

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT REQUEST—H.R. 1994

Mr. TOOMEY. Madam President, I rise this afternoon to offer a path forward on the SECURE Act—the way that I think we could actually do some legislating around here and pass a constructive bill.

A little brief history, I think, is in order and helpful for context. About 3 years ago, the Senate Finance Committee passed a reasonably similar legislation out of committee unanimously. It was never considered on the Senate floor. The House took up some of these ideas and passed their own legislation.

My own view is that most of the substance of this legislation is very constructive. Most of what it does is that makes it easier for middle-class families to save for their retirement. That is constructive. However, the bill that came over from the House is different from the bill that came out of the Senate Finance Committee and was never considered on the Senate floor. The House bill dropped a number of provisions that had bipartisan support. They added some provisions that had never been vetted by anybody on the Senate side, at least not in a procedural way.

There is a proper way to resolve these kinds of differences, and that is to put this bill on the Senate floor, open it up for amendments, and allow the Senate to work its will. The Senate will almost certainly pass some version—probably very similar to the House bill—and then we can iron out whatever little differences there are.

This is the way we legislate. That is what I am suggesting we do today. To do otherwise would be to treat this body as just a rubberstamp for the House, and that is not the purpose of having two legislative bodies.

I should also note that our Democratic colleagues have frequently criticized Republican leadership and the Republican majority for not legislating. Sometimes they have a point. The minority leader has said that the Senate is a legislative graveyard. He has criticized Leader MCCONNELL for not putting bills on the floor and at one point Senator SCHUMER said:

We want to debate these other issues. . . . We are not saying our Republican friends are going to think exactly as we do, but let's have a debate and vote.

I couldn't agree more. I think we should have a debate. I think we should have a series of votes. I think we could bang this out in a day, at the end of which we would pass the SECURE Act, preferably after considering amendments from both sides. That is what I am proposing. In fact, we have been proposing this for weeks.

We have shared with our Democratic colleagues several amendments that the Republican Senators would like to offer. One is mine. I have other colleagues who would like to offer them. We have been asking our Democratic colleagues for their list of amend-

ments. What things would they like to do? What amendments would they like to consider? We have restricted our amendments to those which affect the Tax Code. We have suggested that they do likewise.

Amazingly, to me, we haven't heard a single suggestion yet from our Democratic colleagues. It is amazing because I have heard plenty of criticism about our Tax Code from our Democratic friends, including criticism about the limitation we put on State and local tax deductions. I know there are Democratic colleagues who would like to extend the electric vehicle credit. There are some who have proposed new taxes on wealth. Chairman WYDEN has a proposal to put a tax on unrealized market-to-market gains on assets. There is a long list of ideas we have heard from the other side.

This is the opportunity to have some votes and find out whether there is support and to what extent there is support for these things. On our side, we are willing to vote. Every Republican Senator is in favor of this proposal that I am going to suggest in a few moments, whereby we would have specific amendments on our side and allow the Democrats to have an equal number on their side. I don't know what could be more reasonable than this approach.

Quickly, my amendment fixes a technical drafting error in our tax reform. It is called the QIP. It is the acronym that is used for it. It stands for "qualified improvement property."

Here is the problem. Due to a drafting error, businesses are now forced to recognize the cost of improvements over a long period of time rather than to expense them in the years in which the expenses occurred. It was a drafting error. Everybody acknowledges it was a drafting error and was unintended.

Thirteen of my Democratic colleagues are cosponsors of my legislation to fix this, and every Republican Senator supports fixing this error. Those are 66 Senators right there. I am not asking for a guaranteed outcome. I am just asking for a vote. Let's have a vote on it. I have other colleagues who would also like to have votes on their amendments. As I said, our proposal is that the Democrats pick an equal number of items that are important to them, and let's have votes on those. It would look a lot like legislating. It would be good to get back to legislating. In a moment, I am going to make a unanimous consent request to do exactly that.

Before I do, I yield the floor to my colleague from Texas, Senator CRUZ, for his thoughts on this.

Mr. CRUZ. Madam President, I thank the Senator from Pennsylvania for his leadership on this issue.

I think Senator TOOMEY's proposal is an eminently reasonable, commonsense proposal in that we take up the SECURE Act with an equal number of amendments from the Republicans and

the Democrats and that we vote on the amendments on the Senate floor.

Now, everyone expects, in a few minutes, we are going to see the Democrats stand up and object to that proposal and say: No, we don't want amendments. We are not willing to vote on amendments. We are going to see the Democrats hold the SECURE Act hostage because they are unwilling to vote on amendments. We are going to see the Democrats hold hostage bipartisan reform that would improve retirement savings and also hold hostage tax relief for Gold Star families that should have passed a long time ago. It is cynical for the Democrats to hold this hostage, but because they are afraid to vote, they are getting ready to object and say that Gold Star families don't get their tax relief. The Democrats are afraid to have a vote in this body, and they are willing to hold the Gold Star families hostage.

One of the proposals they are afraid to vote on is that of commonsense education reform that has bipartisan support. It concerns what are called 529 savings plans, which are immensely popular tax advantage savings plans. Over 18 million Americans use them right now. The vast majority of those who use 529 savings plans are middle-class Americans. What 529 savings plans allow is for parents and grandparents to save for the educational expenses of their kids.

In 2017, as part of the tax reform, I introduced an amendment to expand 529 savings plans not just to college but to K-12 education. The Senate took up that amendment, and it became the only amendment the Senate adopted on the floor of the Senate that added anything to the tax cut. It passed this body at about 1 o'clock in the morning, by a 50-50 vote, with the Vice President's having broken the tie.

It has become the most far-reaching and significant Federal school choice legislation that has ever been enacted, benefiting up to 50 million school kids across this country. That legislation is already done, and it is actually not what this fight is about. That fight was about expanding 529s to K-12 education. The American people won that fight, and the Democratic opposition lost that fight.

This amendment is, instead, a much more modest amendment that takes 529 savings plans and expands them to three groups of people.

No. 1, it allows the parents and grandparents of kids with disabilities to use 529s to save for educational therapies for kids with disabilities and to save for the additional assistance those kids with disabilities need. That is an eminently commonsense proposition.

No. 2, it allows homeschooling families to participate in 529 savings plans. In 2017, the Democrats cruelly carved out of 529s both kids with disabilities and homeschooling families. There is no reason kids with disabilities should

be discriminated against by the Democrats in this body, and there is no reason homeschooling families should be discriminated against by the Democrats in this body.

The third group of people it benefits is that of public school students. What this amendment says is that the parents and grandparents who have kids in public schools can use 529s to pay for additional educational expenses. That means they can use 529s to pay for standardized test preparation. That means they can use 529s to pay for tutoring costs or whatever additional educational expenses they have above and beyond their public schooling. This would potentially benefit every child in public school today.

We may see the Democrats suggest that voting on this is somehow partisan or divisive. The nice thing is that we know as an absolute fact that it is not. Why do we know that? My amendment is for the expanding of 529s for kids with disabilities, for homeschoolers, and for public school students.

My amendment was taken up in the House Ways and Means Committee, and it was adopted in the House Ways and Means Committee—and this is important—unanimously. That means every single Republican on Ways and Means voted for it and that every single Democrat on Ways and Means voted for it. The Democratic chairman of the House Ways and Means Committee voted for this 529 reform. It was unanimous, bipartisan, commonsense reform. Unfortunately, what happened after that is, when the bill left Ways and Means and went to the House floor, some political leaders and teachers unions got upset, and Speaker PELOSI essentially did a drive-by shooting and, on the floor, took the provision out.

Here is the part that is particularly ironic. Do you know the single biggest monetary beneficiary of the 529 reform for which I am asking for a vote? The single biggest monetary beneficiary would be the public schoolteachers. Why is that? It would allow public school students and their parents to have 529 savings accounts in order to pay for tutoring. Who do you think those parents are going to hire to tutor their kids in public school? They are going to hire other public schoolteachers. We are literally talking about millions of dollars for public schoolteachers that you are about to see the Democrats block.

I would speak to the members of the press corps. Just once, I would like to see the press corps ask a Democrat: Why are you blocking relief for children with disabilities and their parents? Why are you discriminating against homeschooled kids, and why are you hurting public schoolteachers and stopping public school students from being able to get tutoring and test preparation?

It is worth noting that Senator TOOMEY's proposal is not even that this proposal be adopted. It is simply that

we vote on it. Yet the cynicism of today's Democratic Party is such that we are about to see them object to even having a vote. That is unfortunate and it is wrong.

I say let's go back to the bipartisan proposal for which every single Democrat on the House Ways and Means voted and every single Republican. Let's work together, and let's actually serve the people who elected us.

I yield to the Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I yield to the Senator from Ohio.

Mr. PORTMAN. Madam President, I thank my colleague.

I agree with him. As both my colleagues here know and as my friends across the aisle know, I strongly support the underlying legislation.

I think the legislation is needed right now. Unbelievably, if you are in a small business, less than 50 percent of the workers have access to retirement plans. Two-thirds of Americans think they will be in trouble in retirement because they will not have enough money to take care of their retirements. Do you know what? They are right to be worried, for we have a huge problem in this country, and that is what the underlying bill addresses. It helps small businesses in their ability to offer plans, which is where most of the problem is in terms of there being a lack of retirement savings and the peace of mind in retirement that all of our constituents want.

The problem is that the legislation that came over from the House was never considered here on the Senate floor. In fact, if you go back to 2016, when it was last considered, it was by the Committee on Finance. So I think it is reasonable to say, yes, this underlying bill is good, and I strongly support it, but let's have a little debate here on the floor. We shouldn't be afraid of that.

Let me make a point. I support what my colleague from Pennsylvania talked about in terms of the qualified improvement property, and I support what my colleague from Texas said in terms of the 529 plans. Yet we are not asking our colleagues on the other side of the aisle to support these amendments. I don't have an amendment in the mix, and we are not asking them to support any of these amendments.

All we are asking is for them to allow for a process by which we can have a vote on their amendments, whatever they are, that relate to retirement and to tax policy—because this is a vehicle through which we can talk about tax policy—and to vote on our provisions that my colleague from Pennsylvania has laid out. Then let's see what happens. That is how we are supposed to operate around here. This is supposed to be the world's greatest deliberative body, and sometimes we find ourselves so tied up in knots that we can't deliberate. We are just asking for deliberation.

My hope is that this will work today—that we will actually open up

this process and allow for a vote on the SECURE Act, which is so important. It came out of the House with a vote of 417 to 3. What an incredibly bipartisan vote that was. Let's have a little discussion on the floor about retirement policy and about tax policy. Let's vote and let the chips fall where they may. Then let's actually send a bill to the President that will help the people whom we all represent.

Mr. TOOMEY. Madam President, in reclaiming my time, as in legislative session, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of H.R. 1994, the Setting Every Community Up for Retirement Enhancement Act of 2019, the SECURE Act, which is at the desk.

I further ask that there be a period of general debate on the bill to be limited to 10 hours, equally divided between the two leaders or their designees, and that following the use or yielding back of that time, the only amendments in order on the Republican side be the amendments to be offered by Senators TOOMEY, LEE, BURR, BRAUN, and CRUZ or their designees, the texts of which are at the desk, and five amendments that propose changes to the Internal Revenue Code to be determined by the Democratic leader, with the concurrence of the chairman and ranking member of the Committee on Finance.

I further ask that debate on each amendment be limited to 30 minutes, equally divided between proponents and opponents, and that each amendment, unless it would be considered germane postcloture, be subject to an affirmative 60-vote threshold and that following the use or yielding back of time on each amendment, the Senate proceed to a vote on each amendment.

Finally, I ask that following the disposition of those specified amendments, the bill, as amended, if amended, be read a third time and that the Senate vote on the passage of the bill, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER (Mrs. BLACKBURN). Is there objection?

The Senator from Washington.

Mrs. MURRAY. Madam President, in reserving the right to object, earlier this year, the House passed the SECURE Act—a bipartisan package—in a nearly unanimous vote of 417 to 3. This bill has overwhelming bipartisan support, and it takes many good steps toward improving retirement security for families across our country. It would help Gold Star families, small businesses, long-term and part-time workers, and more.

With families in our country, nationwide, in the middle of a retirement crisis, we should take the opportunity we have right here in front of us today to offer them some relief as soon as possible.

This bill, the SECURE Act, has wide bipartisan support here in the Senate,

and Democrats are ready to pass it today as is. But now we have a few Republican Senators who want to sidetrack it with last-minute amendments, including proposals that are not in the interest of working families and will kill any chance this bill has of becoming law. For example, one of the amendments strips out an important provision the House made sure to include, while another one tries to jam back in a proposal that the House took out before it passed it so it could pass by an overwhelming margin.

Well, let me be clear. Democrats don't think families relying on this relief should have to wait while Republicans try to chip away at it. We want to pass this bill today as it is, which is why I would like to ask the Senator from Pennsylvania to modify his unanimous consent request; that the Senate proceed to the immediate consideration of H.R. 1994, which is at the desk, the SECURE Act, the bipartisan House bill; and that the bill be considered read a third time and passed and the motion to reconsider be made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Will the Senator from Pennsylvania so modify his request?

Mr. TOOMEY. Madam President, reserving the right to object, I just will say briefly that this is very disappointing. What we are hearing from our Democratic colleagues is that the Senate is supposed to be a rubberstamp for what the House has done. We are not supposed to consider and deliberate ourselves as a body. We are not supposed to, apparently, entertain amendments—equal numbers from both sides—to attempt to reflect our constituents' interests and get to a legislative solution that would inevitably have broad bipartisan support. I am very disappointed.

Of course, I would reiterate, no Republican has ever asked for a guaranteed outcome on any amendment. All we are asking for is a vote, and apparently that is asking too much, according to our Democratic colleagues. I object.

The PRESIDING OFFICER. Objection is heard.

Is there an objection to the original request?

The Senator from Washington.

Mrs. MURRAY. Madam President, it is very disappointing on this side that there is an objection to this bill that addresses so many important issues. It has broad bipartisan support. Instead of working to pass this bill in front of us today, some Senators have focused on tacking on amendments that don't help families and do not make this a better bill; therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

#### IMPEACHMENT

Mr. CASEY. Madam President, I rise today to discuss the impeachment inquiry currently underway in the House.

First, I want to recognize the courageous public servants who have testified in the House in recent weeks in defense of U.S. national security and in defense of the rule of law and our democratic institutions. I will cite just four: Lieutenant Colonel Vindman, Ambassador Yovanovitch, Ambassador Taylor, and Ambassador McKinley.

Despite the two decades of military service by Lieutenant Colonel Vindman and the Purple Heart he earned for his sacrifice for our country in Iraq, his character has faced brutal attacks from cable news and from some current and former Members of Congress.

As former U.S. Ambassador to Russia Michael McFaul put it in a Washington Post column last week, "Such smear tactics are revolting and un-American. [Lt. Col.] Vindman has served our country with honor and distinction, both on and off the battlefield. . . . And he is a patriot—as you would expect from someone with his outstanding resume."

So said former Ambassador McFaul, and I agree with him. I think most Americans would agree with him.

Lieutenant Colonel Vindman is just one of the many brave patriots who have testified as part of this impeachment inquiry.

Ambassador Yovanovitch has dedicated over 30 years to U.S. foreign service. She has rightfully earned the respect and credibility that she has within the U.S. national security community for her anti-corruption efforts in Ukraine and for her unwavering commitment to U.S. national security interests.

Ambassador McKinley has served this country as Senior Advisor to the Secretary of State and Ambassador to Brazil, Afghanistan, Colombia, and Peru. He has demonstrated fierce loyalty to his colleagues in the State Department and to the United States itself.

Ambassador Taylor's life has been marked by his service to our Nation, from West Point to the 101st Airborne in Vietnam, to his work as Ambassador to Ukraine and other significant foreign policy roles.

We should all be inspired by these and countless other public servants who work to protect and serve the United States every day. When I reflect upon their service to our country and their integrity, I am reminded of one of the lines from "America the Beautiful": "Oh, beautiful for patriot dream That sees beyond the years." That is what these patriots are doing—trying to understand and deliberate about what their actions should be now that will help America over time, to see beyond the years. That is part of the dream of a patriot, and these individuals have demonstrated that. They have a care and a concern about our institutions, our government, our democ-

racy, our Constitution, and, of course, a concern about what their actions mean for the future.

Over the past week, the House committees leading the impeachment inquiry regarding President Trump's, in my judgment, abuse of power have publicly released the first full transcripts from several of their interviews with State officials and diplomats. The transcripts explain in rich detail how the President employed Rudy Giuliani, his personal attorney, to manage a shadow diplomacy agenda focused on personal vendettas and unfounded—and that is an understatement—conspiracy theories in Ukraine.

Ambassador Yovanovitch testified that there was a "concerted campaign" to have her removed as Ambassador to Ukraine and repeatedly discussed the threatening and bullying behavior of the President and Mr. Giuliani because of her disagreements with Mr. Giuliani. The Ambassador explained that a senior Ukrainian official expressed significant concerns regarding Mr. Giuliani's behavior and told the Ambassador that she "really needed to watch her back."

When asked whether she felt threatened after President Trump told the Ukrainian President that she was "going to go through some things," Ambassador Yovanovitch responded unequivocally "yes," meaning yes, she felt threatened.

And she indicated some of her friends were "very concerned" about her personal safety.

Just imagine that. Imagine that. A U.S. Ambassador concerned about what would happen to her next. Even those around her were concerned about her personal safety because of what a President was saying and doing—and those around him.

Later in her testimony, Ambassador Yovanovitch discussed the influence of Rudy Giuliani in Ukraine. When asked whether anyone at the State Department tried to stop Giuliani's efforts, she explained as follows:

I don't think so. I don't think they felt they could.

Now, let's turn to Ambassador Taylor. He described similar concerns about Mr. Giuliani. Referencing the investigations President Trump wanted Ukraine to pursue into his political opponent—in this case, former Vice President Joe Biden—Ambassador Taylor described that the "irregular channel" of Ukraine policy directed by Mr. Giuliani was focused on "one or two specific cases, irrespective of whether it helped solve the corruption problem" in Ukraine.

Ambassador Taylor further explained that it was his "clear understanding" that "security assistance money" for Ukraine would not be delivered until President Zelensky "committed to pursue the investigation."

Ambassador McKinley, a former senior advisor to Secretary of State Pompeo, confirmed that he resigned because of his concerns about the President's shadow diplomacy efforts