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REPORT
116–705

NO PRESIDENT IS ABOVE THE LAW ACT OF 2020

DECEMBER 31, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2678]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2678) to amend title 18, United States Code, to provide for the tolling of the statute of limitations with regard to certain offenses committed by the President of the United States during or prior to tenure in office, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "No President is Above the Law Act of 2020".

SEC. 2. TOLLING OF STATUTE OF LIMITATIONS.

(a) OFFENSES COMMITTED BY THE PRESIDENT OR VICE PRESIDENT DURING OR PRIOR TO TENURE IN OFFICE.—Section 3282 of title 18, United States Code, is amended by adding at the end the following:

"(c) OFFENSES COMMITTED BY THE PRESIDENT OR VICE PRESIDENT DURING OR PRIOR TO TENURE IN OFFICE.—In the case of any person serving as President or Vice President of the United States, the duration of that person's tenure in office shall not be considered for purposes of any statute of limitations applicable to any Federal criminal offense committed by that person (including any offenses committed during any period of time preceding such tenure in office).".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any offense committed before the date of the enactment of this section, if the statute of limitations applicable to that offense had not run as of such date.

Purpose and Summary

H.R. 2678 would suspend the statute of limitations for any federal offense committed by a sitting president, whether it was committed before or during the president's term in office. This legislation would ensure that presidents can be held accountable for criminal conduct just like every other American and not use the presidency to avoid legal consequences.

Background and Need for the Legislation

A. Department of Justice Policy

On September 24, 1973, in the midst of the Watergate scandal, Robert G. Dixon, Jr., the head of the Office of Legal Counsel (OLC) of the Department of Justice (DOJ), issued a memorandum ("the 1973 OLC Memo") regarding the propriety of indicting a sitting President of the United States.[1] Dixon noted that there was no express provision of the Constitution conferring any immunity upon the President.[2] The "proper approach," he wrote, "is to find the proper balance between the normal functions of the courts and the special responsibilities . . . of the Presidency."[3] He concluded that criminal proceedings against a sitting President should not result in so serious an interference with the President's exercise of his official powers and duties that it would amount to an incapacitation.[4] Indeed, according to the 1973 OLC Memo, "a necessity to defend a criminal trial and to attend court . . . would interfere with the President's unique official duties."[5]

Dixon also addressed "a possibility not yet mentioned:" that a sitting president could be indicted but further proceedings could be deferred until they were no longer in office.[6] Unlike placing a president on trial, this would not result in a "physical interference" with the president's duties. Nevertheless, Dixon concluded that this step should not be taken because of the reputational damage to the

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[1] *See* Memorandum from Robert G. Dixon, Jr., Assistant Attorney General, Office of Legal Counsel, Re: Amenability of the President, Vice President and other Civil Officers to Federal Criminal Prosecution while in Office (Sep. 24, 1973), https://fas.org/irp/agency/doj/olc/092473.pdf.

[2] *Id.* at 4.

[3] *Id.* at 24.

[4] *Id.* at 28.

[5] *Id.* Significantly, the 1973 OLC Memo also concluded that "the case for granting the Vice President immunity from criminal prosecution has not been made." *Id.* at 40.

[6] *See id.* at 29.

president: "The spectacle of an indicted President still trying to serve as Chief Executive boggles the imagination." [7]

On October 16, 2000, Assistant Attorney General Randolph Moss issued a formal OLC opinion ("the 2000 OLC Opinion") addressing whether a president can be indicted and prosecuted while serving in office.[8] The opinion found that "the indictment or criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions" in violation of "the constitutional separation of powers." [9] Like the 1973 OLC Memo, the 2000 OLC Opinion set out several obstacles to trying a president and reaffirmed OLC's position that a sitting president could not be indicted: "In 1973, the Department concluded that the indictment or criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions . . . We believe that the conclusion reached by the Department in 1973 still represents the best interpretation of the Constitution." [10] Significantly, a number of constitutional scholars and federal practitioners have disagreed with this interpretation by the Department of Justice, arguing instead that a sitting President can be federally indicted while in office.[11]

Most recently, however, in the *Report On The Investigation Into Russian Interference In The 2016 Presidential Election* (the "Mueller Report"), Special Counsel Robert S. Mueller, III, determined that he was bound by the 2000 OLC Opinion for the purpose of exercising prosecutorial jurisdiction.[12] The Mueller Report determined that "a federal criminal accusation against a sitting President would place burdens on the President's capacity to govern and potentially preempt constitutional processes for addressing presidential misconduct." [13] Relying on the 2000 OLC Opinion, Mueller also observed that a President does not have immunity once he leaves office.[14]

But, significantly, while making clear that investigations into presidential criminal conduct could move forward, the Mueller Report failed to address what would happen if the statute of limitations on such criminal conduct were to expire during the period of time when the sitting President could not—and would not—be indicted by the Department of Justice. Depending on the timing of the criminal conduct and the length of the President's term in office, this could mean that a president could "get away" with having committed a crime, as he or she could not be indicted before the

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[7] *Id.* at 30.

[8] *See A Sitting President's Amenability to Indictment and Criminal Prosecution,* 24 Op. O.L.C. 222 (2000) ("2000 OLC Op."), https://www.justice.gov/file/19351/download.

[9] *Id.* at 222 & 260.

[10] *Id.* at 222.

[11] *See, e.g.,* Laurence H. Tribe, *Constitution Rules Out Immunity for Sitting Presidents,* Boston Globe (Dec. 10, 2018; updated Dec. 12, 2018), https://www.bostonglobe.com/opinion/2018/12/10/constitution-rules-out-sitting-president-immunity-from-criminal-prosecution/6Byq7Qw6TeJlPVUhlgABPM/story.html; Laurence H. Tribe, *Yes, the Constitution Allows Indictment of the President,* Lawfare (Dec. 20, 2018), https://www.lawfareblog.com/yes-constitution-allows-indictment-president; Mark Medish, *President Donald Trump Can Be Indicted—And Here is the Constitutional Proof* (Mar. 21, 2019), https://www.nbcnews.com/think/opinion/president-donald-trump-can-be-indicted-here-s-constitutional-proof-ncna985586.

[12] Robert S. Mueller, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election* (Vol. II) (Mar. 2019), at 1.

[13] *Id.*

[14] *Id.* (citing 4 OLC Op. at 255 ("Recognizing an immunity from prosecution for a sitting President would not preclude such prosecution once the President's term is over or he is otherwise removed from office by resignation or impeachment")).

expiration (or "running") of the statute of limitations. The OLC opinion would thus operate to confer immunity upon a president for criminal conduct that occurred before taking office (if the statute of limitations would run during his or her period in office) and during office (if the president were to serve a second term). Regardless of whether one believes the OLC opinion to be correct, by tolling, or suspending, the statute of limitations during the duration of a president's term in office, H.R. 2678 would ensure that the office of the presidency cannot be used as a shield for criminal conduct and would underscore that no one, not even the President of the United States, is above the law.

B. Statute of Limitations

Most criminal offenses in the U.S. Code have a statute of limitations. Some offenses—such as murder or rape—do not have an applicable statute of limitations and can be brought at any point after their commission, during the lifetime of the defendant. The typical statute of limitations for federal criminal offenses is five years, meaning that an indictment must ordinarily issue within five years of the last act that constitutes the particular crime.[15] The statute of limitations begins running at the time a crime is completed and each element of the criminal case has been satisfied. An indictment stops the running of the statute of limitations.

In *Tousie v. United States,*[16] the U.S. Supreme Court explained that the statute of limitations is needed to balance the rights of a defendant against criminal charges where the underlying facts may have eroded over time with the interest of the government in swiftly investigating the alleged criminal activity. The statute of limitations is necessary to provide repose and finality to the defendant. It ensures that the possibility of a criminal prosecution does not hang over a defendant's head forever and encourages prosecutors to bring charges while evidence is fresh. In *United States v. Marion,*[17] the Supreme Court noted that statutes of limitations work in tandem with the Constitution's Speedy Trial Clause [18] to prevent pretrial delay. But while the purpose of the Speedy Trial Clause is to protect criminal defendants, statutes of limitations reflect a balance between protecting defendants from delay and allowing prosecutors adequate time to investigate and charge cases.

Congress has seen it appropriate to toll, or suspend, the statute of limitations in certain circumstances. The running of statutes of limitation is tolled during periods of fugitivity,[19] during the pendency of an official request to a foreign court or authority to obtain evidence located in a foreign country,[20] and, for certain offenses (fraud, disposition of real property, procurement fraud, among others) for five years after the cessation of hostilities in a foreign war.[21]

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[15] *See* 18 U.S.C. § 3282 ("(e)xcept as otherwise expressly provided by law," a prosecution for a non-capital offense shall be instituted within five years after the offense was committed).

[16] 397 U.S. 112 (1970).

[17] 404 U.S. 307 (1971).

[18] The Speedy Trial Clause of the Sixth Amendment to the United States Constitution provides that "[i]n all criminal prosecutions, the accused shall enjoy the right to a speedy . . . trial." U.S. Const. amend. VI.

[19] 18 U.S.C. 3290.

[20] 18 U.S.C. 3292.

[21] 18 U.S.C. 3287.

Even when a statute of limitations has run, a court could preserve charges that have otherwise expired through equitable tolling. In *Young v. United States,*[22] Justice Antonin Scalia wrote that *all* statutes of limitations periods are "customarily subject to equitable tolling."[23] Equitable tolling is essentially a resort to the plenary power of the courts to ensure that justice is done. But equitable tolling is typically applied by courts only sparingly, and, even so, mostly in civil cases.[24] At least one federal court of appeals—the Third Circuit in *United States v. Midgley*[25]—has explicitly said that equitable tolling can apply in criminal cases. Even in that case, however, the court decided not to toll the statute of limitations for prosecutors who sought to charge the defendant with crimes they had originally dropped in a plea bargain after the defendant violated the plea agreement.[26]

When courts address equitable tolling in criminal cases, they typically stress that it applies only in extraordinary circumstances and when demanded by the "interests of justice." For example, the Second Circuit in *United States v. Grady*[27] held that the statute of limitations tolled when "a superseding indictment [is] brought at any time while the first indictment is still validly pending, if and only if it does not broaden the charges made in the first indictment."[28] Courts have also allowed criminal statutes of limitations to be equitably tolled when indictments are timely filed under seal and then made public after the limitations period has expired, unless the defendant proves that this had a prejudicial effect.[29] In the case of the indictment of a sitting president, this exception would be unhelpful because the 2000 OLC Memo, under the view of some, precludes such indictments in the first place.

Most cases in which criminal statutes of limitations are tolled involve situations in which the commission of the crime has been concealed or the defendant has fled or is unavailable—but tolling in these circumstances is authorized by statute.[30] Such cases, therefore, do not require equitable tolling. But because equitable tolling is a limited remedy, there is no guarantee that a president who commits a federal offense (but cannot be charged because of DOJ policy) can be indicted once they leave office if the statute of limitations on those offenses has otherwise run. In fact, the 2000 OLC Opinion points out that "[t]he interest in avoiding the statute of limitations bar by securing an indictment while the President remains sitting is a legitimate one."[31] The opinion then makes the argument that impeachment and removal would be one way to cure the problem. Another way to cure the problem, the 2000 OLC Opinion also argues, would be to toll the statute of limitations. This could be applied by courts under constitutional or equitable principles, but, to be on the safe side, "Congress could overcome [any reluctance by courts to apply such principles] by imposing its own

[22] 535 U.S. 43 (2002).
[23] *Id.* at 49 (internal quotations and citations omitted).
[24] *Irwin v. Dep't of Vet. Affairs,* 498 U.S. 89, 95–96 (1990).
[25] 142 F.3d 174 (3d Cir. 1998).
[26] *Id.* at 179.
[27] 544 F.2d 598 (2d Cir. 1976).
[28] *Id.* at 601–02.
[29] Amanda Lineberry & Chuck Rosenberg, *Equitable Tolling and the Prosecution of a President,* Lawfare (Apr. 17, 2019), https://www.lawfareblog.com/equitable-tolling-and-prosecution-president.
[30] *Id.*
[31] 2000 OLC Op. at 256.

tolling rule."[32] Therefore,"[a]t most, . . . prosecution would be delayed rather than denied."[33]

Whether or not one believes that a president may not be indicted while in office, H.R. 2678 simply ensures that, once a president leaves office, indictments can be sought by DOJ, if appropriate, against a president who commits federal crimes that would otherwise be barred by the statute of limitations when they leave office. Again, this ensures that no president of the United States is above the law.

Hearings

The Committee held a series of hearings examining the conduct of President Donald Trump, which helped develop this legislation, including a hearing on July 24, 2019 entitled "Oversight of the Report on the Investigation into Russian Interference in the 2016 Presidential Election: Former Special Counsel Robert S. Mueller, III," a hearing on June 24, 2020 entitled "Oversight of the Department of Justice: Political Interference and Threats to Prosecutorial Independence," and a hearing on July 28, 2020 entitled "Oversight of the Department of Justice."

Committee Consideration

On July 23, 2020, the Committee met in open session and ordered the bill, H.R. 2678, favorably reported as an amendment in the nature of a substitute, by a vote of 22 to 14.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following votes occurred during the Committee's consideration of H.R. 2678.

1. An amendment in the nature of a substitute by Mr. Nadler, which, by a voice vote, added "of 2020" to the title of the bill.

2. An amendment by Representative Greg Steube, which, by a voice vote, made the bill applicable also to a person in the office of Vice President.

3. An amendment by Representative Andy Biggs, which would have added to the bill a 10-year statute of limitations for "spying against a political opponent," was defeated by a vote of 21 to 14.

4. An amendment by Representative Ben Cline, which would have added a number of findings pertaining to the Trump campaign and Russian interference with the 2016 election, was defeated by a vote of 21 to 14.

5. An amendment by Representative Ken Buck, which would have made the effective date of the bill January 20, 2021, failed by a voice vote.

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[32] *Id.; see also* note 34 ("We believe Congress derives such authority from its general power to 'make all Laws which shall be necessary and proper for carrying into Execution . . . all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.' U S Const, art I, § 8, cl. 18. *Cf. Clinton v. Jones,* 520 U.S. [681,] 709 [(1997)] ('If Congress deems it appropriate to afford the President stronger protection, it may respond with appropriate legislation.')").

[33] 2000 OLC Op. at 256. The 2000 OLC Opinion also acknowledges DOJ's view that "Congress may have power to enact a tolling provision governing the statute of limitations for conduct that has already occurred, at least so long as the original statutory period has not already expired." *Id.* at note 34 (citations omitted).

6. Final passage of the bill, as amended, which passed by a vote of 22 to 14.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office (CBO). The Committee has requested but not received from the Director of the CBO a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

Duplication of Federal Programs

No provision of H.R. 2678 establishes or reauthorizes a program of the Federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2678, as amended, would put in place a measure that ensures the tolling of the statute of limitations for federal criminal offenses committed by a person in the office of President or Vice President, for a period of time before and during their tenure in office.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2678 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. Section 1 provides the short title of the bill as the "No President is Above the Law Act."

Sec. 2. Tolling of Statute of Limitations. Section 2 would amend Section 3282 of Title 18 of the United States Code, which sets forth

the typical statute of limitations for federal non-capital offenses (i.e., 5 years). Section 2 would add a subsection—subsection 3282(c)—to the current statute in the case of "Offenses Committed by the President or Vice President During or Prior to Tenure in Office." New subsection 3282(c) would exempt the duration of a president or vice president's term in office from consideration for purposes of any statute of limitations applicable to any Federal criminal offense committed by that person. Offenses committed during any period of time preceding such tenure in office would also be exempted. Section 2 also makes clear that the tolling provision would apply to offenses committed prior to enactment of the bill, so long as the statute of limitations had not already run as of the date of enactment.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART II—CRIMINAL PROCEDURE

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CHAPTER 213—LIMITATIONS

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§ 3282. Offenses not capital

(a) IN GENERAL.—Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.

(b) DNA PROFILE INDICTMENT.—

(1) IN GENERAL.—In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

(2) EXCEPTION.—Any indictment described under paragraph (1), which is found not later than 5 years after the offense under chapter 109A is committed, shall not be subject to—

(A) the limitations period described under subsection (a); and

(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

(3) DEFINED TERM.—For purposes of this subsection, the term "DNA profile" means a set of DNA identification characteristics.

(c) OFFENSES COMMITTED BY THE PRESIDENT OR VICE PRESIDENT DURING OR PRIOR TO TENURE IN OFFICE.—In the case of any person serving as President or Vice President of the United States, the duration of that person's tenure in office shall not be considered for purposes of any statute of limitations applicable to any Federal criminal offense committed by that person (including any offenses committed during any period of time preceding such tenure in office).

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Minority Views

H.R. 2678, the so-called "No President is Above the Law Act," would amend title 18 of the United States Code to allow for the tolling of the statute of limitations with regard to certain offenses committed by the President of the United States during or prior to the President's time in office.[1] This bill is not a serious attempt to address any real shortcoming in federal criminal law. It is instead an overtly political messaging vehicle designed to further the Democrat majority's fictional narrative that President Trump has engaged in some amorphous and undefined criminal conduct.

The Speedy Trial Clause of the Fifth Amendment to the Constitution protects the criminally accused against unreasonable delays between his or her indictment and trial.[2] Prior to indictment, a statute of limitation serves to effectuate this Constitutional protection, requiring prosecutors to bring formal criminal charges within a prescribed time after a crime has been committed.[3] This limitation is designed to protect the criminal accused from having to defend himself or herself against charges where the passage of time has obscured the memory of facts. It also serves as a motivator for law enforcement to expeditiously investigate criminal wrongdoing. Therefore, prosecutions are barred if there was no indictment or other formal charge filed within the period prescribed by the statute of limitations.[4]

The majority of federal crimes are governed by a general five-year statute of limitations.[5] In 2003, in *Stogner v. California,* the Supreme Court held that a law extending a criminal statute of limitations after the existing limitations period had expired violates the U.S. Constitution's *ex post facto* clause when applied to revive a previously time-barred prosecution.[6]

H.R. 2678, however, does not fix any actual deficiencies with the current application of statutes of limitation in federal criminal law. Rather, this bill is an unneeded solution for an imaginary problem contrived by Chairman Nadler, who continues to assert without evidence that President Trump has engaged in some unidentified criminal conduct. House Democrats' biggest theory of wrongdoing—allegations of collusion with Russia during the 2016 election—was disproven following Special Counsel Mueller's investigation. The Special Counsel's findings, unfortunately, have not deterred House

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[1] H.R. 2678, 116th Cong. (2019).
[2] U.S. Const. amend. IV.
[3] BLACK'S LAW DICTIONARY 927 (6th ed. 1990).
[4] See generally Doyle, Charles (2017). *Statute of Limitation in Federal Criminal Cases: A Sketch* (CRS Rept. No. RS21121).
[5] 18 U.S.C. 3282.
[6] 539 U.S. 607 (2003).

Democrats from continuing to make baseless allegations about criminal conduct.

H.R. 2678 appears to be entirely politically motivated and targeted specifically at President Trump. Chairman Nadler did not introduce similar legislation during the term of President Bill Clinton, who the House impeached for perjury and obstruction of justice. Chairman Nadler did not introduce similar legislation during the term of President George W. Bush, who the Chairman accused of warrantless electronic eavesdropping. And Chairman Nadler did not introduce similar legislation during the term of President Barack Obama. H.R. 2678 is merely a reflection of Chairman Nadler's obsession with President Trump, with whom the Chairman has feuded since at least the 1980s.[7]

Since the day President Trump took office, House Democrats have obsessively sought to investigate and impeach President Trump. In 2017 and 2018 alone, House Democrats introduced four resolutions to impeach President Trump.[8] On the very first day of the 116th Congress, House Democrats again introduced articles of impeachment.[9] Early in his chairmanship, Chairman Nadler sent wide-ranging demands for documents and information to 81 individuals and entities associated with President Trump, his family, his campaign, and close aides. Chairman Nadler held hearings on Russian collusion and played a supporting role in the House Democrats' partisan impeachment inquiry against President Trump. Chairman Nadler also led investigations into alleged conspiracies to violate federal campaign and finance reporting laws, alleged violations of the Emoluments Clause of the Constitution, and alleged attacks on the press. Despite all these inquiries, Chairman Nadler and House Democrats have found no actual evidence of criminality.

Chairman Nadler's decision to prioritize his personal vendetta against the President has real consequences for the American people. Instead of working with Republicans to pass important legislation to address lawlessness in American cities or address the Obama-Biden Administration's weaponization of the Justice Department, Chairman Nadler has squandered critical committee business days to take political jabs at the President. H.R. 2678 is just an election year messaging bill to perpetuate the Democrats' fictional narrative about President Trump.

House Democrats will take every chance they get to attack the President, regardless of the truth and veracity of their claims. H.R. 2678 is just the legislative manifestation of their obsessive attacks. No matter how many changes House Democrats make to federal statutes of limitation, it does not change the fact that President Trump has broken no laws. After nearly four years and countless wasted taxpayer dollars on partisan investigations, Chairman Nadler and House Democrats refuse to accept the truth.

JIM JORDAN,
Ranking Member.

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[7] Caitlin Oprysko, *Trump rehashes 1980s real estate feud with Nadler,* POLITICO (Apr. 9, 2019), https://www.politico.com/story/2019/04/09/trump-nadler-real-estate-feud-1263345.

[8] H. Res. 705, 115th Cong. (2018); H. Res. 646, 115th Cong. (2017); H. Res. 621, 115th Cong. (2017); H. Res. 438, 115th Cong. (2017).

[9] H. Res. 13, 116th Cong. (2019).