

[Rollcall Vote No. 365 Ex.]

YEAS—55

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Rounds
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Tillis
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wyden
Grassley	Padilla	
Hassan	Peters	

NAYS—42

Barrasso	Ernst	Paul
Blackburn	Fischer	Portman
Blunt	Hawley	Risch
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young

NOT VOTING—3

Hagerty	Sasse	Warnock
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The nomination was confirmed.

VOTE ON NARDACCI NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Anne M. Nardacci, of New York, to be United States District Judge for the Northern District of New York?

Mr. CARDIN. 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 senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY) and the Senator from Nebraska (Mr. SASSE).

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

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 366 Ex.]

YEAS—52

Baldwin	Gillibrand	Markey
Bennet	Graham	Menendez
Blumenthal	Hassan	Merkley
Booker	Heinrich	Murphy
Brown	Hickenlooper	Murray
Cantwell	Hirono	Ossoff
Cardin	Kaine	Padilla
Carper	Kelly	Peters
Casey	Kennedy	Reed
Coons	King	Rosen
Cortez Masto	Klobuchar	Rounds
Duckworth	Leahy	Schatz
Durbin	Lujan	Schumer
Feinstein	Manchin	Shaheen

Sinema	Tillis	Whitehouse
Smith	Van Hollen	Wyden
Stabenow	Warner	
Tester	Warren	

NAYS—44

Barrasso	Ernst	Paul
Blackburn	Fischer	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Toomey
Cramer	Marshall	Tuberville
Crapo	McConnell	Wicker
Cruz	Moran	Young
Daines	Murkowski	

NOT VOTING—4

Hagerty	Sasse
Sanders	Warnock

The nomination was confirmed.

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

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota.

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. KAINE. Madam President, I would like to ask for an opportunity to engage in a colloquy with my colleague from Virginia, Senator WARNER.

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

REMEMBERING A. DONALD MCEACHIN

Mr. KAINE. Madam President, I am trying to make Senate history as the first Senator to give a speech with a visual aid that is a picture of a T-shirt. So we will see if the Senate Historian will back me up on this.

This is a T-shirt that is 21 years old, and it is a Warner-Kaine-McEachin T-shirt. I had moved recently from my house of 30 years into a condo, and there were boxes of stuff that still months later I am trying to unpack. Over the weekend, I got into one of these boxes, with a little free time at the end of Thanksgiving weekend. The goal was to go through it and throw away as much as I could.

I was going through these T-shirts, and I came across this one. This is a T-shirt from a 2001 campaign in Virginia where three longtime friends—MARK WARNER, TIM KAINE, and Donald McEachin—shared a ticket running for Virginia Governor, Lieutenant Governor, and attorney general.

When I came across the T-shirt, the first thing I noticed is that I am a little bigger than I was 21 years ago, and it doesn't really fit, and so I put it in the Goodwill pile. But then, as I got

through the whole box and I was about to make that decision, I thought, you know, I think I should pull this one out of the Goodwill pile and save it, and I did. I washed it, and I put it in the drawer.

Obviously, MARK and I are here on the floor today because our dear friend Donald McEachin, 61 years old, Member of Congress, from Virginia—my congressman, the Fourth Congressional District—we got the surprising news last night, and I heard about it first from MARK, that Donald had passed away in his sleep at home in Richmond and had been found by his wife Collette, who is also a very dear friend. So MARK and I wanted to come to the floor today and just talk a little bit about Donald. I will talk for a bit and then ask MARK to offer his reflections.

I met Donald when I was 26 years old and he was 24. I met MARK 4 years before. So these are three people who have known each other now for basically 40 years. I had moved to Richmond, where I only knew one person in Virginia—my soon-to-be wife. I had taken a job at a law firm, and I was given the last office down the hall.

A few months after I joined the firm in September of 1984, a very personable guy came in and said, "Who is in my office?" And it was Donald McEachin. Donald had worked at the firm as a summer associate the summer before and was now at the University of Virginia Law School and came to find me occupying the place where he had worked the previous summer. His challenge to me began a wonderful friendship.

Donald soon graduated from the University of Virginia and came to Richmond, the city of his birth and upbringing, to practice law at a different firm. We had cases together. Soon after he came, he became engaged to an attorney, who is now the Commonwealth's attorney, the chief prosecutor in Richmond, Collette Wallace—Collette Wallace McEachin. They had a big wedding party in Richmond at the Marriott Hotel, which my wife Anne and I were proud to be invited to. And we just began this wonderful friendship with these two couples.

Donald was one of the most successful trial attorneys in Richmond. He started a firm after he had practiced with a larger firm. He and two great twin brothers, Donald and Earl Gee, started a wonderful law firm. He won history-making verdicts in Virginia as a plaintiff's personal injury lawyer, but he was always passionate about public service. He had gone to American University and had been president of the student body there. Then when he went back to Virginia to go to UVA Law School, he always had in his mind that he wanted to do something in the public service realm.

So about the time I was running for city council in Richmond in 1994, Donald ran and successfully became a member of the Virginia General Assembly in the House of Delegates. He

served there with distinction, especially in leadership roles on the Courts of Justice Committee, where he played a key role in the formation of the Virginia judiciary and Virginia criminal and civil procedure, until he, a legislator; MARK WARNER, a prominent philanthropist and Virginia entrepreneur; and TIM KAINE, at that time the mayor of the city of Richmond, landed on a ticket together in 2001. We ran statewide an amazing case.

At that time in Virginia, getting elected as a Democrat was like being Harry Houdini in trying to work your way out of an impossible escape situation. It was very, very difficult.

MARK really set tremendous history by winning the first big statewide race in a number of years as a Democrat, and I had to win my own race. I wasn't on the ticket with MARK, but his strong performance at the top helped me win the Lieutenant Governor's race. Donald McEachin did not win his race. He was not elected to attorney general. No shame in that. We all know this. We are in a line of work where wins are common and losses are common. MARK doesn't like to be reminded that he lost a race for the U.S. Senate in 1996, although I have often heard him say with magnanimity that in that race, the right Warner won. I have not yet had such magnanimity about the race I lost in 2016, but I will let that pass.

The wonderful thing about Donald McEachin when he lost that race for attorney general was that it meant that he was now not in the house of delegates. He went back to practicing law, representing people who often had no one else to represent them. Then a few years later, he successfully ran and became a member of the Virginia Senate and started chapter two in his political life.

He was a fantastic member of the senate because of the fact that he already had experience in the house of delegates. He achieved leadership quickly and was really looked up to as one of the lions of the Virginia Senate.

Here is something about Donald that is pretty amazing, and then I will quickly hand it over to MARK. He had already been successful in politics in the house of delegates and now in the Virginia Senate. He had been tremendously successful as a lawyer for people who really needed representation. He had built a wonderful marriage with Colette, and he was an understanding and caring father to three beautiful children. But Donald decided he needed something more in his life, even with all of that. So when he was in his forties, he decided to go to Virginia Union, which is a historically Black college in Virginia that was founded in the aftermath of the Civil War to educate newly freed slaves. He decided to go back to college in his forties and get a divinity degree, and he did, for nights and weekends for years, studying so he could get a theology degree because he wanted to ground his public service in

something more than campaigns and polls. He wanted to really ground it deeply in values. That is the kind of person Donald McEachin was.

And 2016 wasn't a great year for me being on a national ticket and losing, but there was one really great thing that happened in 2016. Donald McEachin decided to leave the State senate and run for Congress in the Fourth District that had been newly reconfigured following a voting rights lawsuit in Virginia. MARK and I were so happy when he got into that race, and we worked very, very hard to help him succeed. On election night 2016, we got the band back together.

And with that, I want to yield to my colleague from Virginia, Senator WARNER.

Mr. WARNER. Thank you, Senator KAINE, the Presiding Officer, and my friend from Illinois.

Tim and I have been friends for 42 years. We met in law school. It has become a standard line: We didn't meet in the library. But this has been a friendship that lasted 42 years.

Donald and TIM go back to the mid-1980s. I first met Donald McEachin in 1989. We went through a series of fluky activities, which I won't bore the floor with. I ended up becoming campaign manager for Doug Wilder's then-extraordinary, historic run for Governor. He was the first African American running for Governor in our country's history and was elected in his own right.

I met this young man, Donald McEachin. You couldn't help but know him. Donald was in a law firm at that point, McEachin & Gee, that had everything—the billboards, the TV commercials. And we started a friendship, similar to what TIM talked about, with Donald.

My daughter's birthday was last week, my 33-year-old daughter. She remembers that decade, in the 1990s and the early 2000s, when we were campaigning together. TIM's family, our family, and Donald and Colette's family kind of—whether they liked it or not, all of these kids were thrown together because we were all engaged in politics. She remembered Donald—and TIM mentioned this in his comments right after the election or right after his passing 2 nights ago—as a gentle giant. Donald was a big guy, 6 feet 5 inches, and kind of looked like a football player. Don't mistake his gentleness for lack of passion and commitment. He was an extraordinarily caring, listening, compassionate human being.

I will take a moment and just talk about the fact that, in my campaign in 2001, we didn't always agree on things. He wasn't totally keen on things I was trying to do to solicit hunters and other folks, but we spent a lot of time campaigning in rural Virginia, in the south side of Virginia, southwest Virginia, in parts of Appalachia, Shenandoah Valley. And Donald had been born abroad, but had grown up in urban areas around Richmond.

Taking a guy with his presence—but also, frankly, somebody who had been a leader from Richmond, an African American, into a lot of these rural communities—he had an amazing ability to just immediately relate to people.

He would have been a great, great attorney general, but I want to echo what TIM said and that is, he didn't take the defeats and say: I will take my marbles and go away.

No, he said: I still have public service in me.

He went back and, as Senator KAINE indicated, played an incredibly important role in the Virginia State Senate. Again, Democrats were trying to reclaim the majority. He was a leader, and he came to the Congress.

TIM and I were together for a moment of silence on the floor of the House last night at about 7:30 and a number of Members, Democrats and Republicans alike, came up and said: Oh, my gosh, this was such a loss.

Donald was such an incredible figure. One of the things—and there were so many issues he cared about. I will briefly mention two and then talk a bit more about the last couple of years with Donald and turn it back over to TIM.

Donald had always been an environmentalist. He was one of the first people, candidly, that I knew that came on a regular basis, linking environmentalism and social justice, pointing out—not just in the last 30 years or 40 years, but the last 60 years, 70 years in the country—that whenever you had a project, whenever you had a runoff, whenever bad water or bad air, those circumstances were way disproportionate to places in poorer communities. He was passionate about the linkage between the need for us to clean up our planet but also to recognize that the disadvantages that came with pollution often fell too much on poorer communities.

In Virginia, as I think many of my colleagues will know, we have had a troubled history with race, and, unfortunately, when you tell Virginia's history—the good, the bad, the ugly—part of it was pretty ugly. TIM had not only come to Virginia because of his brilliant wife Anne Holton but to be that voice for righting some of these wrongs.

All three of us are adopted Virginians. Virginia's history in terms of resistance to integration and massive resistance is still a plight. If you look at any State in the country where there was a disproportionate number of statues and memorials to Confederate figures, Virginia, far and away, topped the list. There is a lot of talk, and probably many people who are listening recall some of the controversy around some of the Civil War Confederate statues in the city of Richmond. But what Donald took on was the question of Fort Lee, the heart of his district, a terribly important training facility.

He made sure that, as Fort Lee went through its renaming process, he had it renamed for the highest ranking African-American service person he knew of who served at Fort Lee. It could have been something where he said: Who needs that fight? Donald McEachin took on that fight and did it in the right way—social justice and environmentalism. Who needs that? Talk about Sisyphus pushing the rock up the hill time and again. Making that connection and continuing to advocate for it, that is the kind of guy Donald McEachin was.

The last part was the last couple of years. Donald, in about 2015, 2014, got hit with cancer. Donald—this big, big man—we literally saw him, at least physically, shrink before our eyes. He lost 60, 70, 80 pounds. He was in for surgery after surgery. So many times I would see him, and, partially, it was his character and, partially, I think, it was his faith. I remember talking to him about going back to Virginia to get that divinity degree.

He never complained. Whenever you asked, “How are you doing?”—I am getting better. I am getting better. I am getting stronger.

Lord knows there were times in the last couple of years where you could—you might not see it, but you could—see the pain in his face. He would almost shuffle until he would get behind the podium. Then that spirit and voice and that call for justice would come back.

We all knew he had been sick, but I remember—I know TIM was with him on election night and we had a number of communications afterward. He was already planning his agenda, not only for the next Congress but how we could get more engaged with the general assembly and doing the right thing in Virginia politics.

The other night, when I got the call, the first person I called was TIM. We think about the band, when we were together in 2001. Hopefully, we took the progress of Virginia a little bit more forward, and Donald continued that progress in the State senate and in the House of Representatives.

Virginia lost a great leader. Our country lost a leader in the House.

I can't speak for TIM—but I think I can. TIM and I lost a great friend. We are here today to honor his service, to recommit ourselves to that kind of service, to continue to acknowledge Colette and their three children. We will be there for them as they go through this grief process. But we wanted to take a moment of the Senate's time and share with you some of our reminiscences about our friend Donald McEachin.

I turn it back.

Mr. KAINE. I want to thank Senator WARNER for his very great comments. I am getting emotional hearing him recount these stories.

MARK, I remember once—you were talking about how Donald would never complain. He literally changed over-

night, seemingly, in his physical appearance because he lost so much weight. His hair turned gray, and he started to stoop and walk with more of a shuffle. I remember once walking through the halls here between the House and the Senate and someone was ahead of me.

Who is that old guy? Who is that old guy?

It was not until I caught up with him—because we had been doing so much by Zoom that sometimes we didn't see each other physically for a couple of months. When I caught up with him, I realized it was Donald. As MARK said, if you asked Donald: How are you doing? Hey friend, it looks like things are tough right now.

I am getting better. I am on the mend.

Donald didn't decide to keep things private. He just didn't think about himself. Donald was not a guy who thought about himself.

Somebody first told me a great definition of humility is not to think less of yourself; it is to think of yourself less. Donald was a person who really exemplified that.

When we were on the House floor last night, the Virginia delegation gathered to do a moment of silence for Donald, and the deans of each side of our delegation, Congressman SCOTT, the Democrat, and Congressman WITTMAN, the Republican, each gave tributes to Donald. There was a white rose display sitting on Donald's chair, which is a tradition in both bodies when someone dies when they are in office.

I happened to visit with G.K. BUTTERFIELD, the retiring Congressman who sat next to Donald, and G.K. told me that so often, when they were on the House floor, Donald would be doubled over because he would be in so much pain. But he would never complain. He would never complain.

We have lost a great friend.

I have said about Donald that he will have a successor, but he won't have a replacement.

It is just an honor to come and share with all of you the recollections about our friend, a great Virginia public servant, a history maker.

I will just say that we got the band back together in 2016, and I look for the day when we will get the band back together again.

I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—S. 5130

Mr. SULLIVAN. Mr. President, I rise today to introduce a bill that I want to try to pass right here on the Senate floor, that I believe every single Senator should vote for.

If you are an American and you are watching this, if you are a marine and you are watching this, you are going to be outraged. You are going to be outraged. I am outraged.

But we can fix this problem. You are seeing it on TV every damn day. And

here is what it is: U.S. marines and their families are being preyed upon by unscrupulous trial lawyers. Yes, it is amazing that it is happening right now.

I have a bill that is called the Protect Camp Lejeune Victims Ensnared By Trial-lawyer's Scams Act, or the VETS Act for short. And here is what is the background. And, again, I really hope no one is going to come down and object to this because, boy, you would have a lot of explaining to do to the American people and to the U.S. marines.

But what has happened, every American has seen it, right? You can't turn on TV anymore—CNN, FOX News, you name it—there is a trial lawyer ad a minute. Here are some of them: Camp Lejeune marines, Camp Lejeune marine families, have you been wronged?

Now, there was a provision in the PACT Act that we all passed here that said marines exposed to water contamination at Marine Corps base Camp Lejeune needed to get compensated. We all supported—I supported that, OK, but then something happened. The trial lawyers of America kicked in, and they are grabbing all the money. And the sick marines and their families aren't getting any.

Now, look at these ads, we had a hearing on this in the Veterans Affairs' Committee 2 weeks ago. I asked questions about this. The VA is getting phone calls. I am going to talk a little bit about the VFW and the American Legion which support my bill I want passed right now. I asked the VA representative, how much of this is happening, and they estimated already a billion dollars in ads.

Look at them. Every American has seen them. A billion dollars. Do you think the trial lawyers are spending a billion out of the kindness of their hearts? out of wanting to help the U.S. marines? No. I don't think so—a billion dollars already spent.

Now, look, I don't blame the marines who dial these 1-800 numbers that they see on the screen. Imagine if you are listening: Hey, I am a marine. I am sick. I am going to call these guys.

But I do blame the trial lawyers, and I blame a lot of my colleagues here who are using sick marines to get rich. That is what my bill is going to change.

Like I said, it is called the veterans act—the VETS Act, OK. Let me unpack this a little bit. Like I said, when the PACT Act passed, it had this legislation to compensate veterans who were sickened by toxins from water at Camp Lejeune, very innovative, and to be clear, again, we need to take care of these marines and their families and others at Camp Lejeune.

The problem, however, is when the PACT Act was passed, my colleagues on the other side of the aisle, unfortunately after agreeing to amendments, decided it was time to block all amendments. So we had no ability to amend the act. We would have made it much better.