and we can actually get on to the 12 appropriations bills. They affect a lot of things for Oklahoma.

Appropriations bills that are moving through tomorrow will have things like \$50 million for medical student education. That is really important to us for the University of Oklahoma and Oklahoma State University in the awards they have received for medical education.

We have been through our share of disasters this year in flooding in Oklahoma. The funding to continue those grants in that process is in this set of bills.

We have \$710 million for SAFER grants, which deal with fire departments throughout the States. It is in-

credibly important because they are the first responders to acts of terrorism.

The ag bill itself is moving through right now. It deals with a lot of the disaster supplementals that are incredibly important to us—in fact, to many of us in Western Oklahoma.

This set of bills not only does a 3.1-percent increase for our military servicemembers but it also does an increase of 3.1 percent for our civil servants, many of them who work in Oklahoma, and they do a remarkable job of being able to serve our neighbors.

There are a lot of different areas that deal with things like military construction projects that are all over our State that affect not only the military but civilians and those who have retired as well.

There are a lot of changes here, including dramatic funding increases for the Department of Veterans Affairs to fulfill what is called the MISSION Act. That allows more veterans to get care closer to home, where they are not having to drive 100 miles to get radiology work, and they can do that in a rural hospital close by. They can connect with their family doctor, just like their spouse does. This gives them greater opportunity to do this.

This set of bills also deals with the electronic logging delays that are so incredibly important to those who are hauling ag and livestock. This deals with the Fish and Wildlife Service. Those of us who are in Southeast Oklahoma know how incredibly important it is to resolve the American burrowing beetle that no one else will pay attention to but is incredibly important to us so the Fish and Wildlife Service finally gets this downlisted. This gives the instructions for them to do this.

There are oversight dollars that are put in place to USDA to oversee the SNAP program, often called food stamps, which is actually SNAP. That program gives greater oversight to deal with fraud so people who need the help get the help and the people who are abusing are confronted.

The set of bills also deals with what is called the RURAL Act. It is really important to our co-ops across the State. They deal with the cost of doing business, which continues to provide inexpensive energy all across our State.

The border wall funding remains. It is the exact same dollar amount as it was last year. That was quite a fight in the conversation to be able to go through the House and the Senate. There are some who believe we should have no fences and no barriers and open borders. I am amazed at how many people do not know that the last four Presidents—now five in a row, including President Trump—have all built border fencing. For the previous four Presidents, they didn't face the same fight that President Trump does in building border fencing. In the previous four Presidents, it was all about national security. It is important we

have fencing in certain areas to keep that area secure. For President Trump, it is suddenly a divisive issue. We maintained that funding for the border fence to make sure that continues through these bills that are moving through.

There is a repeal of what is called the nonprofit parking tax. A lot of folks aren't following this, but if you work for a nonprofit, you certainly are. It was something that was in the tax bill that should not have been there, and it caused great confusion for all of our nonprofits and all of our churches all over the country and certainly all over my great State.

This section is something I and CHRIS COONS from Delaware have worked on for months and months, to finally get it fixed for all these nonprofits. For those of us who know and love the work the nonprofits do all over the country, this is one of the prime issues they want to finally get resolved so they can get back to focusing on taking care of people who are homeless and hungry and needy, rather than having to count parking spaces and turn in, literally, a 30-page form to the IRS.

Finally, dealing with the medical device tax, which has lingered for years. It is an important issue for us to resolve because it is raising the cost of people getting medical devices. We did a boost in funding for NIH, National Institutes for Health. That deals with an increase in funding in things like Alzheimer's, which we should continue to invest in. That also deals with things in Oklahoma: some of the Oklahoma Medical Research Foundation, Stephenson Cancer Center at OU, and also some of the rural healthcare programs, especially dealing with telemedicine. If you are in a rural area in Oklahoma, it is a long way to go to get healthcare.

This bill also deals with something called the SECURE Act. The SECURE Act deals with seniors' retirement. Right now you can't continue contributing to your IRA past 70½. You are forced to take it. Lots of folks are now choosing to work later and later. Some retire earlier. That is fine. That is their choice, but for folks who choose to retire later, they don't want to be forced to take their IRA. They want to still be able to contribute. This allows them to be able to do this.

This also allows part-time workers to participate in 401(k) plans. It is incredibly important for a lot of people just saving for their own retirement. People should not count on just Social Security. People should also set aside their own retirement funds as well in addition to Social Security. This allows more folks to do that and to continue doing that.

There are several things on foreign policy that maybe some Oklahomans are not paying attention to but are important to us—things like the F-35 program to Turkey. It is one of the areas that I led in this bill. It says that Turkey should not be allowed to continue

to have the F-35. They purchased Russian air defense systems. They are turning toward Russia. Why would we sell to Turkey our most precious, highly technical, highly secured technology like the new F-35 when the direction Turkey is headed in the days ahead is unknown? This bill stops the delivery of the F-35 to Turkey.

This bill also finally gives victims of terrorism their day in court. Decades ago, victims of terrorism asked to hold to account organizations like the Palestinian Authority, or the PLO, in areas where they carried out acts of terrorism that killed or injured Americans. We decided as a Congress decades ago to allow that, but the courts stepped in and stopped it with this little loophole, and we, as Congress, have never fixed it. I worked with Chairman GRASSLEY and with multiple others to get to a point where we can resolve this. This bill includes the fix so that victims of terrorism can finally get their day in court.

U.N. peacekeeping contributions have hit a very high number in the years past—way beyond what was set as the cap. This bill keeps us down to the current cap so that we are not overgiving to the peacekeeping operations because we also expect other nations, not just the United States, to contribute to the peacekeeping operations.

I would love to say that everything in these bills is good, but it is not. People talk about making the sausage here. Quite frankly, I go back and think about the very first time I ever had a bite of supreme pizza. I don't know what everybody's family was like, but for us, growing up, we got a hamburger pizza. It was a plain one, which was the cheapest one, or cheese pizza. That was a very good pizza. But I remember the first time I went somewhere and had supreme pizza, and it was all loaded with everything on it, and I thought that it was going to be great—until I bit into it. I also found out it not only had the things I liked, but there were some things that I really, really didn't like in that bite, and many times the things that I really didn't like overpowered the things that I did.

There are some things in some of these bills coming up this week that I just cannot support. While I talked through a lot of things that are moving—and there are a lot of things moving this week—there are also some areas like the overseas contingency fund, often called OCO. You will hear it. It is a separate fund outside the budget that is supposed to be just for taking care of our military in the fight against Afghanistan and Iraq. We have been dialing down the fight in Afghanistan and Iraq and doing less and less and less of that. The President has already announced he is going to continue to withdraw troops in a wise way from those areas. Yet this agreement that has come down the pike this week also includes not less overseas funding

but \$10 billion more of the overseas contingency fund—\$10 billion more.

The wind production tax credit suddenly reappears. It is the zombie tax credit that we thought was already gone that now has just bounced back. Five years ago, Congress agreed that wind power was prolific around the country, and they no longer needed a Federal tax benefit to sustain their business. There was an agreement 5 years ago to, little by little, wean wind off, and 2020 would be the first year that it would go to zero. Except in this bill, magically, the wind production tax credit reappears. In the year that it was supposed to be zero, it actually pops up to a higher amount than it was even last year.

There are multiple different items called tax extenders in this package. We have additional tax dollars going to things like race tracks for horse racing. We have tax dollars going to motorsports race tracks. And we have tax dollars going to craft beer breweries because, I assume, craft beer breweries can't make it without getting tax dollars from their next-door neighbor—almost \$1 billion worth. Almost \$1 billion Federal dollars are going to help folks who do craft brewery. I am sure the folks who do craft brewery would love to have the tax benefit, but I think the Nation has not run out of beer, and we are not in a position that we need to make sure we subsidize that to make sure we sustain that for our national benefit.

The tax side alone of one of the bills that is coming—just one of the bills that is coming—is almost one-half trillion dollars in new debt. One of the bills has one-half trillion dollars in new debt. For a nation that has \$23 billion, many of us were shocked late on Monday night when the bill was dropped with an additional one-half trillion dollars in new debt.

There are some important things going on this week, and there are also some things moving through this Congress that need more attention than impeachment, and they are not happening. I hope in the days ahead, as we debate these issues and vote on these issues, we can deal with the things that are good that we all look at and say "We should do that," but we will be able to pause long enough to ask "Should we do those things?" and make wise decisions.

We are at the same spot we always are. Everything gets crammed in at the very end of the year, and it becomes a case where, if you don't vote for everything, then the government is going to shut down. That is why MAGGIE HASSAN and I—the Democratic Senator from New Hampshire—worked so hard this year to form a bill that we call the government shutdown prevention bill. We want to end the possibility that we will have government shutdowns so that there is not a time that we get to the end of the year, and everyone says: You have to vote for all this stuff or the government will shut down and people will be furloughed.

## LEGISLATIVE SESSION

## MORNING BUSINESS

I would like to have a moment when we say that we will not ever have shut-downs again and we debate the issues that need to be debated in the time they need to be debated so that we don't dump one-half trillion dollars in new debt on our kids and go home for Christmas.

Let's get some things resolved. Let's solve the issues, and then let's spend some time with our families. I think the entire country needs to take a deep breath from the anger and bitterness and divisiveness. There needs to be a little peace on Earth and some good will toward men.

I yield the floor.

## EXECUTIVE CALENDAR

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 551 and all nominations on the secretary's desk in the Air Force and Army; that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

## IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

## TO BE LIEUTENANT GENERAL

Maj Gen. Douglas M. Gabram

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN1117 AIR FORCE nominations (130) beginning ANNA M. ADKINS, and ending MARY E. ZANDER, which nominations were received by the Senate and appeared in the Congressional Record of September 19, 2019.

## IN THE ARMY

PN1260 ARMY nomination of Zachary B. Ciccolo, which was received by the Senate and appeared in the Congressional Record of October 30, 2019.

PN1289 ARMY nomination of Andrew J. Oliver, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1290 ARMY nomination of Marjorie A. Kuipers, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1291 ARMY nomination of Yuandre G. Dieujuste, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1293 ARMY nomination of Thomas E. Axtell, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

PN1294 ARMY nomination of D014331, which was received by the Senate and appeared in the Congressional Record of November 19, 2019.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

## DEBBIE SMITH ACT OF 2019

Mr. GRASSLEY. Mr. President, I am delighted that we last week reached a compromise enabling Congress to send another 5-year reauthorization of the Debbie Smith Act to the President's desk this week. Both Chambers' adoption of that compromise, which passed the Senate by voice vote last night, with my support, signals Congress's continued support for the DNA Backlog and Capacity Enhancement Program.

Earlier this year, I called for reforms to the grant program that the Debbie Smith Act established. These reforms, suggested this year by the Government Accountability Office, would require both that the Justice Department articulate measurable, program-wide goals and that the National Institute of Justice take additional steps to prevent lobbying-related conflicts of interest. They would not resolve every issue with this grant program, but I believe the implementation of such reforms would substantially strengthen the program. I also advocated for reforms, which are included in the final legislation, that ensure the analysis of untested DNA in sexual assault cases is accorded higher priority under this program.

As mentioned earlier this week, I have called on the Attorney General to implement several of my proposed reforms through administrative action. I thank the Attorney General for committing to do so, in the attached letter dated December 11, 2019. My letter to the Attorney General on this subject, dated December 9, 2019, also is attached, and I ask unanimous consent that both letters be printed in the CONGRESSIONAL RECORD.

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

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
*Washington, DC, December 11, 2019.*

Hon. CHARLES E. GRASSLEY,  
*Chairman, Senate Committee on Finance,*  
*U.S. Senate, Washington, DC.*

Hon. JOHN CORNYN,  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN GRASSLEY AND SENATOR CORNYN: This responds to your letter to the Attorney General dated December 9, 2019, regarding the DNA Capacity Enhancement for Backlog Reduction (CEBR) Program. We write to assure you that the Department of Justice places a high priority on the Government Accountability Office's (GAO) reports and recommendations. The recommendations from the 2019 GAO report regarding the

CEBR program are being addressed by the Office of Justice Programs, and specifically, by the National Institute of Justice (NIJ).

In particular, NIJ concurs with the recommendations in the 2019 GAO report regarding performance measures. To create and implement appropriate and meaningful performance measures NIJ has: conducted an in-depth analysis of currently available program performance data to identify information gaps; made corresponding modifications to program performance measures to address these gaps; aligned its performance measures with consistently articulated program goals and permitted program activities; clearly delineated between measures intended to capture the state of DNA backlog and laboratory throughput, and those measures intended to gauge grant program impact; made clarifications to promote consistency in grant recipient data reporting; augmented its measures to efficiently capture the level of DNA funding used for outsourcing DNA sample analysis (which accounted for approximately only 10 percent of program costs for FY 2015 award recipients).

Consistent with the recommendations in the GAO report, NIJ will communicate enhancements to DNA CEBR program measures starting in calendar year 2020 and continuing through 2020. This will occur in advance of updated performance measures that will appear in the FY 2021 DNA CEBR Program solicitation. Grant recipients will be required to report against the specific articulated updated measures thereafter.

The 2019 GAO report expressed concern regarding lobbying disclosure certifications and a lack of controls to follow-up with grantees to help ensure they are meeting statutory requirements. As of February 2, 2019, all entities registering for federal awards in the System for Award Management (SAM.gov) are required to review the Financial Assistance Representations and Certifications required by statutes or regulations in accordance with guidance under Title 2 of the Code of Federal Regulations. SAM.gov registration question 8.L. references compliance with the Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 et seq. Under this question, the registrant must attest as follows:

I have read each of the certifications and representations presented on this page. By submitting this certification, I, <VENDOR>, am attesting to the accuracy of the certification and representations contained herein. I understand that I may be subject to criminal prosecution under Section 1001, Title 18 of the United States Code or civil liability under the False Claims Act if I misrepresent <VENDOR> by providing false, fictitious, or fraudulent information to the U.S. Government.

In addition, OJP plans to send annual reminders to all OJP vendors with open active awards reminding them of the disclosure requirements under the Lobbying Disclosure Act along with instructions on how to submit the disclosures.

Finally, regarding GAO's concerns regarding controls for conflict of interest and lobbying, OJP has historically followed Justice Management Division procedures. However, OJP did not have these procedures reduced to writing, as acknowledged by GAO. OJP has memorialized the procedures in writing, which the Principal Deputy Assistant Attorney General has approved. The procedures are in process for implementation.

It is OJP's intent, as evidenced by the work already completed and the plan moving forward, to comply with the 2019 GAO report. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

STEPHEN E. BOYD,  
Assistant Attorney General.

Hon. WILLIAM P. BARR,  
Attorney General, U.S. Department of Justice,  
Washington, DC.

DEAR ATTORNEY GENERAL BARR: We are writing to urge your immediate adoption of a government watchdog agency's recommendations respecting a U.S. Department of Justice (DOJ) grant program that makes resources available for criminal laboratories across the country to process DNA evidence collected from crime scenes and criminal offenders. We also request that you commit to implement specific and measurable goals for this program, known as the "DNA Capacity Enhancement and Backlog Reduction Program" (CEBR), by the end of the year.

The Government Accountability Office (GAO) repeatedly has faulted DOJ's Office of Justice Programs (OJP) and National Institute of Justice (NIJ) for neglecting to articulate, in clear, specific, and measurable terms, program-wide goals for this formula grants program, originally authorized by Congress under the Debbie Smith Act. The CEBR program, which has received roughly \$1.5 billion in congressional appropriations since its inception 15 years ago, has been the subject of two critical GAO reports, one in 2013 and another this year.

As stated by GAO in a 2019 report on this subject:

"[T]he Office of Justice Programs (OJP)—the primary grant-making arm of the Department of Justice—has not consistently documented program-wide goals for its DNA Capacity Enhancement and Backlog Reduction grant program (CEBR). For instance, OJP has documented different meanings of "capacity enhancement." Additionally, CEBR performance measures do not fully reflect selected attributes of successful performance measures, such as having measurable targets. These issues hinder OJP's ability to assess program results."

This is not a new concern: GAO reported a half dozen years ago that DOJ was not doing enough to assess the results of the CEBR program. As stated in a 2013 report by the Comptroller General: "NIJ has a process in place to determine DNA and forensic program funding priorities, but its decisions regarding these priorities are not clearly documented." GAO noted that NIJ was unable to articulate its rationale for how funding priorities are determined, and "[w]ithout a clearly documented process that demonstrates the rationale for NIJ's funding priorities, there is limited transparency regarding how and why the agency is allocating its funding." In 2018, a GAO spokesperson testified before the Senate Judiciary Committee that we lack the tools necessary to assess whether the CEBR program is working:

Concerns regarding the process for identifying lobbying-related conflicts of interest were reported by the Comptroller General in the 2019 report on the CEBR program. This 2019 report states that "OJP has not properly designed all controls related to selected requirements for conflicts of interest and lobbying." Because DOJ's Office of Inspector General also identified conflicts of interest with NIJ grant programs as early as 2009, it is imperative that the Office of Justice Programs immediately establish all appropriate controls necessary to eliminate such conflicts, as recommended by the Government Accountability Office in the report entitled, "DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design controls for Nationwide Grant Program" (GAO-19-216).

We also request that you give your commitment, prior to the end of this calendar

year, to implement three steps, based on the 2019 and 2013 recommendations of the Comptroller General. Specifically, we ask that you commit that OJP will:

Define CEBR program-wide goals in clear, specific, and measurable terms by no later than June 30, 2019.

Consistently document these measurable goals for the CEBR program and use performance measures that fully reflect the recommendations made by GAO in its report entitled, "DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design controls for Nationwide Grant Program" (GAO-19-216).

Describe any actions taken, including steps to eliminate conflicts of interest to improve the CEBR program based on the 2019 recommendations of the Comptroller General.

We look forward to hearing your response no later than December 20, 2019. If you have any questions, please contact Evelyn Fortier of Senator Grassley's staff or Franci Rooney of Senator Cornyn's staff. Thank you in advance for your cooperation.

Sincerely,

CHARLES E. GRASSLEY,  
Chairman.  
JOHN CORNYN,  
U.S. Senator.

#### RECOGNIZING THE JESSE WHITE TUMBLERS

Mr. DURBIN. Mr. President, every year, 250 Chicago kids form 8 teams to perform 1,500 shows of acrobatic wonder at major sporting events, community businesses, and charities. They are called the Jesse White Tumblers, and for 60 years the troupe has delighted audiences in Illinois and across the world, including Hong Kong, Israel, and Croatia. Since 1959, more than 18,000 youths have put in the hard work and performed in the Jesse White Tumblers. Today, we congratulate this well-loved Chicago institution on its 60th anniversary.

Jesse White, the man whom the troupe is named after, is the 37th secretary of State for Illinois. He is the first African American to win statewide office in Illinois, and he has held the office longer than anyone else. I am honored to count him as a friend.

Just like the Tumblers, Jesse was an outstanding athlete and student growing up. He attended Waller High School in Chicago, earning All-City honors in basketball and baseball. He hoped to play professional baseball after graduating, but his father insisted on him going to college first. He went to Alabama State College, majoring in physical education. He was All-Conference in baseball and basketball. When he graduated, Jesse signed with the Chicago Cubs. Four days before leaving for spring training, the U.S. Army drafted him, assigning him to the 101st Airborne Division. In 1959, Jesse returned to Chicago and played third base in the Cubs minor league system.

During the off-season, Jesse taught physical education at his alma mater, Schiller Elementary School, and in the Chicago Park District. In December 1959, the Chicago Park District asked Jesse to create a gym show for the

Rockwell Garden Fieldhouse. The show he developed became the foundation for the Jesse White Tumblers.

Jesse White has served the people of Illinois throughout his career, along with being secretary of State for Illinois. He was the recorder of deeds of Cook County from 1992 to 1999, a legislator in the Illinois General Assembly for 16 years, and a public school teacher for 33 years. But his favorite role may still be coach of the Jesse White Tumblers.

Children between the ages of 6 and 20 can find a second family in the Jesse White Tumblers. Becoming a Tumbler is not an easy task. Thousands of young people apply every year, and few make it. In addition to athletic achievement, members must stay in school, maintain a C average, and stay away from drugs and alcohol. For the hard work, members get the thrill of performing and develop confidence, structure, and discipline. The program also helps with homework, study skills, and can provide financial support through scholarships. The Jesse White Tumblers have changed the lives of generations of young people.

The Jesse White Tumblers have earned their reputation as a legend in the State of Illinois. Here is to many more years of success.

#### RECOGNIZING AGRI-MARK CABOT CREAMERY CO-OPERATIVE

Mr. LEAHY. Mr. President, this year marks the 100th anniversary of one of Vermont's most nationally recognized businesses, Agri-Mark Cabot Creamery Co-operative. Founded as a small butter plant in Cabot, VT, with principles of producing high-quality dairy products and supporting farmers and communities, Cabot has grown to be a leader in the dairy industry, raising the bar for excellence across the country. The founders of Cabot prided themselves on quality products and doing things the right way. Cabot began with just 94 members that collectively owned 800 cows. Today, Cabot has expanded to include over 800 farm families, never losing sight of their core values of exceptional quality, safety, and community cooperation. These tenants have been upheld by their members repeatedly throughout the last century.

The farm families of Cabot Creamery Co-operative continue to be innovators, pioneers of sustainability, and dedicated stewards to their land and animals. Their products consistently prove to be the cream of the crop, winning many awards, and rightfully earning the title of "World's Best Cheddar." For decades, they have been earning top marks around the country and world, from respected competitions like the U.S. Championship Cheese Contest, the American Cheese Society, and even the World Championship Cheese Contest. The recognition is well deserved after a century of hard work, dedication, and commitment shown by generations of farmers across New England and New York.



Not only do they produce excellent products, Cabot's farm families are leaders of sustainability. They have worked to strengthen green farming practices, some of which provide Vermont families with electricity, and even their own electricity processing plant. They have made continuous efforts to create more sustainable practices, from conserving water to installing solar panels. Cabot and their members have been awarded prestigious honors, such as U.S. Dairy Sustainability Awards and New England Green Pastures Award for Outstanding Dairy Farm of the Year. Cabot has recently been classified as a B Corporation, the first dairy cooperative to achieve that certification, which shows the strong commitment they have to being a socially and environmentally responsible business.

I have had the pleasure to work with Cabot, creating lasting memories and an incredible working relationship that has supported the dairy industry in Vermont and the entire country. I am privileged to host Cabot at my annual Taste of Vermont event, and guests of the reception are often greeted by the distinct Cabot plaid upon entering the Kennedy Caucus Room on Capitol Hill.

As a Vermonter, I am proud of the incredible service Cabot, its leaders, and their farmers provide for our State, our economy, and the larger dairy industry. Cabot truly represents the essence, values, and traditions of what makes Vermont special. I congratulate Cabot and their dairy farmers on 100 years of hard work and success.

#### RECOGNIZING 14TH STAR BREWERY

Mr. LEAHY. Mr. President, I want to celebrate the success of a Vermont entrepreneur and small business owner, Steve Gagner, of 14th Star Brewery. Started in 2012, 14th Star Brewery began in a hand-built brew house in St. Albans, VT, with beer brewed in repurposed maple sap collection tanks. Under the leadership of the team he has assembled, the company has grown immensely since then, increasing their staff to 24 and moving to a new location where they are expected to produce over 8,000 barrels of craft beer by year-end. 14th Star has become widely popular throughout Vermont and distributes to six nearby States.

The creation of this Vermont brewery, however, began on the battlefields of Afghanistan. The founders of 14th Star, Steve Gagner and Matt Kehaya, served in Afghanistan with the Vermont Army National Guard. During their deployment, they drafted the business plan for their dream company on the back of a notebook. Even as the business has grown dramatically, Steve continues to serve in the Vermont Army National Guard and has been named commanding officer of the Army Mountain Warfare School in Jericho, VT. Steve was deployed for two combat tours and is a two-time

Bronze Star recipient. He also teaches the next generation of leaders as an assistant professor at Norwich University.

Named after Vermont's status as the 14th State to join the Union, Steve has ensured that 14th Star Brewery maintains a close tie to service of our fellow Vermonters. Taking its values from Steve and his close-knit leadership team, the brewery directs a portion of its proceeds towards supporting Purple Hearts Reunited, an organization founded by fellow Vermont Guardsman Zach Fike to return lost or stolen military medals to veterans and their families. Each June, which is PTSD awareness month, 14th Star releases a special brew, 11Bravo, and hosts an annual event to support the Josh Pallotta fund for addressing veteran suicides, in memory of his fellow Vermont Guardsman.

Steve and 14th Star are proud and devoted members of the St. Albans and Franklin County community, serving every way possible, such as raising enough funds to ensure eggs and milk were supplied to a local kitchen for an entire year. 14th Star's tireless efforts to give back to their community and the State shows how far a small business's impact can go.

Marcelle and I have enjoyed getting to know Steve and his wife Nicole over the years. During the Vermont Brewers Festival in 2015, Steve kindly gave me a tour of the festival and introduced me to many amazing brewers within our State. Marcelle and I have also had the pleasure of visiting 14th Star Brewery, where we were impressed not only by the creativity and quality of the beer but also the sense of community they have fostered by creating a welcoming gathering space in St. Albans. His sister and business partner, Andrea Gagner, who is the CEO of 14th Star, has also joined us in DC to participate in the annual Taste of Vermont on Capitol Hill for 2 years, and Marcelle and I have enjoyed spending time with her at the event.

I was proud to hear that Steve was chosen as the Vermont Small Business Person of the Year earlier this year. I have seen firsthand the dedication Steve has not only to his community in St. Albans but also to the veteran's community. He has an outstanding work ethic and I applaud him for all the selfless work to give back to his community. I believe Steve truly exemplifies what it means to be a small business owner in Vermont and he is very deserving of this high recognition.

#### 100TH ANNIVERSARY OF HAZELETT CONTINUOUS CASTING

Mr. LEAHY. Mr. President, I would like to take a moment to recognize the success of another Vermont business, Hazelett Continuous Casting, which is celebrating its 100th anniversary of producing quality casting equipment and research. Hazelett is a true pioneer of continuous metal casting develop-

ment and research, growing from one man's dream into one of Vermont's most successful companies. As a fourth-generation, family-run company, it is fitting to look back on Hazelett's 100 years of public service and learn more about their history.

Hazelett's founder, Clarence W. Hazelett, worked tirelessly to design and develop continuous metal casting technology in 1919. Clarence's commitment was undying, his persistence to be a leader in this field led to his groundbreaking work being recognized through worldwide patents and technical publications. In 1924, Clarence established the first commercial continuous metals casting and processing company in the world, Hazelett Storage Battery Company. Upon his death, his two sons, William "Bill" and Richard, followed in his footsteps and took Hazelett a step further.

Bill took the reins from his father, becoming president of the company in 1956. Building on his father's foundation, Bill relocated the company to Colchester, VT, and renamed it Hazelett Strip-Casting Corporation. It was here that the family business grew into one of the world's leading continuous casting machine manufacturers. Bill went on to win the United States Small Business Administration National Exporter of the Year award in 2001 for his exemplary innovation and vision in building a very successful business in Vermont, boasting an employment of 145 people while accounting 70 percent of its \$23 million in sales to foreign business. Bill passed away in 2010, but his legacy lives on and continues in his son, David.

Today, with David at the helm, Hazelett has maintained their status as one of the world's leaders in continuous metal casting, expanding well beyond the Green Mountains. Hazelett's prominent presence around the globe is marked by the operation of their machines in 27 countries and the establishment of the only full-service Hazelett branch outside of the United States, Hazelett Trading in Shanghai, China. David's mission is clear: He hopes to offer the most cost-effective, environmentally friendly metals casting technology in the world. It pleases me to hear important Vermont values incorporated into Hazelett's work.

Hazelett has been an important contributor to not only the Vermont economy but the global economy. The Hazelett family and their employees have also helped build and support their home town of Colchester over this entire 100 years. A business of this magnitude in Vermont is a true gem and the years of dedication and hard work are exemplified through Hazelett's generations of leaders. I am incredibly proud of the continued dedication of each generation that has taken over the business. Congratulations to Hazelett Continuous Casting on 100 years of business, may your success continue for another 100 years.



### RECOGNIZING THE AMERICAN LEGION AUXILIARY

Mr. PETERS. Mr. President, I rise today to recognize the 100th anniversary of the American Legion Auxiliary. I appreciate the opportunity to speak about this esteemed organization and recognize their efforts supporting American servicemembers, veterans, and their families. The centennial celebration is a historic occasion for the State of Michigan, as well as the entire Nation.

The American Legion Auxiliary was founded in 1919 to support the efforts of the men in the American Legion. The women of the Auxiliary saw an opportunity to embark on a mission of their own, to not only support active servicemembers and veterans of World War I but also their communities and families. This mission resonated among others and by November 1920, there were 1,342 Auxiliary units founded across 43 States.

During World War II, the Auxiliary jumped into action again to serve brave servicemembers joining the fight. They established scholarships for students to train as nurses and fulfill needs on the frontlines, donated six mobile blood units to the Red Cross, and established an Emergency Voluntary Committee to support the war effort. At the beginning of World War I, there were approximately 500,000 enrolled members. After World War II, membership rose rapidly and peaked in 1955 with 1,001,545 members. Today, the American Legion Auxiliary consists of approximately 800,000 members who continue to support troops and veterans across the world in war and peacetime.

Communities throughout the State of Michigan, as well as across the country, benefit from the Auxiliary's advocacy and outreach. This past year, their work has culminated into over 40 million volunteer hours and \$37 million to charitable efforts across the United States. Their own charitable causes include Girls Nation and State, the Auxiliary Emergency Fund, and American Legion Child Welfare Foundation, as well as numerous scholarships and helping to fund veteran support services.

In addition to philanthropic work, the Auxiliary has advocated for veterans' rights and increased support for those who have served our Nation. They have advocated for legislation such as the GI bill, legislation that would expand U.S. Department of Veterans Affairs benefits, and efforts to help end homelessness among veterans.

It is my great pleasure to congratulate the American Legion Auxiliary on its centennial milestone and recognize the meaningful impact they continue to have in the State of Michigan and across our Nation. I ask my colleagues to join me in congratulating its members and their dedication to support servicemembers, veterans, and their families by promoting fellowship, patriotism, peace, and security throughout the world.

### TRIBUTE TO CHIEF MASTER SERGEANT MARCUS T. OATS

Ms. MURKOWSKI. Mr. President, today I wish to recognize and honor CMSgt Marcus Oats for his recent promotion to Chief Master Sergeant in the U.S. Air Force and upon the completion of his Air Force fellowship with my office.

Selection for chief master sergeant is extremely competitive, as only 1 percent of the Air Force's entire enlisted population may hold the pay grade of E-9 at any time. Chief Oats clearly epitomizes the finest qualities of a military leader, as evidenced by his distinguished career and elevation to the highest enlisted level of leadership within the Air Force. Chief Master Sergeant Oats entered the U.S. Air Force on September 4, 1996, as a services specialist and was later selected for retraining into the field of acquisition. Chief Oats' honorable service has spanned numerous overseas and state-side assignments including Southwest Asia, four States, and the Nation's Capital. He has also completed several deployments in support of Operations Allied Force, Enduring Freedom, and Inherent Resolve. Chief Oats currently serves as the senior enlisted advisor in the Office of the Secretary of the Air Force's Legislative Liaison Directorate. Chief Master Sergeant Oats has been chosen to repeatedly lead his airmen by example.

Despite years of challenging work schedules and countless military obligations, Chief Oats elected to make his education a priority. Since 2011, he has earned two associate's degrees, a bachelor's degree, a master's degree, and a graduate-level certificate.

Furthermore, Chief Oats' outstanding performance has garnered numerous accolades, including the 386th Expeditionary Wing Lance P. Sijan Leadership Award, two time 7th Bomb Wing Senior Noncommissioned Officer of the Year Award, and the Air Force Central Command Senior Noncommissioned Officer of the Year Award. As a true testament to Chief Master Sergeant Oats' exceptional career, he was selected to represent the U.S. Air Force on Capitol Hill as its enlisted legislative fellow in 2019. I was fortunate to have Chief Oats spend the year in my office as an integral part of Team Murkowski and was pleased with his professionalism, character, and devotion to duty.

Chief Oats joined my office in January of this year while serving as my defense fellow on behalf of the U.S. Air Force Legislative Fellowship Program. As the defense fellow, Chief Oats drafted legislation, prepared floor debate materials, planned and analyzed public policy, and served as a congressional liaison between Alaskans and industry or government representatives. Chief Oats is the first enlisted contracting airman selected for this position and is one of only two enlisted Active-Duty Air Force fellows currently serving in this capacity. Chief Oats is a Memphis

resident and an alumnus of Overton High School. He holds a bachelor of science in computer information systems and management, as well as a master's in business administration.

Chief Oats served as an integral member of our defense team, and I relied on his advice in support of Alaskans and all Americans. His tireless efforts were critical to the passage of the Merchant Mariners of World War II Congressional Gold Medal. This bill is to award a Congressional Gold Medal to the U.S. Merchant Mariners of World War II in recognition of their dedicated and vital service during World War II—service which proved instrumental in securing victory for the Allied powers. Moreover, Chief Oats led a bipartisan effort to introduce the sixth Defense Department Regional Securities Study Center, named after the late Alaska Senator Ted Stevens. The centers aim to support defense strategy objectives and policy priorities through a unique academic forum and to foster strong international networks of security leaders. He also helped secure several wins for Alaska in the Defense appropriations bill.

Chief Oats continued the extraordinary lineage of military fellows I have had the honor of working in my office, serving as a member of my team. He was also the first enlisted contracting fellow in Congress. It has been a great privilege to work with and get to know Chief Oats over the past 11 months. I know that my entire team will agree when I say Chief Oats will always be part of the Murkowski family.

As I thank Chief Oats for his service, I also thank his wonderful family who has remained by his side for his 23-year Air Force career. Chief Oats is married to Cecilia Oats. They have three children, Kayla, Mya, and Myles.

On behalf of the U.S. Congress and a thankful Nation, I want to express our gratitude to CMSgt Marcus T. Oats for his dedicated service to the U.S. Senate and to all Alaskans. We applaud Chief Oats on his recent promotion to chief master sergeant, the highest general enlisted rank of the Air Force, and hope the best for him in his next role of Legislative Advisor to the Chief Master Sergeant of the U.S. Air Force. Just as I have greatly benefited from Chief Oats' leadership and advice, I have no doubt that the U.S. Air Force will also reap the benefits from this true American. Thank you for everything Marcus.

### ADDITIONAL STATEMENTS

REMEMBERING BRIGADIER GENERAL JAMES KEMP MCLAUGHLIN

• Mrs. CAPITO. Mr. President, I rise today in remembrance of the life of Brig. Gen. James Kemp McLaughlin, who passed away this week after living an impressive 101 years full of honor,

integrity, and service to his Nation, State, and county. General McLaughlin was the epitome of what it means to be a member of the greatest generation. He worked hard, served his country, raised a family, and gave back to society more than he could have ever received in return.

Born in Braxton County, WV, in 1918, Kemp, as his family and friends called him, was raised during the Great Depression, and like many others of his generation, he learned the value of a day's work, to be thankful for what you have, and most importantly, how to survive in the face of adversity. After high school, he traveled to Morgantown to attend college at West Virginia University, where his interest in military service and aviation were first piqued when the Army Air Corps testing team visited the school's campus. A year later, he enlisted in the U.S. Army at the age of 21.

A year into his enlistment, the Japanese attacked the U.S. Naval Base at Pearl Harbor in Honolulu, HI, on December 7, 1941. It was not only "a date which will live in infamy," as President Roosevelt so memorably declared, but it was also Kemp's 23rd birthday. Soon after, he was deployed to England as a copilot and second lieutenant in the Mighty Eight's 92nd Bombardment Group, flying the B-17 bomber. The unit's mission was to carry out strategic bombing campaigns in France and Germany during World War II. During his first mission in France, his aircraft took multiple direct hits. McLaughlin returned fire, engaged in air-to-air combat, and eventually took down the enemy. This, in addition to his 38 other combat missions during World War II, were some of the most pivotal air raids in our country's military history. The successful mission he took part in to bomb facilities in Norway is credited with halting Germany's efforts to produce an atomic bomb and potentially saved millions of lives.

Upon returning to the United States in 1945, McLaughlin was recognized with numerous medals and awards, including the Distinguished Flying Cross with three clusters, the Air Corps Air Medal with eight clusters, the French Croix de Guerre, and a Presidential unit citation. He then accepted a commission as a lieutenant colonel before initially retiring in 1946, a retirement that would last 1 year, when he was asked to serve as the first commander of the West Virginia Air National Guard squadron. After the unit's service in the Korean war, he was promoted to full colonel and appointed as West Virginia's assistant adjutant general. McLaughlin was then promoted again in 1962 to brigadier general and continued to serve in leadership positions with the Air Guard until his retirement in 1977.

In addition to serving his Nation in uniform, Kemp also served his community as a Kanawha County Commissioner from 1962 to 1968 and then again from 1974 to 1976, when he was ap-

pointed to serve in the West Virginia House of Delegates. Even after he retired from both his military and public life, Kemp continued to give back to his community and the Air Guard. In recognition of his contributions to the West Virginia Air National Guard, the Charleston base was fittingly renamed McLaughlin Air National Guard Base during a ceremony I was honored to attend in January 2014.

In West Virginia, we are extremely proud of our military heroes, of which we have many. However, very few have had the impact on our State's military institutions and their reputation across the country as Brig. Gen. James Kemp McLaughlin. I am honored to have known him, West Virginia is fortunate to call him one of our own, and our Nation is forever thankful for his honorable service. Together, we grieve the loss of one of our greatest.●

#### REMEMBERING WILLIAM A. LOWRY

● Mr. CRAPO. Mr. President, along with my colleagues Senator JAMES RISCH, Representative MIKE SIMPSON, and Representative RUSS FULCHER, I pay tribute to Idahoan Bill Lowry, who was deeply respected among his peers and beyond, having earned a wonderful reputation with hard work and integrity. His wisdom, good will, and stature helped inspire the development of the Owyhee Initiative, which we expect to help secure the future of ranching families and the culture of Owyhee County.

The following is Bill's obituary honoring the life of this great American:

"William 'Bill' Anson Lowry was born June 6, 1921 to Charles and Sally Lowry joining a sister, Hazel in Bend, Oregon. He was later joined by 3 brothers (Bob, Al, and Richard) and 7 more sisters (Effa, Gladys, Rhonda, Alta, Dorothy, Betty Jean, and Peggy). The family lived in Prineville, Oregon where Bill began school. They moved a couple times but landed back in Prineville where Bill graduated from the 8th grade.

After his 8th grade graduation, he began working for the Stearns Cattle Company of Prineville. His Army discharge report listed his civilian occupation as 'cowpuncher'. Bill always had a lot of respect for the Stearns family and they became his second family. It was there that he met the love of his life, Vernita 'Nita' Hein, who was working in the cookhouse.

In 1942 after the bombing of Pearl Harbor, Bill was drafted into the United States Army. However, his induction was pushed back because of the flood of boys enlisting. Bill always wanted to honor the boys who quit school and rushed to enlist, describing many of them as being too young to shave. He related his experience and desire to honor these young men to Idaho State Representative Christy Zito at a meeting in Pleasant Valley. Christy then told his story to her friend, Brian Arnold, who composed a poem entitled Too Young to Shave. Through the good work of the Idaho Chapter of Dream Catchers, the poem is now engraved on a marble plaque and displayed in the Warhawk Museum in Nampa, Idaho, fulfilling his dream of honoring these young men.

While on leave from his time in the Army Corps of Engineers, he married Nita on July 31, 1945. He was discharged in November of

the same year and the young couple returned to Bill's job on the Stearns ranch. The couple began to save their money to realize their dream of owning their own ranch. They worked hard, lived simply, and saved every penny they could even with the addition of their sons, Tim and Mike.

Eventually they were able to lease a couple of ranches, later purchasing a ranch in Pleasant Valley, Idaho in 1965. One of Bill's greatest joys in life was working on his ranch and with his Hereford cattle. His love (some would say obsession) for Hereford cattle came from his years of working for the Stearns and with their reputation commercial and registered Hereford cattle. His passions were family, Hereford cattle, thoroughbred saddle horses, conservative politics, education, and unwavering patriotism.

Bill is survived by his sons and their families, Tim (Rosa Maria) and Mike (Gaylene); 10 siblings; 5 grandkids—Mirren Lowry, Amaya (Jim) O'Connor, Luke Lowry, Micki (Kevin) Golden, and Melissa (Cody) Bullock; and 9 great-grandchildren. He is preceded in death by his parents, Charles and Sally Lowry; oldest sister, Hazel; and wife, Nita. His family would like to express their deepest appreciation to the staff and residents of Grace Assisted Living in Nampa and the First Choice Hospice caregivers for their kindness to and care of Bill. He was grateful for all of you!"

The poem titled "Too Young to Shave" by Brian Arnold that was inspired by Bill and referenced in his obituary follows:

"His body was gnarled and twisted, like a wind-blown juniper tree

He'd seen the sunrise and seen the sun set more times than two of me.

Hobbling from his truck using two canes, so I stopped and held the door

He said, 'I'm here for the Town Hall meetin'. Is that what you're here for?'

I wondered aloud why a ninety-year-old man even cared about civic affairs

He said, 'Let me tell you a story.' So I grabbed a couple of chairs.

'When Pearl Harbor was bombed a bunch of us boys all went into town to join up

From the farms and ranches, and some from in town, we had an enemy to whup.

They took down our names and gave us a number, then said they'd give us a call

So many young fellers were signing up that they couldn't process them all.

Was a whole lot of youngsters standin in line, see they was lyin about their age

All ready to die for our country, while still too young to shave.

It took a few months before they got to us all, 'cause so many wanted to go

I was an infantryman in the Army, a regular G.I. Joe.

Saw many a good man die over there, it was a special kind of hell

We were all just tryin to do our part, for some it didn't work out well.

Most are buried in those foreign lands, they never did come home

They gave their all for freedom, across the briny foam.

That war's long over and there's been some since, but I can never forget

True comrades that I fought alongside, as they placed their final bet.

So that's why I'm here, just to make sure, that as long as our proud flag waves

I do my damndest to honor, those men too young to shave."

Bill was a blessing to his family and the community in which he lived, and he will be long-remembered with great affection and respect. We are all saddened by Bill's passing yet grateful for his life and legacy.●

## TRIBUTE TO CADEN DARROW

• Mr. ROUNDS. Mr. President, today I rise to recognize Caden Darrow, an intern in my Washington, DC, office, for all the hard work he has done on behalf of myself, my staff, and the State of South Dakota.

Caden is a graduate of Rapid City Central High School in Rapid City, SD. He is currently pursuing bachelor of science in political science at Arizona State University. Caden is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and has been a true asset to the office.

I extend my sincere thanks and appreciation to Caden for all of the fine work he has done and wish him continued success in the years to come.●

## TRIBUTE TO CARTER DYKSTRA

• Mr. ROUNDS. Mr. President, today I rise to recognize Carter Dykstra, an intern in my Washington, DC, office, for all the hard work he has done on behalf of myself, my staff, and the State of South Dakota.

Carter is a graduate of Platte High School in Platte, SD, and South Dakota State University in Brookings, SD. He is currently pursuing his master of business administration degree through the University of South Dakota in Vermillion, SD. Carter is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and has been a true asset to the office.

I extend my sincere thanks and appreciation to Carter for all of the fine work he has done and wish him continued success in the years to come.●

## TRIBUTE TO LIEUTENANT COLONEL ALLEN LAMB

• Mr. TILLIS. Mr. President, I rise today to pay tribute to Lt. Col. Allen Lamb, a retired Air Force pilot from the great State of North Carolina, for his many years of service to his country as a combat pilot and the important role he played in the development of U.S. Air Force tactics.

Lt. Col. Allen Lamb selflessly dedicated 20 years of his life to serving his country in the United States Air Force. During his service, he saw combat during both the Korean war and Vietnam war, while piloting a variety of aircraft from propeller-driven heavy bombers to the most advanced jet fighters of the era. Lieutenant Colonel Lamb had an uncanny ability of surviving the mid-air accidents that occurred on a few of the many combat and training missions that he participated in, and he is notable for successfully ejecting from four-engine, three-engine, and two-engine airplanes at different points during his career. From protecting his B-26 bomber as a tail gunner from Soviet MIG pilots over Korea, to being distinguished as the first American pilot to successfully de-

stroy North Vietnamese surface to air missile—SAM—sites in an F-100 Super Sabre fighter jet, Lieutenant Colonel Lamb's Cold War service consisted of many hazardous and diverse assignments.

Although it is difficult to narrow all of the spectacular and death-defying accomplishments of Lieutenant Colonel Lamb's career down to one specific achievement, his participation in the first "Wild Weasel" strike against a North Vietnamese SA-2 SAM site is particularly notable for the significant influence it had on future Air Force tactics. In 1965, early in the Vietnam War, the U.S. Air Force was losing a considerable number of planes during the strategic bombing campaign in North Vietnam due to the effectiveness of deadly Soviet-supplied SA-2 SAMs that were strategically scattered throughout the country. As a result, the Air Force developed a daring solution to counter the SAM threat that involved using agile F-100 Super Sabre and F-4 Phantom fighter jets to detect and suppress the missile launching sites. The innovative Air Force mission" was soon given the name "Wild Weasel" because the anti-SAM mission was reminiscent of the way a hunting ferret enters the den of its prey to kill it.

In late 1965, Lieutenant Colonel Lamb was given command of leading the first Wild Weasel mission, Wild Weasel I. On this mission, which took place just over 50 kilometers from the North Vietnamese capital Hanoi, Lieutenant Colonel Lamb and his navigator Jack Donovan flew extremely low on multiple strafing runs and were successful in destroying a SA-2 SAM site that was not previously known to exist. Both men were awarded the Distinguished Flying Cross by the Air Force for their efforts. Lieutenant Colonel Lamb respectfully declined receiving the Silver Star award when he was offered it because his crewman Jack Donovan was not also included. Wild Weasel I demonstrated that the Wild Weasel project was an effective method of identifying and eliminating enemy SAM capabilities, and it was essential in saving the lives of American bomber pilots as they continued to conduct missions over North Vietnam until 1973. Lieutenant Colonel Lamb completed the first, second, and third Wild Weasel kills during the war, and the tactics he was instrumental in developing during the Wild Weasel missions are still utilized in modern Air Force operations to suppress enemy air defenses.

As a U.S. Senator, a member of the Senate Armed Services Committee, and a North Carolinian, I am pleased to recognize and honor Lt. Col. Allen Lamb for his impressive career of military service, his critical role in the development of U.S. Air Force tactics, and his steadfast commitment to our country.●

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Roberts, one of his secretaries.

## PRESIDENTIAL MESSAGE

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SERIOUS HUMAN RIGHTS ABUSE AND CORRUPTION THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13818 OF DECEMBER 20, 2017—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13818 of December 20, 2017, is to continue in effect beyond December 20, 2019.

The prevalence and severity of human rights abuse and corruption that have their source, in whole or in substantial part, outside the United States, continue to threaten the stability of international political and economic systems. Human rights abuse and corruption undermine the values that form an essential foundation of stable, secure, and functioning societies; have devastating impacts on individuals; weaken democratic institutions; degrade the rule of law; perpetuate violent conflicts; facilitate the activities of dangerous persons; undermine economic markets; and continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13818 with respect to serious human rights abuse and corruption.

DONALD J. TRUMP.

THE WHITE HOUSE, December 18, 2019.

## MESSAGE FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills:

H.R. 722. An act to designate a mountain in the State of Utah as “Miracle Mountain”.

H.R. 2548. An act to modify eligibility requirements for certain hazard mitigation assistance programs, and for other purposes.

H.R. 2726. An act to amend title 49, United States Code, to prohibit smoking on Amtrak trains.

H.R. 3530. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to enforce the licensure requirements for medical providers of the Department of Veterans Affairs.

H.R. 4183. An act to direct the Comptroller General of the United States to conduct a study on disability and pension benefits provided to members of the National Guard and members of reserve components of the Armed Forces by the Department of Veterans Affairs, and for other purposes.

H.R. 4719. An act to amend the Federal share of the fishing safety standards grants.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 722. An act to designate a mountain in the State of Utah as “Miracle Mountain”; to the Committee on Energy and Natural Resources.

H.R. 1768. An act to reauthorize subtitle G of title VII of the Energy Policy Act of 2005, relating to diesel emissions reduction, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2548. An act to modify eligibility requirements for certain hazard mitigation assistance programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2726. An act to amend title 49, United States Code, to prohibit smoking on Amtrak trains; to the Committee on Commerce, Science, and Transportation.

H.R. 3530. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to enforce the licensure requirement for medical providers of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 4183. An act to direct the Comptroller General of the United States to conduct a study on disability and pension benefits provided to members of the National Guard and members of reserve components of the Armed Forces by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4719. An act to amend the Federal share of the fishing safety standards grants; to the Committee on Commerce, Science, and Transportation.

### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 397. An act to amend the Internal Revenue Code of 1986 to create a Pension Rehabilitation Trust Fund, to establish a Pension Rehabilitation Administration within the Department of the Treasury to make loans to multiemployer defined benefit plans, and for other purposes.

H.R. 1759. An act to amend title III of the Social Security Act to extend reemployment services and eligibility assessments to all claimants for unemployment benefits, and for other purposes.

H.R. 4018. An act to provide that the amount of time that an elderly offender must serve before being eligible for placement in home detention is to be reduced by

the amount of good time credits earned by the prisoner, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3564. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Gary J. Volesky, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3565. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Amendment to the Exemption from the Requirement of a Tolerance (Purpureocillium lilacinum (synonym *Paecilomyces lilacinus*) strain 251-FFDCA)” (FRL No. 10002-01-OCSPP) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3566. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Flutianil; Pesticide Tolerances” (FRL No. 10002-71-OCSPP) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3567. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fenpropathrin; Pesticide Tolerances for Emergency Exemptions” (FRL No. 10001-86-OCSPP) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3568. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Marine Diesel Engine Emission Standards; Amendments Related to Global Marine Fuel” (FRL No. 10003-29-OAR) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Environment and Public Works.

EC-3569. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “New Hampshire: Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference” (FRL No. 10003-06-Region 1) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Environment and Public Works.

EC-3570. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; AK; Infrastructure Requirements for the 2015 Ozone Standard” (FRL No. 10003-25-Region 10) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Environment and Public Works.

EC-3571. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; AK; 2015 Ozone Interstate Transport Requirements” (FRL No. 10003-24-Region 10) received in the Office

of the President of the Senate on December 16, 2019; to the Committee on Environment and Public Works.

EC-3572. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Ruling: 2019 Base Period T-Bill Rate” (Rev. Rul. 2019-27) received in the Office of the President of the Senate on December 17, 2019; to the Committee on Finance.

EC-3573. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Interim Amendment Deadline for 401(k) Hardship Distributions” (Rev. Proc. 2020-9) received in the Office of the President of the Senate on December 17, 2019; to the Committee on Finance.

EC-3574. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Foreign Tax Credit Guidance Related to the Tax Cuts and Jobs Act, Overall Foreign Loss Recapture, and Foreign Tax Redeterminations” (RIN1545-BP19) received in the Office of the President of the Senate on December 17, 2019; to the Committee on Finance.

EC-3575. A communication from the Case Officer, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Regular Rate under the Fair Labor Standards Act” (RIN1235-AA24) received in the Office of the President of the Senate on December 16, 2019; to the Committee on Health, Education, Labor, and Pensions.

### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-171. A petition from a citizen of the State of Texas relative to potential employers and salary disclosure; to the Committee on Health, Education, Labor, and Pensions.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 2365. A bill to amend the Indian Health Care Improvement Act to authorize urban Indian organizations to enter into arrangements for the sharing of medical services and facilities, and for other purposes (Rept. No. 116-180).

By Mr. RISCH, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 260. A resolution recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy.

By Mr. RISCH, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 482. A bill to strengthen the North Atlantic Treaty Organization, to combat international cybercrime, and to impose additional sanctions with respect to the Russian Federation, and for other purposes.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 641. A bill to update the map of, and modify the maximum acreage available for inclusion in, the Yucca House National Monument.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 774. A bill to adjust the boundary of the Santa Monica Mountains National Recreation Area to include the Rim of the Valley Corridor, and for other purposes.

S. 1262. A bill to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas, to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws, and for other purposes.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1890. A bill to provide for grants for energy efficiency improvements and renewable energy improvements at public school facilities.

S. 2108. A bill to amend section 6903 of title 31, United States Code, to provide for additional population tiers, and for other purposes.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2393. A bill to promote a 21st century energy workforce, and for other purposes.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2399. A bill to amend the Energy Policy Act of 2005 to improve State loan eligibility for projects for innovative technology.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 2660. A bill to establish a grant program for wind energy research, development, and demonstration, and for other purposes.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. RUBIO for the Committee on Small Business and Entrepreneurship.

\*Jovita Carranza, of Illinois, to be Administrator of the Small Business Administration.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SULLIVAN (for himself, Mr. KING, and Ms. MURKOWSKI):

S. 3080. A bill to state the policy of the United States regarding the need for strategic placement of military assets in the

Arctic, and for other purposes; to the Committee on Armed Services.

By Mr. GARDNER (for himself and Mr. MARKEY):

S. 3081. A bill to promote free and fair elections, political freedoms, and human rights in Cambodia, and for other purposes; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND (for herself, Ms. ERNST, and Mr. GRASSLEY):

S. 3082. A bill to establish a program to establish permanent features for flood control in areas in which temporary features have been constructed, and for other purposes; to the Committee on Environment and Public Works.

By Mr. YOUNG (for himself and Mr. VAN HOLLEN):

S. 3083. A bill to authorize a new type of housing choice voucher to help achieve the goals of ending homelessness among families with children, increasing housing opportunities, and improving life outcomes of poor children; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MORAN (for himself and Mr. TESTER):

S. 3084. A bill to amend title 38, United States Code, to modify the limitation on pay for certain high-level employees and officers of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CRAPO (for himself and Mr. BLUMENTHAL):

S. 3085. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. MORAN (for himself, Mr. SCOTT of Florida, Mr. BLUNT, Mr. HAWLEY, Mr. ROBERTS, and Ms. SINEMA):

S. 3086. A bill to provide for the conversion of temporary judgeships to permanent judgeships, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for Ms. WARREN (for herself and Mr. GARDNER)):

S. 3087. A bill to prohibit the Secretary of Veterans Affairs from denying home loans for veterans who legally work in the marijuana industry on the basis of the nature of such work, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. DUCKWORTH (for herself, Mr. DURBIN, and Mr. BOOKER):

S. 3088. A bill to provide assistance to public housing agencies that have failing properties in their inventories in order to protect the health and safety of public housing residents, to allow consortia to enter into single annual contributions contracts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER (for himself and Mr. HAWLEY):

S. 3089. A bill to improve the construction and leasing of medical facilities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SMITH (for herself and Ms. KLOBUCHAR):

S. 3090. A bill to establish a grant program to provide amounts to public housing agencies to install automatic sprinkler systems in public housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COONS (for himself and Ms. MURKOWSKI):

S. 3091. A bill to amend title 38, United States Code, to extend increased dependency and indemnity compensation paid to surviving spouses of veterans who die from amyotrophic lateral sclerosis, regardless of how long the veterans had such disease prior to death, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SMITH (for herself and Mr. BRAUN):

S. 3092. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the 180-day exclusivity period, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY:

S. 3093. A bill to improve the collection of broadband speed data by the Federal Communications Commission in order to support the effective deployment of broadband services to all areas in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERKLEY:

S. 3094. A bill to amend the Rural Electrification Act of 1936 to authorize the Administrator of the Rural Utilities Service to make telecommunications grants for the collection of broadband infrastructure data by local governments, economic development or other community organizations, electric or telephone cooperatives, and small internet providers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for Ms. WARREN (for herself, Mr. BENNET, Mr. SULLIVAN, Mr. TESTER, and Ms. ERNST)):

S. 3095. A bill to develop voluntary guidelines for accessible postsecondary electronic instructional materials and related technologies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 3096. A bill to amend the Public Health Service Act to authorize the Director of the Centers for Disease Control Prevention to develop a program to prevent the use of electronic nicotine delivery systems among students in middle and high schools, to award grants to State and local health agencies to implement such program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GARDNER (for himself and Ms. WARREN):

S. 3097. A bill to amend the Immigration and Nationality Act to provide an exception from the grounds of inadmissibility for participation in a cannabis business operating in compliance with State law; to the Committee on the Judiciary.

By Mr. PERDUE (for himself and Mr. ISAKSON):

S. 3098. A bill to redesignate the Jimmy Carter National Historic Site as the "Jimmy Carter National Historical Park"; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3099. A bill to provide for the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, and for other purposes; to the Committee on Indian Affairs.

By Ms. MURKOWSKI:

S. 3100. A bill to convey land in Anchorage, Alaska, to the Alaska Native Tribal Health Consortium, and for other purposes; to the Committee on Indian Affairs.

By Mr. MENENDEZ (for himself and Mr. CRAPO):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the cover over of distilled spirits taxes to Puerto Rico and Virgin Islands and to transfer a portion of such cover over to the Puerto Rico Conservation Trust Fund; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. HEINRICH, Mr. UDALL, Mr. PETERS, Ms. SMITH, Mr. CARDIN, Ms. HASSAN, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. DURBIN, Ms. WARREN, Mr. BLUMENTHAL, Ms. HIRONO, Mr.

WYDEN, Mr. BOOKER, Mr. SANDERS, Mr. BROWN, Mr. BENNET, Mr. REED, Mr. WARNER, Ms. BALDWIN, Mr. CASEY, and Mr. MARKEY):

S. 3102. A bill to require the Bureau of Economic Analysis of the Department of Commerce to provide estimates relating to the distribution of aggregate economic growth across specific percentile groups of income; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. LANKFORD):

S. 3103. A bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. PETERS, Mrs. MURRAY, Mr. REED, Mr. SCHATZ, and Ms. CANTWELL):

S. 3104. A bill to make technical corrections relating to parental leave for Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself and Mr. YOUNG):

S. 3105. A bill to designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the "Richard G. Lugar Post Office"; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCOTT of Florida (for himself, Mr. RUBIO, Mr. ISAKSON, Mr. PERDUE, Mr. SHELBY, and Mr. JONES):

S. Res. 457. A resolution condemning the terrorist attack at Naval Air Station Pensacola on Friday, December 6, 2019, honoring the members of the Navy who lost their lives in the attack, and expressing support and prayers for all individuals affected by the attack; considered and agreed to.

By Mr. SCHATZ (for himself, Ms. MURKOWSKI, Mr. PETERS, Mr. JOHNSON, Mrs. FEINSTEIN, Ms. COLLINS, Ms. HASSAN, Mrs. MURRAY, Ms. HARRIS, Ms. CORTEZ MASTO, Mr. SULLIVAN, Mr. BROWN, Mr. COONS, Mr. KAINE, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. BRAUN, Ms. KLOBUCHAR, Mr. MARKEY, Mr. CARPER, Mr. REED, Ms. HIRONO, Ms. ROSEN, Mr. KING, Ms. STABENOW, Mr. BOOKER, Mr. BENNET, Ms. SMITH, Mr. TESTER, Mr. WYDEN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JONES, Ms. CANTWELL, Mr. WARNER, Ms. DUCKWORTH, Ms. BALDWIN, Ms. SINEMA, Mr. HEINRICH, Mr. MANCHIN, Mrs. SHAHEEN, and Mr. MURPHY):

S. Con. Res. 31. A concurrent resolution recognizing the importance and significance of the 2020 Census and encouraging individuals, families, and households across the United States to participate in the 2020 Census to ensure a complete and accurate count; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 109

At the request of Mr. WICKER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 109, a bill to prohibit taxpayer funded abortions.

S. 133

At the request of Ms. MURKOWSKI, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 133, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 221

At the request of Mr. GARDNER, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 221, a bill to amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes.

S. 272

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 272, a bill to establish the policy of the United States regarding the no-first-use of nuclear weapons.

S. 327

At the request of Mrs. SHAHEEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 327, a bill to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability.

S. 750

At the request of Mr. BLUNT, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 750, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 866

At the request of Mr. VAN HOLLEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 866, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 978

At the request of Mr. PORTMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 978, a bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit.

S. 1007

At the request of Mr. CRAPO, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 1007, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1029

At the request of Mr. CORNYN, the names of the Senator from Massachu-

setts (Ms. WARREN), the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Iowa (Ms. ERNST) were added as cosponsors of S. 1029, a bill to allow the use of certified facility dogs in criminal proceedings in Federal courts, and for other purposes.

S. 1032

At the request of Mr. PORTMAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1032, a bill to amend the Internal Revenue Code of 1986 to modify the definition of income for purposes of determining the tax-exempt status of certain corporations.

S. 1153

At the request of Mr. BRAUN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1153, a bill to explicitly make unauthorized access to Department of Education information technology systems and the misuse of identification devices issued by the Department of Education a criminal act.

S. 1268

At the request of Mr. BURR, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1268, a bill to amend title XVIII of the Social Security Act to ensure that hospitals receive adequate payment for the acquisition of hematopoietic stem cells under the Medicare program, and for other purposes.

S. 1300

At the request of Mr. BLUNT, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1300, a bill to require the Secretary of the Treasury to mint a coin in commemoration of the opening of the National Law Enforcement Museum in the District of Columbia, and for other purposes.

S. 1381

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1381, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

At the request of Mr. BOOZMAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1381, *supra*.

S. 1572

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1572, a bill to amend the Higher Education Act of 1965 to require additional reporting on crime and harm that occurs during student participation in programs of study abroad, and for other purposes.

S. 1590

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.



1590, a bill to amend the State Department Basic Authorities Act of 1956 to authorize rewards for thwarting wildlife trafficking linked to transnational organized crime, and for other purposes.

S. 1757

At the request of Ms. ERNST, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1757, a bill to award a Congressional Gold Medal, collectively, to the United States Army Rangers Veterans of World War II in recognition of their extraordinary service during World War II.

S. 1767

At the request of Mr. BLUMENTHAL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1767, a bill to prohibit the manufacture for sale, offer for sale, distribution in commerce, or importation into the United States of any inclined sleeper for infants, and for other purposes.

S. 1820

At the request of Mrs. GILLIBRAND, the names of the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1820, a bill to improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority.

S. 1906

At the request of Mr. BOOZMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1906, a bill to require the Secretary of Veterans Affairs to provide financial assistance to eligible entities to provide and coordinate the provision of suicide prevention services for veterans at risk of suicide and veteran families through the award of grants to such entities, and for other purposes.

S. 1908

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1908, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 2001

At the request of Ms. STABENOW, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2001, a bill to award a Congressional Gold Medal to Willie O'Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity.

S. 2037

At the request of Ms. MURKOWSKI, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2037, a bill to amend the

STEM education program for American Indian, Alaska Native, and Native Hawaiian students under the Higher Education Act of 1965.

S. 2254

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2254, a bill to amend the Internal Revenue Code of 1986 to create a Pension Rehabilitation Trust Fund, to establish a Pension Rehabilitation Administration within the Department of the Treasury to make loans to multi-employer defined benefit plans, and for other purposes.

S. 2373

At the request of Ms. SMITH, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Ms. ERNST), the Senator from Maine (Mr. KING), the Senator from New Hampshire (Ms. HASSAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2373, a bill to amend the Public Health Service Act to improve obstetric care in rural areas.

S. 2417

At the request of Mr. KENNEDY, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 2417, a bill to provide for payment of proceeds from savings bonds to a State with title to such bonds pursuant to the judgment of a court.

S. 2641

At the request of Mr. RISCH, the name of the Senator from Nebraska (Mr. SASSE) was added as a cosponsor of S. 2641, a bill to promote United States national security and prevent the resurgence of ISIS, and for other purposes.

S. 2661

At the request of Mr. GARDNER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2661, a bill to amend the Communications Act of 1934 to designate 9-8-8 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line, and for other purposes.

S. 2673

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2673, a bill to amend title 10, United States Code, to provide for eating disorders treatment for members and certain former members of the uniformed services, and dependents of such members, and for other purposes.

S. 2680

At the request of Mr. RUBIO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2680, a bill to impose sanctions with respect to foreign support for Palestinian terrorism, and for other purposes.

S. 2777

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas

(Mr. COTTON), the Senator from California (Ms. HARRIS), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. MERKLEY), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Montana (Mr. TESTER) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S. 2777, a bill to assist States, tribes, territories, counties, and cities in implementing the Family First Prevention Services Act, and for other purposes.

S. 2803

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2803, a bill to provide Federal housing assistance on behalf of youths who are aging out of foster care, and for other purposes.

S. 2809

At the request of Mr. VAN HOLLEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2809, a bill to amend the Internal Revenue Code of 1986 to impose a surtax on high income individuals.

S. 2898

At the request of Mr. INHOFE, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2898, a bill to amend title 5, United States Code, to provide for a full annuity supplement for certain air traffic controllers.

S. 2916

At the request of Mr. LEAHY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2916, a bill to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 2953

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2953, a bill to provide congressional oversight of United States talks with Taliban officials and Afghanistan's comprehensive peace process.

S. 2965

At the request of Mr. DAINES, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2965, a bill to amend title 5, United States Code, to repeal the requirement that the United States Postal Service prepay future retirement benefits, and for other purposes.

S. 3051

At the request of Mr. BARRASSO, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 3051, a bill to improve protections for wildlife, and for other purposes.

S. 3054

At the request of Ms. MURKOWSKI, the names of the Senator from North Dakota (Mr. CRAMER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3054, a



bill to establish that a State-based education loan program is excluded from certain requirements relating to a preferred lender arrangement.

S. 3072

At the request of Mrs. HYDE-SMITH, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 3072, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the approval of new abortion drugs, to prohibit investigational use exemptions for abortion drugs, and to impose additional regulatory requirements with respect to previously approved abortion drugs, and for other purposes.

S. RES. 297

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. Res. 297, a resolution commending the Inter-American Foundation (IAF) on the occasion of its 50th anniversary for its significant accomplishments and contributions to the economic and social development of the Americas.

S. RES. 374

At the request of Mr. COTTON, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. Res. 374, a resolution expressing support for the designation of October 23, 2019, as a national day of remembrance of the tragic terrorist bombing of the United States Marine Corps barracks in Beirut, Lebanon, in 1983.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 3096. A bill to amend the Public Health Service Act to authorize the Director of the Centers for Disease Control and Prevention to develop a program to prevent the use of electronic nicotine delivery systems among students in middle and high schools, to award grants to State and local health agencies to implement such program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3096

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Providing Resources to End the Vaping Epidemic Now for Teenagers Act of 2020” or the “PREVENT Act of 2020”.

### SEC. 2. FINDINGS.

Congress finds the following:

- (1) High school e-cigarette use increased by 135 percent between 2017 and 2019.
- (2) Middle school e-cigarette use increased by approximately 218 percent between 2017 and 2019.
- (3) Results from the National Youth Tobacco Survey of the Centers for Disease Control and Prevention (in this section referred to as “CDC”) and the Food and Drug Administration (in this section referred to as “FDA”) published in December 2019 show that 27.5 percent of high school students and 10.5 percent of middle school students reported using an e-cigarette in the previous 30 days, up from 20.8 percent and 4.9 percent, respectively, in 2018.

(4) In 2019, more than one-third (34.2 percent) of high school e-cigarette users reported using e-cigarettes products frequently, on 20 to 30 days in the past month.

(5) The CDC, the FDA, the Department of Health and Human Services, the Surgeon General, and various State and local health authorities have determined the skyrocketing e-cigarette use amongst American youth to be an “epidemic”.

(6) According to the CDC, the use of nicotine among adolescents can be detrimental to memory making, learning, and behavior, and e-cigarette use has been linked to lung conditions and mysterious illness.

(7) According to data from the FDA’s Population Assessment of Tobacco and Health Study, youth e-cigarette use is associated with more than four times the odds of trying cigarettes and nearly three times the odds of current cigarette use.

(8) The CDC and FDA continue to reiterate that the use of any tobacco product, including e-cigarettes, is unsafe for young people.

### SEC. 3. GRANT PROGRAM TO PREVENT THE USE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS IN MIDDLE AND HIGH SCHOOLS.

Title III of the Public Health Service Act is amended by inserting after section 317T of such Act (42 U.S.C. 247b-22) the following:

#### “SEC. 317U. GRANT PROGRAM TO PREVENT THE USE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS IN MIDDLE AND HIGH SCHOOLS.

“(a) ESTABLISHMENT.—The Secretary, acting through the Director, in coordination with the Commissioner of Food and Drugs, shall—

“(1) develop a program to prevent the use of electronic nicotine delivery systems among students in middle and high schools; and

“(2) award grants to eligible entities to implement such program in the geographic area served by such agencies and organizations.

“(b) ELIGIBLE ENTITIES.—To seek a grant under this section, an entity shall be—

“(1) a State or local health agency;

“(2) a nonprofit organization; or

“(3) if the grant is to serve students in a rural area, a partnership of—

“(A) an entity described in paragraph (1) or (2); and

“(B) a local educational agency or a hospital.

“(c) PROGRAM REQUIREMENTS.—The program developed under subsection (a)(1) to prevent the use of electronic nicotine delivery systems among students in middle and high schools shall address each of the following:

“(1) Training for school personnel to identify and prevent the use by youth of electronic nicotine delivery systems.

“(2) Creating and distributing educational resources for preventing the use of electronic nicotine delivery systems, designed for students, parents, and school personnel.

“(3) Social media and marketing campaigns to educate students on the health risks of the use of electronic nicotine delivery systems and nicotine addiction, to be designed by the Centers for Disease Control and Prevention and implemented by grantees in partnership with private advertising companies, nonprofit organizations, and advocacy organizations that specialize in youth substance use prevention and addiction treatment.

“(4) Resources for students on how to communicate with their peers on the dangers of e-cigarette use.

“(5) Partnering with school counseling personnel to assist students impacted by youth vaping.

“(6) Offering public health resources and counseling to help treat youth nicotine addiction and recovery.

“(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities proposing to serve underserved populations with the greatest use of vaping products.

“(e) APPLICATION.—To seek a grant under subsection (a)(2), an eligible entity shall submit an application at such time, in such manner, and containing such information as the Director may require.

“(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure that such grants are distributed equitably across urban and rural areas.

“(g) CONSULTATION.—As a condition on receipt of a grant under subsection (a)(2), an eligible entity shall agree that, in carrying out its program funded through the grant, the agency will consult with the following:

“(1) Public health, health care, and youth vaping prevention advocacy organizations, and organizations representing educators.

“(2) Organizations that specialize in addiction prevention and treatment.

“(3) Mental health and medical specialists, including professionals who specialize in child development.

“(4) School principals and other school administrators.

“(h) REPORTING.—

“(1) BY GRANTEE.—As a condition on the receipt of a grant under subsection (a)(2), an eligible entity shall agree to submit to the Director a report annually over the grant period. Each such report shall address the following:

“(A) The greatest obstacles in implementing the program developed under subsection (a)(1).

“(B) The greatest obstacles in preventing the use by youth of electronic nicotine delivery systems.

“(C) Additional resources are needed to address the popularity of electronic delivery systems and youth vaping culture.

“(2) REPORTING BY CDC.—Not later than 2 years after the program is developed pursuant to subsection (a)(1), and annually thereafter, the Director shall submit to Congress a report on the following:

“(A) How the funds made available for carrying out this section were used in developing a program under subsection (a)(1) and implementing such program through grants under subsection (a)(2).

“(B) Which strategies or resources were effective in preventing the use by youth of electronic nicotine delivery systems.

“(C) Which strategies or resources were not effective in preventing the use by youth of electronic nicotine delivery systems.

“(3) POSTING OF REPORTS AND COMPILED FINDINGS.—The Director shall—

“(A) not later than 60 days after receiving a report submitted by a grantee pursuant to paragraph (1), summarize the key findings of such report and post such summary on the public internet website of the Centers for Disease Control and Prevention; and

“(B) not later than 60 days after submitting a report to Congress under paragraph (2), summarize the key findings of the report and post such summary on such public internet website.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘Director’ means the Director of the Centers for Disease Prevention and Control.

“(2) The term ‘electronic nicotine delivery system’ has the meaning given to such term

in section 919A of the Federal Food, Drug, and Cosmetic Act.

“(j) FUNDING.—Out of amounts collected as fees under section 919A of the Federal Food, Drug, and Cosmetic Act, there are authorized to be appropriated to carry out this section the following:

“(1) For fiscal year 2021, \$200,000,000.

“(2) For each of fiscal years 2022 and 2023, the amount described in paragraph (1), adjusted by the percentage change in the Consumer Price Index for all urban consumers (all items; United States city average) between 2021 and the applicable year.”.

#### SEC. 4. USER FEES RELATING TO ELECTRONIC NICOTINE DELIVERY SYSTEMS.

(a) IN GENERAL.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387 et seq.) is amended by inserting after section 919 the following:

##### “SEC. 919A. USER FEES RELATING TO ELECTRONIC NICOTINE DELIVERY SYSTEMS.

“(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning with fiscal year 2021, the Secretary, acting through the Commissioner of Food and Drugs, shall assess user fees on, and collect such fees from, each manufacturer and importer of electronic nicotine delivery systems. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

“(b) ASSESSMENT OF USER FEE.—

“(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

“(A) For fiscal year 2021, \$200,000,000.

“(B) For fiscal year 2022 and fiscal year 2023, the amount described in subparagraph (A), adjusted by the percentage change in the Consumer Price Index for all urban consumers (all items; United States city average) between 2021 and the applicable year.

“(2) DETERMINATION OF USER FEE BY COMPANY.—The total user fee to be paid by each manufacturer or importer of electronic nicotine delivery systems shall be determined for each quarter pursuant to a formula developed by the Secretary.

“(3) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of electronic nicotine delivery systems subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

“(4) CALCULATION OF MARKET SHARE.—Beginning not later than fiscal year 2020, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine—

“(A) the annual amount of total sales in the electronic nicotine delivery system market of the United States; and

“(B) the applicable percentage shares under paragraph (2).

“(c) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the ‘Food and Drug Administration—Salaries and Expenses’ account without fiscal year limitation to such appropriation ac-

count for salaries and expenses with such fiscal year limitation.

“(2) AVAILABILITY.—Fees appropriated under paragraph (3) shall be—

“(A) transferred to the Centers for Disease Control and Prevention; and

“(B) available only for the purpose of paying the costs of carrying out section 317U of the Public Health Service Act.

“(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2021 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

“(d) APPLICABILITY TO FISCAL YEAR 2020.—If the date of enactment of the Providing Resources to End the Vaping Epidemic Now for Teenagers Act of 2020 occurs during fiscal year 2021, the following applies:

“(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the ‘quarterly fee amount’).

“(2) For the quarter in which such date of enactment occurs and any preceding quarter of fiscal year 2021, fees shall not be assessed or collected under this section.

“(3) The amount specified in subsection (b)(1)(A) is deemed to be reduced by the quarterly amount for each quarter for which fees are not assessed or collected by operation of paragraph (3).

“(4) For any quarter in fiscal year 2021 following the quarter in which the date of enactment of the Providing Resources to End the Vaping Epidemic Now for Teenagers Act of 2020 occurs, the full quarterly fee amount shall be assessed and collected.”.

(b) ENFORCEMENT.—

(1) IN GENERAL.—Section 902(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387b(4)) is amended by inserting “, or the manufacturer or importer of electronic nicotine delivery systems fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919A by the date specified in section 919A or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee” before the semicolon.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the later of October 1, 2021, or the date of enactment of this Act.

(c) DEFINITION.—Section 900 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387) is amended—

(1) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) ELECTRONIC NICOTINE DELIVERY SYSTEM.—The term ‘electronic nicotine delivery system’—

“(A) means a tobacco product that is an electronic device that delivers nicotine, flavor, or another substance via an aerosolized solution to the user inhaling from the device (including e-cigarettes, e-hookah, e-cigs, vape pens, advanced refillable personal vaporizers, and electronic pipes) and any component, liquid, part, or accessory of such a device, whether or not sold separately; and

“(B) does not include a product that is approved by the Food and Drug Administration for sale as a tobacco cessation product or for another therapeutic purpose.”.

By Mr. SCHUMER (for himself,  
Mr. HEINRICH, Mr. UDALL, Mr.  
PETERS, Ms. SMITH, Mr. CARDIN,  
Ms. HASSAN, Ms. KLOBUCHAR,

Mr. VAN HOLLEN, Mr. DURBIN,  
Ms. WARREN, Mr. BLUMENTHAL,  
Ms. HIRONO, Mr. WYDEN, Mr.  
BOOKER, Mr. SANDERS, Mr.  
BROWN, Mr. BENNET, Mr. REED,  
Mr. WARNER, Ms. BALDWIN, Mr.  
CASEY, and Mr. MARKEY):

S. 3102. A bill to require the Bureau of Economic Analysis of the Department of Commerce to provide estimates relating to the distribution of aggregate economic growth across specific percentile groups of income; to the Committee on Commerce, Science, and Transportation.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3102

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Measuring Real Income Growth Act of 2019”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Economic inequality in the United States has increased dramatically during the 4 decades preceding the date of enactment of this Act, with fewer households taking home a larger share of the national income.

(2) While growth was once distributed relatively evenly across all individuals in the United States, research shows that economic gains are increasingly enjoyed by the most affluent. By contrast, the majority of individuals in the United States have seen income and wage growth significantly below what is suggested by national measures of output and income.

(3) The Bureau of Economic Analysis of the Department of Commerce (referred to in this section as “BEA”) reports annual and quarterly estimates of gross domestic product (referred to in this section as “GDP”) in the United States. These estimates are important measures of the overall size and health of the economy of the United States but do not describe how economic gains are distributed across the population of the United States.

(4) In a country of 325,000,000 individuals, top-line GDP numbers do not capture the full range of household economic experiences and may be misleading. For example, the real GDP grew more than 3 percent annually between 2003 and 2005, but the average income for ½ of all individuals in the United States fell during that period.

(5) Disaggregating economic growth by income groups will provide a more complete picture of how families in the United States are faring across all rungs of the economic ladder and whether economic growth is benefiting all individuals in the United States.

(6) Recent academic estimates of distributional growth show how much of the economic gains during the 40 years preceding the date of enactment of this Act have accrued to the top of the income distribution. Between 1980 and 2014, the average income of the top 1 percent of the income distribution grew 5 times as much as the average income of the bottom 90 percent of the income distribution and more than 9 times as much as the average income of the bottom ½.

(7) Official and timely estimates of distributional growth from BEA, reported alongside top-line GDP numbers, would enable Congress to better evaluate economic

policies that impact every individual in the United States.

(8) Efforts to address slow wage growth, stagnant incomes, and growing economic inequality require broadening the focus beyond GDP and obtaining metrics that better correspond to the experiences of all families in the United States.

### SEC. 3. ESTIMATES OF AGGREGATE ECONOMIC GROWTH ACROSS INCOME GROUPS.

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term “Bureau” means the Bureau of Economic Analysis of the Department of Commerce.

(2) GROSS DOMESTIC PRODUCT ANALYSIS.—The term “gross domestic product analysis”

(A) means a quarterly or annual analysis conducted by the Bureau with respect to the gross domestic product of the United States; and

(B) includes a revision prepared by the Bureau of an analysis described in subparagraph (A).

(b) INCLUSION IN REPORTS.—

(1) IN GENERAL.—With respect to each gross domestic product analysis that is conducted on or after the date that is 1 year after the date of enactment of this Act, the Bureau shall include in the gross domestic product analysis a recent estimate of, with respect to specific percentile groups of income, the total amount that was added to the economy of the United States during the period to which the gross domestic product analysis pertains, including in—

(A) each of the 10 deciles of income; and

(B) the highest 1 percent of income.

(2) RECENT ESTIMATES.—With respect to each recent estimate that, under paragraph (1), the Bureau is required to include in a gross domestic product analysis, that estimate shall be the most recent estimate that is available on the date on which that gross domestic product analysis is conducted.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce such sums as are necessary to carry out this subsection.

(c) AUTHORITY TO SHARE INFORMATION WITH BEA.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(j)(1) of the Internal Revenue Code of 1986 is amended by striking “such return information reflected on returns of corporations” and inserting “such returns, or return information reflected thereon.”

(2) APPLICATION OF SUBCHAPTER III OF CHAPTER 35 OF TITLE 44.—The provisions of subchapter III of chapter 35 of title 44, United States Code, relating to the confidentiality and disclosure of information shall apply to any return or return information acquired by the Bureau under section 6103(j)(1)(B) of the Internal Revenue Code, as amended by paragraph (1).

By Mr. DURBIN (for himself and Mr. LANKFORD):

S. 3103. A bill to amend title XVIII of the Social Security Act to restore State authority to waive for certain facilities the 35-mile rule for designating critical access hospitals under the Medicare program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3103

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Hospital Closure Relief Act of 2019”.

### SEC. 2. RESTORING STATE AUTHORITY TO WAIVE THE 35-MILE RULE FOR CERTAIN MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATIONS.

Section 1820 of the Social Security Act (42 U.S.C. 1395i-4) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B)(i)—

(i) in subclause (I), by striking at the end “or”;

(ii) in subclause (II), by inserting at the end “or”;

(iii) by adding at the end the following new subclause:

“(III) subject to subparagraph (G), is a hospital described in subparagraph (F) and is certified on or after the date of the enactment of the Rural Hospital Closure Relief Act of 2019 by the State as being a necessary provider of health care services to residents in the area;”;

(B) by adding at the end the following new subparagraphs:

“(F) HOSPITAL DESCRIBED.—For purposes of subparagraph (B)(i)(III), a hospital described in this subparagraph is a hospital that—

“(i) is a sole community hospital (as defined in section 1886(d)(5)(D)(iii)), a medicare dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv)), a low-volume hospital that in 2019 receives a payment adjustment under section 1886(d)(12), or a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that has fewer than 50 beds;

“(ii) is located in a rural area, as defined by the Secretary, based on the most recent rural urban commuting area code (or its successor criteria) as set forth by the Office of Management and Budget;

“(iii) as determined by the Secretary, serves a patient population—

“(I) with a high percentage, relative to the national or statewide average, of individuals with income that is below 150 percent of the poverty line;

“(II) in a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act); or

“(III) that represents a high proportion, relative to the national or statewide average, of individuals entitled to part A or enrolled under part B of this title or enrolled under a State plan under title XIX;

“(iv) has demonstrated to the Secretary, at such time and in such manner as the Secretary determines appropriate, two consecutive years of financial losses preceding the date of certification described in subparagraph (B)(i)(III); and

“(v) submits to the Secretary, at such time and in such manner as the Secretary may require, an attestation that the Secretary determines to be satisfactory, outlining the good governance qualifications and strategic plan for multi-year financial solvency of the hospital.

“(G) LIMITATION ON CERTAIN DESIGNATIONS.—

“(i) IN GENERAL.—The Secretary may not under subsection (e) certify pursuant to a certification by a State under subsection (c)(2)(B)(i)(III)—

“(I) more than a total of 200 facilities as critical access hospitals; and

“(II) subject to clause (ii), within any one State, more than 15 facilities as critical access hospitals.

“(ii) STATE PETITION.—The Secretary may apply, with respect to a State, the limitation under clause (i)(II) by substituting a number that is greater than the number specified in such clause if the State petitions the Secretary, in accordance with a process established by the Secretary, to increase such number.”;

(2) in subsection (e), by inserting “, subject to subsection (c)(2)(G),” after “The Secretary shall”.

By Mr. SCHUMER (for himself, Mr. PETERS, Mrs. MURRAY, Mr. REED, Mr. SCHATZ, and Ms. CANTWELL):

S. 3104. A bill to make technical corrections relating to parental leave for Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3104

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Employee Parental Leave Technical Correction Act”.

### SEC. 2. FAMILY AND MEDICAL LEAVE AMENDMENTS.

(a) IN GENERAL.—

(1) PAID PARENTAL LEAVE FOR EMPLOYEES OF DISTRICT OF COLUMBIA COURTS AND DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—

(A) DISTRICT OF COLUMBIA COURTS.—Section 11-1726, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to nonjudicial employees of the District of Columbia courts, the Joint Committee on Judicial Administration shall, notwithstanding any provision of such Act, establish a paid parental leave program for the leave described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)) (relating to leave provided in connection with the birth of a child or the placement of a child for adoption or foster care). In developing the terms and conditions for this program, the Joint Committee may be guided by the terms and conditions applicable to the provision of paid parental leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.”.

(B) DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE.—Section 305 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1605, D.C. Official Code) is amended by adding at the end the following new subsection:

“(d) In carrying out the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) with respect to employees of the Service, the Director shall, notwithstanding any provision of such Act, establish a paid parental leave program for the leave described in subparagraphs (A) and (B) of section 102(a)(1) of such Act (29 U.S.C. 2612(a)(1)) (relating to leave provided in connection with the birth of a child or the placement of a child for adoption or foster care). In developing the terms and conditions for this program, the Director may be guided by the terms and conditions applicable to the provision of paid parental leave for employees of the Federal Government under chapter 63 of title 5, United States Code, and any corresponding regulations.”.

(2) CLARIFICATION OF USE OF OTHER LEAVE IN ADDITION TO 12 WEEKS AS FAMILY AND MEDICAL LEAVE.—

(A) TITLE 5.—Section 6382(a) of title 5, United States Code, as amended by section

7602 of the National Defense Authorization Act for Fiscal Year 2020, is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(or, in the case of leave that includes leave under subparagraph (A) or (B) of this paragraph, 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))” after “12 administrative workweeks of leave”; and

(ii) in paragraph (4), by inserting “(or 26 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B)(ii))” after “26 administrative workweeks of leave”.

(B) CONGRESSIONAL EMPLOYEES.—Section 202(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(a)(1)), as amended by section 7603 of the National Defense Authorization Act for Fiscal Year 2020, is amended—

(i) in the second sentence, by inserting “and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section” before the period; and

(ii) by striking the third sentence and inserting the following: “For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) or (B) of section 102(a)(1) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus any additional period of leave used under subsection (d)(2)(B) of this section.”.

(C) OTHER EMPLOYEES COVERED UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(a)) is amended by adding at the end the following:

“(6) SPECIAL RULES ON PERIOD OF LEAVE.—With respect to an employee of the Government Accountability Office and an employee of the Library of Congress—

“(A) in the case of leave that includes leave under subparagraph (A) or (B) of paragraph (1), the employee shall be entitled to 12 administrative workweeks of leave plus any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be; and

“(B) for purposes of paragraph (4), the employee is entitled, under paragraphs (1) and (3), to a combined total of 26 workweeks of leave plus, if applicable, any additional period of leave used under subsection (d)(3)(B)(ii) of this section or section 202(d)(2)(B) of the Congressional Accountability Act of 1995 (2 U.S.C. 1312(d)(2)(B)), as the case may be.”.

(3) APPLICABILITY.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(b) PAID PARENTAL LEAVE FOR PRESIDENTIAL EMPLOYEES.—

(1) AMENDMENTS TO CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—Section 412 of title 3, United States Code, is amended—

(A) in subsection (a)(1), by adding at the end the following: “In applying section 102 of such Act with respect to leave for an event described in subsection (a)(1)(A) or (B) of such section to covered employees, subsection (c) of this section shall apply and in the case of leave that includes leave for such an event, the period of leave to which a covered employee is entitled under section 102(a)(1) of such Act shall be 12 administrative workweeks of leave plus any additional

period of leave used under subsection (c)(2)(B) of this section. For purposes of applying section 102(a)(4) of such Act, in the case of leave that includes leave under subparagraph (A) or (B) of section 102(a)(1) of such Act, a covered employee is entitled, under paragraphs (1) and (3) of section 102(a) of such Act, to a combined total of 26 workweeks of leave plus any additional period of leave used under subsection (c)(2)(B) of this section.”;

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(C) by inserting after subsection (b) the following:

“(c) SPECIAL RULE FOR PAID PARENTAL LEAVE.—

“(1) SUBSTITUTION OF PAID LEAVE.—A covered employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) any paid leave which is available to such employee for that purpose.

“(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

“(A) the number of weeks of paid parental leave in connection with the birth or placement involved that corresponds to the number of administrative workweeks of paid parental leave available to employees under section 6382(d)(2)(B)(i) of title 5, United States Code; and

“(B) during the 12-month period referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) and in addition to the administrative workweeks described in subparagraph (A), any additional paid vacation, personal, family, medical, or sick leave provided by the employing office to such employee.

“(3) LIMITATION.—Nothing in this section or section 102(d)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)(2)(A)) shall be considered to require or permit an employing office to require that an employee first use all or any portion of the leave described in paragraph (2)(B) before being allowed to use the paid parental leave described in paragraph (2)(A).

“(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

“(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office;

“(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use; and

“(C) shall apply without regard to the limitations in subparagraph (E), (F), or (G) of section 6382(d)(2) of title 5, United States Code, or section 104(c)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2614(c)(2)).”; and

(D) in subsection (e)(1), as so redesignated, by striking “subsection (c)” and inserting “subsection (d)”.

(2) APPLICABILITY.—The amendments made by this subsection shall not be effective with respect to any birth or placement occurring before October 1, 2020.

(c) FAA AND TSA.—

(1) APPLICATION OF FEDERAL FML.—

(A) IN GENERAL.—Section 40122(g)(2) of title 49, United States Code, is amended—

(i) in subparagraph (I)(iii), by striking “and” at the end;

(ii) in subparagraph (J), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following: “(K) subchapter V of chapter 63, relating to family and medical leave.”.

(B) APPLICABILITY.—The amendments made by subparagraph (A) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

(2) CORRECTIONS FOR TSA SCREENERS.—Section 7606 of the National Defense Authorization Act for Fiscal Year 2020 is amended—

(A) by striking “Section 111(d)(2)” and inserting the following:

“(a) IN GENERAL.—Section 111(d)(2)”; and

(B) by adding at the end the following:

“(b) EFFECTIVE DATE; APPLICATION.—  
“(1) IN GENERAL.—The amendment made by subsection (a) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

“(2) APPLICATION TO SERVICE REQUIREMENT FOR ELIGIBILITY.—For purposes of applying the period of service requirement under subparagraph (B) of section 6381(1) to an individual appointed under section 111(d)(1) of the Aviation and Transportation Security Act (49 U.S.C. 44935 note), the amendment made by subsection (a) of this section shall apply with respect to any period of service by the individual under such an appointment, including service before the effective date of such amendment.”.

(d) TITLE 38 EMPLOYEES.—

(1) IN GENERAL.—Section 7425 of title 38, United States Code, is amended—

(A) in subsection (b), by striking “Notwithstanding” and inserting “Except as provided in subsection (c), and notwithstanding”; and

(B) by adding at the end the following:

“(c) Notwithstanding any other provision of this subchapter, the Administration shall provide to individuals appointed to any position described in section 7421(b) who are employed by the Administration family and medical leave in the same manner, to the maximum extent practicable, as family and medical leave is provided under subchapter V of chapter 63 of title 5 to employees, as defined in section 6381(1) of such title.”.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall not be effective with respect to any event for which leave may be taken under subchapter V of chapter 63 of title 5, United States Code, occurring before October 1, 2020.

(e) ARTICLE I JUDGES.—

(1) BANKRUPTCY JUDGES.—Section 153(d) of title 28, United States Code, is amended—

(A) by striking “A bankruptcy judge” and inserting “(1) Except as provided in paragraph (2), a bankruptcy judge”; and

(B) by adding at the end the following:

“(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a bankruptcy judge as if the bankruptcy judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

(2) MAGISTRATE JUDGES.—Section 631(k) of title 28, United States Code, is amended—

(A) by striking “A United States magistrate judge” and inserting “(1) Except as provided in paragraph (2), a United States magistrate judge”; and

(B) by adding at the end the following:

“(2) The provisions of subchapter V of chapter 63 of title 5 shall apply to a United States magistrate judge as if the United States magistrate judge were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”.

(f) TECHNICAL CORRECTIONS.—

(1) Section 7605 of the National Defense Authorization Act for Fiscal Year 2020 is amended by striking “on active duty” each place it appears and inserting “on covered active duty”.

(2) Subparagraph (E) of section 6382(d)(2) of title 5, United States Code, as added by section 7602 of the National Defense Authorization Act for Fiscal Year 2020, is amended by striking “the requirement to complete” and all that follows and inserting “the service requirement under subparagraph (B) of section 6381(1).”.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted immediately after the enactment of the National Defense Authorization Act for Fiscal Year 2020.

By Mr. BRAUN (for himself and Mr. YOUNG):

S. 3105. A bill to designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the “Richard G. Lugar Post Office”; considered and passed.

S. 3105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RICHARD G. LUGAR POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, shall be known and designated as the “Richard G. Lugar Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Richard G. Lugar Post Office”.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 457—CONDEMNING THE TERRORIST ATTACK AT NAVAL AIR STATION PENSACOLA ON FRIDAY, DECEMBER 6, 2019, HONORING THE MEMBERS OF THE NAVY WHO LOST THEIR LIVES IN THE ATTACK, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL INDIVIDUALS AFFECTED BY THE ATTACK

Mr. SCOTT of Florida (for himself, Mr. RUBIO, Mr. ISAKSON, Mr. PERDUE, Mr. SHELBY, and Mr. JONES) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Whereas, on the morning of Friday, December 6, 2019, a second lieutenant in the Royal Saudi Air Force killed 3 sailors and wounded 8 additional individuals in a terrorist attack at Naval Air Station Pensacola;

Whereas the 3 victims killed in the attack—

(1) were sailors in aviation training at Naval Air Station Pensacola; and

(2) showed heroism and bravery in the face of evil as they ran towards the shooter, which saved lives;

Whereas Airman Mohammed Sameh Haitham of St. Petersburg, Florida, who was 19 years of age, served the United States with honor and distinction, having recently completed basic military training;

Whereas Ensign Joshua Kaleb Watson of Enterprise, Alabama, who was 23 years of age, served the United States with honor and distinction, having recently graduated from the United States Naval Academy;

Whereas Airman Apprentice Cameron Scott Walters of Richmond Hill, Georgia,

who was 21 years of age, served the United States with honor and distinction, having recently completed basic military training;

Whereas the response of Naval Security Forces personnel and local law enforcement officials prevented the additional loss of life; and

Whereas the people of the United States—

(1) stand united around the community of Pensacola and the families and communities of the victims to support all individuals affected by the attack; and

(2) pray for healing and peace: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the terrorist attack of December 6, 2019, at Naval Air Station Pensacola;

(2) honors the sacrifice and memory of the 3 members of the Navy who lost their lives in the attack;

(3) recognizes the skill and heroism of the law enforcement officials, the members of the Armed Forces, and the first responders who came to the aid of others during the attack;

(4) commends the efforts of individuals who are working to—

(A) care for those who were injured during the attack; and

(B) investigate this horrific incident;

(5) extends its heartfelt condolences and prayers to the families of those who were killed in the attack and to all of the individuals affected in the community of Pensacola and in the United States; and

(6) pledges to continue to work together to prevent future attacks.

SENATE CONCURRENT RESOLUTION 31—RECOGNIZING THE IMPORTANCE AND SIGNIFICANCE OF THE 2020 CENSUS AND ENCOURAGING INDIVIDUALS, FAMILIES, AND HOUSEHOLDS ACROSS THE UNITED STATES TO PARTICIPATE IN THE 2020 CENSUS TO ENSURE A COMPLETE AND ACCURATE COUNT

Mr. SCHATZ (for himself, Ms. MURKOWSKI, Mr. PETERS, Mr. JOHNSON, Mrs. FEINSTEIN, Ms. COLLINS, Ms. HASSAN, Mrs. MURRAY, Ms. HARRIS, Ms. CORTEZ MASTO, Mr. SULLIVAN, Mr. BROWN, Mr. COONS, Mr. KAINE, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. BRAUN, Ms. KLOBUCHAR, Mr. MARKEY, Mr. CARPER, Mr. REED, Ms. HIRONO, Ms. ROSEN, Mr. KING, Ms. STABENOW, Mr. BOOKER, Mr. BENNET, Ms. SMITH, Mr. TESTER, Mr. WYDEN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JONES, Ms. CANTWELL, Mr. WARNER, Ms. DUCKWORTH, Ms. BALDWIN, Ms. SINEMA, Mr. HEINRICH, Mr. MANCHIN, Mrs. SHAHEEN, and Mr. MURPHY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Whereas the Constitution of the United States requires an actual enumeration of the population every 10 years, with the 2020 count beginning in remote Alaska in January 2020 and elsewhere in the United States in March 2020;

Whereas the decennial census is a responsibility of the Federal Government, mandated by section 2 of article I of the Constitution of the United States;

Whereas any individual who wants to help administer the 2020 Census should apply at 2020census.gov/jobs;

Whereas the goal of the decennial census is to count every person in the United States once, and only once, and in the right place;

Whereas the goal of the 2020 Census is to eliminate the undercounting and overcounting of specific population groups, problems that were apparent in previous censuses;

Whereas the 2020 Census is quick, safe, and easy to complete;

Whereas, under section 2108(b) of title 44, United States Code—

(1) the confidentiality of all personally identifiable information from the decennial census is protected from public disclosure for 72 years;

(2) the Bureau of the Census is prohibited from sharing any personally identifiable information from the decennial census with any other government agency, including law enforcement and courts of law, or any private entity, for any purpose; and

(3) the information collected through the decennial census is used for statistical purposes only;

Whereas the decennial census is a cornerstone of the representative democracy of the United States, as the data collected through the decennial census—

(1) is the basis for apportioning among the States seats in the House of Representatives; and

(2) is provided to the States for drawing congressional and legislative district lines;

Whereas complete and accurate census data will help ensure that resources for education, health care, rural development, workforce training, housing, transportation, and other matters are allocated fairly and accurately;

Whereas businesses use census data to guide investment in job-creating initiatives, such as the building of new production facilities, and in choosing where to locate new retail and service outlets;

Whereas, in 2020, responding to the census will be easier than ever, as the census form will be available online for the first time and households may choose to respond online, over the phone, or through the mail; and

Whereas a complete and accurate census requires the fullest possible participation from all residents of the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) it is the civic duty of the people of the United States to help ensure that the 2020 Census is as accurate as possible;

(2) the Federal Government, State and local governments, civil society, businesses, religious institutions, libraries, and other national and local organizations should work together as partners to inform the public that the 2020 Census is safe, easy, and important;

(3) individuals who want to help administer the 2020 Census should apply for a job at 2020census.gov/jobs; and

(4) residents of the United States should plan to respond to the 2020 Census to ensure that all people living in a household in the United States, including young children, are included.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have 4 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

#### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 18, 2019, at 9:30 a.m., to conduct a hearing.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, December 18, 2019, at 10 a.m., to conduct a hearing.

#### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, December 18, 2019, at 10 a.m., to conduct a hearing on the nomination of Jovita Carranza, of Illinois, to be Administrator of the Small Business Administration.

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, December 18, 2019, at 2 p.m., to conduct a closed briefing.

### SUPPORTING VETERANS IN STEM CAREERS ACT

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 314, S. 153.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 153) to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Purpose: In the nature of a substitute.)

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Veterans in STEM Careers Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **DIRECTOR.**—The term "Director" means the Director of the National Science Foundation.

(2) **FOUNDATION.**—The term "Foundation" means the National Science Foundation.

(3) **STEM.**—The term "STEM" has the meaning given the term in section 2 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621 note).

(4) **VETERAN.**—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

#### SEC. 3. SUPPORTING VETERANS IN STEM EDUCATION AND COMPUTER SCIENCE.

(a) **SUPPORTING VETERAN INVOLVEMENT IN SCIENTIFIC RESEARCH AND STEM EDUCATION.**—

The Director shall, through the research and education activities of the Foundation, encourage veterans to study and pursue careers in STEM and computer science, in coordination with other Federal agencies that serve veterans.

(b) **VETERAN OUTREACH PLAN.**—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for how the Foundation can enhance its outreach efforts to veterans. Such plan shall—

(1) report on the Foundation's existing outreach activities;

(2) identify the best method for the Foundation to leverage existing authorities and programs to facilitate and support veterans in STEM careers and studies, including teaching programs; and

(3) include options for how the Foundation could track veteran participation in research and education programs of the Foundation, and describe any barriers to collecting such information.

(c) **NATIONAL SCIENCE BOARD INDICATORS REPORT.**—The National Science Board shall provide in its annual report on indicators of the state of science and engineering in the United States any available and relevant data on veterans in science and engineering careers or education programs.

(d) **ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM UPDATE.**—Section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) higher education programs that serve or support veterans.";

(2) in subsection (b)(2)(F)—

(A) by striking "and students" and inserting "; students"; and

(B) by inserting ", and veterans" before the period at the end;

(3) in subsection (c)(2), by inserting "and veterans" before the period at the end; and

(4) in subsection (d)(2), by inserting "and veterans" before the period at the end.

(e) **NATIONAL SCIENCE FOUNDATION TEACHING FELLOWSHIPS AND MASTER TEACHING FELLOWSHIPS UPDATE.**—Section 10A(d) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(d)) is amended—

(1) in paragraph (3)(F)—

(A) by striking "and individuals" and inserting "; individuals"; and

(B) by inserting ", and veterans" before the period at the end; and

(2) in paragraph (4)(B), by inserting "and veterans" before the period at the end.

(f) **NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS UPDATE.**—Section 5(a) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (1), by inserting "and students who are veterans" after "these fields"; and

(2) in paragraph (3)—

(A) in subparagraph (I), by striking "and" at the end;

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

"(J) creating opportunities for veterans to transition to careers in computer and network security; and"

(g) **GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH UPDATE.**—Section 5(c)(6)(C) of the Cyber Security Research and Development Act (15 U.S.C.

7404(c)(6)(C)) is amended by inserting "or veterans" after "disciplines".

(h) **VETERANS AND MILITARY FAMILIES STEM EDUCATION INTERAGENCY WORKING GROUP.**—

(1) **IN GENERAL.**—The Director of the Office of Science and Technology Policy shall establish, or designate, an interagency working group to improve veteran and military spouse equity and representation in STEM fields.

(2) **DUTIES OF INTERAGENCY WORKING GROUP.**—An interagency working group established under paragraph (1) shall develop and facilitate the implementation by participating agencies of a strategic plan, which shall—

(A) specify and prioritize short- and long-term objectives;

(B) specify the common metrics that will be used by Federal agencies to assess progress toward achieving such objectives;

(C) identify barriers veterans face in reentering the workforce, including a lack of formal STEM education, career guidance, and the process of transferring military credits and skills to college credits;

(D) identify barriers military spouses face in establishing careers in STEM fields;

(E) describe the approaches that each participating agency will take to address administratively the barriers described in subparagraphs (C) and (D); and

(F) identify any barriers that require Federal or State legislative or regulatory changes in order to be addressed.

(3) **REPORT.**—The Director of the Office of Science and Technology Policy shall—

(A) not later than 1 year after the date of enactment of this Act, submit to Congress the strategic plan required under paragraph (2); and

(B) include in the annual report required by section 101(d) of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6621(d)) a description of any progress made in carrying out the activities described in paragraph (2) of this subsection.

(4) **SUNSET.**—An interagency working group established under paragraph (1) shall terminate on the date that is 3 years after the date that it is established.

#### SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY AND REPORT ON BARRIERS FACED BY STUDENT VETERANS PURSUING DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATH.

(a) **STUDY.**—Not later than August 1, 2022, the Comptroller General of the United States shall complete a study on academic success rates of student veterans pursuing covered degrees and barriers faced by such students in pursuing such degrees.

(b) **ELEMENTS.**—The study required by subsection (a) shall include the following:

(1) Assessment of available information on the percentage or number of student veterans pursuing a covered degree with educational assistance furnished under chapter 33 of title 38, United States Code.

(2) Assessment of available information on the percentage or number of such students who pursue a covered degree and do not obtain such degree in four or fewer academic years.

(3) Identification of the reasons that such students do not obtain such degree in four or fewer academic years and whether such reasons are barriers to obtaining such degrees.

(4) Development of recommendations for legislative or administrative action to better align the educational assistance furnished under chapter 33 of title 38, United States Code, with the needs of such students and address the reasons identified under paragraph (3).

(c) **REPORT.**—Not later than August 1, 2022, the Comptroller General shall submit to Congress a report on the findings of the Comptroller General with respect to the study completed under subsection (a), along with recommendations for such legislative or administrative action as the Comptroller General considers appropriate.



(d) *DEFINITION OF COVERED DEGREE.*—In this section, the term “covered degree” means a standard, undergraduate college degree in a field listed under section 3320(b)(4)(A)(i) of title 38, United States Code.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 153), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### VERA C. RUBIN OBSERVATORY DESIGNATION ACT

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 3196 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (H.R. 3196) to designate the Large Synoptic Survey Telescope as the “Vera C. Rubin Observatory.”

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. LANKFORD. Mr. President, I further ask the bill be considered read three times and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

The bill (H.R. 3196) was ordered to a third reading, was read the third time, and passed.

#### RICHARD G. LUGAR POST OFFICE

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3105, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3105) to designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the “Richard G. Lugar Post Office”.

There being no objection, the Senate proceeded to consider the bill.

Mr. LANKFORD. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3105) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RICHARD G. LUGAR POST OFFICE.

(a) *DESIGNATION.*—The facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, shall be known and designated as the “Richard G. Lugar Post Office”.

(b) *REFERENCES.*—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Richard G. Lugar Post Office”.

#### RECOGNIZING THE IMPORTANCE AND SIGNIFICANCE OF THE 2020 CENSUS AND ENCOURAGING IN- DIVIDUALS, FAMILIES, AND HOUSEHOLDS ACROSS THE UNITED STATES TO PARTICI- PATE IN THE 2020 CENSUS TO ENSURE A COMPLETE AND AC- CURATE COUNT

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 31, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) recognizing the importance and significance of the 2020 Census and encouraging individuals, families, and households across the United States to participate in the 2020 Census to ensure a complete and accurate count.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LANKFORD. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The concurrent resolution (S. Con. Res. 31) was agreed to.

The preamble was agreed to.

(The concurrent resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

#### RECOGNIZING THE 71ST ANNIVER- SARY OF THE UNIVERSAL DEC- LARATION OF HUMAN RIGHTS AND THE CELEBRATION OF HUMAN RIGHTS DAY

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 450 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 450), recognizing the 71st anniversary of the Universal Declaration of Human Rights and the celebration of “Human Rights Day”.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. LANKFORD. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of December 10, 2019, under “Submitted Resolutions.”)

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, Public Law 107–228, and Public Law 112–75, appoints the following individual to the United States Commission on International Religious Freedom: Rabbi Sharon A. Kleinbaum of New York.

#### UNANIMOUS CONSENT AGREEMENT

Mr. LANKFORD. Mr. President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions filed on the House messages to accompany H.R. 1865 and H.R. 1158 be waived.

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

#### MEASURES READ THE FIRST TIME—H.R. 397, H.R. 1759, AND H.R. 4018

Mr. LANKFORD. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (H.R. 397) to amend the Internal Revenue Code of 1986 to create a Pension Rehabilitation Trust Fund, to establish a Pension Rehabilitation Administration within the Department of the Treasury to make loans to multiemployer defined benefit plans, and for other purposes.

A bill (H.R. 1759) to amend title III of the Social Security Act to extend reemployment services and eligibility assessments to all claimants for unemployment benefits, and for other purposes.

A bill (H.R. 4018) to provide that the amount of time that an elderly offender

must serve before being eligible for placement in home detention is to be reduced by the amount of good time credits earned by the prisoner, and for other purposes.

Mr. LANKFORD. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

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ORDERS FOR THURSDAY,  
DECEMBER 19, 2019

Mr. LANKFORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, December 19; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, morning business be closed, and following Leader remarks, the Senate resume consid-

eration of the House message to accompany H.R. 1865 with the time until 11 a.m. equally divided between the two leaders or their designees; finally, notwithstanding the provisions of rule XXII, the cloture motion filed during Tuesday's session of the Senate ripen at 11 a.m. tomorrow.

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

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. LANKFORD. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:07 p.m., adjourned until Thursday, December 19, 2019, at 9:30 a.m.

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CONFIRMATIONS

Executive nominations confirmed by the Senate December 18, 2019:

THE JUDICIARY

MATTHEW WALDEN MCFARLAND, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DOUGLAS M. GABRAM

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ANNA M. ADKINS AND ENDING WITH MARY E. ZANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 2019.

IN THE ARMY

ARMY NOMINATION OF ZACHARY B. CICOLO, TO BE MAJOR.

ARMY NOMINATION OF ANDREW J. OLIVER, TO BE MAJOR.

ARMY NOMINATION OF MARJORIE A. KUIPERS, TO BE MAJOR.

ARMY NOMINATION OF YUANDRE G. DIEUJUSTE, TO BE MAJOR.

ARMY NOMINATION OF THOMAS E. AXTELL, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF D014331, TO BE MAJOR.