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Senate

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

PRAYER

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

Let us pray.

Almighty God, we are grateful for life and all of its gifts. Thank You for the beauty of the Earth, for the majesty of the skies, and for the wonder of Your love and grace.

Draw near to our lawmakers as they seek to see You more clearly, love You more dearly, and follow You more nearly each day. Lord, let the light of Your understanding illuminate the path they travel. Teach them to trust Your precepts and to obey Your commands, permitting You to guide them with Your wisdom and might. When this day is done, may they look back with the realization that they have been loving and kind, generous and faithful, joyful and good.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 21, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

CHUCK GRASSLEY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

GOLD STAR FAMILY TAX RELIEF ACT

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 1370 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1370) to amend the Internal Revenue Code of 1986 to treat certain military survivor benefits as earned income for purposes of the kiddie tax.

The ACTING PRESIDENT pro tempore. Is there objection to proceeding to the measure?

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1370) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1370

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gold Star Family Tax Relief Act''.

SEC. 2. CERTAIN MILITARY SURVIVOR BENEFITS TREATED AS EARNED INCOME FOR KIDDIE TAX.

(a) IN GENERAL.—Section 1(g)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MILITARY SURVIVOR BENEFITS.—For purposes of this subsection, any benefit under laws administered by the Secretary of Defense or the Secretary of Veterans Affairs which—

''(i) is received by a child by reason of the child being the survivor of a deceased member of the Armed Forces or of a deceased veteran, and

''(ii) is included in the gross income of such child,

shall be considered earned income of such child.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

Mr. MCCONNELL. I further ask that the papers be held at the desk; that if the House passes a bill identical to the text of S. 1370 just passed by the Senate, the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate; finally, that upon passage of the House bill, S. 1370 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

NOMINATIONS

Mr. MCCONNELL. Madam President, this week presents us with more opportunities to make progress on the backlog of qualified nominees who are still awaiting Senate confirmation.

We began yesterday by voting to advance an exceptionally well-qualified nominee to the Federal judiciary. Daniel P. Collins of California was chosen by President Trump to be U.S. circuit court judge for the Ninth Circuit, and the reasons why are abundantly clear.

Mr. Collins is a graduate of Harvard and of Stanford Law School. He has held clerkships on both the Ninth Circuit Court of Appeals and the U.S. Supreme Court for Justice Scalia. He served at the Department of Justice as Associate Deputy Attorney General and as Attorney-Advisor in the Office of Legal Counsel. He spent 4 years as an assistant U.S. attorney. He has complemented that experience with more than 20 years of well-regarded work in private practice.

Mr. Collins has developed a reputation for legal excellence. The American Bar Association rates him well qualified for this new post. Our colleagues on the Judiciary Committee reported him favorably here to the floor.

I hope my colleagues will join me as we vote later today to confirm this fine nominee.

Following the Collins nomination, we will consider four more nominations to district courts around our Nation: Howard Nielson of Utah, Stephen Clark of Missouri, Carl Nichols of the District of Columbia, and Kenneth Bell of North Carolina. Each has been tapped by the President to fill important vacancies. Collectively, they represent decades of experience in private practice and decades more in public service, and they come before us with the high esteem of their legal peers.

Take the case of Mr. Nielson, whose nomination we will consider first. Former circuit judge Mike Luttig, for whom he served as law clerk, said: ''Howard Nielson may well be the single most qualified person to serve on the federal bench that I have ever had the privilege to know.''

It would be hard to come up with a more unequivocal endorsement, so I hope each of my colleagues will join me in support of Mr. Nielson, along with each of the nominees who will follow him this week.

I have noticed that a few of my colleagues across the aisle have expressed some displeasure that the Senate has recently been spending some time on nominations. I would remind our friends on the other side that not so long ago, thoroughly qualified district judge nominees were the kinds of nominations that would sail through the Senate floor by voice vote and in big groups.

Since this particular President was inaugurated in 2017, this Democratic minority has largely taken a different view. They have chosen to deploy an unprecedented level of systematic, across-the-board delaying tactics. The effect has been the need for cloture votes and individual consideration for all kinds of uncontroversial nominations, where it hadn't been a tradition in the Senate in the past. So more than 2 years into this consideration, we are left with too many vacancies still unfulfilled and a backlog of qualified nominees who need considering.

Confirming unobjectionable individuals continues to take more of the Senate's time than it should, but this obstruction is not going to deter us. We will be here as long as it takes. We will keep confirming highly qualified nominees to the Federal bench. We will keep putting the President's team in place and giving Americans the government they actually voted for.

DISASTER RELIEF

Mr. MCCONNELL. Madam President, on another matter, as I have discussed many times on the floor, powerful natural disasters have devastated communities across America. Many are still in need of aid as they struggle to rebuild.

My colleagues know all too well the destruction that was brought to States across the Southeast, the gulf coast, and Puerto Rico by a bad hurricane season: tens of billions of dollars in damage to buildings and infrastructure and thousands of people left without shelter or access to clean water and electricity.

We remember the record wildfires that swept across our western regions, the tornadoes that tore through the Deep South, and the rampant flooding that sunk entire communities across the Midwest and affected many of my fellow Kentuckians as well.

We have seen the pain caused by nature's worst. Now it is time for Congress to finally—finally—demonstrate our commitment to America's best. It is time to deliver supplemental resources for the rebuilding efforts that, in many cases, have been inching—just inching—along for months. It is well past time to show the relief workers, the volunteers, and the families still picking up the pieces that we have their backs.

In recent days, important progress has been made to deliver on this overdue commitment. Chairman SHELBY, Ranking Member LEAHY, our colleagues on the Appropriations Committee, and their counterparts over in the House are continuing their hard work to reach a bipartisan solution that meets the most pressing needs of all of these affected communities. That includes promising steps toward bipartisan agreement to deliver critical resources to address the ongoing humanitarian crisis at our southern border. The status quo is completely—completely—dysfunctional, so I am glad the agreement seems to be converging on more resources.

I expect to discuss our progress in greater detail as the week unfolds, but it is my sincere hope that in both parties and in both Chambers we will finally—finally—be able to reach a meaningful consensus that can become law and deliver on the priorities of communities that are in need all across our country.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

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

ABORTION

Mr. SCHUMER. Madam President, over the last year, women's reproductive rights have come under a new level of assault. From Alabama to Missouri, to Texas, to Georgia, and beyond, over 300 new restrictions have been proposed in 39 States—bans on abortion as early as 6 weeks, so-called heartbeat bills, arbitrary waiting periods, and restrictions on clinics so severe that they force any center that performs an abortion to close down, leaving a few of our States with no more than a single clinic.

Ten such bills have now passed into law. These restrictions fly in the face of public opinion. The vast majority of the American public don't want to see Roe overturned or a woman's right to choose curtailed so severely as to render it meaningless.

I understand why many of my colleagues here in the Senate don't want to associate themselves with these extreme anti-abortion laws. Some of them have even publicly opposed the law passed by Alabama's Republicans, including the House Republican leader and the President. But let's face it. There is a sleight of hand going on here, because while many of my colleagues don't support these policies out loud, they are, at the same time, confirming judges to the Federal bench with horrendous records on women's rights, many of whom hold extreme views on Roe. These judges, in many ways, have just as much power as State legislatures to restrict a woman's right to choose and limit access to contraceptives through the courts.

Just look at some of the judges the Republican Senate has approved in the past 2 years with almost unanimous support on the Republican side. Look at Leonard Steven Grasz, who wrote about the ''moral bankruptcy that's the legacy of Roe v. Wade.''

What about Amy Coney Barrett? She said Roe v. Wade had been ''erroneously decided'' and called the ACA's birth control provisions ''an assault on religious liberty.'' A lot of these judges are not just against abortion. They are against contraception. She is on the bench for life. Amy Coney Barrett, who said that, is on the bench for life and on President Trump's short list for the Supreme Court.

Let's not forget Justice Kavanaugh, who refused to affirm that Roe was settled law and now sits on the one body with the power to overturn it.

Just last week, Republicans confirmed Wendy Vitter, who said Planned