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Senate

The Senate met at 3 p.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, You store up blessings for all who honor You. Lord, if angels must veil their faces in Your presence, shouldn't we mere mortals embrace reverential awe?

Today, empower our Senators to be strong and courageous as they make loyalty to You their highest priority. Smile on them with Your blessings, for You are the Author and Finisher of our salvation. Lord, grant that our lawmakers may know what is conducive for Your glory.

Today, we lift our hearts in ceaseless praise to You, our strong deliverer.

We pray in Your magnificent 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 (Mr. HAWLEY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 1 minute as in morning business.

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

TRIBUTE TO EVELYN BIRKBY

Mr. GRASSLEY. Mr. President, I pay tribute to a remarkable Iowan. She is one of the longest serving newspaper columnists in America.

She has an uncommon work ethic, having never missed a deadline in 70 years. Her weekly commentary in the

Shenandoah Valley News has blanketed her close-knit community in southwest Iowa for seven decades.

Now—get this—at age 100 years young, Evelyn Birkby—mother, farmer's wife, radio commentator—better yet, radio homemaker for KMA Radio—columnist, and author—is now retiring.

Her readers will miss her byline and storytelling. Her neighborly columns about ordinary life in rural America have brought extraordinary joy to generations of Iowans.

I yield the floor.

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 senior assistant legislative clerk read the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

KENTUCKY FLOODING

Mr. MCCONNELL. Mr. President, this afternoon, my staff and I are continuing to monitor widespread flooding across Southeastern Kentucky. Heavy rainfall damaged homes, businesses,

and infrastructure in those counties. Our Governor declared a state of emergency and mobilized a full-scale response for the areas in need.

I am particularly grateful to the first responders who have already rescued and evacuated many Kentuckians from harm's way. Their professionalism and courage have helped to keep this situation from becoming even worse.

Many roads remain closed and hundreds of residents are still without running water. Worse still, more rain is in the forecast in the coming days. This crisis, unfortunately, is not over yet.

My office stands ready with local, State, and Federal officials to help families and communities however we can, as Kentuckians endure the remaining flooding and begin the recovery process.

IMPEACHMENT TRIAL ACKNOWLEDGMENTS

Mr. President, on a totally unrelated matter, as the impeachment trial ended last week, I offered preliminary thanks to a few of the individuals whose outstanding service helped the institution fulfill this unique and challenging responsibility.

Rising to the occasion for just the third time in Senate history, it took herculean efforts from a long list of hard-working and dedicated people. So I would like to take a little bit of time this afternoon to share some Senate gratitude that too often goes unexpressed.

After I name some key individuals and offices within the Senate, I will submit a fuller list for the RECORD.

First, thanks to the Sergeant at Arms, Mike Stenger, and his entire team, especially the tremendous efforts of our Deputy Sergeant at Arms, Jennifer Hemingway; our protocol experts, including Becky Schaaf and Carly Flick; Krista Beale and Bob Shelton of Capitol and Chamber Operations; and, of course, Grace Ridgeway and her remarkable Capitol Facilities team.

Many other offices had to go far above and beyond their normal duties:

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



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the executive office, doorkeepers, Press Gallery directors, Printing and Graphics, the Counsel, the Recording Studio, the Appointments Desk, the Switchboard, and the Chief Information Officer.

Thanks, of course, to the Secretary of the Senate, Julie Adams, and all of those vital Senate offices.

In particular, I have to single out our Parliamentarians, Elizabeth MacDonough and Leigh Hildebrand, and Parliamentary Clerk Christy Amatos. This expert team of professionals sacrificed nights, weekends, and holidays to ensure that this institution was ready to navigate little-charted waters, follow infrequently used rules, and track with the letter of the rules at every turn. We are so grateful.

Many others made huge contributions as well: the offices of the Legislative Clerk, the Official Reporters of Debates, the Journal Clerk, Captioning Services, the Senate Historian, Senate Security, the Curator's Office, the Senate Library, and the Office of Printing and Document Services.

Thanks also to the Architect of the Capitol's team for making sure our physical plant was up to snuff, to Chairman ROY BLUNT on the Rules Committee and their staff, and to the Office of Senate Legal Counsel and the Government Publishing Office.

As I mentioned last week, we are hugely grateful to the Capitol Police, the Senate pages, and the Chief Justice of the United States, John Roberts, and his staff.

I would like to recognize Erin Sager Vaughn, on the staff of the Democratic Leader, Senator SCHUMER, for her many efforts, and all the offices on both sides, particularly the staff assistants whose days became far busier during matters of especially great public interest.

Before I conclude, I need to thank several more players, specifically, on the Republican side and in my own office. Thanks to Chairman LINDSEY GRAHAM's staff on the Judiciary Committee, who poured enormous work into this process, particularly Brendan Chestnut and Gabi Michalak; to Chairman GRASSLEY's team on Senate Finance and to our Majority Whip, Senator THUNE, and the Whip office.

I am enormously grateful to Laura Dove, the Secretary for the Majority, for literally working around the clock to listen carefully to our Members and map out the complex strategy for the Senate to fulfill our duty. Laura sat on the dais for this trial just like her father Robert Dove before her, who was serving as Senate Parliamentarian in 1999.

Huge thanks to Robert Duncan, the Assistant Secretary, and their entirely stellar Cloakroom team: Chris Tuck, Megan Mercer, Noelle Ringel, Tony Hanagan, Katherine Foster, Brian Canfield, and Abigail Baker. We very simply could not have done this without you.

And last, but certainly not least, I need to thank my own staff. Working

for Senate leadership tends to mean there is no normal. There is no easy day. Call it an occupational hazard, but even by those standards, the past several months have required extraordinary efforts from my talented team. Andrew Ferguson, my chief counsel, became a leading expert on every component of impeachment seemingly overnight and offered invaluable counsel, guidance, and leadership at every single stage of this process.

Thanks as well to Robert Karem, my national security adviser, and Jim Neill and Erica Soares; to my communications director, David Popp and the entire team he oversees, led by Doug Andres, Andrew Quinn, and Scott Sloofman, including Dylan Vorbach, and, especially, the crack research team of Robert Utsey and David Hauptmann.

Thanks to Sarah Fairchild, Alexandra Jenkins, and our operations team of Victoria Mason, Spencer Abraham, and Elise Stebick.

Thanks to my Kentucky office team, led by Phil Maxson, and my in-State offices, led by Terry Carmack, for continuing their crucial work while Washington was literally consumed by impeachment.

Most of all, I need to thank my staff's fearless leaders, Scott Raab, deputy chief of staff for Policy; Stefanie Muchow, my deputy chief of staff for operations, for her enormous efforts day and night; and Sharon Soderstrom, my chief of staff. I rely on Sharon's wisdom, expertise, and impeccable judgment every single day. I cannot thank her enough.

With that, Mr. President, I ask unanimous consent that the more comprehensive list of individuals to thank be printed in the RECORD.

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

In addition to the individuals I just named, I want to express the Senate's sincere gratitude to the following individuals for their essential contributions to the historic undertaking of a presidential impeachment trial.

In the Office of the Chief Justice: Jeff Minear, George Everly, Megan Braun, and Craig Carroll.

On the staff of the Senate Judiciary Committee: Tim Rodriguez, Watson Homer, Mike Fragoso, Zach Somers, Elliott Walden, Chris Ventura, Lindsey Keiser, Raija Churchill, and Arthur Baker.

On the staff of the Senate Finance Committee: Joshua Flynn-Brown, Delisa Ragsdale, Taylor Foy, George Hartmann, and Michel Zóna.

On the staff of the Senate Rules Committee: Fitzhugh Elder and Rachelle Schroeder.

On the staff of the Majority Whip: Nick Rossi, Geoff Antell, Jason Van Beek, Daffnei Riedel, and the entire Whip team.

In the Office of the Secretary of the Senate: the Assistant Secretary of the Senate, Mary Suit Jones, as well as Dan Schwager, Rachel Creviston, Sydney Butler, and Vanessa VandeHey.

Among the many people it takes to run the Senate floor, Cassandra Byrd, Allys Lasky, Billy Walsh, Megan Pickel, Adam Gottlieb, John Merlino, Mary Anne Clarkson, Sara Schwartzman, and Lindsay Gibmeyer.

In the Office of Conservation and Preservation: Beverly Adams and Susan Rapuano.

In the Senate Curator's Office: Melinda Smith, Sasha Lourie, Megan Hipsley, Jen-

nifer Krafchik, Theresa Malanum, and Corey Purtell.

In the Senate Historical Office: Betty Koed, Kate Scott, Dan Holt, Karen Paul, Amy Camilleri, Beth Hahn, and Mary Baumann.

In the Senate Library: Leona Faust, Kara Baer, Meghan Dunn, Annelisa Cobleigh, Rachel Donelson, Meg Kuhagen, Rachel Sharrow, and Jessica Springings.

In the Office of Captioning Services: Sandra Schumm, Doreen Chendorain, Laurie Harris, Brenda Jamerson, and Jennifer Smoika.

In the Office of Official Reporters of Debates: Dorothy Rull, Susie Nguyen, Patrice Boyd, Mary Carpenter, Octavio Colominas, Carole Darche, Diane Dorhamer, Chantal Geneus, Alice Haddow, Andrea Huston, Catalina Kerr, Julia LaCava, Michele Melhorn, Adrian Swann, and Shannon Taylor-Scott, and Julia Jones.

In the Office of Printing and Document Services: Laura Rush and Robert Braggs III.

In the Office of Senate Security: Mike DiSilvestro and Ronny Howard.

In the Office of Senate Legal Counsel: Pat Bryan and Morgan Frankel.

In the Office of the Sergeant at Arms: Garrett Burns, Jeff Kent, Laura Lytle, Mike Mastrian, Justin Wilson, Brian Trott, Terence Liley, Bob Swanner, Karl Jackson, Mele Williams, Joan Sartori, Debbie Tyler, Chris Jordan, Lynden Armstrong, and Brian McGinty.

In the Capitol Facilities Office: Monique Beckford, James Banavong, Jamie Becker, Hugh Bennett, James Hardwick, Jim Hoover, Andy Mohammed, Eileen Penot, Carlos Abarca, Leopoldo Aldayuz, Edward Cooper, John Davis, Jonathan Everett, Lawrence Ford, Steve Hall, Anthony Maree, James Montgomery, Olga Morales, Ana Orellana, Gary Richardson, Thomas Shaw, Misael Ulloa, Shariff Washington, Lyndon Webb, Sharif Amirgholi, Kelly Butler, Brenda Byrd, Verona Clemmons, Johnny Dixon, Ronald Gibson, Clydette Greer, Cleveland Johnson, Leon Jones, James Kennedy, Christina Mischel, Carlos Perez, Donnie Proctor, Alfredo Romero, Albert Sandidge, James Shird, Kenneth Vick, Branden Waters, Dominique Williams, Patrick Williams, Patricia Browne, Nandranie Gourzis, Christopher Hauser, Le'Moine Simpson, Elmer Villatoro, and Jermaine Washington.

In the Capitol Operations office: Laverne Allen, Tyson Allison, Spencer Barks, Gwen Barnhardt, Dan Benedict, Lauren Cavignano, Tyler Chandler, Gail Daniels, Catherine Edwards, Michelle Enfiejian, Marcella Ferguson, Tom Ford, Wyatt Fulghum, Elizabeth Garcia, Rocketta Gillis, Tony Goldsmith, Patrick Green, Ryan Hoban, Denis Houlihan, Randi Hutchinson, Alex Johnson, Della Jones, Jim Jordan, Jacob Kaufman, Cindy Kesler, Emily Lamb, Raciee Leake, Shahwan Mason, Philip Norton, Mickey Oldaker, Timothy O'Neill, Jonathan Pacheco, Essence Patterson, Patrick Pettey, Julie Pfister, Megan Sheffield, David Straszheim, Todd Trautman, German Vasquez, Delta Whitfield, Nancy Bonilla, Dottie Bright, Merriell Briscoe, Ava Burselon, Barbara Callands, Adrienne Culver, Monica Thomas-Hawkins, Logan Johnson, Karen Jones, Khavin Kry, Tori Mayo, Marcela Samuels, April Fox-Shird, Tina Stewart, Stella Strozier, Nellie Taylor, Lisa Thompson, Rochelle Thorpe, and Carol Yearwood.

In the Senate Recording Studio: Jeff Horne, John Buszinski, Tim Heacock, John Judge, Bill Steinhour, Chris Wilde, Scott Mead, Rob Strickland, John Grutzik, Gregg Brunclik, Paul Casasco, Blair Cooper, Stewart Grace, Jennifer Johnson, Chris Langley,

Kevin Neale, Kirby Reitz, Thinh Pham, Bryan Whitney, Eric Zeitlin, Lori Thabet, Luke Gallagher, Mariano Molina, Carlos Velado, Rogelio Velado, Ward Webster, Bob Becker, Kristen Betsill, Matt Commeree, Kristy Dyson, Torgunn Eckroad, John Evanko, Lori Helm, Lolita Graef, Carol Anne Jarrett, Kevin Loftus, Nate Russell, Angelo Skarlatos, Diego Torres, and John Viscardi.

In the Office of the Chief Information Officer: Jonathan Braxton, Tiffany Deliberto, David Gately, John Hartsfield, Bill Hill, Chris Humphrey, Rudolph Janifer, Katie Miller, Eric Quintos, Jack Reynolds, Bryan Steward and Tony Williams.

In the Office of Security and Emergency Preparedness: Wendy Colmore, Gordon Liscomb, and Ronda Stewart.

In the Printing, Graphics and Direct Mail Office: Julio Benitez, Shayna Mack, George Thompson, Scott Wilson, John Zupko.

The Architect of the Capitol, Brett Blanton and Mark Reed.

In the Government Publishing Office, Hugh Halpern and his team.

And last but certainly not least, in my own Office of the Majority Leader: Valerie Chicola, Katherine Grayson, Emily Hauck, and Suzanne Youngblood.

A great many talented and dedicated professionals went far above and beyond the ordinary course of their duties to help the U.S. Senate complete this unusual but essential constitutional duty. This institution is not good enough at saying “thank you,” let alone after an undertaking of literally historic proportions. We are grateful to all of you for your work—these past days and every day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SENATE LEGISLATIVE AGENDA

Mr. CORNYN. Mr. President, the impeachment process that has consumed our country over the last several months is finally at an end. Every Member of this Chamber has spent dozens of hours, if not more, studying the precedents, listening to the House managers and the President’s legal team as they presented their arguments, including the testimony of 13 witnesses whose sworn testimony was presented during the Senate trial.

In the end, the majority of the Senators agreed that President Trump should be acquitted of the charges brought by the House. No matter how each Senator voted or felt about the end result, I can hope that we would all agree on one thing, and that is, it is time to move forward.

Impeachment has paralyzed the work of Congress for far too long, and we can’t continue to allow the divisions and partisan games that are associated with it to prevent us from doing the jobs we were sent here to do. We are 9 months away from the next election. I think it is somewhere around 267 days, if I am not mistaken. That is when the American people will choose their next President and vote on the direction of the country. But until then, our constituents expect us to use the remainder of the time we have here to find

consensus where and when we can and to make progress on issues that they care most about.

For my constituents in Texas, the No. 1 item on their list is prescription drug pricing. I continue to hear from my constituents in Texas who feel burdened, confused, and down-right frustrated by rising costs at the pharmacy. One of the reasons why I think that is probably true is that under the Affordable Care Act deductibles have risen and copays have ballooned, such that consumers are now paying more out of pocket for their prescription drugs than ever before, because from all of the negotiated deals between the pharmaceutical manufacturers and the prescription pharmacy benefit managers, none of that savings directly goes into the pocket of the consumer. So with increased deductibles and with expanded copays, my constituents, and, I dare say, all of our constituents are feeling more of that coming out of their pocket.

Medications that people have been taking for years just keep getting more and more expensive with no explanation behind the increase. To me, the No. 1 example of that is insulin. I support the role of our patent system to protect research and development of lifesaving and innovative drugs, that people get a period of exclusivity—the companies that bring them into the market—a period of exclusivity so they can recoup their sunk costs and perhaps even make a profit, but there is just simply no explanation for a drug like insulin, that has been on the market for so long, for people to see \$1,200 and higher copays, as we heard in the Senate Finance Committee hearing.

A mother talked about her young son who was leaving the nest, so to speak, but he was unable to meet the \$1,200 copay. He was deferring decisions in his life like buying a house and perhaps even getting married because of the burden of that copay. We must do better, particularly on drugs that have been on the market for a long, long time, like insulin, that are so important for treating conditions like diabetes.

But perhaps the single most—well, it is really the most common concern I hear about is a drug called HUMIRA, and that is perhaps because it is the most widely prescribed drug in the world. This drug is a miracle drug, to be sure. It treats arthritis and a number of other immunodeficiency conditions, and it has been available for 15 years.

Now, you typically think of an expensive drug as being one, as I said, freshly on the market, which has just completed costly research and development, but a drug that has been around 15 years, can it be still protected by those patents, even though it was supposed to expire years earlier? Well, apparently, it can.

Smart lawyers with pharmaceutical manufacturers have figured a way to impose what is known as patent thickets. In other words, they can request and get issued so many different pat-

ents that they literally can prolong the period in which a drug manufacturer can claim exclusive right to the sales of that drug.

AbbVie, the company that makes HUMIRA, has figured this out. They figured out how to game the patent system so that no competition ever comes to market, and they remain the sole provider of this widely used drug. Their playbook involves an intricate maze of overlapping patents, which make it nearly impossible for a competitor to come to market.

Here is the best evidence of that. Today there are five companies that compete with HUMIRA in Europe, but all are blocked from their competing drugs being sold here in America until 2023. That is as a result of this patent thickening gamesmanship. The smart lawyers at AbbVie have effectively found loopholes that allow them to create and maintain a monopoly.

Unfortunately, this isn’t the only example of anticompetitive behavior in the pharmaceutical industry. A number of my constituents have also told me about their experience with a drug called Namenda, which is used by patients with Alzheimer’s, a devastating disease. Like other new drugs, it began with an exclusivity period, where they were the sole provider, but when that period was coming to a close, the drugmaker switched from a twice-daily to a once-daily dose. Believe it or not, that triggers a new patent application. That move itself prevented pharmacists from being able to switch patients to a lower cost generic, even though it is just as effective, so the company could continue to reap enormous profits basically by just changing from twice-a-day to once-a-day application.

The enemy here is not our patent system. It is the abuse of the patent system by some pharmaceutical companies—again, not all pharmaceutical companies—but some in ways that directly harm the people we represent, the American people.

Earlier this year, I introduced a bill with my friend, the Democratic Senator from Connecticut, RICHARD BLUMENTHAL, to take aim at some of these corrupt practices. Our bill strikes the delicate balance between protecting innovation while increasing competition, and when it passes, it will be a win for every American who has felt the pain of sticker shock at the pharmacy.

We know it takes a lot more than good policy to get a bill turned into law around here. It takes bipartisanship. It takes broad consensus support to get the green light from the appropriate committees and to pass them through both Houses of the Senate. Well, you would think a bill like this that is bipartisan, has broad support, passed unanimously out of the Judiciary Committee, and reduces Federal spending would be a piece of cake to

pass, but they haven't been in the Senate during this period of our divisiveness.

The senior Senator from New York, the Democratic leader, has refused to let this bill pass without a Broadway-scale production of other unrelated legislation. Back in November, I came to the floor to ask that this bill be passed by unanimous consent—again, since it had passed unanimously out of the Judiciary Committee, and we had hotlined the bill to see if there were any other objections in the Senate and found none.

Well, in the month that followed, after the senior Senator from New York objected to passing that bill, I didn't hear a single word from the Senator who had concerns about it, but when I came to the floor to ask that the bill be passed again, the senior Senator from New York, the Democratic leader, blocked it again. He doesn't think it is bad policy. In fact, he admitted it is a good bill. He is not objecting to it because it is somehow a partisan bill that hasn't gone through the regular order or would increase the national debt. As I said, none of these things are true of this legislation.

The only reason the senior Senator from New York, the Democratic leader, objected to this bill is because he is engaging in the kind of politics and gamesmanship that really gives Washington, DC, a bad name. It is true that my name, like a third of the Senators' names, will be on the ballot in November, and Senator SCHUMER, apparently, is willing to punish his constituents in New York State by not allowing this bill to pass because he wants to make sure that nobody whose name is on the ballot, who happens to be a Republican, can claim any sort of advantage by getting a win, legislatively.

Well, unfortunately, while he is playing those sort of politics and games, his own constituents are being harmed, and the American people are being deprived of the benefits of this bipartisan legislation. We saw this mentality during the President's impeachment trial too. We saw how the Democratic leader staged vote after vote—not because he felt like he had a shot at getting a conviction of President Trump and a removal but strictly to make Senators whose names were going to be on the ballot in 2020 look bad. He wanted to get the best 30-second TV spot he could possibly get against all Republican Senators running in 2020.

He knew he was going to lose on the main impeachment vote, so he focused on the one thing that has eluded him for many years, and that is, his aspiration to become the next majority leader. Now, in his bid to become the next majority leader, our colleague from New York is blocking a bill that would bring down drug prices not only in the State of Texas but in New York as well and every other State around the country.

I wonder what the Senator's constituents in New York are telling him

about blocking bipartisan legislation that would actually benefit them. This is at the same time that they are trying to figure out how do they pay the higher copay or deductible for their prescriptions at the pharmacy. We are not even a month and a half into the new year, and drug prices are already on the rise, with an average increase of 6 percent. HUMIRA, which I mentioned earlier, has already gone up 7.4 percent.

So it is clear to me that this problem is not going to go away, and the time to act is now. I would encourage the Democratic leader to stop blocking the bill that his conference Member Senator BLUMENTHAL of Connecticut and I have introduced, so we can address these rising costs and provide some much needed relief for our constituents.

My constituents have asked me: What does Congress intend to do between now and the election? I usually mention: Well, we can deal with the prescription drugs, and we can help bring down the out-of-pocket costs. Hopefully, we can pass a highway infrastructure bill that we are working on, one that passed unanimously out of the Environment and Public Works Committee under the leadership of Senators Barrasso and Carper, but the third thing I think we ought to be able to do—and really it is a shame it has taken this long to act—is we need to take actions to confront the rising healthcare risks associated with e-cigarettes.

E-CIGARETTES

In December, I visited the University of North Texas Health Science Center in Fort Worth to learn more about the danger of e-cigarettes, particularly among adolescents. I heard from a young Texan named Anna Carey, who used to be among the many students at her high school using e-cigarettes. Like so many young people across the country, she became addicted. That is the point. E-cigarettes are not harmless. They deliver nicotine, which is an addictive drug, into your body, and that is the point of the e-cigarette.

The one advantage it does have over tobacco is you don't have to burn it, which also produces carcinogenic by-products of combustion, but like so many people in the country, Anna became addicted, and it didn't take her long to experience severe health consequences as a result of the use of this product.

The once active 16-year-old became extremely lethargic and would experience random and severe chest pain. Eventually, she was admitted to Cook Children's Hospital in Fort Worth and diagnosed with chemical-induced pneumonia in both her lungs. She said that was her wake-up call. Anna quit using e-cigarettes, and I am glad to report she has made a full recovery. Others have not been so lucky.

She now shares her story in an effort to raise awareness and prevent other young people her age from going down the same path, but we can't let young

people like Anna lead this fight alone. We need to do more in Washington to do our job. This has been a high priority for Members on both sides of the aisle. One of our colleagues on the HELP Committee, the Health, Education, Labor, and Pensions Committee, continues to work to address this health challenge.

The most effective way to prevent adolescents from facing the harmful consequences of these devices is to stop them from getting addicted in the first place. A recent survey found that one-third of underage e-cigarette users bought them over the internet, where it is easy to skirt the age requirements. That has to change. It has already changed for tobacco. We just want to apply the same standard to e-cigarettes.

I have introduced a bill with the Senator from California, Mrs. FEINSTEIN, to protect our children from becoming addicted to the nicotine produced by e-cigarettes, and I hope we will be able to make progress on this legislation soon.

As I said, e-cigarettes and tobacco are on totally different playing fields when it comes to online purchases. For traditional cigarettes, there are clear guardrails in place to prevent minors from using online purchases to skirt the age requirements. At the time of delivery, the buyer has to sign and show an ID proving their age, which just makes sense. You are required to show an ID when you purchase cigarettes at a gas station or convenience store, and online purchases should be the same, but in the case of e-cigarettes, it is different. Anyone, no matter how old or young, can go online and buy e-cigarettes and have them delivered to their front door without the legal requirement of an ID, and you better believe that too many young people are taking advantage of that loophole without really fully understanding the dangers they are subjecting themselves to.

A recent survey found that about one-third of underage e-cigarette users bought them online. This legislation would change that. It wouldn't add additional requirements. It would simply apply the same requirements for the online sale of traditional cigarettes to e-cigarettes.

As I said, this bill has broad bipartisan support, as you think it would. So I am hopeful we can pass it and get it to the President's desk soon so we can address this wave of addiction among our young people.

With impeachment in the rearview mirror, I hope the Senate will come together and cross these critical items off of our to-do list. Our constituents, the American people, will benefit.

We have a lot of work to do and a lot of work we can and should get done between now and the election in November, so I hope we will be able to make some progress.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAWLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNIZING THE KANSAS CITY CHIEFS

Mr. HAWLEY. Mr. President, it is my privilege to rise and congratulate the Kansas City Chiefs on their victory over the 49ers in Super Bowl LTV last week in Miami, FL.

With their victory, the Chiefs earned their second Super Bowl championship and their first since 1970. I would just note, as someone who was born just about 10 years after that first Super Bowl, I have literally been waiting my whole life for this, and, man, it is darn good.

This victory was Coach Andy Reid's 222nd career win and, of course, his first Super Bowl title in his Hall of Fame career.

The Chiefs were led by quarterback Patrick Mahomes. If you don't know who Patrick Mahomes is, I don't know where you have been for the last couple of years. Mahomes completed 26 of 42 passes for 286 yards and 2 touchdowns. He rushed nine times for 29 yards and another touchdown, and he was named the game's Most Valuable Player.

Mahomes is the youngest player in the history of the NFL to win both the NFL MVP award and a Super Bowl title. Mahomes' play in the Super Bowl was the culmination of a historic play-off run, full of memorable moments, none more iconic than the "scamper down the sideline" for a touchdown to take the lead against the Tennessee Titans in the AFC championship game.

It takes a team to win a Super Bowl, and everyone on this team did his part. Running back Damien Williams had 17 carries for 104 yards and 1 touchdown, plus 4 catches for 29 yards and a touchdown. Tight end Travis Kelce added six receptions for 43 yards and one touchdown. Wide receiver Tyreek Hill had nine receptions for 105 yards, including that crucial 44-yard reception on third down with fewer than 7 minutes remaining in the fourth quarter. And wide receiver Sammy Watkins added another five catches for 98 yards.

The defense and special teams did their part, too. Bashaud Breeland led the Chiefs with seven tackles and one interception. Defensive tackle Chris Jones was a disruptive force, batting down three passes from 49ers quarterback Jimmy Garoppolo. Defensive end Frank Clark sacked Garoppolo on fourth and 10 with fewer than 2 minutes remaining to seal the victory—maybe my favorite play of the game. And Harrison Butker was perfect, making one field goal and four extra points. The entire Chiefs roster contributed to this historic victory.

I ask unanimous consent that all of their names be listed in the RECORD.

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

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

The entire Chiefs roster contributed to the Super Bowl victory, including Nick Allegretti, Jackson Barton, Blake Bell, Bashaud Breeland, Alex Brown, Harrison Butker, Morris Claiborne, Frank Clark, Dustin Colquitt, Laurent Duvernay-Tardif, Cam Erving, Rashad Fenton, Eric Fisher, Kendall Fuller, Mecole Hardman, Demone Harris, Chad Henne, Tyreek Hill, Anthony Hitchens, Ryan Hunter, Chris Jones, Travis Kelce, Tanoh Kpassagnon, Darron Lee, Jordan Lucas, Patrick Mahomes, Tyrann Mathieu, LeSean McCoy, Matt Moore, Ben Niemann, Derrick Nnadi, Dorian O'Daniel, Mike Pennell, Byron Pringle, Reggie Ragland, Austin Reiter, Demarcus Robinson, Khalel Saunders, Mitchell Schwartz, Anthony Sherman, Daniel Sorensen, Terrell Suggs, Darwin Thompson, Charvarius Ward, Sammy Watkins, Armani Watts, Damien Williams, Xavier Williams, James Winchester, Stefen Wisniewski, Andrew Wylie, and Deon Yelder.

Punter Dustin Colquitt, the longest tenured Chief and the team's nominee for Walter Payton NFL Man of the Year, earned his first Super Bowl championship in his 15th season.

Rookie kick returner Mecole Hardman, tight end Travis Kelce, safety Tyrann Mathieu, and right tackle Mitchell Schwartz were named to the Associated Press All-Pro team for the 2019 season.

Mr. HAWLEY. If I could just add a word about the Hunt family, who own the Chiefs and have led the Chiefs for decades now, Lamar Hunt founded the Chiefs more than six decades ago and helped shape the National Football League, including by coining the phrase "Super Bowl." Those were his words. It was his idea. His legacy continues today with Clark and Tavia Hunt, who are remarkable people.

The entire Hunt family deserves great credit for their unwavering commitment to Kansas City, the State of Missouri, and the Chiefs organization, which they lead with tremendous poise, tremendous integrity, and tremendous honor.

Congratulations to the Kansas City Chiefs, to their employees, to the hundreds of thousands—maybe millions—of loyal fans out there, to Chairman and Chief Executive Officer Clark Hunt, to President Mark Donovan, General Manager Brett Veach, Coach Reid, and his staff, trainers, and equipment managers, all of whom contributed to this great victory. They have people all over the world asking "how 'bout those Chiefs?"

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

BUDGET PROPOSAL

Mr. SCHUMER. Mr. President, today President Trump unveiled his budget proposal for fiscal year 2021. For the third year in a row, the President's budget puts a magnifying glass on the endemic, pervasive hypocrisy of this administration.

He says one thing in the State of the Union and does the opposite in his budget. But the budget is what he does. The State of the Union is just what he says. So, 1 week removed from the State of the Union Address, President Trump's budget doublecrosses the American workers and middle-class families he promised to help in that speech.

Let's take healthcare. Candidate Trump promised to protect the social safety net programs like Medicare and Medicaid, unlike other Republicans. Once in office, President Trump has proposed cutting—cutting—Medicare and Medicaid every year he sent us a budget. Once again, the President proposed steep cuts to Medicaid, as well as onerous new qualification requirements, policies that would take coverage away from millions.

Medicaid affects poor people, but it affects a whole lot of middle class people whose parents are in nursing homes and healthcare facilities. Dramatic cuts to Medicaid hurt large, large numbers of Americans, both poor and middle class.

On top of that, the budget proposes cutting funding for the Department of Health and Human Services by 9 percent. That is the Department in charge of the coronavirus. He is cutting the budget. Then, when something bad happens, he will blame somebody else. That is his MO.

The President stood in front of the Nation and promised his administration would protect Americans with pre-existing conditions. It was a lie when he said it, and his budget makes that very, very clear. If the President's budget became reality, hundreds of billions of dollars would be taken away from healthcare services, and tens of millions of Americans would see their coverage disappear, including millions with preexisting conditions.

There is one term that appears nowhere in the President's budget. It is called "climate change." One of the greatest challenges of our time, the No. 1 threat facing our planet, climate change is not mentioned once among the hundreds of pages of the President's budget, except it does propose cutting the Environmental Protection Agency by 26 percent—more than a quarter.

The Earth is on fire. Antarctica had a 64-degree record temperature this week. What is the President's response? He douses the fire with the lighter fluid of weakened pollution regulations and then proposes cutting the fire department.

He cares about the oil companies. Lots of those Big Oil wildcatters send him tons of money. He doesn't care

about the future of this globe and that we are leaving something awful to our children and grandchildren.

Going further, in the President's budget, hundreds of billions would be slashed from Federal housing assistance, student loan forgiveness, and Federal disability insurance. Nutrition assistance to hungry families, long on the President's chopping block, would see another round of severe cuts. Food—food for children. They are poor. Take it away. Is that what this country stands for? Is that what our Judeo-Christian tradition stands for? Absolutely not. Absolutely not.

If you are an American struggling with student loan debt or health problems or housing costs or hunger, the President's budget says you are out of luck. Meanwhile, if you are a millionaire or a billionaire or a corporation or a Big Oil wildcatter, the President's budget says you are in luck.

When it comes to taxes, the President thinks the tax cuts should be extended for an additional 10 years. So, so much for this deficit reduction that the Republican Party used to stand for. Now it is clear. A few years after the tax cuts—2 years after them—the deficit is increasing. It hasn't produced that dramatic increase in revenues that everyone talked about. But let's do it for 10 years. No Republican should complain to Democrats about deficit reduction when we are talking about things that matter to average middle-class people, like Medicare and Medicaid, when the tax cuts are proposed for 10 years.

So the budget reveals once again where President Trump's priorities truly lie: not with the working Americans he touts in his speeches but with the ultrarich and the corporate elites he rewards with his policies. It can't be discarded soon enough.

One more point—I said it the night of the President's State of the Union. I said the truth serum will be his budget. Let's see if the President, for once, is telling a little bit of the truth.

The budget shows all the rhetoric is one way, and the actual budget is another. How long will the American people stand for this man's hypocrisy—blatant? I have never seen it in a President—Democrat or Republican—before.

WHISTLEBLOWERS

Mr. President, now, on whistleblowers, in the aftermath of the President's impeachment trial, the President has begun dismissing members of the administration who testified in Congress, including Lieutenant Colonel Vindman and Ambassador Sondland. The President also dismissed LTC Eugene Vindman. This was vindictive, nasty, typical of President Trump, and for no other reason than he was the brother of LTC Alexander Vindman.

This morning, senior adviser to the President Kellyanne Conway said these were not likely the last of the firings. This is a textbook case of witness retaliation. Not only is the retaliation against Lieutenant Colonel Vindman,

the anonymous whistleblower, and others like them shameful; it is also illegal. It is illegal. All Federal employees have the right—the legal right—to make protected disclosures to Congress and to inspectors general anonymously and free from reprisals. Even the Founding Fathers were concerned about whistleblowers and protecting them.

This country is being turned inside out, and too many people are going along. If something is going on that is wrong in government, don't we want to encourage government employees to bring that forward? Don't we? Well, not President Trump, because he is the government, and what is good for him—or what he thinks is good for him—he thinks is good for America, even when they diverge.

So the rights of whistleblowers are being challenged like never before, creating a chilling effect among those who in previous administrations might have come forward to expose abuses of power, waste, and fraud. Whistleblowers save the taxpayers money. Again, it used to be bipartisan. The Senator from Iowa has always been defending whistleblowers, but all of that goes away now that Trump is President. Without the courage of whistleblowers and the role of inspectors general, the American people would never have known how the President abused his power in Ukraine.

Now the President is taking steps to punish anyone who came forward, out of spite and out of a desire to prevent future whistleblowers from potentially reporting on the President's misconduct. Make no mistake about it, the President is conducting a deliberate campaign to intimidate anyone who might blow the whistle on his conduct or the conduct of those under his direction. He feels this cannot be tolerated.

So today I sent a letter to all 74 inspectors general in the executive branch, requesting that they immediately investigate any and all instances of retaliation against anyone who has made or in the future makes protected disclosures of Presidential misconduct to Congress or to an inspector general.

Members of the administration take an oath to protect and defend the Constitution. Some of them bravely stepped forward to tell the truth about the President's efforts to solicit foreign interference in the 2020 elections, and for that, for telling the truth under oath—which the President didn't allow his allies to do—for these people doing their patriotic duty to their country, they are being summarily dismissed from their jobs by a vindictive President.

Our Founders believed that truth was fundamental to the government and, indeed, the survival of the Republic. As the President takes steps to punish anyone in his administration who tells the truth, it is incumbent on the independent watchdogs in our government to protect whistleblowers like Lieuten-

ant Colonel Vindman and others who put their lives and livelihoods on the line to protect our freedoms. I was glad to hear the Chief of Staff say that Vindman, within the military, was protected. At least there is some honor left in this government.

NOMINATION OF ANDREW LYNN BRASHER

Mr. President, now, about the nomination of Mr. Brasher, now that the impeachment trial of the President is over, Leader MCCONNELL is wasting no time getting us back to what seems to be his primary goal: rubberstamping unqualified and extreme judicial nominations.

This week the Senate will consider the nomination of Andrew Brasher to the Eleventh Circuit Court of Appeals. Mr. Brasher's primary qualification to sit on the Federal bench seems to be the 6½ months—6½ months—he spent on the district court in Alabama. Let me repeat that. Senate Republicans installed Brasher as district court judge less than 7 months before moving to elevate him to an appellate court. I have never heard of anything like this. The Senate majority is asking us to promote a candidate for circuit court judgeship who has less than a year of experience as a judge. But he is not just unqualified. Maybe they are promoting him so quickly because they love the fact that his views are so wildly out of the mainstream. As Alabama's solicitor general, Brasher fought against women's reproductive rights, which three-quarters of Americans believe in; commonsense gun safety laws, which 90 percent of Americans believe in; and marriage equality, which the majority of Americans believe in. He employed farfetched legal theories that were overruled by the courts, including Justice Scalia. Mr. Brasher shamefully spent his career defending voter suppression efforts. So less than 1 week after covering up the President's attempt to cheat in the next election, Senate Republicans are moving forward to reward a nominee who supports voter suppression. Both actions smack of contempt for the democratic process and a blatant disregard for the franchise of American citizens, the thing many of our young men and women have died for throughout the century—the right to vote.

Mr. Brasher's nomination to the circuit court is another disgrace—an absolute disgrace—to our Federal judiciary. Every Senator should vote against it.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The 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 Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Mitch McConnell, Cindy Hyde-Smith, Thom Tillis, John Thune, Mike Crapo, Mike Rounds, Steve Daines, Kevin Cramer, Richard Burr, John Cornyn, Shelley Moore Capito, Todd Young, John Boozman, David Perdue, James E. Risch, Lindsey Graham, Roger F. Wicker.

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

The question is, Is it the sense of the Senate that debate on the nomination of Andrew Lynn Brasher, of Alabama, to be United States Circuit Judge for the Eleventh Circuit, 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 North Dakota (Mr. CRAMER), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Kentucky (Mr. PAUL), the Senator from Florida (Mr. SCOTT), and the Senator from Pennsylvania (Mr. TOOMEY).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), 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 46, nays 41, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—46

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

NAYS—41

Baldwin	Brown	Carper
Blumenthal	Cantwell	Casey
Booker	Cardin	Coons

Cortez Masto	King	Shaheen
Duckworth	Leahy	Sinema
Durbin	Manchin	Smith
Feinstein	Menendez	Stabenow
Gillibrand	Merkeley	Tester
Harris	Murphy	Udall
Hassan	Murray	Van Hollen
Heinrich	Peters	Warner
Hirono	Reed	Whitehouse
Jones	Rosen	Wyden
Kaine	Schumer	

NOT VOTING—13

Bennet	Klobuchar	Scott (FL)
Cramer	Markey	Toomey
Graham	Paul	Warren
Hoeben	Sanders	
Kennedy	Schatz	

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 41.

The motion is agreed to.

The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 tomorrow, all postcloture time on the Brasher nomination be considered expired. I further ask that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action. Finally, I ask that following disposition of the Brasher nomination, the Senate vote on cloture motions with respect to the Kindred, Schelp, Kness, and Halpern nominations, and if cloture is invoked on any of these nominations, the confirmation votes occur on Wednesday, February 12, at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. 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.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter

references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-02 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$990 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 20-02

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:
Major Defense Equipment* \$690 million.
Other \$300 million.
Total \$990 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):
Up to two hundred (200) AGM-158C, Long Range Anti-Ship Missiles (LRASMs).
Up to eleven (11) ATM-158C LRASMs Telemetry Variant (Inert).

Non-MDE: Also included are DATM-158C LRASM, Captive Air Training Missiles (CATM-158C LRASM), containers, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives technical assistance, engineering and logistics support services, and other related elements of logistics support.

(iv) Military Department: Navy (AT-P-ANT).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 7, 2020.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—Long Range Anti-Ship Missiles (LRASMs)

The Government of Australia has requested to buy up to two hundred (200) AGM-158C, Long Range Anti-Ship Missiles (LRASMs); and up to eleven (11) ATM-158C LRASM Telemetry Variant (Inert). Also included are DATM-158C LRASM, Captive Air Training Missiles (CATM-158C LRASM), containers, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor representatives technical assistance, engineering and logistics support services, and other related elements of logistics support. The total estimated cost is \$990 million.