

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHUCK GRASSLEY, intend to object to proceeding to the nomination of Christopher C. Miller, of Virginia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence dated June 4, 2020.

Mr. GRASSLEY. Mr. President, I intend to object to any unanimous consent request relating to the nomination of Christopher C. Miller, of Virginia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence (PN1741).

On April 8, 2020, I sent a bipartisan letter to the President cosigned by seven of my colleagues regarding the removal of Intelligence Community Inspector General (IC IG) Michael Atkinson. That letter reminded the President of his requirement under the Inspector General Reform Act to provide clear reasons for such removal. After a delay, the White House promised me a response to my letter that fulfilled the statutory requirement by providing substantive reasons for the removal. On the evening of May 26, 2020, I received a response from the White House, but it contained no explanation for the removal of the IC IG.

Though the Constitution gives the president the authority to manage executive branch personnel, Congress has made it clear that should the president find reason to fire an inspector general, there ought to be a good reason for it. The White House's response failed to address this requirement, which Congress clearly stated in statute and accompanying reports. I don't dispute the President's authority under the Constitution, but without sufficient explanation, the American people will be left speculating whether political or self-interests are to blame. That's not good for the presidency or government accountability.

Further, the White House's response states that the President was acting in a manner that comported with the precedent that began under the Obama administration. The letter states that the President's letter mirrors the one sent by President Obama when he removed IG Walpin. What that letter fails to mention is that President Obama, at the demand of myself and other members of this Chamber, eventually did send several letters explaining in much greater detail the reasons for the removal of Mr. Walpin. They were inadequate responses that continually changed and eventually resulted in a bicameral investigation into the matter, but reasons were provided.

I have attached copies of these letters and the aforementioned report for the RECORD. I intend to maintain this hold until the notice requirement in the Inspector General Act of 1978, 5 U.S.C. app. § 3(b) is met and the reasons for the IC IGs removal are provided.

AUTHORITY FOR COMMITTEES TO MEET

Mr. ALEXANDER. Mr. President, I have 6 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 BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, June 4, 2020, at 11 a.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, June 4, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, June 4, 2020, at 10 a.m., to conduct a hearing nominations.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, June 4, 2020, at 10 a.m., to conduct a hearing.

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 Thursday, June 4, 2020, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, June 4, 2020, at 10 a.m., to conduct a hearing.

TAXPAYER FIRST ACT OF 2019—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 75, H.R. 1957.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 75, H.R. 1957, a bill to amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes.

CLOTURE MOTION

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

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

The bill 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 motion to proceed to Calendar No. 75, H.R. 1957, a bill to amend the Internal Revenue Code of 1986 to modernize and improve the Internal Revenue Service, and for other purposes.

Mitch McConnell, Thom Tillis, Pat Roberts, Shelley Moore Capito, Mike Crapo, Lindsey Graham, David Perdue, Martha McSally, Richard Burr, Cory Gardner, Steve Daines, Lamar Alexander, Tom Cotton, Kevin Cramer, John Boozman, Rob Portman, Susan M. Collins.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call for the cloture motion be waived.

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

SIGNING AUTHORITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills or joint resolutions through Monday, June 8, 2020.

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

INDIAN WATER RIGHTS SETTLEMENT EXTENSION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 397, S. 886.

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

The bill clerk read as follows:

A bill (S. 886) to amend the Omnibus Public Land Management Act of 2009 to make the Reclamation Water Settlements Fund permanent.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 886

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 "Indian Water Rights Settlement Extension Act".

SEC. 2. RECLAMATION WATER SETTLEMENTS FUND.

Section 10501 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407) is amended—

(1) in subsection (b)(1), by striking "fiscal years 2020 through 2029" and inserting "fiscal years 2020 through 2039";

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) EXPENDITURES.—

"(i) IN GENERAL.—Subject to subparagraph (B)—

"(I) for each of fiscal years 2020 through 2029, the Secretary may expend from the Fund an amount not to exceed \$120,000,000, plus the interest accrued from the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3); and

"(II) subject to clause (ii), for each of fiscal years 2030 through 2044, the Secretary may expend from the Fund an amount not to exceed

\$120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraph (2).

“(ii) **LIMITATION.**—Of the amount described in clause (i)(II) for each of fiscal years 2030 through 2044, the Secretary may expend an amount not to exceed \$90,000,000 for an individual Indian water rights settlement, unless the Secretary determines that an expenditure of more than \$90,000,000 would not adversely affect the funding of the implementation of other congressionally approved settlement agreements.”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation” and inserting “claims concerning Indian water resources, if the settlement agreement or implementing legislation authorizes the Secretary”; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) in subclause (I), by striking “the entire period in which the Fund is in existence” and inserting “the period of fiscal years 2020 through 2029”; and

(bb) in subclause (II), by inserting “during the period of fiscal years 2020 through 2029” after “into the Fund”; and

(II) in clause (ii), by inserting “or are deposited into the Fund after fiscal year 2029” after “subparagraph (B)”; and

(ii) in subparagraph (B)—

(I) in clauses (i)(II)(bb), (iii)(II)(bb), and (iv)(II)(bb), by striking “the entire period in which the Fund is in existence” each place it appears and inserting “the period of fiscal years 2020 through 2029”; and

(II) in clause (iv)(I)—

(aa) by striking the period at the end and inserting “; and”;

(bb) by striking “through annual appropriations, the Secretary” shall and inserting the following: “through annual appropriations—

“(aa) the Secretary”; and

(cc) by adding at the end the following:

“(bb) if the Indian water rights settlement agreement described in item (aa) has not been approved and authorized by an Act of Congress by December 31, 2021—

“(AA) the amount shall no longer be reserved for that settlement under subparagraph (A)(i)(II); and

“(BB) the Secretary shall deposit the amount that would have otherwise been reserved under subparagraph (A)(i)(II) for the Indian water rights settlement agreement into the Lower Colorado River Basin Development Fund established under section 403(a) of the Colorado River Basin Project Act (43 U.S.C. 1543(a)), with 65 percent of that amount in each fiscal year deposited into the Future Indian Water Settlement Sub-account of that Fund.”;

(iii) in subparagraph (C)—

(I) by striking “December 31, 2019” and inserting “December 31, 2021”; and

(II) by striking “for any authorized use” and inserting “for any use authorized under paragraph (2)”; and

(iv) by adding at the end the following:

“(D) **SUFFICIENCY OF FUNDS.**—The Secretary may use amounts in the Fund in a fiscal year for multiple settlements under subparagraph (B), without regard to the priorities described in clauses (ii) through (iv) of subparagraph (B), to ensure that sufficient funds are available to meet the enforceability date or substantial completion date of a settlement.”; and

(3) in subsection (f), by striking “September 30, 2034” and inserting “September 30, 2044”.

SEC. 3. AMENDMENTS TO AAMODT LITIGATION SETTLEMENT ACT.

(a) **DEFINITION OF 611(G) AGREEMENT.**—Section 602 of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3134) is amended—

(1) by redesignating paragraphs (1) through (23) as paragraphs (2) through (24), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) **611(G) AGREEMENT.**—The term ‘611(g) Agreement’ means the agreement dated July 2, 2019, to be executed by the United States, the State, the Pueblos, the County, and the City pursuant to section 611(g).”.

(b) **FINAL PROJECT DESIGN.**—Section 611(b) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3137) is amended, in the matter preceding paragraph (1), by striking “within 90 days of” and inserting “as soon as feasible after”.

(c) **CONSTRUCTION COSTS FOR PUEBLO WATER FACILITIES.**—Section 611(f) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3138) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “\$106,400,000” and inserting “\$243,400,000”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) **EXCEPTION.**—Of the amount described in subparagraph (A)—

“(i) the initial \$106,400,000 shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices; and

“(ii) any amounts made available in excess of the amount described in clause (i) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2018, as determined using applicable engineering cost indices.”; and

(2) in paragraph (3), by inserting “and the 611(g) Agreement” after “the Cost-Sharing and System Integration Agreement”.

(d) **FUNDING FOR REGIONAL WATER SYSTEM.**—Section 617(a)(1)(B) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3147) is amended—

(1) by striking “\$50,000,000” and inserting “\$187,000,000”; and

(2) by striking “2024” and inserting “2028”.

(e) **ADJUSTMENT.**—Section 617(a)(4) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3147) is amended by striking “since October 1, 2006, as determined using applicable engineering cost indices” and inserting “pursuant to section 611(f)(1)(B)”.

(f) **EXECUTION OF AGREEMENT UNDER SECTION 611(G).**—Section 621 of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3149) is amended by striking subsections (a) and (b) and inserting the following:

“(a) **APPROVAL.**—To the extent the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement do not conflict with this title, the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement (including any amendments to the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement that are executed to make the Settlement Agreement, the Cost-Sharing and System Integration Agreement, or the 611(g) Agreement consistent with this title) are authorized, ratified, and confirmed.

“(b) **EXECUTION.**—To the extent the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement do not conflict with this title, the Secretary shall execute the Settlement Agreement, the Cost-Sharing and System Integration Agreement, and the 611(g) Agreement (including any amendments that are necessary to make the Settlement Agreement, the Cost-Sharing and System Integration Agreement, or the 611(g) Agreement consistent with this title).”.

(g) **REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.**—Section 623(e) of the Aamodt Litigation Settlement Act (Public Law 111–291; 124 Stat. 3151) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) **CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.**—Subject to the provisions of section 611(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if—

“(A) the infrastructure has been constructed capable of—

“(i) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos consistent with the Engineering Report (as amended by the 611(g) Agreement and the Operating Agreement); and

“(ii) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System and consistent with the Engineering Report (as amended by the 611(g) Agreement and the Operating Agreement); or

“(B) the Secretary—

“(i) issues a notice to proceed authorizing the commencement of Phase I construction of the Regional Water System by December 31, 2019, and subsequently commences construction of the Regional Water System;

“(ii) diligently proceeds to construct the Regional Water System in accordance with the Engineering Report (as amended by the 611(g) Agreement), on a schedule for completion by June 30, 2028;

“(iii) expends all of the available funding provided to construct the Regional Water System under section 611(f)(1)(A), in the Cost-Sharing and System Integration Agreement, and in the 611(g) Agreement;

“(iv) complies with the terms of the 611(g) Agreement; and

“(v) despite diligent efforts cannot complete construction of the Regional Water System as described in the final Engineering Report (as amended by the 611(g) Agreement), due solely to the lack of additional authorized funding.”;

(2) in paragraph (2)—

(A) by striking “2021” and inserting “2025”; and

(B) by striking “2024” and inserting “2028”;

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking “2021” and inserting “2025”;

(4) in paragraph (4)(B)(ii)(II), by striking “2023” and inserting “2027”; and

(5) in paragraph (5)(A), by striking “2024” and inserting “2028”.

SEC. 4. KICKAPOO TRIBE.

(a) **DEFINITION OF UPPER DELAWARE AND TRIBUTARIES WATERSHED PLAN.**—In this section, the term “Upper Delaware and Tributaries Watershed Plan” means the plan described in the document entitled “Watershed Plan and Environmental Impact Statement Upper Delaware and Tributaries Watershed Atchison, Brown, Jackson, and Nemaha Counties, Kansas”, dated January 1994, and supplemented in June 1994—

(1) developed, pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.)—

(A) by the Kickapoo Tribe, certain watershed and conservation districts in the State of Kansas, and the Department of Wildlife and Parks of the State of Kansas; and

(B) with the cooperation and technical assistance of the Natural Resources Conservation Service; and

(2) described in the report of the Committee on Environment and Public Works of the Senate (Senate Report 105–13; April 22, 1997).

(b) **STUDY; RECOMMENDATIONS.**—To support the purposes of achieving a fair, equitable, and final settlement of claims to water rights for the Kickapoo Tribe in the State of Kansas, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), in consultation with the Secretary of the Interior (acting through the Director of the Secretary’s Indian Water Rights Office), shall—

(1) commence a study of the multipurpose dam described in the Upper Delaware and Tributaries Watershed Plan; and

(2) not later than 2 years after the date of enactment of this Act, make recommendations to Congress with respect to the material alterations or changes to the Upper Delaware and Tributaries Watershed Plan that are necessary to effectuate, in part, the Tribal water rights agreed to by the Kickapoo Tribe and the State of Kansas on September 9, 2016, in the Kickapoo Tribe Water Rights Settlement Agreement, which otherwise remains subject to approval and authorization by Congress.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute be withdrawn; that the Udall amendment at the desk be agreed to; and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 1592) in the nature of a substitute was agreed to as follows:

(Purpose: In the nature of a substitute.)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. McCONNELL. Mr. President, I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate on the bill, as amended?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 886), as amended, was passed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

AMENDING TITLE 38, UNITED STATES CODE, TO MODIFY THE LIMITATION ON PAY FOR CERTAIN HIGH-LEVEL EMPLOYEES AND OFFICERS OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 3084.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3084) entitled "An Act to amend title 38, United States Code, to modify the limitation on pay for certain high-level employees and officers of the Department of Veterans Affairs," do pass with an amendment.

MOTION TO CONCUR

Mr. McCONNELL. Mr. President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

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

ORDERS FOR MONDAY, JUNE 8, 2020

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, June 8; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the motion to proceed to Calendar No. 75, H.R. 1957; finally, that notwithstanding rule XXII, the cloture

vote on the motion to proceed to H.R. 1957 occur at 5:30 p.m.

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

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST— S. 3084

Mr. McCONNELL. Mr. President, I ask unanimous consent that action with respect to S. 3084 be vitiated.

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

ADJOURNMENT UNTIL MONDAY, JUNE 8, 2020, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 4:09 p.m., adjourned until Monday, June 8, 2020, at 3 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate: June 4, 2020:

BROADCASTING BOARD OF GOVERNORS

MICHAEL PACK, OF MARYLAND, TO BE CHIEF EXECUTIVE OFFICER OF THE BROADCASTING BOARD OF GOVERNORS FOR THE TERM OF THREE YEARS.