

Durbin
Feinstein
Gillibrand
Hassan
Heinrich
Hirono
Jones
Kelly
King
Klobuchar
Leahy

Markey
Menendez
Merkley
Murphy
Murray
Peters
Reed
Rosen
Schatz
Schumer
Shaheen

Sinema
Smith
Stabenow
Tester
Udall
Van Hollen
Warner
Warren
Whitehouse
Wyden

NOT VOTING—8

Enzi
Harris
Kaine

Loeffler
Manchin
Perdue

Rounds
Sanders

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 44.

Upon reconsideration, the motion is agreed to.

The Senator from North Carolina.

UNANIMOUS CONSENT REQUEST—H.R. 1964

Mr. BURR. Mr. President, I rise and in a moment I will ask unanimous consent to right a wrong that has lingered for over a century and to call up and pass H.R. 1964, the Lumbee Recognition Act. Prior to that, I want to say that I am honored, with my colleague Senator TILLIS, to represent the Lumbee people.

The Lumbee are the largest Native American Tribe east of the Mississippi River, with a membership of over 60,000. They have called the present-day counties of Robeson, Scotland, Hoke, and Cumberland their home in North Carolina. They have been a cohesive part of the community in North Carolina for centuries, and they have developed unique Tribal instructions that have served their membership well in the face of extraordinary adversity.

They have been teachers, farmers, doctors, small business owners, sheriffs, clerks of court, State legislators, and judges. Many have protected our Nation by serving in the Armed Forces. Their contribution to their community, to the State of North Carolina, and to the country is innumerable.

Their commitment to education is unparalleled. In the 1800s, the State authorized the Tribe to run the State's school district for Lumbee children. The State also authorized the opening of a specially advanced Indian school known as the Normal School to train teachers to teach in Lumbee Indian schools. Although the State provided no money for construction for the facilities, the Lumbees pulled together and constructed an Indian Normal School of their own. Since then, the Indian school has been in operation continuously. Today it is the University of North Carolina at Pembroke.

The State of North Carolina recognized the Lumbee Tribe in 1885. Three years later, the Tribe began its quest for full recognition. Over the next 50 years, they repeatedly petitioned the Federal Government for assistance but to no avail.

Then, during the height of the shameful termination era, Congress passed the Lumbee Act of 1956. This partial recognition designated the Lumbees residing in Robeson and adjoining counties of North Carolina as the "Lumbee Indians of North Caro-

lina," while simultaneously blocking the Lumbees from accessing Federal services and benefits available to other federally recognized Tribes. It is nothing short of discrimination.

To put this in context, four other Tribes were terminated by Congress in 1956, like the Lumbees. All have had their Federal recognition status restored. Only the Lumbees have yet to receive the full Federal recognition they deserve. As a matter of fact, in 2018, this Senate recognized Indian Tribes. In 2019, seven Tribes in Virginia were recognized by this Congress and this Senate.

It is unfortunate while the Lumbee Tribe is incredibly resilient, decades of discrimination have caused severe economic consequences for the people. Robeson is one of the poorest counties in the United States. The 1956 law has put them on an unequal footing compared to other federally recognized Tribes and has prevented them from obtaining access to critical services through the Bureau of Indian Affairs and the Indian Health Service. This is simply unjust and it is immoral.

To correct this injustice, since 1987, members of North Carolina's congressional delegation from both sides of the aisle have repeatedly come together to introduce the Lumbee Recognition Act, which would grant full Federal recognition to the Tribe.

Over the past 11 years, I have been proud to be the lead sponsor of this legislation in the Senate, and it has always been a bipartisan effort.

This year, the bill was led by a Democratic Member of the House of Representatives, G. K. BUTTERFIELD, and supported by Congressman HUDSON and Congressman BISHOP, both Republicans. Last month, the House passed the Lumbee Recognition bill by voice vote unanimously. Let me say that again—by voice vote unanimously.

You would think that this great deliberative body could process and understand the—really the discrimination that is going on here to these folks. People claim that the Lumbees are not a Tribe. Yet read the statistics—it is the largest Tribe east of the Mississippi River. I think they finally educated the House. But despite the overwhelming support for doing the right thing, Congress has yet to actually do it.

The time for excuses is over. The time for action is now. It is time to finally do what should have been done 130 years ago. It is time for the Federal Government to recognize the Lumbees for the Tribe they are.

I have had a great partner in Senator TILLIS, and I would yield to him for any comments he would like to make.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I thank Senator BURR for his leadership and leaning into this for many years before I even joined the Senate.

I thank Senator Dole for filing this bill that actually even had Senator MCCONNELL's cosponsorship many, many years ago.

I thank the Lumbee people for their patience, but, quite honestly, when you are talking about the ninth largest Tribe east of the Mississippi River—I am sorry—the ninth largest in the Nation and the largest Tribe east of the Mississippi River, a Tribe that has been seeking recognition since 1888—they were recognized as Indian by the State of North Carolina in 1885. In 1956, they were partially recognized.

We heard a unanimous vote coming out of the House. They were prepared to provide recognition. In November, we heard President Trump and Vice President Biden both say they support recognition. So we are so close.

There is a compelling case. It is a century in the making. And the fact that we couldn't get this through today when it passed unanimously out of the House just a month ago I think is a shame.

I appreciate Senator BURR for his patience and his tenacity. We are not going to let this go. Hopefully, it gets done tonight, but we have to recognize that the Lumbee people deserve recognition, they deserve respect. They have been fighting for it for a century, and I am going to fight for it as long as I am in the U.S. Senate.

I yield the floor.

Mr. BURR. Mr. President, I thank my colleague, and I reiterate that if for some reason there is an objection—and I think there will be tonight—either before we swear in a new Congress or after we swear in a new Congress, I promise my colleagues that this place will come to a grinding halt, and we will take up through regular order the Lumbee Recognition Act. We will debate it for as long as people want to, and we will make the case as to why this discrimination is despicable.

So, at this time, as if in legislative session, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 1964 and the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. TESTER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BURR. Mr. President, I thank my colleagues for their time tonight, and I urge all of our colleagues to prepare. This will be back up.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Eric J. Soskin, of Virginia, to be Inspector General, Department of Transportation.

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS CONSENT REQUEST—EXECUTIVE
CALENDAR

Mr. BOOKER. Mr. President, I appreciate the recognition. I ask unanimous consent that the Committee on Foreign Relations be discharged and the Senate proceed to the en bloc consideration of the following nominations: PN1938, PN2024, PN2101, PN2030, and PN2025; that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho.

Mr. RISCH. Mr. President, reserving the right to object, first of all, let me say to my dear friend from New Jersey, I fully agree with the five nominees he has put in front of the Senate. Indeed, we had good confirmation hearings on all five of those, and none of these five—other than the one I am going to the talk about in a second—are political appointments. These are career people who have had long and distinguished service with the Secretary of State, and they are all very legitimate appointees to the places they are appointed to, which I am going to reiterate here in just a minute.

In any event, one was left off the list. I know Senator BOOKER had some issues with that, but I think, in the spirit of cooperation and in the spirit of bipartisanship, he offers five, and I will offer a compromise of one more. I think that is absolutely fair—five for one.

But I object, and indeed I would ask unanimous consent that we do as suggested by Senator BOOKER, and that is discharge from the committee and approve the following six nominations: PN1938, Mr. Kevin Blackstone, Class of Minister-Counselor, to be Ambassador to the Democratic Republic of Timor-Leste; PN2024, Ms. Cynthia Kierscht, Class of Counselor, to be Ambassador to the Islamic Republic of Mauritania; PN2101, Mr. Brian D. McFeeters, Class of Minister-Counselor, to be Ambassador to Malaysia; PN2025, the Honorable Geeta Pasi, Class of Career Minister, to be Ambassador to the Federal Democratic Republic of Ethiopia; PN2030, the Honorable David Reimer, Class of Counselor, to be Ambassador to the Republic of Sierra Leone; and finally, William E. Todd, PN1598, to be Ambassador to the Islamic Republic of Pakistan.

As I said, none of these are political. They have all had long and distinguished careers with the State Department. They all have great backgrounds to be Ambassadors, and I appreciate Senator BOOKER helping me move all six of these forward.

With that, I ask unanimous consent that all six of those be discharged and be considered and passed.

The PRESIDING OFFICER. Will the Senator so modify?

Mr. BOOKER. Mr. President, I just want to say I appreciate my friend and my colleague, and truly, when he invoked the spirit of cooperation and the spirit of bipartisanship, I felt lucky that he didn't invoke the spirit of Christmas as well.

Mr. RISCH. I would like to amend.

Mr. BOOKER. But I do want to let him know that, indeed, the five people are nonpolitical individuals with the State Department. I wish we could just move them and get confirmed. But I do have an objection to the sixth that he would seek to add, so I will not modify my request.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. BOOKER. Mr. President, it is good to see you in that seat, sir. The post of Ambassador to Pakistan is one that is highly relevant to American national securities, as I think all 100 of us understand. The person selected to implement the U.S. foreign policy and engage diplomatically with the Pakistani Government must be someone who understands that American-Pakistani relationship and the complex and evolving challenges to regional stability in South Asia. That person must also be someone who can be trusted by the American people and by their colleagues at the State Department to carry out U.S. foreign policy decisions.

Unfortunately, there is a disturbing and documented pattern of behavior from Mr. Todd that I believe makes him unqualified to serve as our Ambassador to Pakistan.

From 2017 to 2019, Mr. Todd served in a variety of management positions at the State Department, including as Acting Director General and Assistant Secretary for Human Resources and as Acting Under Secretary for Management.

During that time, the House Committee on Foreign Affairs and the Senate Foreign Relations Committee opened investigations into allegations that senior State Department officials, including Mr. Todd, were engaging in prohibited personnel practices against other members of the State Department's career workforce.

As a result of these investigations, multiple State Department officials told the committees that the administration wanted to punish career officials at the State Department often for doing their jobs, for following procedures and protocols, and also punish them for just raising concerns about policies that they believed sincerely would be dangerous or deleterious to American interests.

Mr. Todd was one of the people political appointees turned to to help carry out a lot of those actions. When asked about those allegations in the House Committee on Foreign Affairs, it was reported clearly that he was unreasonably agitated, even raising his voice

when asked about just these routine issues.

The incoming administration has an enormous task. We know the challenges in that region. In the entire State Department, there have been challenges as well. We should give that new administration a chance and not promote someone for what is a really critical ambassadorship in a very complex and challenging region. We need to make sure that we have someone prominent in the role who can command the confidence of State Department officials, and that, in many ways, gives the incoming administration a chance to deal with that vacancy, which has been, I will note, vacant for 2 years without a nomination.

He clearly does not have the temperament or the track record of standing up for his own employees or for the institution of the State Department.

We should be doing everything in our power to restore credibility to American leadership, not just overall in the world stage, which I know we all agree on, but also in that region, and work to repair a lot of the harm that this individual may have been involved in creating that hurt morale so much.

I have a lot of confidence in the chairman's leadership. We have a committee that often works in a bipartisan manner, and I am grateful for that. It is one of the pleasures I have in serving in the Senate. This role is critical to the country—the U.S. Ambassador to Pakistan. Ambassador Hale left the post in September of 2018, and it was a year before the administration nominated someone to the post. So, again, I just find it, on top of my previous remarks, odd that the chairman and others are now saying that we need this Ambassador now. I believe that is not the case, and I believe that there hasn't been an urgency from the administration to fill this ambassadorship until today.

So it is for these reasons that I oppose Mr. Todd's nomination, and I hope that my colleague will move the other five. They are deserving Foreign Service officers and should be confirmed. They should not be held up because of objections to the nominee we have been discussing.

So we agree on these five nominees. I truly urge my colleague that we should not obstruct them because of our differences over one. There is a true urgency, I believe, in this season to get what we can agree on done, and disagreement rooted as substantially as I believe this one is should not hold up the other ones. That is why I think the nominees to Ethiopia, Mauritania, Malaysia, and Sierra Leone—I do really believe they should be confirmed today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I thank Senator BOOKER for his kind words about the committee. I want to commit that we will continue to work in a