

motion to reconsider is considered made and laid upon table, and the President will be immediately notified of the Senate's action.

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 senior assistant legislative 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 Executive Calendar No. 119, Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017.

Charles E. Schumer, Patty Murray, Alex Padilla, Sheldon Whitehouse, Jeff Merkley, Jack Reed, Debbie Stabenow, Benjamin L. Cardin, Patrick J. Leahy, Elizabeth Warren, Jacky Rosen, Richard Blumenthal, Tina Smith, John Hickenlooper, Michael F. Bennet, Tim Kaine, Brian Schatz.

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 Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Florida (Mr. RUBIO), and the Senator from Nebraska (Mr. SASSE).

The result was announced—yeas 72, nays 25, as follows:

[Rollcall Vote No. 232 Ex.]

YEAS—72

Baldwin	Grassley	Ossoff
Bennet	Hassan	Padilla
Blumenthal	Hawley	Peters
Booker	Heinrich	Portman
Braun	Hickenlooper	Reed
Brown	Hirono	Rosen
Burr	Hoehn	Rounds
Cantwell	Hyde-Smith	Sanders
Capito	Johnson	Schatz
Cardin	Kaine	Schumer
Carper	Kelly	Shaheen
Casey	King	Sinema
Cassidy	Klobuchar	Smith
Collins	Leahy	Stabenow
Coons	Lujan	Tester
Cornyn	Manchin	Thune
Cortez Masto	Markey	Van Hollen
Cramer	Marshall	Warner
Duckworth	Menendez	Warnock
Durbin	Merkley	Warren
Feinstein	Moran	Whitehouse
Fischer	Murkowski	Wicker
Gillibrand	Murphy	Wyden
Graham	Murray	Young

NAYS—25

Barrasso	Cruz	Kennedy
Blackburn	Daines	Lankford
Boozman	Ernst	Lee
Cotton	Hagerty	Lummis
Crapo	Inhofe	McConnell

Paul	Scott (SC)	Toomey
Risch	Shelby	Tuberville
Romney	Sullivan	
Scott (FL)	Tillis	

NOT VOTING—3

Blunt	Rubio	Sasse
-------	-------	-------

The PRESIDING OFFICER. On this vote, the yeas are 72, the nays are 25.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Lina M. Khan, of New York, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2017.

The PRESIDING OFFICER (Ms. SMITH). The Senator from New York.

UNANIMOUS CONSENT REQUEST—S. 1520

Mrs. GILLIBRAND. Madam President, I rise for the eighth time to call for this entire body to have the opportunity to vote on and consider the Military Justice Improvement and Increasing Prevention Act.

This commonsense reform would ensure that people in the military who have been subjected to sexual assault and other serious crimes get the justice they deserve.

I ask for this vote because I want to ensure that this important reform, which is backed by a bipartisan filibuster-proof majority of the Senators, becomes law. If we leave this debate and this reform to the national defense authorization committee review, I have no doubts that that will not happen.

We all know how a bill becomes a law. It passes the Senate and the House, and is signed by the President. And we all know how this process can be subverted. We have seen popular provisions that have passed both the House and the Senate be minimized, watered down, or removed in conference altogether. And I have certainly seen good proposals killed behind closed doors of the NDAA markup.

In 2019, I introduced a much smaller reform called Safe to Report. That provision was designed to improve reporting rates by allowing survivors of sexual assault to report the assault without fear of retaliation in the form of misconduct charges for related minor offenses, things like underage drinking or breaking a curfew.

That commonsense reform, which could have allowed more survivors to come forward, passed in both the House and the Senate, but it was removed in conference. We had to reintroduce the very same bill the following year in order for it to be included and become law in the next year, the fiscal year 2021 NDAA.

If a program focused solely on helping to make it easier for survivors to report their assault was removed in conference, I have little reason to believe that this once-in-a-generation reform will survive.

Given the lack of progress we have made on sexual assault in the military

and the entrenched problems with the military justice system, we cannot allow this widely supported reform to be left to the whims of those working behind closed doors in conference—a process with a rich history of subverting reforms on behalf of the Department of Defense. Let us have this vote in the Senate, and let us send it to the House to become law.

Every day we delay this vote is another day we deny justice to the survivors of sexual assault. We deny justice to servicemembers who have been affected by serious crimes. We deny justice to the men and women who do so much for this country. We owe it to them to not wait another minute longer.

As if in legislative session, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate Committee on Armed Services be discharged from further consideration of S. 1520 and the Senate proceed to its consideration; that there be 2 hours for debate, equally divided in the usual form, and that upon the use or yielding back of that time, the Senate vote on the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Madam President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, like the Senator from New York, I believe that we should transfer crimes regarding sexual misconduct to a special prosecutor, as the Senator of New York has outlined, and that is a decision that many of my colleagues have made over the last few months. In the past, they have been opposed, as I have opposed that approach.

The difficulty is the transfer of other crimes like burglary, arson, financial mismanagement, misappropriation of government funds or properties. Those issues have not been carefully studied, and they should be studied, and that is the purpose of the committee.

We will take this up. We will study it very closely. We will also look at something that I think has to be looked at seriously: How do we implement this reform, and how much time do we need? The last time that we made a major change to the Uniform Code of Military Justice, we allowed the Department of Defense 2 years, and they took all of it. The present legislation would allow 18 months. This is something we have to look at.

We also have to look at the resources that are needed. This involves a change in the structure of the military legal system, and the committee is a place where we will get the best views of people who have dedicated themselves in the Senate to thinking hard and thoroughly about issues of military justice, issues of military preparedness, and all of these things.

Looking forward to a debate, but looking also forward to, I think, what

is becoming increasingly secure—the transfer of responsibility for sexual assault and crimes of that nature to an independent prosecutorial approach—it is something I think that we can anticipate going forward.

And with that, I would object. The PRESIDING OFFICER. Objection is heard.

Mrs. GILLIBRAND. Madam President, there are several reasons why I disagree strongly with the chairman.

First of all, this is not a complex reform. In fact, only one thing changes: After the military police conclude their investigation, instead of the case file being handed over to the commander's JAG, the case file is handed over to the prosecutor, who might eventually have gotten that case anyway. The prosecutor reviews the case file and decides whether or not to prosecute.

If he decides not to prosecute, he will send it back to the commander. Only 3 percent of commanders have this job; 97 percent of commanders' jobs will not be affected by this change. And then they will get to do what they typically do, which is to review the case; perhaps, ask for nonjudicial punishment for related crimes; perhaps, do a special court-martial. That sits with the commander.

The second reason why I disagree with the chairman is that if you remove only one crime from the commander, you will essentially create an entirely different system just for survivors of sexual assault, who are more often to be women who report those crimes. Even though males suffer more from sexual assault, they just don't report them, and that, therefore, will become a special court for women servicemembers. And experts have said that it will further marginalize them, it will further diminish them, it will further alienate them. It will be a special court for women, or a "pink court."

Third, this reform has already taken place in the countries of our allies. The UK did it over 10 years ago for defendants' rights. Israel did it over 40 years ago. Canada, Netherlands, Australia, Germany—all have taken serious crimes out of the chain of command.

And in each of those instances, they have said it has not reduced good order discipline, and it has not had any impact on command and control.

And so the truth is that this is a change whose impact will be to give survivors of sexual assault and any survivor of a serious crime the confidence that the military justice system is unbiased and highly trained.

The other reason why this change is so necessary to be a bright line at all serious crimes is defendants' rights. And I can tell you that we now have data developed in 2017 from Protect Our Defenders, a report that says that it is up to 2.5 times more likely for Black and Brown servicemembers to be punished than White servicemembers. That is a shocking statistic—a shocking statistic.

So I believe that if you create a bright line at serious crimes, you will not only improve the system for survivors of sexual assault but for all litigants—plaintiffs and defendants—and you will protect the civil liberties and civil rights of Black and Brown servicemembers from a defendant's rights perspective.

The committee has had 8 years to debate, discuss, have hearings, and pass legislation. We have passed nearly 250 bills on this topic. They have lost their sole jurisdiction over this issue. They have failed to improve sexual assaults in the military, and it is now time for an up-or-down vote, which has 66 cosponsors in this body. It is now time for an up-or-down vote on our bill. It should no longer be the purview of the NDAA and the Armed Services Committee because they have been unwilling to have a vote on this for over 5 years and unwilling to take a serious look at how to fix these injustices within our military.

Our military servicemembers deserve a military justice system worthy of the sacrifices they make every day.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. ROSEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Nevada.

UNEQUIVOCALLY CONDEMNING
THE RECENT RISE IN
ANTISEMITIC VIOLENCE AND
HARASSMENT TARGETING JEW-
ISH AMERICANS, AND STANDING
IN SOLIDARITY WITH THOSE AF-
FECTED BY ANTISEMITISM

Ms. ROSEN. Madam President, I rise today as cochair of the Senate Bipartisan Task Force for Combating Anti-Semitism, which just relaunched this week with over half the Senate as Members. I am speaking out because Jewish-Americans and Jews across the globe are in danger.

They are in danger because we are experiencing a worldwide surge in anti-Semitic hate crimes and violence. In communities across America, Jews have been threatened, they have been verbally accosted, and brutally assaulted.

Anti-Semitism has long been the canary in the coal mine of hatred. History teaches us that when anti-Semitism takes hold, democracy itself is imperiled. This issue has reared its ugly head in recent years, particularly in the past month.

According to the ADL, anti-Semitic incidents in May were double what they were during the same period last year. Over the past few weeks, we have seen horrendous attacks on Jewish communities. In New York, fireworks were hurled at a crowd of Jewish-

Americans. In Los Angeles, Jewish diners were attacked.

One response I saw to a recent desecration of a synagogue in Arizona has stuck with me. The response said "the amount of Jewish hate isn't shocking. The silence is."

Those who committed these egregious acts wanted to send a message. They wanted to say that Jews have no place here. And it is critical that we send a clear and forceful message back. We must ensure that our elected leaders, Democrats and Republicans, are resolute in affirming that there is zero tolerance for anti-Semitism.

We must honor the words of George Washington, who wrote to the Jewish community of Rhode Island in 1790, that America "gives to bigotry no sanction, to persecution no assistance," which is why I urge the Senate to immediately take up my bipartisan resolution condemning the recent anti-Semitic incidents, unconditionally and unequivocally.

I am calling on leaders to take specific steps—specific steps—to address and prevent them, including having the President nominate and the Senate confirm a qualified Ambassador to monitor and combat anti-Semitism, fully implementing my bipartisan Never Again Education Act to advance Holocaust education, having agencies improve their collection of anti-Semitic hate crime data, and sufficiently funding the Nonprofit Security Grant program to protect houses of worship and community centers from violence.

I want to thank Senator LANKFORD and his staff for their work in helping to pass this resolution, which currently has 74 cosponsors.

Madam President, as if in legislative session, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 252.

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

The legislative clerk read as follows: A resolution (S. Res. 252) unequivocally condemning the recent rise in antisemitic violence and harassment targeting Jewish Americans, and standing in solidarity with those affected by antisemitism, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Ms. ROSEN. I know of no further debate on the measure.

The PRESIDING OFFICER. Is there further debate?

Mr. SCHUMER. Yes, there is, Madam President.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Thank you, Madam President. First, let me thank Senator ROSEN. She has been a valiant, strong and unrelenting fighter against anti-Semitism—not just today with this wonderful resolution, but every day, and we thank her for her leadership, her tremendous and needed leadership on this issue.