

and in the Senate. His tireless work to pass farm bills over those years to help growers and ranchers has made him a friend to farmers everywhere, even in Ohio.

Just as important was his work as chair of the Senate Intelligence Committee. Some may not recall this, but he is the one who spearheaded the reforms to our intelligence services after 9/11 to avoid another such tragedy.

PAT, I hope you and Franki get a well-deserved retirement, and I look forward to continuing to stay in touch.

We are also going to be losing a relatively young and energetic Member of our caucus here, who is also an accomplished bipartisan legislator, when CORY GARDNER leaves next year. With only a few short years in the Senate here, CORY has proven he knows how to get things done, using his background in the House and his friendships to be effective for Colorado and the country. He is a smart guy, and we have worked together on a lot of critical issues to address some of the biggest issues facing our country.

Like almost all Coloradans, he loves the outdoors. His work for conservation in the outdoors is something that I have had an opportunity to work with him on, including the historic Great American Outdoors Act, which was signed into law recently by the President. It includes the Restore Our Parks Act, but also a passion of his was the permanent funding for the Land and Water Conservation Fund, which has been a long-sought goal of the conservation and environmental community. Frankly, it could not have been done without CORY's involvement—period.

CORY, we are going to miss your sunny disposition.

He may be the most optimistic Member of the U.S. Senate. He always has a smile on his face. Even when things seem bad, he manages a way for them to look good.

I will miss working with you on some of these important projects. I wish you the very best as you start the next stage of your career.

We are also sad to see MARTHA MCSALLY go. I have appreciated getting to know her over the past couple of years. In a short period of time, she was a passionate advocate for Arizona as a member of the Armed Services Committee. She used her own trailblazing path as the first female fighter pilot to have flown in combat to advocate for our men and women in uniform. We worked together on bipartisan legislation, as an example, to end cosmetics animal testing. She was involved in a lot of different issues.

We want to thank you for all you have done in the Chamber, and I look forward to staying in touch.

Senator TOM UDALL has joined us here in the Chamber. I call Senator UDALL "Cousin" because of his cousin Mark Udall and our friendship. TOM UDALL has now served for 12 years in the U.S. Senate for the people of New

Mexico. I have gotten to know him over that time through our work together on a number of different legislative projects. Most have been around conservation and the environment. We have had a lot of success in that regard.

We have been cochairs together of what is called the International Conservation Caucus. There is legislation called the Tropical Forest Conservation Act, which we have been able to work together on to get reauthorized. This has been incredibly important legislation. Probably the No. 3 or 4 source of CO<sub>2</sub> emissions in the world is the burning forest, and this has managed to save many millions of acres from the burning by simply saying to these countries: We will do a debt-for-nature swap with you. If you owe a debt to the United States—which, by the way, many are unlikely to ever pay anyway—we will let you use that in exchange for protecting your forest.

It has been remarkably successful. At a time when we seem to have a lot of partisanship and fights around here about global warming and climate change, this is one area in which we have been able to find common ground, and that is because TOM has been willing to step up and be a great partner in that.

He has also helped me pass legislation that requires that the U.S. Postal Service use its inventory of the Save Vanishing Species stamps to help protect the rich wildlife and natural resources that we have and protect endangered species. This has resulted in \$5 million to \$6 million a year going toward that effort. Unfortunately, we have had to convince the Postal Service to continue allowing that great source of funding to be there for our vanishing species. Again, TOM has been very helpful in that.

Even in these past months, we haven't stopped our work on environmental issues. Earlier this year, we introduced the bipartisan REPLANT Act to help the U.S. Forest Service address the growing reforestation backlog across our country. This is supported by the Trump administration. It is also supported by TOM UDALL. Therefore, we are hoping it can get done.

He leaves the Senate with a legacy of tirelessly working to protect the natural beauty of his State and our country for future generations, and we wish him well in the future as he and Jill continue to work on those issues together.

Finally, our colleague DOUG JONES is going to be departing after serving the people of Alabama for the past couple of years. I have gotten to know DOUG through our bipartisan efforts that have focused on standing up to unfair trade practices. Our Trade Security Act to reform section 232, I think, is the right approach to be sure we hold those accountable who violate our trade laws but to also do it in a way that protects American jobs and strengthens our U.S. economy. I will

miss DOUG as a bipartisan partner in that effort, and I appreciate his working with us on those trade issues and other things.

The Senate is a body that is really driven by personal relationships between 100 Members. Senators ALEXANDER, ENZI, ROBERTS, GARDNER, MCSALLY, UDALL, and JONES have been key and valuable Members of that 100-person group, and we are going to miss them. They have all served this body well as legislators and as people. They are of high character. They are the kind of folks with whom you want to work, and they have been effective because of that. They will be missed, and I wish them all well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### VOTE ON WALLER NOMINATION

Under the previous order, all postclosure time has expired.

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

Mr. GARDNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. 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 South Carolina (Mr. GRAHAM), the Senator from Georgia (Mrs. LOEFFLER), and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER (Mrs. FISCHER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 251 Ex.]

#### YEAS—48

|           |            |            |
|-----------|------------|------------|
| Alexander | Enzi       | Portman    |
| Barrasso  | Ernst      | Risch      |
| Blackburn | Fischer    | Roberts    |
| Blunt     | Gardner    | Romney     |
| Boozman   | Grassley   | Rounds     |
| Braun     | Hawley     | Rubio      |
| Burr      | Hoover     | Sasse      |
| Capito    | Hyde-Smith | Scott (FL) |
| Cassidy   | Inhofe     | Scott (SC) |
| Collins   | Johnson    | Shelby     |
| Cornyn    | Kennedy    | Sullivan   |
| Cotton    | Lankford   | Thune      |
| Cramer    | Lee        | Tillis     |
| Crapo     | McConnell  | Toomey     |
| Cruz      | Moran      | Wicker     |
| Daines    | Murkowski  | Young      |

## NAYS—47

|              |           |            |
|--------------|-----------|------------|
| Baldwin      | Heinrich  | Reed       |
| Bennet       | Hirono    | Rosen      |
| Blumenthal   | Jones     | Schatz     |
| Booker       | Kaine     | Schumer    |
| Brown        | Kelly     | Shaheen    |
| Cantwell     | King      | Sinema     |
| Cardin       | Klobuchar | Smith      |
| Carper       | Leahy     | Stabenow   |
| Casey        | Manchin   | Tester     |
| Coons        | Markey    | Udall      |
| Cortez Masto | Menendez  | Van Hollen |
| Duckworth    | Merkley   | Warner     |
| Durbin       | Murphy    | Warren     |
| Feinstein    | Murray    | Whitehouse |
| Gillibrand   | Paul      | Wyden      |
| Hassan       | Peters    |            |
| NOT VOTING—5 |           |            |
| Graham       | Loeffler  | Sanders    |
| Harris       | Perdue    |            |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

Mr. THUNE. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 nomination of Liam P. Hardy, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Mitch McConnell, Shelley Moore Capito, John Hoeven, Roger F. Wicker, Cindy Hyde-Smith, Joni Ernst, Roy Blunt, Todd Young, Mike Rounds, Thom Tillis, John Cornyn, Michael B. Enzi, Lindsey Graham, Tim Scott, Mike Crapo, James E. Risch, James Lankford.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Liam P. Hardy, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Georgia (Mrs. LEOFFLER), and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from California (Ms. HARRIS) and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 34, as follows:

[Rollcall Vote No. 252 Ex.]

## YEAS—61

|           |            |            |
|-----------|------------|------------|
| Alexander | Gardner    | Reed       |
| Barrasso  | Grassley   | Risch      |
| Blackburn | Hassan     | Roberts    |
| Blunt     | Hawley     | Romney     |
| Boozman   | Hoeven     | Rounds     |
| Braun     | Hyde-Smith | Rubio      |
| Burr      | Inhofe     | Sasse      |
| Capito    | Johnson    | Scott (FL) |
| Cardin    | Jones      | Scott (SC) |
| Carper    | Kelly      | Shaheen    |
| Cassidy   | Kennedy    | Shelby     |
| Collins   | King       | Sinema     |
| Cornyn    | Lankford   | Sullivan   |
| Cotton    | Lee        | Tester     |
| Cramer    | Manchin    | Thune      |
| Crapo     | McConnell  | Tillis     |
| Cruz      | Moran      | Toomey     |
| Daines    | Murkowski  | Wicker     |
| Enzi      | Murphy     | Young      |
| Ernst     | Paul       |            |
| Fischer   | Portman    |            |

## NAYS—34

|              |            |            |
|--------------|------------|------------|
| Baldwin      | Gillibrand | Schatz     |
| Bennet       | Heinrich   | Schumer    |
| Blumenthal   | Hirono     | Smith      |
| Booker       | Kaine      | Stabenow   |
| Brown        | Klobuchar  | Udall      |
| Cantwell     | Leahy      | Van Hollen |
| Casey        | Markey     | Warner     |
| Coons        | Menendez   | Warren     |
| Cortez Masto | Merkley    | Whitehouse |
| Duckworth    | Murray     | Wyden      |
| Durbin       | Peters     |            |
| Feinstein    | Rosen      |            |

## NOT VOTING—5

|        |          |         |
|--------|----------|---------|
| Graham | Loeffler | Sanders |
| Harris | Perdue   |         |

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 34.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Liam P. Hardy, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Maryland.

## UNANIMOUS CONSENT REQUEST—S. 4810

Mr. VAN HOLLEN. Mr. President, I am on the floor today to discuss a question of fundamental fairness to members of our Armed Forces and to Federal employees.

I think we all may recall a few months ago when President Trump ordered the Department of the Treasury to establish a system to push businesses, companies, and employers around the country to defer the collection of employees' payroll taxes. Those are the taxes that go to Social Security and Medicare. The key word here is "defer" because this is really a shell game.

Any moneys that businesses do not pay into Social Security and Medicare now are going to have to be paid by those Federal employees right after the holidays, starting in January.

And many employees around the country were at first confused. They

thought they were getting a payroll tax holiday, but that is not the case.

The reality is, whatever they didn't pay in the form of payroll taxes now and in the past couple months they would be required to pay back right after those holidays.

And when businesses looked at this and when workers and employees around the country looked at this, they overwhelmingly rejected it. They said they didn't want to participate.

Here is what UPS said about this proposal: "We recognize that for some, it may have been helpful to have more money in their paychecks in 2020, yet not all employees have professional tax planning needed to prepare effectively for the added obligation they would face in 2021."

So even though this payroll tax deferral proposal got a burst of attention, it turned out to be meaningless for most workers around the country. Most private sector employers didn't participate, and their employees and workers didn't want them to participate.

Unfortunately, the one big exception to this has been members of our Armed Forces, the folks who every day stand guard to protect our country, and Federal employees who do the Nation's business with respect to important services they provide.

And as the private sector has rejected this, we have heard from thousands of Federal employees who say: We don't want to participate either. We have heard from members of the Armed Forces that say: We don't want to be used as guinea pigs and be required to participate.

So I want to be really clear that if we don't correct this, the damage will continue to be done, and these members of our Armed Forces and Federal employees will be forced to pay even more back after the holidays.

Now, I wrote to Treasury Secretary Mnuchin and to OMB Director Vought about this back in September, September 8, just as the deferral was starting, and we were joined in that letter by 22 Senators—Senators from both sides of the aisle. We had a simple bipartisan request. It was: Make this payroll tax deferral optional, make it voluntary. If Federal employees and members of our Armed Forces want to participate in this proposal, fine. Let them do it, but don't force, don't require, don't coerce members of our military and Federal employees to participate.

And we didn't get a response to that letter to Secretary Mnuchin and CBO Director Vought. So I asked Secretary Mnuchin about this issue at a Senate Banking Committee hearing on September 24. I said: Mr. Secretary, why shouldn't we make this voluntary? Why should you require members of our Armed Forces and Federal employees to participate in the program if they don't want to? And his response was: Yeah, it would be "reasonable" for