

to other parts of the year. Yes, will it create a few smoky days here or there during parts of our year? Yes, but it will help us to better fight these fires when it comes to these very hot, dry climates that we are now seeing with greater frequency in the Pacific Northwest and throughout the West.

It is time for us to take dramatic action in responding to these fires. We have taken action, but now we need to use these tools that are right in front of us today. Get more firefighters and get the prescribed burn policies and move forward with protecting some of our most vulnerable communities throughout the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—S. 1135

Mr. SULLIVAN. Madam President, I am going to be talking about a bill of mine that is, I think, very appropriate and very timely, the Protect Our Heroes Act, which will federalize certain violent crimes against public safety officers across the country, like the police and first responders, in order to deter these kinds of crimes and show the men and women in our law enforcement community that we have their backs.

Before I get into the details of my bill, I want to talk a little bit about a very moving event.

I was back home last week in Alaska. I was at the American Legion Post No. 15 in Palmer, AK, and it was on the commemoration of September 11. It was a wonderful remembrance dinner. There were tons of veterans, patriots. My State is blessed with more vets per capita than any State in the country.

But it was focused on law enforcement. We had the Palmer police chief there. We had members of the police department from Anchorage there because we were focused on so many things that came out of that day—9/11.

But honoring our first responders is something that I think America learned—that we need to respect the men and women epitomized by the police and firemen who went up the Tower. Many of them knew they were going to die, and they did that. They did that to protect us, and there was this newfound respect for our first responders that came out of the tragedy of 9/11.

Now, in my remarks to my fellow veterans in Palmer at the American Legion post last Friday, I did mention that one of the elements of what is happening in our country, unfortunately, is that these memories are fading. They are fading, and in some ways the respect for the police is not just fading. It is being reversed.

You see these movements, these national movements of defunding our police—a horrible idea, in my view. My State needs more law enforcement, not less. We have seen on our TV screens and our social media channels that there are people—criminals—who are

focused on harming the police, killing the police, attacking the police, and even taking glee in the killing and the violence against law enforcement.

So we have all seen in the past few years a dramatic increase in killings, in ambushes. In Iowa, New York, Massachusetts, Texas, California, Colorado, Pennsylvania, and Georgia this has been happening. It certainly hit home in my State.

In Anchorage, in 2016, we had a brave police officer, Arn Salao, who was the victim of a cowardly ambush in 2016. Thankfully, he survived, barely. What was the result of the arrest of the individual who tried to kill him? He ended up being a serial killer, killing five others in Anchorage. But this brave police officer found him, stopped him, and almost lost his life.

Unfortunately, another officer in a shooting in Alaska the same year, 2016, in Fairbanks, wasn't so fortunate. On October 16, 2016, Sergeant Allen Brandt, an 11-year veteran of the Fairbanks Police Department, pulled over a suspect to question him, and he was shot five times. He eventually succumbed to the complications related to his injuries.

I went to the memorial service. There were hundreds of Alaskans. He had a young family, a young wife. It was brutal to watch this.

These are selfless men and women in my State, who are every day getting up to risk their lives and to wear the uniform in the line of duty.

All of this inspired me to put together my Protect Our Heroes Act, which will enhance Federal penalties for the killing or assaulting of public safety officers and first responders, especially increasing penalties for criminals who ambush or lure law enforcement officers for the purpose of committing crimes against them—dramatically enhancing penalties.

This is something that I think the vast majority of us in the Senate agree with.

Now, I take the opportunity to go running most days, whether I am here or back home. And when I go running on Capitol Hill, what I see every morning—and I saw it this morning—are police officers. No matter the time of day, Capitol Police are sitting in their vehicles or on patrol. Their sole purpose is to protect this institution and the Members.

This morning, as I usually do when I run past them sitting in their car, I just gave them a thumbs-up. Thank you. Thank you. We respect you, and we certainly have your back.

So that is why I am offering this legislation today. I hope my Senate colleagues can come together to support this. I think it would be inconceivable to vote against this bill, especially now when we are seeing these kinds of heinous activities like we saw in Compton, CA. But we also want to send a message to our first responders and law enforcement: We are watching. We are going to pass laws to disincentivize

this kind of heinous action against you, and we have your back and the back of your family members, who are probably worried when you go out on your duty every day.

Mr. President, as if in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1135 and the Senate proceed to its immediate consideration; further, that the Sullivan substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER (Mr. YOUNG). Is there objection?

The Senator from New Mexico.

Mr. UDALL. Mr. President, thank you for the recognition.

Mr. President, I reserve my right to object.

As a former assistant U.S. attorney and New Mexico attorney general, I worked hard to prosecute violent crimes, including those committed against law enforcement.

The recent shootings of two law enforcement officers in California were heinous. My deepest condolences and prayers go out to the officers and their families. The perpetrator must be brought to justice. All such violence is appalling.

However, this bill is both unnecessary and, potentially, a problematic expansion of Federal criminal law. It is already a Federal crime to kill or attempt to kill an officer or employee of the United States.

Most, if not all, States already make killing a police officer a specific crime, and, of course, murder and assault are crimes in all 50 States and Territories.

So it is unclear that this bill will increase deterrence, and the bill is very broad, covering not only murder and attempted murder but also any assault against hundreds of thousands or perhaps millions of people.

One new crime created by the bill is death eligible, raising historic concerns about executing the innocent and the death penalty being arbitrarily applied.

This bill has not gone through the regular order, with no hearings on such a sweeping change in the balance of State and Federal criminal law.

For many years, the Heritage Foundation, the Hoover Institution, the Federalist Society, and congressional Republicans have all spoken out against the expansion of Federal criminal law. It is not just conservatives. There is bipartisan support for that view and broad consensus among criminal law experts and the Federal judiciary itself.

The Judicial Conference of the U.S. courts has testified to Congress against the over-criminalization of Federal law, citing the burdens they already face.

And former Reagan Attorney General Ed Meese wrote for the Hoover Institution over 20 years ago, in 1999, highlighting the following problems with over-criminalization of Federal law. He warned about these:

An unwise allocation of scarce resources needed to meet the genuine issues of crime;

An unhealthy concentration of policing power at the national level;

An adverse impact on the federal judicial system;

Inappropriately disparate results for similarly situated defendants, depending on whether essentially similar conduct is selected for federal or state prosecution;

A diversion of congressional attention from criminal activity that only federal investigation and prosecution can address;

The potential for duplicative prosecutions at the state and federal levels for the same course of conduct, in violation of the spirit of the Constitution's double jeopardy protection.

I think the Senate should consider those warnings and should not rush to approve such a measure without hearing testimony and a long and careful study.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 2843

Mr. UDALL. Mr. President, I would like to take this opportunity to call attention to key legislation that addresses violence, and this piece of legislation should come to the floor. That is the Violence Against Women Reauthorization Act.

VAWA reauthorization expired over a year and a half ago, on February 15, 2019. Funding continues, but key improvements are being delayed by the lack of reauthorization.

The Violence Against Women Reauthorization Act of 2019 is supported by all 47 Democratic Senators. The House passed the bill 236 to 158. Thirty-three House Republicans voted yes on that bill.

The bill would extend VAWA for 5 years, through 2024, while making key improvements.

As the vice chairman of the Senate Committee on Indian Affairs, I know how critical VAWA reauthorization is to Indian Country.

Data from the U.S. Department of Justice indicates that Native women face murder rates that are more than 10 times the national average murder rate. There are more than 5,000 cases of missing American Indian and Alaska Native women, and 55 percent of Native women have experienced domestic violence. More than four in five American Indian and Alaska Native women experience violence in their lifetime.

Without the enactment of a VAWA reauthorization, these Tribes will lack the jurisdictional tools they need to keep their communities safe.

The House-passed bill strengthens Tribal sovereignty, provides important protections for LGBT people, and bars dating partners convicted of domestic violence from having handguns.

The bill would make a real difference in preventing violent crimes against

women and making Native communities safer, and I ask that the Senate take up its consideration immediately.

As if in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 2843, the Violence Against Women Reauthorization Act, and the Senate proceed to its immediate consideration; further, 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, I have to say this sounds a lot like yet another attempt to just change the subject and obfuscate.

I was on this floor earlier this week. The Senator from Alaska has just spoken about his goal here. Both of us have slightly different approaches to try to achieve the same thing, which is to discourage these attacks on law enforcement officials.

It seems like almost every day we read about some horrific attack on men and women across the country just because they are police. It is absolutely appalling, and we are trying to do everything we can to discourage that, to create disincentives, and to make sure that violent criminals know that they will pay a very steep price if they commit the appalling kinds of acts that we have seen.

I commend the Senator from Alaska for an approach to this. Yet, again, our Democratic colleagues refuse to support this effort and instead say: Let's change the subject to VAWA.

Well, let's talk a little bit about VAWA. Look, there is a very real problem with violence against women. I don't know anyone who would dispute that. And VAWA, the legislation, has a number of programs, some of which are very constructive.

I voted in favor of the last reauthorization of VAWA because I do think it is that important, and I have led the effort in this body to ensure that crime victims—very much including women—get the resources they are supposed to get from the Crime Victims Fund, which they historically have not been. But the fact is, it is a big bill, it is a complicated bill, and there are multiple programs, and some of it is very controversial.

So the way we have actually gotten an outcome and achieved something with VAWA is through a bipartisan process. That is what was done in the past, and that effort has been underway. Senator ERNST, working with Senator FEINSTEIN, has tried to find common ground. I think they are not quite there yet. But this legislation is not that bill. It is not that effort.

This is a bill that our Democratic colleagues have declared they know has no chance of actually passing. So

rather than changing the subject and putting forward a bill that everybody knows can't pass, I wish our Democratic colleagues would join me and my colleague from Alaska in doing something we can do, something modest but constructive that would help to diminish the risks that our law enforcement folks take every single day. So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to thank my colleague from Pennsylvania. I know he and I both share a passion on this issue. I think the vast majority of the Senators share a passion on this issue—that we should be standing here in the U.S. Senate to make sure our law enforcement knows that we have their backs.

As Senator TOOMEY just mentioned, this is happening all across the country. The men and women who put on the uniform to protect us are being targeted simply because they wear the uniform to protect us. If this is not an issue that cries out for some kind of action, some kind of discussion to prevent this and tell these brave men and women, whether in Alaska or Pennsylvania or New Mexico, that we have their backs, I don't know what that topic is—I don't know what that issue is.

Unfortunately, Senator TOOMEY tried to move his legislation the last couple of days, and it was thwarted. Now my legislation to send the message that we are not going to let criminals get away with these kinds of heinous crimes, that the Senate is watching, and that we have the backs of law enforcement and their families—that is a really important message to send right now.

I am disappointed in my colleague for objecting. We will continue to work on this issue and, as Senator TOOMEY mentioned, the violence issue, which is a hugely important issue in my State for my constituents. But right now, I think we should be acting on the issue we are seeing, and that issue is, there is a movement across the country that is really focused on perpetrating violence against the men and women who are sworn to protect us. I can't believe anyone here thinks that is a good movement, but it is happening in America right now. We need to send a message that it is unacceptable and that we are going to do everything in our power to stop it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I ask unanimous consent that the vote scheduled for 1:30 p.m. be allowed to start at this time.

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

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

Mr. ROUNDS. I ask for the yeas and nays.