

with Mr. Giuliani. When the chairman asked Mr. MCKINLEY whether he resigned in part because of efforts to use the State Department to dig up dirt on a political opponent, Mr. MCKINLEY responded:

That is fair. And if I can underscore, in 37 years in the Foreign Service and different parts of the globe and working on many controversial issues, working 10 years back in Washington, I had never seen that.

As the Washington Post reported on September 21, the President's behavior related to this Ukraine matter has revealed—in the opinion of this journalist at the Post, a reporter who has covered the President very closely—No. 1, “a President convinced of his own invincibility—apparently willing and even eager to wield the vast powers of the United States to taint a political foe and confident that no one could hold him back.”

Let me move to the whistleblower protections. Armed with this sense of invincibility, the President has directed some of his most pointed criticisms at the brave whistleblower who came forward to expose the President's call with the Ukrainian President.

On Twitter, the President has demanded to meet the whistleblower face-to-face, despite laws that clearly protect the whistleblower's right to anonymity.

Just the other day, the whistleblower's attorney confirmed that his client offered to answer written questions under oath from House Republicans as long as the questions did not compromise the individual's identity.

House Republicans immediately denounced the offer, and the President tweeted that “[w]ritten answers are not acceptable,” despite the fact that President Trump refused—refused to be interviewed by Special Counsel Mueller's team and only answered written questions during the special counsel's investigation into election interference.

Despite his own unwillingness to answer live questioning, the President has persisted in his desire to “out” the whistleblower by tweeting that “we must determine the Whistleblower's identity” and arguing that the press would be “doing the public a service” if it outed the whistleblower.

Nothing—nothing the President has done or said in his more than 2½ years as President convinces me that he has any understanding of public service or doing the public a service, depending on how you look at it.

President Trump has even demanded to know who provided the information to the whistleblower and suggested that the source was “a spy” who would have been executed “in the old days.”

These comments follow the testimony of Acting Director of National Intelligence Joseph Maguire—a former Navy SEAL with 36 years of military experience and a Presidential appointee—before the House of Representatives in September.

Mr. Maguire said the following:

[W]e must protect those who demonstrate courage to report alleged wrongdoing. . . . The Inspector General is properly protecting the complainant's identity and will not permit the complainant to be subject to any retaliation or adverse consequences for communicating the complaint to the Inspector General.

Yesterday, in floor remarks, the junior Senator from Kentucky compared the whistleblower to Edward Snowden and argued that the current concerns about the safety of the whistleblower are nothing more than “selective outrage.”

To be clear, Edward Snowden broke the law. He abused his security clearance and position of trust to leak classified information to the press. He sought safe haven in Russia, and we are unaware of any other information he may have shared that could further jeopardize national security.

The current whistleblower has strictly followed the appropriate channels of reporting, as confirmed by Director Maguire, and the individual deserves the full protection under the law.

The Senator from Kentucky referenced Edward Snowden in a conversation about blowing the whistle on President Trump's abuse of power. I hope that anyone would not make a comparison between the two cases. Threatening a witness or retaliating against a whistleblower is illegal. We know that. The President's public attacks on the whistleblower only add to the record of impeachable conduct.

His careless and extreme rhetoric not only places the whistleblower's personal safety in jeopardy, it undermines the entire whistleblower program of the intelligence community and across the government.

The intelligence community and Congress must continue to do all we can to protect the current whistleblower's identity and personal safety. The current legal protections for whistleblowers are insufficient to fully protect those who are courageous enough to come forward and report wrongdoing.

Of course, the reason we need the additional protections is the President's conduct in threatening the whistleblower. No other President has ever done this.

Congress must consider more ways to protect whistleblowers, including criminalizing the disclosure of the whistleblower's identity. It should be clear that should be a crime, if the statutes do not provide for it now.

We must use this experience to ensure that whistleblowers will be protected from threatening rhetoric and from actions by a President or any other public official meant to intimidate whistleblowers. If you are threatening a whistleblower, if you are trying to “out” them, that is always—always wrong. We do not have to worry about whether a specific statutory provision made it a crime. It is always wrong. Until this President, that was well understood by people in both parties, both Houses, and both branches.

This inquiry is not simply about President Trump's clear abuse of power. This inquiry is about our democracy and the values our Founders agreed should guide our Nation.

We owe the whistleblower, Lt. Col. Vindman, Ambassadors Yovanovitch, Taylor, and McKinley, as well as others, our deepest gratitude and our appreciation for their integrity and commitment to American values. They are real American heroes who, despite the President's bullying and harassment, have stood up in defense of our democratic institutions and the values the Founders fought to guide our Nation.

I yield the floor.

Ms. COLLINS. Madam President, I ask unanimous consent that the vote scheduled for 1:45 p.m. start at this time.

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

VOTE ON NARDINI NOMINATION

The question is, Will the Senate advise and consent to the Nardini nomination?

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KENNEDY). Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Indiana (Mr. BRAUN) would have voted “Yea” and the Senator from Kansas (Mr. MORAN) would have voted “Yea”.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Maryland (Mr. CARDIN), the Senator from California (Ms. HARRIS), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Ms. WARREN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The PRESIDING OFFICER (Mr. YOUNG). Are there any other Senators in the Chamber desiring to vote or change their vote?

The result was announced—yeas 86, nays 2, as follows:

[Rollcall Vote No. 352 Ex.]

YEAS—86

Alexander	Collins	Gardner
Baldwin	Coons	Graham
Barrasso	Cornyn	Grassley
Bennet	Cortez Masto	Hassan
Blackburn	Cotton	Hawley
Blumenthal	Cramer	Heinrich
Blunt	Crapo	Hirono
Boozman	Cruz	Hoehn
Brown	Daines	Hyde-Smith
Burr	Duckworth	Inhofe
Cantwell	Durbin	Johnson
Capito	Enzi	Jones
Carper	Ernst	Kaine
Casey	Feinstein	Kennedy
Cassidy	Fischer	King

Lankford	Risch	Smith
Leahy	Roberts	Stabenow
Lee	Romney	Sullivan
Manchin	Rosen	Tester
McConnell	Rounds	Thune
McSally	Rubio	Tillis
Merkley	Sasse	Toomey
Murkowski	Schatz	Udall
Murphy	Schumer	Van Hollen
Murray	Scott (FL)	Warner
Paul	Scott (SC)	Whitehouse
Peters	Shaheen	Wicker
Portman	Shelby	Young
Reed	Sinema	

NAYS—2

Gillibrand Markey

NOT VOTING—12

Booker	Isakson	Perdue
Braun	Klobuchar	Sanders
Cardin	Menendez	Warren
Harris	Moran	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action with respect to the nominations confirmed here in today's session of the Senate.

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

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. I move to proceed to executive session to consider Calendar No. 387.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Department of Homeland Security. (New Position)

Mitch McConnell, Roger F. Wicker, Mike Rounds, Rick Scott, John Barrasso,

Kevin Cramer, Richard Burr, Steve Daines, James E. Risch, John Cornyn, John Boozman, John Hoeven, James Lankford, Todd Young, David Perdue, John Thune, Lamar Alexander.

LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 486.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant 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 Steven J. Menashi, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, John Hoeven, Steve Daines, James E. Risch, Roger F. Wicker, Pat Roberts, John Thune, Mike Rounds, Roy Blunt, Mike Crapo, John Boozman, John Cornyn, Lindsey Graham, Thom Tillis, David Perdue, Chuck Grassley, Rick Scott.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture motions ripen at 5:30 p.m. on Tuesday, November 12.

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

The Senator from Ohio.

BARKER HOUSE

Mr. PORTMAN. Mr. President, I would like to take this opportunity to talk about something positive that is happening in Ohio with the help of the U.S. Army Corps of Engineers.

The Army Corps is involved with some civic-minded community volunteers in something that will help pre-

serve our history in Ohio. It wouldn't be happening but for the vision of the head of the Army Corps, Mr. R.D. James, the Assistant Secretary of the Army for Civil Works. It is a good-news project regarding the preservation of an important piece of the history of the Northwest Territory and my home State of Ohio. It is called the Barker House. It is a historic home that dates back almost 200 years. It was built by the owner's father, who was a Revolutionary War officer and a famous early settler and pioneer architect in Ohio. A number of historic homes of his were built along the Ohio River, and this is one of them that is still left standing. Colonel Joseph Barker, Sr., was his name, and he is one of our most famous early pioneers in Ohio.

The House was listed on the National Register of Historic Places in 1979 for its historic significance. In fact, Joseph Barker, Sr., and the houses he built play an important role in a new, award-winning book by the great historian David McCullough, "The Pioneers," and it tells the story of the Northwest Territory and the founding of Ohio in the wake of the Revolutionary War. In "The Pioneers" book, Colonel Barker's stately homes were an anomaly out on the frontier. His own home was described as "a large, brick house in the Federal style, with a handsome front door, flanked by recessed side windows and an elliptical fanlight overhead. . . . [O]nce completed the whole house was painted white, and soon became, as intended, a 'distinguished seat of hospitality.'"

This also describes the historic Barker House we are trying to preserve.

These houses brought a level of architectural refinement that stood in sharp contrast to the log cabins on the rugged landscape where these pioneers were settling.

The Barker House is currently owned by the U.S. Army Corps of Engineers. It is owned by them because it sits right next to the Willow Island Locks and Dam on the Ohio River. The house was used as office space by the Corps back in the 1960s, and today, the house is still standing. It is vacant, in bad shape, and unsafe to enter, but it is savable.

I visited this historic Barker House back in September of 2018. I learned then that the Corps was proposing to demolish the Barker House. They then considered a proposal to move it brick by brick to a new location off of Army Corps' land. Neither made sense.

That is when I met Jack Haessly, who led a group—along with Wesley Clarke, Bill Reynolds, Bob Ferguson, and others—a local Barker House friends group who said they would be willing to raise the money to restore this home on its historic site overlooking the Ohio River. They wanted to make sure it would be accessible to visitors there and made into a museum.

I immediately called the Secretary, Mr. R.D. James of the Army Corps, and