postcloture time on the motion to concur in the House amendment to the Senate amendment to H.R. 1865 expire; the other pending motions and amendments be withdrawn; and Senator ENZI or his designee be recognized to raise a budget point of order, followed by Senator SHELBY or his designee to make a motion to waive the budget point of order; finally, if the motion to waive is agreed to, the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1865 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

I recognize the Senator from Wyoming.

Mr. ENZI. Reserving the right to object.

Does that mean I won't get to give the comments before we vote? There has to be some comments about the point of order. Looking at the clock, the number of people waiting, it looks like I am being cut of that time.

Would that be a correct interpretation?

Mr. THUNE. I would say my view here is that the gentleman from Wyoming wants to explain his point of order. There is no objection to allowing him to do that.

Mr. ENZI. Then I have no objection.

Mr. THUNE. Thank you.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. I recognize the Senator from Mississippi.

Mr. WICKER. Mr. President, the time is fleeting.

The distinguished Republican whip is correct. We had hoped that the robocall bill could be included with unanimous consent with two other very important pieces of legislation—one being the Broadband DATA Act, S. 1822, which is designed to tell the FCC: Go back. Get the maps right. Show us where we have coverage and where we do not have coverage. We are making great progress with that. I do believe we will get that bill passed in just a moment.

The other issue is the Huawei data security act. I understand we are going to have some trouble with that. Let me talk briefly before I make my unanimous consent request.

China is up to no good with their government-controlled companies, Huawei and ZTE. They are required by Chinese law to do the bidding of the Chinese Communist dictatorship, and that means using their equipment to spy on Americans.

This is an undisputed fact, and it is recognized not only by Americans but also by other countries, our allies, which are taking steps to protect themselves. Japan, Australia, New Zealand have already begun the process of removing this dangerous ZTE and Huawei equipment from their networks.

We have legislation we thought was going to be included in this three-bill package, H.R. 4998, to authorize this in the United States.

Earlier this year, the President signed an Executive order declaring a national emergency—and I agree with the President—because of the dangerous effects of keeping Chinese equipment in our Nation's critical infrastructure. Given these threats, we have an opportunity today to remove this Huawei and ZTE equipment from American telecommunication networks so we can protect Americans.

We are going to have some trouble with that on the unanimous consent request. I think with the broadband DATA Act we will not.

(Mrs. FISCHER assumed the Chair.)

BROADBAND DEPLOYMENT ACCURACY AND TECHNOLOGICAL AVAILABILITY ACT

Mr. WICKER. Madam President, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 328, S. 1822.

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

The legislative clerk read as follows:

A bill (S. 1822) to require the Federal Communications Commission to issue rules relating to the collection of data with respect to the availability of broadband services, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

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:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Broadband Deployment Accuracy and Technological Availability Act'' or the ''Broadband DATA Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) BROADBAND INTERNET ACCESS SERVICE.—The term ''broadband internet access service'' has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

(2) BROADBAND MAP.—The term ''Broadband Map'' means the map created by the Commission under section 3(c)(1)(A).

(3) CELL EDGE PROBABILITY.—The term ''cell edge probability'' means the likelihood that the minimum threshold download and upload speeds with respect to broadband internet access service will be met or exceeded at a distance from a base station that is intended to indicate the ultimate edge of the coverage area of a cell.

(4) CELL LOADING.—The term ''cell loading'' means the percentage of the available air interface resources of a base station that are used by consumers with respect to broadband internet access service.

(5) CLUTTER.—The term ''clutter'' means a natural or man-made surface feature that affects the propagation of a signal from a base station.

(6) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(7) FABRIC.—The term ''Fabric'' means the Broadband Serviceable Location Fabric established under section 3(b)(1)(B).

(8) FORM 477.—The term ''Form 477'' means Form 477 of the Commission relating to local telephone competition and broadband reporting.

(9) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(10) MOBILITY FUND PHASE II.—The term ''Mobility Fund Phase II'' means the second phase of the proceeding to provide universal service support from the Mobility Fund (WC Docket No. 10–90; WT Docket No. 10–208).

(11) PROPAGATION MODEL.—The term ''propagation model'' means a mathematical formulation for the characterization of radio wave propagation as a function of frequency, distance, and other conditions.

(12) PROVIDER.—The term ''provider'' means a provider of fixed or mobile broadband internet access service.

(13) SHAPEFILE.—The term ''shapefile'' means a digital storage format containing geospatial or location-based data and attribute information—

(A) regarding the availability of broadband internet access service; and

(B) that can be viewed, edited, and mapped in geographic information system software.

(14) STANDARD BROADBAND INSTALLATION.—The term ''standard broadband installation''—

(A) means the initiation by a provider of new fixed broadband internet access service with no charges or delays attributable to the extension of the network of the provider; and

(B) includes the initiation of fixed broadband internet access service through routine installation that can be completed not later than 10 business days after the date on which the service request is submitted.

SEC. 3. BROADBAND MAPS.

(a) RULES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue final rules that shall—

(A) allow for the collection by the Commission of accurate and granular data, not less frequently than biannually—

(i) relating to the availability of terrestrial fixed, fixed wireless, satellite, and mobile broadband internet access service; and

(ii) that the Commission shall use to compile the maps created under subsection (c)(1) (referred to in this section as ''coverage maps''), which the Commission shall make publicly available; and

(B) establish—

(i) processes through which the Commission can verify the accuracy of data submitted under subsection (b)(2);

(ii) processes and procedures through which the Commission, and, as necessary, other entities or persons submitting information under this Act, can protect the security, privacy, and confidentiality of—

(I) information contained in the Fabric;

(II) the dataset created under subsection (b)(1) supporting the Fabric; and

(III) the data submitted under subsection (b)(2);

(iii) the challenge process described in subsection (b)(5); and

(iv) the process described in section 5(b).

(2) OTHER DATA.—In issuing the rules under paragraph (1), the Commission shall develop a process through which the Commission can collect verified data for use in the coverage maps from—

(A) State, local, and Tribal governmental entities that are primarily responsible for mapping or tracking broadband internet access service coverage for a State, unit of local government, or Indian Tribe, as applicable;

(B) third parties, if the Commission determines that it is in the public interest to use such data in—

(i) the development of the coverage maps; or

(ii) the verification of data submitted under subsection (b); and

(C) other Federal agencies.

(3) UPDATES.—The Commission shall revise the rules issued under paragraph (1) to—

(A) reflect changes in technology;

(B) ensure the accuracy of propagation models, as further provided in subsection (b)(3); and

(C) improve the usefulness of the coverage maps.

(b) CONTENT OF RULES.—

(1) ESTABLISHMENT OF A SERVICEABLE LOCATION FABRIC REGARDING FIXED BROADBAND.—

(A) DATASET.—

(i) IN GENERAL.—The Commission shall create a common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission.

(ii) CONTRACTING.—

(I) IN GENERAL.—Subject to subclauses (II) and (III), the Commission may contract with an entity with expertise with respect to geographic information systems (referred to in this subsection as ''GIS'') to create and maintain the dataset under clause (i).

(II) APPLICATION OF THE FEDERAL ACQUISITION REGULATION.—A contract into which the Commission enters under subclause (I) shall in all respects comply with applicable provisions of the Federal Acquisition Regulation.

(III) LIMITATIONS.—With respect to a contract into which the Commission enters under subclause (I)—

(aa) the entity with which the Commission contracts shall be selected through a competitive bid process that is transparent and open; and

(bb) the contract shall be for a term of not longer than 5 years, after which the Commission may enter into a new contract—

(AA) with an entity, and for the purposes, described in subclause (I); and

(BB) that complies with the requirements under subclause (II) and this subclause.

(B) FABRIC.—The rules issued by the Commission under subsection (a)(1) shall establish the Broadband Serviceable Location Fabric, which shall—

(i) contain geocoded information for each location identified under subparagraph (A)(i);

(ii) serve as the foundation upon which all data relating to the availability of fixed broadband internet access service collected under paragraph (2)(A) shall be reported and overlaid;

(iii) be compatible with commonly used GIS software; and

(iv) at a minimum, be updated annually by the Commission.

(C) IMPLEMENTATION PRIORITY.—The Commission shall prioritize implementing the Fabric for rural and insular areas of the United States.

(2) COLLECTION OF INFORMATION.—The rules issued by the Commission under subsection (a)(1) shall include uniform standards for the reporting of broadband internet access service data that the Commission shall collect—

(A) from each provider of terrestrial fixed, fixed wireless, or satellite broadband internet access service, which shall include data that—

(i) documents the areas where the provider—

(I) has actually built out the broadband network infrastructure of the provider such that the provider is able to provide that service; and

(II) could provide that service, as determined by identifying where the provider is capable of performing a standard broadband installation, if applicable;

(ii) includes information regarding download and upload speeds, at various thresholds established by the Commission, and, if applicable, latency with respect to broadband internet access service that the provider makes available;

(iii) can be georeferenced to the GIS data in the Fabric;

(iv) the provider shall report as—

(I) with respect to providers of fixed wireless broadband internet access service—

(aa) propagation maps and propagation model details that—

(AA) satisfy standards that are similar to those applicable to providers of mobile broadband internet access service under subparagraph (B) with respect to propagation maps and propagation model details, taking into account material differences between fixed wireless and mobile broadband internet access service; and

(BB) reflect the speeds and latency of the service provided by the provider; or

(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission—

(AA) may only permit, and not require, a provider to report the data using that means of reporting; and

(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and

(II) with respect to providers of terrestrial fixed and satellite broadband internet access service—

(aa) polygon shapefiles; or

(bb) a list of addresses or locations that constitute the service area of the provider, except that the Commission—

(AA) may only permit, and not require, a provider to report the data using that means of reporting; and

(BB) in the rules issued under subsection (a)(1), shall provide a method for using that means of reporting with respect to Tribal areas; and

(v) the Commission determines is appropriate with respect to certain technologies in order to ensure that the Broadband Map is granular and accurate; and

(B) from each provider of mobile broadband internet access service, which shall include propagation maps, and the propagation models on which those maps are based, that indicate the current (as of the date on which the information is collected) fourth generation Long-Term Evolution (commonly referred to as ''4G LTE'') mobile broadband internet access service coverage of the provider, which shall—

(i) take into consideration the effect of clutter; and

(ii) satisfy—

(I) the requirements of having—

(aa) a download speed of 5 megabits per second and an upload speed of 1 megabit per second with a cell edge probability of not less than 90 percent; and

(bb) cell loading of 50 percent; and

(II) any other parameter that the Commission determines to be necessary to create a map under subsection (c)(1)(C) that is more precise than the map produced as a result of the submissions under the Mobility Fund Phase II information collection.

(3) UPDATE OF REPORTING STANDARDS FOR MOBILE BROADBAND INTERNET ACCESS SERVICE.—For the purposes of paragraph (2)(B), if the Commission determines that the reporting standards under that paragraph are insufficient to collect accurate propagation maps and propagation model details with respect to future generations of mobile broadband internet access service technologies, the Commission shall immediately commence a rule making to adopt new reporting standards with respect to those technologies that—

(A) shall be the functional equivalent of the standards required under paragraph (2)(B); and

(B) allow for the collection of propagation maps and propagation model details that are as accurate and granular as, or more accurate and granular than, the maps and model details collected by the Commission under paragraph (2)(B).

(4) CERTIFICATION AND VERIFICATION.—With respect to a provider that submits information to the Commission under paragraph (2)—

(A) the provider shall include in each submission a certification from a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer's actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct; and

(B) the Commission shall verify the accuracy and reliability of the information in accordance with measures established by the Commission.

(5) CHALLENGE PROCESS.—

(A) IN GENERAL.—In the rules issued under subsection (a), and subject to subparagraph (B), the Commission shall establish a user-friendly challenge process through which consumers, State, local, and Tribal governmental entities, and other entities may submit coverage data to the Commission to challenge the accuracy of—

(i) the coverage maps;

(ii) any information submitted by a provider regarding the availability of broadband internet access service; or

(iii) the information included in the Fabric.

(B) CONSIDERATIONS; VERIFICATION; RESPONSE TO CHALLENGES.—In establishing the challenge process required under subparagraph (A), the Commission shall—

(i) consider—

(I) the types of information that an entity submitting a challenge should provide to the Commission in support of the challenge;

(II) the appropriate level of granularity for the information described in subclause (I);

(III) the need to mitigate the time and expense incurred by, and the administrative burdens placed on, entities in—

(aa) challenging the accuracy of a coverage map; and

(bb) responding to challenges described in item (aa); and

(IV) the costs to consumers and providers resulting from a misallocation of funds because of a reliance on outdated or otherwise inaccurate information in the coverage maps;

(ii) include a process for verifying the data submitted through the challenge process in order to ensure the reliability of that data;

(iii) allow providers to respond to challenges submitted through the challenge process; and

(iv) develop an online mechanism, which—

(I) shall be integrated into the coverage maps; and

(II) allows for an entity described in subparagraph (A) to submit a challenge under the challenge process.

(C) USE OF CHALLENGES.—The rules issued to establish the challenge process under subparagraph (A) shall include—

(i) a process for the speedy resolution of challenges; and

(ii) a process for the regular and expeditious updating of the coverage maps as challenges are resolved.

(6) REFORM OF FORM 477 PROCESS.—

(A) IN GENERAL.—Not later than 180 days after the date on which the rules issued under subsection (a) take effect, the Commission shall—

(i) reform the Form 477 broadband deployment service availability collection process of the Commission to make the process consistent with this Act and the rules issued under this Act; and

(ii) remove duplicative reporting requirements and procedures regarding the deployment of broadband internet access service that, as of that date, are in effect.

(B) CONTINUED COLLECTION AND REPORTING.—On and after the date on which the Commission carries out subparagraph (A), the Commission shall continue to collect and publicly report subscription data that the Commission collected through the Form 477 broadband deployment service availability process, as in effect on July 1, 2019.

(c) MAPS.—The Commission shall—

(1) create—

(A) the Broadband Map, which shall depict—

(i) the extent of the availability of broadband internet access service in the United States, without regard to whether that service is fixed

broadband internet access service or mobile broadband internet access service, which shall be based on data collected by the Commission from all providers; and

(ii) the areas of the United States that remain unserved by providers;

(B) a map that depicts the availability of fixed broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(A); and

(C) a map that depicts the availability of mobile broadband internet access service, which shall be based on data collected by the Commission from providers under subsection (b)(2)(B);

(2) use the maps created under paragraph (1)—

(A) to determine the areas in which terrestrial fixed, fixed wireless, mobile, and satellite broadband internet access service is and is not available; and

(B) when making any new award of funding with respect to the deployment of broadband internet access service;

(3) update the maps created under paragraph (1) not less frequently than biannually using the most recent data collected from providers under subsection (b)(2);

(4) establish a process requiring the Department of Agriculture and the National Telecommunications and Information Administration to consult the maps created under paragraph (1) when, as of the date on which the process is established or on any future date, distributing funds relating to the deployment of broadband internet access service under any program administered by the Rural Utilities Service or the Administration, respectively; and

(5) establish a process to make the data collected under subsection (b)(2) available to the National Telecommunications and Information Administration.

SEC. 4. ENFORCEMENT.

(a) IN GENERAL.—It shall be unlawful for a person or entity to willfully and knowingly, or recklessly, submit information or data under this Act that is materially inaccurate or incomplete with respect to the availability of broadband internet access service.

(b) VIOLATIONS.—A violation of this Act shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.), and the Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of that Act were incorporated into and made a part of this Act.

SEC. 5. IMPROVING DATA ACCURACY.

(a) AUDITS.—The Commission shall conduct regular audits of information submitted to the Commission by providers under section 3(b)(2) to ensure that the providers are complying with this Act.

(b) CROWDSOURCING.—

(1) IN GENERAL.—The Commission shall develop a process through which persons in the United States may submit specific information about the deployment and availability of broadband internet access service in the United States so that the information may be used to verify and supplement information provided by providers of broadband internet access service for inclusion in the maps created under section 3(c)(1).

(2) COLLABORATION.—As part of the efforts of the Commission to facilitate the ability of persons to submit information under paragraph (1), the Commission shall issue guidance and other information as appropriate to ensure that the information submitted is uniform and consistent with the data submitted by providers under section 3(b)(2).

(c) TECHNICAL ASSISTANCE TO INDIAN TRIBES.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall hold workshops for Tribal governments in each of the 12 Bureau of Indian Affairs regions to provide technical assistance with the collection and submission of data under section 3(a)(2).

(2) ANNUAL REVIEW.—Each year, the Commission, in consultation with Indian Tribes, shall review the need for continued workshops required under paragraph (1).

(d) TECHNICAL ASSISTANCE TO SMALL SERVICE PROVIDERS.—The Commission shall establish a process through which a provider that has fewer than 100,000 active broadband internet access service connections may request and receive assistance from the Commission with respect to geographic information system data processing to ensure that the provider is able to comply with the requirements under section 3(b) in a timely and accurate manner.

SEC. 6. COST.

(a) IN GENERAL.—Beginning with the first full fiscal year after the date of enactment of this Act, the Commission shall include in the budget submission of the Commission to the President under sections 1105(a) and 1108 of title 31, United States Code, amounts sufficient to ensure the proper and continued functioning of the responsibilities of the Commission under this Act.

(b) COST OF FABRIC.—

(1) USF.—The Commission may not use funds from the universal service programs of the Commission established under section 254 of the Communications Act of 1934 (47 U.S.C. 254), and the regulations issued under that section, to pay for any costs associated with this Act.

(2) OTHER FUNDS.—The Commission may recover costs associated with this Act under section 9 of the Communications Act of 1934 (47 U.S.C. 159) to the extent provided for in an appropriation Act, as required under subsection (a) of that section.

SEC. 7. OTHER PROVISIONS.

(a) OMB.—Notwithstanding any other provision of law, the initial rule making required under section 3(a)(1) shall be exempt from review by the Office of Management and Budget.

(b) PRA.—Chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act''), shall not apply to the initial rule making required under section 3(a)(1).

(c) EXECUTION OF RESPONSIBILITIES.—Except as provided in section 3(b)(1)(A)(ii), the Commission—

(1) including the offices of the Commission, shall carry out the responsibilities assigned to the Commission under this Act; and

(2) may not delegate any of the responsibilities assigned to the Commission under this Act to any third party, including the Universal Service Administrative Company.

(d) REPORTING.—Each fiscal year, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that summarizes the implementation of this Act and associated enforcement activities conducted during the previous fiscal year.

Mr. WICKER. Madam President, I ask unanimous consent that the committee-reported amendment be withdrawn; that the Wicker substitute amendment at the desk be agreed to; that 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. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment was withdrawn.

The amendment (No. 1268), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute.)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 1822), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNANIMOUS CONSENT REQUEST—H.R. 4998

Mr. WICKER. Madam President, with regard to the so-called ''Rip and Replace Act'' that would facilitate the United States joining our allies and protecting us, notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4998, which was received from the House; 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. Is there objection?

Mr. LEE. Madam President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, reserving the right to object, this is clearly an effort to push through last-minute changes on a single bill.

In my view, these changes are reckless, unnecessary, and unwise, and in any event they were made without debate by Members of this body and specifically contrary to the manner in which this very same legislation was reported out of the Senate Commerce Committee.

I am glad to see the passage of a couple of pieces of legislation just now, including the TRACED Act, which will help us fight damaging robocalls. This is good legislation. I am also supportive of S. 1822, the Broadband DATA Act, which will require much needed updates to our broadband maps. These are good pieces of legislation. I am glad they are passed.

I am also very supportive of the legislation that is the subject of the immediate unanimous consent request; that is, the Commerce Committee's reported version of S. 1625, the United States 5G Leadership Act.

This is an important bill. It would help us identify Huawei equipment posing an espionage risk in the United States. It will ban the use of Universal Service Fund dollars to purchase the equipment and help reimburse small companies for the costs associated with ripping and replacing vulnerable equipment.

This is an important bill, and it received careful consideration during the Senate Commerce Committee's markup on July 24, 2019.

The version of this bill that passed the committee was supported unanimously by Democrats and Republicans on both sides of the aisle. That version required $700 million to be set aside in a fund to help reimburse companies for Huawei equipment replacements. The bill specified that the source of this funding was to come from the proceeds of spectrum auctions. This was a smart and good and carefully tailored pay-for that did not add to our out-of-control Federal spending.

As currently written, the bill contains a reference to a reimbursement fund and assumes there will be reimbursements, but the bill does not specify how much funding is allocated, nor does it specify the source of these funds. I can only assume this means the House and Senate Appropriations Committees will default to authorizing new funds rather than using the smart pay-for that the Senate Commerce Committee unanimously and wisely agreed to in July.

For these reasons, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. Madam President.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 1625

Mr. LEE. Madam President, notwithstanding rule XXII, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1625 and the Senate proceed to its immediate consideration. I ask unanimous consent that the amendments ordered reported by the Commerce Committee be agreed to; that 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. Is there objection?

Mr. WICKER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Madam President, the Senator, my good friend from Utah, has asked unanimous consent that we pass the version of the bill I authored. Ordinarily, I would very much appreciate that. The problem with his request is that in this Congress, it prevents us from acting today to get to this ZTE and Huawei problem. We have a solution, and we need to get started on it.

Let me also make the point that some things are worth paying for, and protecting Americans, protecting our electronic system, our broadband communications from the Chinese-owned Huawei and ZTE is worth paying for.

What my unanimous consent request would have done, had the Senator not objected, is we would have passed the bill and leave the issue of how we fund it to another day. Perhaps the appropriators would have decided to appropriate money for it. Had they done so, they would have operated within the budget caps, as the Appropriations Committee has done, and found room, found some offsets, and paid for it that way.

The proposal I made, that was objected to by my friend from Utah, would also have left open the possibility of having a pay-for by the sale of some spectrum.

I regret that the Senator is objecting based on how we will pay for this very needed expenditure down the road. So I am compelled to object to my good friend's unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. Madam President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, where I come from in Utah, $700 million is a lot of money. Seven hundred million dollars is something we ought to worry about where we are going to get it.

It is not unreasonable for us to request that the House of Representatives agree to the language we unanimously, on a bipartisan basis, passed out of the Senate Commerce Committee.

In my mind, it is unfortunate that we are allowing the House of Representatives' unreasonable, unwarranted demand—a demand the chairman of the Commerce Committee himself acknowledges is one they shouldn't object to—to rule the day and prevent this legislation from becoming law.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Madam President, I ask unanimous consent to speak for up to 6 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO BILL MURAT

Ms. BALDWIN. Madam President, I rise today with great pride to recognize and honor my chief of staff and dear friend Bill Murat, who will retire at the end of this year after 21 years of working in Congress.

It is a rare thing in Washington to work side by side with the same person for more than 20 years.

So on the eve of your retirement, Bill, I want to share a few words about how much you have meant to me and the countless others you have encountered during your long and storied career.

Bill Murat is a proud son of Stevens Point, WI. He graduated from high school and college there, earned his GD from UW Law School and his MBA from Columbia University.

Civically engaged since his youth, he served as district attorney for Portage County, WI, prior to his election to the Wisconsin State Assembly in 1994. It was there that Bill and I developed a friendship as colleagues in the Wisconsin State Assembly in the 1990s. I found him to be earnest, hard-working, a brilliant strategist, and lovely storyteller. He also knew when to add good humor or a note of levity.

I remember fondly one night, during a midnight session of the assembly, when Bill and I and a few of our Republican colleagues were on the floor waiting for a vote while many of our colleagues were still in their respective caucuses trying to hash out an agreement on an issue. Being a big fan of Broadway, Bill was reflecting on how this moment felt like a particular song from the musical ''Oklahoma.'' There, on the floor of the Wisconsin State Assembly, while in recess in the wee hours, on a bipartisan basis, he broke out in song, singing: ''The farmer and the cowman should be friends.'' Because this is a speech about Bill Murat, this will not be the last time I mention show tunes.

After I was elected to the House of Representatives, Bill came to work with me, first, as my district director and then, starting in 2001, as my chief of staff. Bill's steady hand of leadership has helped me weather the storms Washington brings and stay focused on what matters most—the people we serve in Wisconsin.

I remember the days after September 11, 2001. It was chaotic, weighty, and, frankly, a scary time in Washington and across our Nation. I had to get back to Wisconsin, but planes were still grounded. So Bill walked into my office and simply said: ''Need a ride?'' So, together, we made that 14-hour trip home from Washington, DC, to Madison, WI, noting the American flags that were hung from nearly every highway bridge we passed under and considering the gravity of the new world we were seeing emerge.

Bill has been by my side for the highs and the lows of my time in Congress. I am so proud of what we have done together, working to do right by the people of Wisconsin and to pass on to the next generation a country that is more equal, not less. His generosity of spirit extends to every constituent in Wisconsin, every colleague in Congress, and every staffer who has worked for him. His door is always open, and he has been a mentor to so many people who have worked in the Baldwin offices over the years.

In fact, I know there are several former staff members of mine who have Bill to thank for their love of Broadway, since he used to host ''Better Living through Show Tunes'' as evening staff events. To be honest, I am still jealous that these show tune nights always happened after ''wheels up'' and I was headed home to Wisconsin.

On a more serious note, Bill is a fierce advocate and ardent supporter of our Team Tammy family. He has led by example, encouraging young people to pursue their passions, doling out career advice to those who need it and listening to the concerns of others, whether they are a Senate employee or a Wisconsinite looking for some assistance.

Bill has spent over three decades working on behalf of the great State of Wisconsin. He and I have accomplished much together. I would not be here today without him, and I am grateful for his friendship. I thank him from the bottom of my heart for the years of service, and I wish him the most fabulous retirement.

APPROPRIATIONS

Mr. LANKFORD. Madam President, very shortly, the Senate will vote on the motion to concur in the House amendment to the Senate amendment to accompany H.R. 1865, Further Consolidated Appropriations Act. As part of this appropriations package. a

version of my bill, the Promoting Security and Justice for Victims of Terrorism Act of 2019, is included in section 903. This bipartisan bill seeks to restore U.S. court jurisdiction over the Palestinian Authority, PA/Palestine Liberation Organization, PLO, while promoting U.S. foreign policy interests in the Middle East through the resumption of U.S. security assistance to PA security forces. It is a testament to the hard work of my Democratic and Republican colleagues in this Chamber that we are about to take up this important legislation.

In 1992, Congress passed the Anti-Terrorism Act, ATA. This law, as well as future amending legislation, sought to deter and defeat international terrorism by giving American citizens who are victims of terrorism overseas the power to sue perpetrators in U.S. court. I was privileged to work with the original ATA's author, Senator GRASSLEY, in drafting the Promoting Security and Justice for Victims of Terrorism Act of 2019.

What our bill—also sponsored by Senators DUCKWORTH, COONS, BLUMENTHAL, and RUBIO—does is strike a balance between Congress's desire to provide a path forward for American victims of terror to have their day in court and the toleration by the Members of this body to allow the PA/PLO to conduct a very narrow scope of activities on U.S. soil—such as activities pertaining to official business at the United Nations, engagements with U.S. officials necessary to our national interest, and legal expenses related to adjudicating or resolving claims filed in U.S. courts—without consenting to personal jurisdiction in civil ATA cases. This delicate balance is supported by a bipartisan coalition of Members of Congress, the executive branch, and American victims of international terrorism and their families.

For 25 years, the Federal courts struck this balance by holding that the PLO's and PA's presence and activities in the United States subject them to jurisdiction in our courts unless they can demonstrate that their offices in the United States deal exclusively with the official business of the United Nations and that their activities in this country are commensurate with their special diplomatic need for being present here.

The courts correctly held that the PLO's and PA's fundraising and public relations activities such as press releases and public appearances, whether characterized as diplomatic public speaking or proselytizing, are not essential to their diplomatic functions at the United Nations Headquarters. The bill codifies the distinction recognized in these cases while giving the PLO and PA a clear choice. Unless they limit their presence to official business with the United Nations and their U.S. activities commensurate with their special diplomatic need to be in the United States, they will be consenting to personal jurisdiction in ATA cases.

In this regard, the exception in the language for ''ancillary'' activities is intended to permit only essential support or services that are absolutely necessary to facilitate the conduct of diplomatic activities expressly exempted in the bill.

By applying the bill to any case pending on or after August 30, 2016, we are making clear Congress's intent that courts have the power to restore jurisdiction in cases previously dismissed for lack of jurisdiction after years of litigation. It is to be liberally construed to carry out the purposes of Congress to provide relief for victims of terrorism, and it specifies Congress's intent to enable victims to pursue justice without being subjected to repetitive, unnecessary, or protracted litigation, which would just reopen the pain that many Americans have already suffered through.

As the Congress finishes its final week of the first session of the 116th Congress, I look forward to voting in favor of this important legislation and urge my colleagues to do the same.

Mr. GRASSLEY. Madam President, in October the Senate Judiciary Committee marked up and passed S. 2132, the Promoting Security and Justice for Victims of Terrorism Act of 2019. I am happy to say that after further good faith negotiations among key stakeholders within and outside of Congress, a version of the bill is included in the appropriations package the Senate will soon consider.

I am proud to be a lead cosponsor of this bipartisan bill and to have helped lead it through the Judiciary Committee. Senator LANKFORD, who introduced this legislation, has tirelessly worked to get it across the finish line in the Senate. From day one of this effort, American victims of terrorism have had a tremendous ally in the Senator from Oklahoma and his staff, and I thank him for his leadership.

Earlier today, Senator LANKFORD discussed parts of this bipartisan legislation in greater detail. I would like to associate myself with his remarks.

I am also very grateful to Senators DUCKWORTH, RUBIO, BLUMENTHAL, and COONS for their support and work on behalf of victims.

It is not easy to find common ground here in the Senate, but there is one issue where we should all agree: Those who aid or carry out terrorist attacks overseas that kill or injure Americans should be held fully accountable in our justice system.

For over 25 years, the Anti-Terrorism Act of 1992, ATA, which I authored and Congress unanimously passed, has empowered American victims of international terrorism to bring lawsuits in Federal courts to vindicate their rights and obtain compensation for their injuries—providing some semblance of justice.

Equally important, these lawsuits disrupt and deter the financial support of terrorist organizations. By cutting terrorists' financial lifelines, the ATA is a key part of the U.S. arsenal in fighting terrorism and protecting American citizens.

The 1992 law removed the jurisdictional hurdles that had for so long frustrated or outright prevented American victims' ability to seek justice in U.S. courts for attacks committed overseas. Congress passed the ATA in the wake of international terrorist attacks, including the Palestine Liberation Front's 1985 killing of Leon Klinghoffer, a Jewish American aboard the *Achille Lauro* cruise ship.

For 25 years the law worked as intended. The Palestine Liberation Organization, PLO, and Palestinian Authority themselves were repeatedly held to account in U.S. courts and paid a price for terrorist attacks that harmed or killed Americans. But starting in 2015, lower court decisions made it impossible for American victims injured abroad to hold sponsors of international terrorism accountable in our own courts. These decisions nullified the fundamental purpose of the ATA—to protect Americans wherever in the world they may be—and disrespected Congress's power to protect U.S. citizens and U.S. interests.

Last year, I introduced the bipartisan Anti-Terrorism Clarification Act of 2018, ATCA, in direct response to those court decisions, including *Sokolow v. PLO* in the second Circuit and *Livnat v. Palestinian Authority* in the DC Circuit. Congress passed the ATCA—once again, without objection—to restore jurisdiction and thereby finally secure justice for victims.

The ATCA expressed a clear principle: If the PLO and Palestinian Authority continued to maintain any office or facility in the United States, or accepted taxpayer-funded U.S. assistance, they would be answerable in our courts for perpetrating or supporting terrorism that harmed or killed Americans. The bipartisan bill was considered through regular order as a standalone bill, with markups in both Chambers, passed Congress without objection, and was signed into law by President Trump in October of 2018.

Shortly thereafter, instead of facing justice in our courts, the Palestinian Authority rejected all U.S.-backed humanitarian assistance provided to the West Bank and Gaza. In its zeal to dodge legal responsibility, the Palestinian Authority even prevented nongovernmental organization, NGO, from receiving U.S. assistance.

The Palestinian Authority's strategically overbroad interpretation of the ATCA harmed the very people it claims to represent on the international stage.

After inexcusable objections and delays—which I previously outlined on the Senate floor—the State Department finally began to constructively work with me and my colleagues to improve upon the ATCA, respond to the Palestinian Authority's actions, and finally remove the jurisdictional hurdles imposed on American victims by flawed court decisions.

The Promoting Security and Justice for Victims of Terrorism Act of 2019 is the product of those negotiations and enables victims of terrorism to vindicate their rights in U.S. courts. It also responds directly to the Palestinian Authority's shameful blocking of security assistance and humanitarian services. This bill marks a rare compromise reached by American victims of terrorism and the State Department.

I hope it in some way also sets a new precedent for our own State Department to continue working on behalf of and never again at odds with American victims.

During the bill's markup this past October, Senator COONS offered an amendment that I cosponsored to add another important means of securing jurisdiction in our courts over the PLO and Palestinian Authority: If they pay terrorists or families of terrorists who injured or killed Americans, then that reprehensible conduct will be grounds for jurisdiction in ATA cases. This is a sound addition to the bill to support the United States' global fight against terrorism, as reflected in years of legislation—most recently the Taylor Force Act. The PLO and Palestinian Authority's ''pay to slay'' policies are nothing short of an incitement for further acts of terrorism. Connecting these payments to jurisdiction in ATA cases is perhaps the least Congress should do to further discourage such conduct and protect Americans abroad.

The bill also sends a clear signal that Congress intends to empower courts to restore jurisdiction in cases previously dismissed.

The American principle that everyone deserves meaningful access to justice is as old as the Constitution itself. This bipartisan bill will reopen the courthouse doors to American victims and their families. I am grateful for its inclusion in the appropriations measure that the Senate will soon consider.

Once again, I want to thank Senator LANKFORD for his leadership and tireless work these past several months on behalf of American victims of terrorism.

Finally, I also want to thank Chairman GRAHAM for making this bill a priority in the Judiciary Committee. I now urge all of my colleagues' support for this important and bipartisan measure.

Ms. COLLINS. Madam President, I rise today in support of the fiscal year 2020 Appropriations bill for the Departments of Transportation, Housing and Urban Development, and Related Agencies. This bill is included in the appropriations package that is before this Chamber.

Let me begin my remarks by thanking Chairman SHELBY and Vice Chairman LEAHY for their bipartisan leadership in successfully finishing the conference and advancing all of these appropriations bills to the Senate floor.

I also want to acknowledge the hard work and strong commitment of my friend and colleague Senator JACK REED, the ranking member of the T-HUD Subcommittee. We have worked closely together in negotiating this bill and have crafted a truly bipartisan product.

The fiscal year 2020 transportation and housing appropriations bill provides $74.3 billion to continue to improve our Nation's infrastructure and maintain HUD rental assistance for low-income seniors, homeless youths, and other vulnerable populations. This year, we once again faced the funding challenge of rising rental costs across the country and a reduction in the receipts from the Federal Housing Administration that are used to offset some of the spending in this bill.

However, we were successful in maintaining many of the Senate priorities in the final bill. For example, the bill provides $1 billion for the highly effective and popular BUILD grant program, which has provided $205 million in critical infrastructure improvements in Maine since 2009. In addition, the bill includes $1.15 billion for bridge repair and rehabilitation, with a focus on those States with the greatest needs. The need for additional bridge funding is clear across the country and was highlighted in my home State of Maine by grant awards for projects such as the Station 46 Bridge and the Sarah Mildred Long Bridge.

The infrastructure funding in this bill not only addresses the transportation challenges we face but also creates jobs and economic growth in each and every one of our homes. The American Society of Civil Engineers' most recent report card from 2017 shows that America's infrastructure remains in poor condition with a grade of D+. This poor rating is not only detrimental for the movement of people and goods but also harmful from a safety perspective.

I am also particularly proud of the $300 million for the third National Security Multi-Mission Vessel which will serve as the new training vessel for Maine Maritime Academy. The new NSMV will play a critical role in training the next generation of U.S. mariners. This new ship will ensure that cadets receive the training hours they need to graduate and join the workforce in the merchant marine, Navy, and Coast Guard.

Another important issue, particularly to Senator REED and me, is reducing lead paint in homes. That is of particular health concern to families with children under the age of 6. The bill provides $290 million to combat lead hazards, a historic level of funding. Lead paint hazards are a significant concern for Maine families, as 57 percent of our housing stock was constructed prior to 1978, the year lead-based paint was banned. These grants will help communities protect children from the harmful lifelong effects of lead poisoning.

Finally, I do want to mention that the bill provides additional funding for the FAA's aviation safety programs in light of two Boeing crashes. This funding ensures that the agency has the necessary staff and training, as well as safety data reporting systems going forward. Our Committee remains focused on this issue to ensure that we maintain the Nation's safest airspace.

I appreciate the opportunity to present this important legislation to the Chamber. As we begin debate on the Transportation-HUD bill, I urge my colleagues to support the investments in this bill that benefit our communities all across this Nation and the families, veterans, children, and our seniors that rely on these programs.

Ms. COLLINS. Madam President, I rise today as a member of the Defense Appropriations Subcommittee to express my support for this appropriations bill and to highlight a number of important provisions for both our national security and the State of Maine.

I would first like to thank Chairman SHELBY and Ranking Member DURBIN, as well as Vice-Chairman LEAHY, for their work and leadership on the committee and their willingness to come together to complete what is a strong, bipartisan final bill.

The bipartisan work of the Defense Subcommittee is vitally important to ensure our men and women in uniform are able to fight and defend our Nation as well as deter potential adversaries. It also ensures our DOD civilians have the resources they need to support those servicemembers and keep our ships, planes, and vehicles at the ready.

The bill before us today supports a military pay increase of 3.1 percent—the largest in a decade. It also recognizes the value of our civilian workforce by also supporting an average pay increase of 3.1 percent for DOD civilians.

The bill recognizes the necessity of building and maintaining a strong Navy. It provides nearly $24 billion for new Navy battle force ships, including more than $5 billion for three DDG–51 destroyers. Looking ahead to next year, it also provides an additional $390 million above the amount requested in the President's budget request for DDG–51 advanced procurement. This demonstrates Congress's intent that the Department sustain an aggressive growth rate for large surface combatants in fiscal year 2021 and beyond.

In Maine, we are very proud of the role that Bath Iron Works plays in contributing to our national security, building the finest ships in our fleet. This bill includes $130 million to invest in our Nation's large surface combatant industrial base, ensuring Bath Iron Works can efficiently design and build our Navy's fleet long into the future.

BIW is known throughout the Navy for the high-quality of the ships they build, with many Sailors using our motto that ''Bath Built is Best Built.'' BIW employs the finest shipbuilders, engineers, and designers in the world, and this bill rightly recognizes the great value that these tried-and-tested warships bring to the Navy.

This bill supports our nation's public shipyards, which are truly the backbone of our Navy's submarine fleet. It funds our Navy's maintenance activities, ensuring workers at Portsmouth Naval Shipyard and other shipyards can carry out their work keeping our Nation's submarines at sea.

The bill also makes clear that the Navy should continue to invest in the very successful apprenticeship programs at our public shipyards—which has been incredibly successful at PNSY—as well as work to address the availability of Virginia-class submarine materials at our shipyards.

This bill makes critical investments in research and development programs, which are being carried out in partnership with research institutions, including the University of Maine. These programs include producing jet fuel from Maine's forest biomass; developing hybrid composite structures for the Navy; and funding for DOD to utilize UMaine's new 3D printer, the largest in the world, for cutting-edge defense research and rapid prototyping.

This bill invests in fifth-generation aircraft we need to deter Russia and China by funding 98 F–35 aircraft 20 more than initially requested by the Department. These advanced, stealthy jets are key to dominating the skies, and I am proud of Pratt and Whitney's contributions to the program through its construction of the F135 engine at its facility in North Berwick, ME. Additionally, the bill procures six CH–53K Heavy Lift helicopters for the Marine Corps. The rotating drive shafts are a critical moment of the aircraft and are produced at Hunting Dearborn's facility in Fryeburg, ME.

The National Guard provides our country with both a strategic and operational reserve which has proven itself time and time again. I applaud the bill's inclusion of $1.3 billion to the National Guard and Reserve equipment account to help modernize our Reserve forces. It also notes the critical capability that the National Guard provides to State governments in DOD's cyber defense mission and urges the Department to ensure there are cyber capabilities within the Guard in every State.

Mr. President, I look forward to working with my colleagues to pass this important legislation.

Mr.VAN HOLLEN. Madam President, I rise to express my concerns with H.R. 158, the appropriations package to fund the Department of Defense, the Census Bureau, the Department of Justice, NASA, the Treasury, and the Department of Homeland Security.

As a representative of many Federal employees in the State of Maryland and a member of the Appropriations Committee, I take the responsibility of funding the government extremely seriously. The decisions we make in the appropriations bills govern the operations of the Federal Government and its programs to serve the American people, keep them safe, and foster opportunity.

I have also been deeply disturbed by this Administration's efforts to disregard the appropriations bills that Congress has passed and the President has signed by transferring funds from one account to another and, in some cases, failing to spend duly appropriated dollars in a timely fashion. In order to assert Congress's authority to make the laws that the administration must faithfully execute, I have advocated for greater transparency through disclosure of the apportionment documents used by the Office of Management and Budget to plan spending schedules among agencies and for restrictions on the administration's authority to transfer funds between programs. We have seen that this President does not care about, congressional intent and will flout the law to use American taxpayer money build a border wall that he said Mexico would pay for. The funds appropriated by Congress cannot be not be allowed to be taken away and redirected on the whim of a President. So I am disappointed that this bill does not include meaningful restrictions on transfer authority.

It also does not include House language to require disclosure of apportionment documents—language that is similar to an amendment I offered that was passed on a bipartisan basis as part of a bill in the Budget Committee. I appreciate the hard-won provisions in the bill to bolster efforts to oversee and correct abuses in this administration's disgraceful detention policy that has separated children from their parents and funding for alternatives to detention family case Management. The bill rightfully rejects the President's request to increase his ICE and Border Patrol forces and prohibits border fencing in environmentally sensitive areas. But I remain deeply concerned that the President still can—and judging by past actions, likely will—transfer resources to support his damaging agenda.

I am pleased that this bill provides a well-deserved 3.1 percent pay increase for Federal employees who serve our Nation admirably every day. I am a cosponsor of the legislation to do that and glad that it has been included in this bill However, I am concerned that the bill does not include House-passed language to counter the President's Executive orders that undermine Federal employee collective bargaining and have resulted in a number of anti-worker contracts. Federal employees are prohibited from bargaining on wages and benefits, so they focus their efforts on improving the operations of their offices. We should not impede their efforts to establish better working conditions, protect the civil service from political reprisals, and arbitrate disputes between management and the rank-and-file. I will continue to fight for fair treatment of Federal workforce.

I appreciate the willingness of Chairman SHELBY and Vice Chairman LEAHY to work with me and with Congresswoman ELEANOR HOLMES NORTON to provide the District of Columbia with funding to cover past inauguration and Fourth of July expenses. But I am deeply disappointed that the bill continues to include shameful political policy riders for the District of Columbia that place restrictions on how the District spends its own money. The U.S. Congress should stop acting like we run the city of Washington, DC. Elected officials from the District should be able to enact laws that address the needs of their constituents without Congress looking over their shoulder. As I stated during our full committee markup of the Financial Services and General Government Appropriations bill, we must remove these restrictions—which none of us would accept for our own States.

Despite my reservations about the bill, it does include funding for many important programs. It fully funds the First Step Act to implement needed criminal justice reform, rejects the President's request to eliminate the Legal Services Corporation, and includes resources for law enforcement to address crime and fight opioid and drug trafficking. It fully funds the Census, a constitutionally mandated effort to count everyone in the United States and ensure that every community receives the resources it needs. It rejects the President's cuts to a number of important programs at NASA Goddard in Maryland, including the PACE Program, W-FIRST, and carbon monitoring. These programs are essential to our understanding of the universe and to own world and have been on the Trump chopping block year after year. I will continue to fight to make sure they are adequately funded. It fully funds the James Webb Space Telescope, supports RESTORE-L, and increases the base budget for Earth Science. NOAA and NIST, which are also headquartered in Maryland, will receive modest increases instead of the Administration's proposed cuts. The bill also includes important funding for defense installations in Maryland. This funding, coupled with the National Defense Authorization Act, which I was proud to support and which included a military pay increase and for the first time paid parental leave for federal employees, will ensure that the men and women of the military will receive benefits they deserve. Finally, the bill rejects the President's request to eliminate the Economic Development Administration and preserves funding for cooperative agreements between the Minority Business Development Agency and Minority Business Development Centers—three of which serve Maryland.

I recognize that no bill is perfect and that appropriations bills require compromise. I respect the work that Chairman SHELBY, Vice Chairman LEAHY, and their staffs have put into this legislation and am grateful for their willingness to work with me on many Maryland priorities. However, I believe

that we must take steps to assert Congress's role in the appropriations process in the face of a President who is willing to disregard the laws we pass—and he signs—to further his individual agenda. Because this bill does not restrict the President's ability to flout Congress's stated intent, I regret that I cannot vote for it.

ALTERNATIVE FUEL MIXTURE CREDIT

Mr. GRASSLEY. Madam President, I ask unanimous consent to engage in a colloquy with Finance Committee Ranking Member WYDEN to discuss a tax provision included in the spending package currently before the Senate.

The tax title in this bill contains an important clarification to the alternative fuel mixture tax credit under section 6426(e). This credit is intended to promote the use of nontraditional fuels, such as compressed natural gas and biomass-based fuels, for transportation and other purposes. Unfortunately, some in the oil industry have sought to turn this credit on its head by claiming the credit for ordinary gasoline based on the amount of butane mixed in. Ranking Member WYDEN, is it correct that every gallon of gasoline produced in the United States includes some amount of butane?

Mr. WYDEN. That is correct. All gasoline includes butane and, as far as I am aware, always has. Adding butane during the gasoline refining process is simply how gasoline is produced. The idea that Congress intended oil companies to benefit from a credit intended to reduce our dependence on traditional gasoline by rewarding them for making traditional gasoline doesn't pass the commonsense test. This is why the Internal Revenue Service has correctly denied such claims. However, the oil industry is litigating this issue in the hopes of winning a nearly $50 billion windfall for producing gasoline the same way they have for a century. Mr. Chairman, am I correct that Congress never intended for gasoline to qualify for this credit based on its butane content?

Mr. GRASSLEY. I can assure the Senator that it was never Congress's intent for gasoline to qualify for this tax credit. I was chairman of the Senate Finance Committee when the alternative fuel mixture credit was enacted in 2005 as part of a surface transportation bill. During that time, there was great interest in reducing our dependence on foreign oil and traditional fuels. The alternative fuel mixture credit was added to reduce that dependence, not to provide a handout to large oil and gas companies. The fact is, if anyone had thought oil companies could qualify for this crediw they already engaged in, the credit would never have been enacted. Not only would I have objected on policy grounds, but the Joint Committee on Taxation's revenue score associated with the provision would have been so large that its passage wouldn't have been feasible. What is more, if we had intended for butane mixed with gasoline to qualify when the credit was enacted in 2005, I don't understand why industry waited more than 10 years to start claiming the credit for doing what they have been doing for more than a century, as you point out.

Mr. WYDEN. Thank you for that background, Mr. Chairman. I agree with you that it is clear that the benefit some in the oil and gas industry are seeking from this provision is illegitimate. However, given the significant amount of taxpayer dollars at stake should these companies somehow prevail in litigation, it is also important for Congress to provide clarity in this area, to protect the public purse. The tax package under consideration in the spending bill addresses this by amending the alternative fuel mixture credit to more explicitly deny the credit for butane mixed with gasoline, consistent congressional intent. This clarification is effective for any claims filed on or after January 8, 2018, when the IRS issued a formal revenue ruling putting taxpayers on notice that a mixture of butane and gasoline does not qualify for the credit. However, this does not mean we agree that such mixtures prior to January 8, 2018, qualify for the credit, and, in fact, we are of the opinion that they do not. Do you agree Mr. Chairman?

Mr. GRASSLEY. I do agree. The IRS got the law correct when it issued Revenue Ruling 2018–2, and our clarification makes clear that it is our intent for the IRS interpretation of the law to be controlling for all claims. This is the basis of the ''no inference'' language in the bill that states: ''Nothing contained in this subsection or the amendments made by this subsection shall be construed to create any inference as to a change in law or guidance in effect prior to enactment of this subsection.''

I thank the ranking member for engaging in this colloquy to discuss this important issue and the clarification included in the pending appropriations bill.

Ms. BALDWIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

POINT OF ORDER

Mr. ENZI. Madam President, I rise to raise a point of order on the Further Consolidated Appropriations Act of 2020, which provides funding for eight appropriations subcommittees and includes numerous tax and healthcare provisions and other new legislation called ''authorizations.'' That is code for bills that haven't been debated on the Senate floor. These are Christmas presents for everyone, all put on the Federal credit card, which is overspent already.

This legislation was unveiled Monday afternoon and totals more than 1,800 pages, and here we are on Thursday, with just hours to go before a government shutdown, being asked to vote on a bill that has not been subject to amendment or debate and that the Congressional Budget Office tells us will increase deficits by more than $400 billion over the next 10 years. Actually, by the time you add in interest costs to this debt, it is half a trillion in 10 years and $2.1 trillion on 20 years. That is according to the Committee for Responsible Federal Budget, which added in that interest. They added it up. So that will be half a trillion dollars of new overspending in one vote, and what makes it so expensive is that we are trying to do something here to buy everybody's vote.

This bill completely bypassed regular order and violates nearly all the Senate self-imposed budget rules with its billions of dollars in giveaways and tax policy changes. We are legislating on funding bills. Legislation is supposed to be scrutinized differently, especially if they pay out real money.

I will remind my colleagues that our national debt stands at just over $23 trillion, and the Congressional Budget Office tells us that the Federal deficits are already on track to exceed $1 trillion this year and every year thereafter. That is besides this $2.1 trillion add-on.

We should be talking about how to address the budgetary mess we are in, not pressing the gas on an unsustainable fiscal trajectory, which is exactly what this bill does. We are making promises that can't be fulfilled.

Now, some people will mention the Tax Cuts and Jobs Act, but I need to emphasize and remind you that that boosted the economy. It created jobs, it increased wages, and it is bringing in more revenue than ever before—ever before. But we are spending it faster than it is coming in. So it is not a revenue problem. It is a spending problem.

Now, rather than an aberration, busting has become commonplace. This is the second time this week that I have come to the floor to raise a point of order against legislation that violates the budget. But to be fair, from a budget perspective, this bill is exponentially worse than the Defense authorization bill we considered earlier this year. It is at least 50 times worse.

I oppose this legislation. I oppose adding to the already massive debt burden being placed on future generations.

The pending measure, the House amendment to the Senate amendment to H.R. 1865, the Further Consolidated Appropriations Act of 2020, would cause a deficit increase of more than $5 billion in each of the four consecutive 10-year periods beginning in fiscal year 2030. This increase violates section 3101 of the 2016 budget resolution. Therefore, I raise a point of order under section 3101(b) of S. Con. Res. 11, the concurrent resolution on the budget for fiscal year 2016.

I have been here long enough to know that you will now hear a list of wonderful things that are on this bill. You will not hear how to pay for all of these Christmas presents.