

I have been down that road before with the Honorable Kika de la Garza, the late Kika de la Garza, but a wonderful man who was chairman of the House Agriculture Committee. I was the ranking member and then became the chairman. We worked on NAFTA, writing that bill. We would revert to that bill, but after months and months, there was finally an agreement between Canada, Mexico, and the United States. We were ready to do this, and it had to go to the House of Representatives. Ambassador Lighthizer and Bob—he used to work for Bob Dole, a good friend of mine—had been working with Democrats over time on these two issues. He tells me he is pretty close to a deal—except we are not. Now, Ambassador Lighthizer, on behalf of the administration, is not going to send this deal, if you will, this trade agreement, to the House unless there is a clear intention that it will be brought up. He doesn't want to be held hostage. So the House has to move.

I want to continue to point out that USMCA, this new trade agreement, will not only increase market access for farmers and provide new opportunities for dairy, poultry, for egg producers, for all the commodities we talk about—wheat, corn, et cetera—but it will also address longstanding nontariff barriers that will help our Kansas farmers export wheat to Canada.

That used to be the case with Mexico. The Kansas winter wheat, once harvested, would get on the Kansas City railroad, down to Mexico. They would sell the wheat to Mexico, where they sorely needed it. It was a very good business trade agreement. That has pretty much dried up.

Let me go back to 2017. At that particular time, 110,000 Kansas jobs were supported by trade with Canada and Mexico, and, I am sure, the neighboring States are even equal to that or much more than that.

While many of those jobs are spread across all sectors of the economy, many are tied to the agriculture value chain; that is, farmers, ranchers, and growers, to the consumer.

In total, Kansas exports \$4 billion of products to Canada and Mexico each year—\$800 million from agriculture alone. It is nearly impossible for me to overstate the importance of this trade deal to my home State of Kansas. We are not going to experience price recovery in farm country because of the supply-demand situation worldwide, and we are in a lot of trouble in farm country. The least we could do is consider USMCA, where we know we have the votes to pass it in both Chambers, both in the House and the Senate.

In fact, the call for Congress to get moving on this trade deal has united more people from different political and professional backgrounds than almost any other issue in recent memory, including organized labor. I recently started a web series, if you will, "Trade Tuesday," to give a platform to the many constituents who have voiced

their support to me by saying: "Pat, where on Earth is the UMCSA bill?" We have featured farmers and manufacturers from around Kansas, including Rich Felts. Rich Felts is a great friend of mine, a farmer from Southeast Kansas, and the president of the Kansas Farm Bureau. Rich hit the nail right on the head. He said:

We are an exporting State. We produce much more than we are ever going to consume [in Kansas], and if we want to grow our economy, specifically our economy in the State, we have to export the excess commodity. I think it is easy to say we want trade, we don't want aide, and this is going to be a step in that direction if we can get this passed by Congress.

I could not agree more with Rich on the importance of this trade deal to farmers and producers in Kansas, but it is not only the agriculture industry that is interested in getting USMCA across the finish line. We have also featured Jason Cox, the president of Cox Machine, Inc., a small aerospace company based in Wichita, KS—typical of the small business community of my State. He recently said:

Trade is very important to our business, both on the raw material supply side as well as the selling side. This USMCA is important for us to help lower the cost of raw material that we buy and pass that savings along to our customers so we can get more work and produce more goods [and also jobs].

Look, my colleagues, it has been nearly a year since President Trump and the leaders of Mexico and Canada signed this new trade agreement. It was November 30, 2018. We are running out of time to get this deal done for folks like Rich and Jason and the many other workers whose livelihoods depend upon trade.

There are deadlines. If we get past the deadline, we will go back to the original NAFTA bill, which—as I look back in my public career, I was happy to work with Kika de la Garza, as I said—the former chairman of the House Ag Committee, and he helped me to write NAFTA at that particular time. As a result, the ag sector has grown by leaps and bounds in not only producing enough food and fiber and other products for our consumers but also for a troubled and hungry world.

We need this trade agreement. I sincerely hope my friends in the House can quickly come to an agreement with the administration so that we can all do what is right by our constituents and get this bill passed this year.

I would point out that the ag chairman today in the House is COLLIN PETERSON. He is a veteran. He is a friend of mine. MIKE CONAWAY is the ranking member—same thing. They are for USMCA. It is bipartisan in the Ag Committee over there.

I would also give a shout-out to Robert Lighthizer, who is our Ambassador, who has been meeting constantly day in and day out—trying to iron out any labor or environment portions of this trade agreement where we have some holdup.

We are not going to go anywhere if we continue to insist on these kinds of

requirements. You know, these are sovereign countries. These are our neighbors. For us to try to dictate labor standards and environmental standards for them is a little much, but I understand that is what we have to do.

I don't know, here, what more we can do. I can come to the floor every day. I can just say that we had 9 Senators here before. I think we could get a mutual agreement to say: Hey, let's get this done. Let's separate it from all of the goings-on that are happening in the House of Representatives today.

I hope Speaker PELOSI—she knows about this. California depends on this big time, and, as Speaker of the entire United States—I am not trying to lecture her or point fingers at her, but she knows exactly what the situation is. If she would just send a signal to Ambassador Lighthizer and we would send that trade pack up and we could get a vote, I think it would pass overwhelmingly, and at least we would have something we could claim we are doing in behalf of our farmers, our ranchers, our growers, and everybody who is supported by the agriculture industry.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

PENSIONS

Mr. MANCHIN. Madam President, I come again to speak about what I think of the inequities and unfairness in the system that we have to American workers.

American workers, businesses, and the economy here in the United States are the envy of the world and have been for quite some time. Throughout the history of our country, our citizens have believed that through hard work and dedication, they could achieve the American dream. Unfortunately, that is not always the case, as we know.

Millions of Americans worked hard, played by the rules, and trusted the companies they worked for to keep their end of the bargain. That bargain is their pension. These pensions are modest and what millions of Americans plan to use when they retire in the twilight of their lives.

But for 1.5 million Americans, that security has been pulled out from under them. Why, after working hard for years and forgoing a portion of their paychecks, which they have invested—this is their money matching their employers' for their pension—have they either lost or gotten their pensions cut in half? The answer is the current state of bankruptcy laws.

How does this happen? Every payday, 10.6 million Americans put a portion of their paycheck into a pension account with a promise and trust that it will be there when they retire. These same people forgo pay raises, bonuses, and personal retirement accounts because they believe their pensions will be there until needed.

Unfortunately, that trust is often broken when investment firms swoop in during the bankruptcy process. They cherry-pick at the remains of a company, cannibalizing its most lucrative

assets, therefore putting profits before the people.

Through no fault of the workers in America, companies are able to use their pension money for whatever they want when they declare bankruptcy. Just think about that. All your life, you have been working—20, 30 years or more—and you thought it was always secure. All of a sudden, through the bankruptcy laws, they are able to take your money and use it for whatever they want to now because they declared bankruptcy and went through a procedure.

Under current law, when companies declare bankruptcy, they have the ability to use their workers' pension fund to give their executives bonuses and pay legal costs and debt. I am going to repeat that one. They have the ability to use the workers' pension—your money, workers' money—to give bonuses to the executives, who should be held responsible for the company doing as poorly as it has done to go into bankruptcy, and pay legal costs and debt out of money you put in there for 20 years or more.

For the last few decades, investment firms have manipulated chapter 11 of the U.S. Bankruptcy Code to destroy union contracts, reduce health benefits, and skirt pension obligations to maximize profits. Under current law, investment firms can target companies through chapter 11 bankruptcy, sell off all the company's valuable assets, and leave the pension plan in a worthless corporate shell, while paying handsome bonuses to their executives.

While Congress has sat back and allowed the exploitation that occurs through bankruptcy, millions of workers and retirees have lost their retirement security. Workers and retirees did not set the amount each company contributes to their pension plans, the terms of the plans, or the loopholes in the bankruptcy laws. Those actions were all done right here in the Halls of Congress. As such, it is now the responsibility and duty of Congress to stop the financial engineering and close the loopholes of our Bankruptcy Code.

Let me just talk about one company that affects my State vastly. Last week, the largest private coal company in the United States, Murray Energy, filed for bankruptcy, making it the eighth coal company in the past 12 months to do so. Like so many coal companies before them, they plan to skirt their pension obligations and use coal miners' money to pay off their debts, give their executives bonuses, and pay off legal fees. In the bankruptcy filing, they even labeled coal miners as liabilities.

I don't know about you, but I don't know how any company in good conscience could ever label their employees as liabilities. They are the ones who make the company, but now they are liabilities. That is why they had to go into bankruptcy.

Murray Energy has contributed 97 percent of the money going into the

UMWA pension fund annually. With Murray's bankruptcy filing, the UMWA pension fund will become insolvent even faster. Once the UMWA pension fund becomes insolvent, this crisis will snowball and impact every other multi-employer pension fund in America.

I am going to talk about a couple of cases here to put it in perspective. I think everybody will be able to follow this much easier. I am going to talk about Sears and Roebuck, which we all knew growing up. My mother used to get the catalog way back when, and we used to do most of our shopping there.

This information that I am giving you and I am going to explain comes from a complaint filed by Sears itself in the Southern District of New York in January 2019. This is the old Sears filing against the new Sears—the takeover Sears. This type of financial engineering and exploitation occurred at Sears over the past several years.

After merging with Kmart and being taken over by Eddie Lampert and his hedge fund, ESL Investments, Sears started to buy back its own shares instead of investing in its already run-down stores. Lampert also transferred 235 parcels of Sears' most valuable real estate to an investment trust led by Lampert himself and then leased the properties back to Sears.

In 2017, Sears paid the investment trust owned by Mr. Lampert \$117 million in rent for the use of its former property. Under Lampert and ESL, Sears closed over 3,500 stores, slashed roughly 250,000 jobs, and saw its share price fall from \$193 a share in 2007 to less than \$1. I repeat—\$193 a share in 2007 to less than \$1 a share.

After filing bankruptcy in 2018, Sears no longer possessed enough assets to pay off its creditors—especially its pension obligation. Now those pensions are in the hands of the Pension Benefit Guaranty Corporation, which is Sears' largest unsecured creditor, and it owes the PBGC more than \$1.5 billion.

Recently, Sears Holdings Corporation filed a lawsuit against former CEO Lampert, alleging that he transferred more than \$2 billion of cash and real estate to himself and other shareholders in the years leading up to the retailer's bankruptcy. That has all been done under what they consider legal.

I am going to tell you about one more. This is Friendly's. Friendly's is an ice cream corporation, and this information comes from the PBGC's complaint opposing Friendly's plan for restructuring. I am telling you, this comes from the Pension Benefit Guaranty Corporation, which we run in this country—the Federal Government—and they put this complaint against their restructuring.

The same scheme played out with them in early 2000. In 2007, Sun Capital Partners, Inc., a private equity fund, purchased Friendly's for \$337 million. Trying to weather the great recession, Sun forced Friendly's to close 63 stores and take a loan from one of the firm's

affiliate entities. At that point, Sun Capital was both the owner and major creditor of Friendly's. That relationship gave the firm leverage in its bankruptcy to quickly sell much of Friendly's assets free and clear of any pension obligations to one Sun Capital's affiliate. At the end of the bankruptcy, most of Friendly's assets were owned by Sun Capital affiliate free and clear of any pension plans. Those unfunded pension obligations totaled \$115 million and are being assumed by you and I, the taxpayers, through the PBGC. There is nothing fair about any of this that I just explained, no matter how large or how small.

We are talking about righting a wrong that we have allowed to happen. Back in the 1980s, when the bankruptcy laws were changed, I don't think there was a Member here who intended for these type of shenanigans—this type of robbery and thievery to go on in America. It has happened for far too long, and we have a chance to change it.

As the bankruptcy laws continue to allow this type of exploitation to remain, there is a low-profile government agency that is pivotal to the Federal Government's efforts to protect the pension benefits for thousands of American workers and retirees. The Pension Benefit Guaranty Corporation collects insurance premiums from companies that offer pensions and provides a portion of the lost benefit to protect retirees when a pension fund runs out of money. That is an insurance program that the Federal Government has backed up, and the companies have paid into that thinking they are going to be in good standing.

Overall, the PBGC covers benefits for about 44 million people—44 million workers. However, the PBGC has come under tremendous financial pressure as more and more companies have shed their pension debts through the Bankruptcy Code. According to PBGC, there is a 90-percent chance that the union insurance program will run out of money by 2025, leaving it unable to protect pensioners in need. If the exploitation continues and the PBGC is left holding the check for bankrupt companies, taxpayers will, for the first time in history—we taxpayers will, for the first time in history—be on the hook for pensions that were evasively disregarded in exchange for investment company profit—or robbery, actually.

If the PBGC becomes insolvent, taxpayers will be on the hook—listen to this figure. We, as taxpayers, will be on the hook for \$479 billion over the next 30 years, if we allow this to continue.

That is why I have introduced legislation that will reform our bankruptcy laws. It is called the SLAP Act—Stop Looting American Pensions Act. That is exactly what we have allowed to happen for so long. It would ensure companies can no longer exploit loopholes in the Bankruptcy Code to skirt their pension obligations to workers and retirees. My bill would change bankruptcy laws to increase the priority of workers going into bankruptcy

proceedings so the workers are the first priority, not the executive bonuses and legal fees.

What we are doing for the first time is making sure the wage earner, the worker, is in the front of the line, not the back of the line. Right now if a bankruptcy occurs, I guarantee, all of the different reorganization groups that come in, all the different financial groups will be in the front of the line, and the workers are left with nothing. This reverses that procedure.

It is a sad day when American workers across the country pour decades of their life into a company and are denied their pensions due to corporate greed.

I keep hearing CEOs talk about corporate responsibility. Well, I am so thankful to hear those words, "corporate responsibility." This is a step toward putting those words into action. I would like to see the responsible corporate heads of American industry step forward and help us with this needed change. We have to put our workers at the front of the line, and I would like to see that done sooner than later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO MAJOR GENERAL JEFFERSON S. BURTON

Mr. LEE. Madam President, I rise to honor Utah's valiant citizen, MG Jeff Burton, adjutant general of the Utah National Guard, and to pay tribute to him for his many years of devoted service to our Nation and to the great State of Utah.

As General Burton closes a long chapter of 37 years of military service, he leaves behind a tremendous legacy as an American patriot and as a true servant-leader. So I would like to take a moment to talk about General Burton today.

From a young age, General Burton knew that he wanted to follow in the footsteps of a number of his family members by serving both his faith and his country. He served a mission for The Church of Jesus Christ of Latter-day Saints on a Canadian Indian reservation, braving harsh conditions that would well prepare him for his future of military service.

As soon as he returned home, he enrolled at Brigham Young University, where he enlisted in the National Guard as an artillery field soldier. He joined BYU's ROTC Program, receiving a commission as second lieutenant in 1984.

He completed tours with the U.S. Army Military Police Corps in Alabama; with the 4th Infantry Division at Fort Carson, CO; and with the 7th U.S. Corps in Germany, where he witnessed the fall of the Berlin Wall.

In 1991, General Burton left the Army and returned home to join the Utah National Guard, where he served in a variety of distinguished leadership positions over the next decade. Chief among them was a position that in-

volved commanding the 1457th Engineer Combat Battalion during Operation Iraqi Freedom as part of the initial ground war in that conflict.

He and his troops were tasked with searching for and eliminating explosive devices, improving Embassy security, and improvising whenever necessary to strengthen security in and around the U.S. Embassy, and of course responding to bombings and other acts of terror. They were often the first ones on the scene of an explosion. In honor of his heroic service there, he was awarded the Bronze Star.

General Burton was appointed assistant adjutant general of the Utah National Guard in 2008, promoted to brigadier general just a few months later, and then made major general and adjutant general in 2012. In this role, General Burton has trained and equipped over 7,000 soldiers under his command and helped them to prepare to respond to challenges in both military life and in their personal lives.

He has prepared them not only to fight our Nation's wars and provide military support to our troops throughout the world but to combat wildfires, respond to natural disasters, and ensure law and order in our communities. Under his leadership, they have performed at an absolutely remarkable and, indeed, exceptional caliber.

When the 100,000-soldier surge in Afghanistan ended in 2012, General Burton was also responsible for overseeing the needs of the soldiers returning home from war. He rose to the challenge, tending to both the physical and emotional needs of those warriors and their families with the utmost care. As he himself has once said, "May we make a silent promise to keep the faith with our battle buddies and wingmen. . . . May we be strong for one another, and unashamedly rush to the aid of those in need. May we remember those who have suffered grievous physical wounds in the defense of liberty, and may we never forget those who have given the ultimate sacrifice within our formations so that we might live in freedom."

General Burton has lived by these words over his long and dedicated career. Every day he keeps a note tucked in the band of his hat. That note contains the list of the soldiers who were killed in combat or during 9/11 under his command. He has led by example, never asking of his soldiers something that he himself has not done. He has led in order to serve, striving always to protect the welfare of his command, of our country, of the U.S. Constitution, and of the freedoms it protects.

So it is only fitting that we honor him today. On behalf of our Nation and all Utahns, I thank MG Jeff Burton for the sacrifices he and his family have made to secure the freedoms we hold dear. I congratulate him on this occasion and wish him many happy years ahead with his wife, Charn, and their children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ATTACK IN SONORA, MEXICO

Mr. LEE. Madam President, I now wish to speak briefly regarding a tragedy that occurred just in the last 48 hours—a tragedy that occurred in the northern Mexican state of Sonora, a tragedy in which a handful of U.S. citizens—the precise number of victims still not known—but a number of U.S. citizens were murdered in cold blood. This attack was inflicted in a most gruesome manner and was carried out against a group which included men, women, and children.

My thoughts and prayers go out to the families and loved ones of the victims. My thoughts and prayers are also extended to the administration of President Lopez Obrador in Mexico, whose inauguration I attended just a few months ago.

This is a sobering task to have to identify the source of such a heinous and barbaric crime. I have every expectation, every hope, and every confidence in those who are assigned on both sides of the border to investigate this crime, figure out who did it, and to bring those responsible to justice.

Mexico is a good neighbor to us. We have about \$1.6 billion or \$1.7 billion every single day that crosses over our shared southern border. Mexico has been a good neighbor, a solid trade partner, and a country with which we share many interests. It is a country that desperately needs our prayers right now and our help and assistance.

It has been publicly reported that President Trump and his administration are eager to help President Lopez Obrador in combating and detecting whoever was responsible for this heinous crime and bringing them to justice. I hope and implore the Lopez Obrador administration to accept President Trump's generous offer to help.

This is not an easy task. If, in fact, this was an act, as it appears quite possible to have been, of a Mexican-based drug cartel, this is a big problem. It is a big problem either way. These drug cartels are no small threat to the safety and security of not only the people of Mexico but also the people of the United States.

Think about it. Imagine someone sees in their next-door neighbor's backyard a poisonous snake—a poisonous snake that is big and that is headed toward his property. Is that neighbor going to stop and ignore that snake? In many circumstances, that neighbor is going to take action. He might not wait until his neighbor comes home to give the go-ahead to take care of that snake. Why? Because that snake is headed toward his own backyard where his own children are playing.

This is not something we can trifle with. This is a matter of utmost seriousness for the safety and security of the Mexican people and also the people of the United States.