

cosponsor of S. 2427, a bill to amend title 31, United States Code, to require the Secretary of the Treasury to mint and issue quarter dollars in commemoration of the 19th Amendment to the Constitution of the United States, and for other purposes.

S. 2550

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 2550, a bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for tobacco products and electronic nicotine delivery systems.

S. 2570

At the request of Ms. SINEMA, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2570, a bill to award a Congressional Gold Medal to Greg LeMond in recognition of his service to the United States as an athlete, activist, role model, and community leader.

S. 2680

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2680, a bill to impose sanctions with respect to foreign support for Palestinian terrorism, and for other purposes.

S. 2699

At the request of Mr. MARKEY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2699, a bill to reauthorize the Federal Ocean Acidification Research and Monitoring Act of 2009, and for other purposes.

S. 2742

At the request of Mr. MCCONNELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2742, a bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate.

S. 2783

At the request of Mr. ENZI, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2783, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 2794

At the request of Mr. CRAPO, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2794, a bill to provide for the creation of the Missing Armed Forces Personnel Records Collection at the National Archives, to require the expeditious public transmission to the Archivist and public disclosure of Missing Armed Forces Personnel records, and for other purposes.

S. 2874

At the request of Mr. CRUZ, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2874, a bill to terminate certain waivers of sanctions with respect to Iran issued in connection with the Joint Comprehensive Plan of Action, and for other purposes.

S.J. RES. 6

At the request of Mr. CARDIN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S.J. Res. 6, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 98

At the request of Mrs. BLACKBURN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 98, a resolution establishing the Congressional Gold Star Family Fellowship Program for the placement in offices of Senators of children, spouses, and siblings of members of the Armed Forces who are hostile casualties or who have died from a training-related injury.

S. RES. 260

At the request of Ms. COLLINS, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Missouri (Mr. HAWLEY) were added as cosponsors of S. Res. 260, a resolution recognizing the importance of sustained United States leadership to accelerating global progress against maternal and child malnutrition and supporting the commitment of the United States Agency for International Development to global nutrition through the Multi-Sectoral Nutrition Strategy.

S. RES. 318

At the request of Mr. RISCH, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 318, a resolution to support the Global Fund to fight AIDS, Tuberculosis and Malaria, and the Sixth Replenishment.

S. RES. 343

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 343, a resolution congratulating the people of the Czech Republic and the people of the Slovak Republic on the 30th anniversary of the Velvet Revolution, the 26th anniversary of the formation of the Czech Republic and the Slovak Republic, and the 101st anniversary of the declaration of independence of Czechoslovakia.

S. RES. 410

At the request of Mr. JONES, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. Res. 410, a resolution establishing a McCain-Mansfield Fellowship Program in the Senate.

S. RES. 411

At the request of Mr. TOOMEY, the names of the Senator from Kansas (Mr.

MORAN), the Senator from Missouri (Mr. BLUNT) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. Res. 411, a resolution affirming that States maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on State and private lands, that the President has no authority to declare a moratorium on the use of hydraulic fracturing on State and private lands, and that the President should not attempt to declare a moratorium on the use of hydraulic fracturing on Federal lands (including the Outer Continental Shelf) or lands held in trust for an Indian Tribe, unless the moratorium is authorized by an Act of Congress.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 428—AUTHORIZING THE TAKING OF PICTURES AND FILMING IN THE CHAMBER OF THE SENATE FOR USE BY THE CAPITOL VISITOR CENTER

Mr. BLUNT (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 428

*Resolved,*

#### SECTION 1. AUTHORIZATION OF TAKING OF PICTURES AND FILMING IN THE SENATE CHAMBER FOR USE BY THE CAPITOL VISITOR CENTER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended—

(1) for the purpose of permitting the taking of pictures and filming while the Senate is in session or in recess; and

(2) for a period not to exceed a total of 7 days, of which the dates, locations, and times shall be determined by the Committee on Rules and Administration.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken and film made under subsection (a) may only be used by the Capitol Visitor Center for exhibits, digital interactive displays, and video presentations in the Capitol Visitor Center that have been approved by the Committee on Rules and Administration.

(c) ARRANGEMENTS.—The Capitol Visitor Center, in collaboration with the Sergeant at Arms and Doorkeeper of the Senate and the Secretary of the Senate, shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures and filming conducted under this resolution does not disrupt any proceeding of the Senate.

### SENATE RESOLUTION 429—RECOGNIZING THE IMPORTANCE OF THE CIVIL RIGHTS ACT OF 1866 AND THE LAWS DERIVED FROM THE CIVIL RIGHTS ACT OF 1866

Mr. SCHUMER (for Ms. HARRIS (for herself, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. FEINSTEIN, Ms. HIRONO, Mr.

WYDEN, and Ms. WARREN)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 429

Whereas, in the aftermath of the Civil War, the reunified United States struggled to reconstruct the war-torn States and establish laws granting newly freed slaves the same rights afforded to White citizens;

Whereas the reconstruction of the United States following the conclusion of the Civil War necessarily included the integration of newly emancipated African Americans into broader society and, with that emancipation, the receipt by those emancipated African Americans of civil and legal protections;

Whereas, as a response to the uncertain and unequal status of newly freed slaves, the 13th Amendment to the Constitution of the United States was ratified by the States on December 6, 1865, formally abolishing slavery “within the United States, or any place subject to their jurisdiction”;

Whereas, on April 9, 1866, Congress overrode a Presidential veto to enact the Act of April 9, 1866 (commonly known as and referred to in this preamble as the “Civil Rights Act of 1866”) (14 Stat. 27, chapter 31), a law written to protect and clarify the newly bestowed rights of persons of African descent;

Whereas the Civil Rights Act of 1866 declared that all persons born in the United States are entitled to be citizens, without regard to race, color, or previous condition of slavery or involuntary servitude;

Whereas the Civil Rights Act of 1866 was enacted—

(1) to establish that all persons born in the United States are to be considered citizens;

(2) to clearly define the rights guaranteed by United States citizenship; and

(3) to make it unlawful for any person to deprive another person of those rights on the basis of race;

Whereas the Civil Rights Act of 1866 served the role of overriding “Black Codes”, laws enacted in southern States to restrict the freedom of African Americans and keep formerly enslaved persons from thriving in society;

Whereas the first section of the Civil Rights Act of 1866 created an avenue for citizens who fell victim to intentional racial discrimination by allowing a citizen to go before a Federal court and allege that the citizen was discriminated against while engaging in lawful activity;

Whereas the first section of the Civil Rights Act of 1866 was used to challenge the laws established by southern States to limit the rights and opportunities of newly freed slaves;

Whereas, under section 1977 of the Revised Statutes (42 U.S.C. 1981), which is derived from section 16 of the Act of May 31, 1870 (commonly known as and referred to in this preamble as the “Enforcement Act of 1870”) (16 Stat. 140, chapter 114) and the first section of the Civil Rights Act of 1866, African American citizens are given the right to enforce contracts, give evidence in court, sue and be sued, and purchase, sell, and convey real and personal property;

Whereas, in 1975, the Supreme Court recognized in *Johnson v. Railway Express Agency, Inc.*, 421 U.S. 454 (1975), that section 16 of the Enforcement Act of 1870 allowed for private employers to be held accountable for discrimination within their ranks;

Whereas section 1977 of the Revised Statutes (42 U.S.C. 1981) applies to all contracts, including those between employer and employee, and has become a vital tool for employment discrimination claimants;

Whereas section 1977 of the Revised Statutes (42 U.S.C. 1981) stands as one of the only laws protecting against employers openly discriminating on the basis of race when contracting with other parties;

Whereas it is well established that section 1977 of the Revised Statutes (42 U.S.C. 1981) has been invoked to challenge race discrimination in employment matters and has held bad actors accountable for contract discrimination;

Whereas, in 1989, in *Patterson v. McLean Credit Union*, 491 U.S. 164 (1989), the Supreme Court narrowly interpreted section 1977 of the Revised Statutes (42 U.S.C. 1981) to apply only to contract formation, finding that only certain points in a contractual engagement could be subject to the protections afforded in that section;

Whereas the ruling in *Patterson v. McLean Credit Union*, 491 U.S. 164 (1989), functioned as a major setback to ensuring that all aspects of the interaction between an employee or individual with a business would be free of racial discrimination;

Whereas, in 1991, Congress, by statute, as part of the Civil Rights Act of 1991 (Public Law 102-166; 105 Stat. 1071), disagreed with a plethora of Supreme Court decisions that undermined Federal antidiscrimination laws and challenged the restrictive interpretation of section 1977 of the Revised Statutes (42 U.S.C. 1981) expressed by the Supreme Court in *Patterson v. McLean Credit Union*, 491 U.S. 164 (1989);

Whereas the 2008 decision in *CBOCS West, Inc. v. Humphries*, 553 U.S. 442 (2008), further determined that section 1977 of the Revised Statutes (42 U.S.C. 1981) prohibits not only direct discrimination, but retaliation against those alleging discrimination;

Whereas the intent of Congress is clear through the legislative history of section 1977 of the Revised Statutes (42 U.S.C. 1981), which definitively illustrates that the law was meant to provide and enforce robust protection against race discrimination in contracting;

Whereas section 1977 of the Revised Statutes (42 U.S.C. 1981)—

(1) in subsection (a), provides that “[a]ll persons within the jurisdiction of the United States shall have the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens”; and

(2) in subsection (b), defines “make and enforce contracts” to “include the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship”;

Whereas section 1977 of the Revised Statutes (42 U.S.C. 1981) clearly enumerates the protections afforded to minorities in the United States when contracting with businesses and makes clear that all aspects of the creation, modification, and termination of contracts are subject to the scrutiny of that section;

Whereas the most direct interpretation of section 1977 of the Revised Statutes (42 U.S.C. 1981) ensures that all racial minorities in the United States be granted the opportunity to enter into contractual agreements free of discrimination; and

Whereas section 1977 of the Revised Statutes (42 U.S.C. 1981) serves as a critically important tool to ensure that no person is denied the ability to contract with another on the basis of race: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and honors the historical significance of section 1977 of the Revised Statutes (42 U.S.C. 1981) and the instrumental contributions of that law to the pursuit of equal protection for all citizens of the United States;

(2) reaffirms its commitment to the 13th, 14th, and 15th Amendments to the Constitution of the United States, to the Act of April 9, 1866 (commonly known as and referred to in this resolving clause as the “Civil Rights Act of 1866”) (14 Stat. 27, chapter 31) (and the laws derived from that Act), and to the civil rights and liberties of all racial minorities across the United States; and

(3) reaffirms the congressional intent behind the first section of the Civil Rights Act of 1866 (and the laws derived from that Act), which was, and remains, the protection of the rights of minorities seeking refuge from racial discrimination in business.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 2 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Monday, November 18, 2019, at 5:40 a.m., to conduct a hearing on the nomination of Peter Gaynor, of Rhode Island, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

### COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Monday, November 18, 2019, to conduct a hearing on the nomination of Hugh Nathaniel Halpern, of Virginia, to be Director of the Government Publishing Office.

## REPEALING EXISTING SUBSTANDARD PROVISIONS ENCOURAGING CONCILIATION WITH TRIBES ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 252, S. 2071.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2071) to repeal certain obsolete laws relating to Indians.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. 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. Without objection, it is so ordered.

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

S. 2071

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