

do for the Senate. A lot of Senators weren't here then.

The resolution Senator LEE and I have proposed gives the Senate a chance to abandon bad behavior and begin to adopt good behavior, to take a tradition of the Senate that has been followed almost without exception since 1789 and make it the order of the day and to do it the way the Senate rules say it should be done—with 67 votes.

In closing, let me simply say that I appreciate the fact that I am able to work on this with Senator LEE. This legislation developed really from a conversation and a suggestion he made to me on the floor of this Senate. I thought about it, and I said: I think you may be right about that. We worked together, and because of his background in the law and his experience in the Supreme Court, his leadership on this issue has been invaluable.

I thank the Senator for his suggestions, I thank him for his leadership, and I look forward to working with him when it comes before the Senate Rules Committee. I hope we can persuade our fellow Senators in a bipartisan way that a good way to begin this year would be to begin to change the rules the right way and to reject the bad behavior and bad habits of the last session of Congress.

I yield the floor.

Mr. LEE. Mr. President, I wish to speak briefly in support of this resolution. First of all, I wish to thank my distinguished colleague, the senior Senator from Tennessee, for his leadership in introducing this legislation. The Senator from Tennessee has shown great leadership on this issue. With his mastery of the Senate rules, his familiarity with the procedures of the Senate, the Senate's history, and his love for the Senate as an institution, the sponsor of this measure understands and appreciates the importance of maintaining order in the Senate. It is to this issue I would like to speak briefly.

When the Senate made this change in November of 2013, what happened was all of a sudden we had a split—a split that occurred between on the one hand the wording of the rule itself that governs cloture, on the other hand the precedent by which the Senate purports to be governed. So separate and apart from what the history tells us—from how often the Senate either has or hasn't used cloture on the Executive Calendar—there is this separate distinction that has now arisen.

The cloture rule says it takes three-fifths—a vote of three-fifths of the Senators—to bring end to debate on a particular matter. The rule itself makes no distinction between the Executive Calendar and the legislative calendar. It makes no distinction between ordinary legislative business where we are legislating and making law on the one hand and on the other we are meeting to decide whether to confirm a Presidential nominee. The rule doesn't distinguish, but the precedent now does.

When our colleagues on other side of the aisle voted in November 2013, appealing the ruling of the Chair, they reversed the precedent. They acted contrary to the language of the rule itself. This creates a certain amount of uncertainty, and that uncertainty I think needs to be resolved. We don't want to operate in an environment in which we have the rule saying one thing and the Senate precedent saying another thing.

So it was out of a certain amount of practical necessity that we looked to this as an alternative. In order to bring Senate practice back into harmony with the rules of the Senate, the best way we could come up with to do that would be to change the language of the rule.

Of course to change the language of the rule it takes 67 votes. While we are not certain what is going to happen, this is perhaps the only thing we could think of that could possibly get 67 votes—67 Senators saying yes, we can do that.

So it is very important that we have rules that are clear—rules that will apply regardless of who is in the White House, regardless of which party happens to control the majority of the seats in this body. If, after all, we are making the rules that would govern the country, if, after all, we are being asked to confirm Presidential nominees to high positions, we need to be following our own rules.

We have to remember also that one of the things we have prided ourselves on, one of the things that has distinguished the Senate from other legislative bodies—we call ourselves the world's greatest deliberative legislative body—is because from the very beginning this has been the kind of place where in theory we will continue to debate things as long as basically any one Member wants to continue to debate. Cloture is an exception to that. Cloture allows for three-fifths of the Senators present to decide it is time to bring the debate to an end, even if a minority of Senators want to continue. But it requires a supermajority.

There are many reasons to do this, but one of the reasons I think is important to point out is because it protects the right of each Senator to continue to offer improvements, to point out flaws and offer potential improvements to legislation—the amendment process. The amendment process is itself of course different in the context of legislation than it is in the context of a Presidential nominee.

I am personally not aware of any means by which one can amend a nominee. I am not aware of any process by which one can confirm a Presidential nominee's right hand but not his left.

I support this change. I think this change is important for this body and for the continuity of the Senate rules and I am grateful to the senior Senator from Tennessee for his efforts in this regard, which I wholeheartedly support.

SENATE RESOLUTION 68—EXPRESSING THE SENSE OF THE SENATE REGARDING THE JANUARY 24, 2015, ATTACKS CARRIED OUT BY RUSSIAN-BACKED REBELS ON THE CIVILIAN POPULATION IN MARIUPOL, UKRAINE, AND THE PROVISION OF LETHAL AND NON-LETHAL MILITARY ASSISTANCE TO UKRAINE

Mr. JOHNSON (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 68

Whereas Russian-backed rebels continue to expand their campaign in Ukraine, which has already claimed more than 5,000 lives and generated an estimated 1,500,000 refugees and internally displaced persons;

Whereas, on January 23, 2015, Russian rebels pulled out of peace talks with Western leaders;

Whereas, on January 24, 2015, the Ukrainian port city of Mariupol received rocket fire from territory in the Donetsk region controlled by rebels;

Whereas, on January 24, 2015, Alexander Zakharchenko, leader of the Russian-backed rebel Donetsk People's Republic, publicly announced that his troops had launched an offensive against Mariupol;

Whereas Mariupol is strategically located on the Sea of Azov and is a sea link between Russian-occupied Crimea and Russia, and could be used to form part of a land bridge between Crimea and Russia;

Whereas the indiscriminate attack on Mariupol killed 30 people, including 2 children, and wounded 102 in markets, homes, and schools;

Whereas any group that fires rockets knowingly into a civilian population is committing war crimes and is in violation of international humanitarian law;

Whereas, even after the Russian Federation and the Russian-backed rebels signed a ceasefire agreement called the Minsk Protocol in September 2014, NATO's Supreme Allied Commander, General Philip Breedlove, reported in November 2014 the movement of "Russian troops, Russian artillery, Russian air defense systems, and Russian combat troops" into Ukraine;

Whereas, on January 24, 2015, NATO Secretary General Jens Stoltenberg stated, "For several months we have seen the presence of Russian forces in eastern Ukraine, as well as a substantial increase in Russian heavy equipment such as tanks, artillery, and advanced air defense systems. Russian troops in eastern Ukraine are supporting offensive operations with command and control systems, air defense systems with advanced surface-to-air missiles, unmanned aerial systems, advanced multiple rocket launcher systems, and electronic warfare systems.";

Whereas, on January 25, 2015, after Russian-backed rebels attacked Mariupol, European Council President Donald Tusk wrote, "Once again appeasement encourages the aggressor to greater acts of violence; time to step up our policy based on cold facts, not illusions.";

Whereas, on November 19, 2014, at a Committee on Foreign Relations of the Senate confirmation hearing, Deputy National Security Adviser Anthony Blinken stated that the provision of defensive lethal assistance to the Government of Ukraine "remains on the table. It's something we're looking at.";

Whereas the Ukraine Freedom Support Act (Public Law 113-272), which was passed by Congress unanimously and signed into law by the President on December 18, 2014, states

that it is the policy of the United States to further assist the Government of Ukraine in restoring its sovereignty and its territorial integrity to deter the Government of the Russian Federation from further destabilizing and invading Ukraine and other independent countries in Central and Eastern Europe, the Caucasus, and Central Asia; and

Whereas the Ukraine Freedom Support Act authorizes \$350,000,000 in fiscal years 2015–2017 for the President to provide the Government of Ukraine with defense articles, defense services, and military training for the purpose of countering offensive weapons and reestablishing the sovereignty and territorial integrity of Ukraine, including anti-tank and anti-armor weapons; crew weapons and ammunition; counter-artillery radars; fire control and guidance equipment; surveillance drones; and secure command and communications equipment: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attack on Mariupol by Russian-backed rebels;

(2) urges the President to provide lethal and non-lethal military assistance to Ukraine as unanimously supported by Congress in the Ukraine Freedom Support Act of 2014 (Public Law 113-272);

(3) calls on the United States, its European allies, and the international community to continue to apply economic and other forms of pressure on the Russian Federation, especially in the form of sanctions, if the Government of the Russian Federation continues to refuse to cease its aggression in Ukraine;

(4) calls on the Government of the Russian Federation to immediately end its support for the rebels in eastern Ukraine, allow Ukraine to regain control of its internationally-recognized borders, and withdraw its military presence in eastern Ukraine; and

(5) expresses solidarity with the people of Ukraine regarding the humanitarian crisis in their country and the destruction caused by the military, financial, and ideological support of the Government of the Russian Federation for the rebels in eastern Ukraine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 249. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 249. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security,

as authorized by law, \$132,573,000: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committees on the Judiciary of the House of Representatives and the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a comprehensive plan for implementation of the biometric entry and exit data system required under section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b), including the estimated costs for implementation.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$187,503,000, of which not to exceed \$2,250 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, \$4,493,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$6,000,000 shall remain available until September 30, 2016, for the Human Resources Information Technology program: *Provided further*, That the Under Secretary for Management shall include in the President's budget proposal for fiscal year 2016, submitted pursuant to section 1105(a) of title 31, United States Code, a Comprehensive Acquisition Status Report, which shall include the information required under the heading "Office of the Under Secretary for Management" under title I of division D of the Consolidated Appropriations Act, 2012 (Public Law 112-74), and shall submit quarterly updates to such report not later than 45 days after the completion of each quarter.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$52,020,000: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal for fiscal year 2016 is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of Public Law 107-296 (6 U.S.C. 454).

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$288,122,000; of which \$99,028,000 shall be available for salaries and expenses; and of which \$189,094,000, to remain available until September 30, 2016, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$255,804,000; of which not to exceed \$3,825 shall be for official reception and representation expenses; and of which \$102,479,000 shall remain available until September 30, 2016.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$118,617,000; of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,459,657,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$30,000,000 shall be available until September 30, 2016, solely for the purpose of hiring, training, and equipping United States Customs and Border Protection officers at ports of entry; of which not to exceed \$34,425 shall be for official reception and representation expenses; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2015, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 21,370 full-time equivalent agents protecting the borders of the United States in the fiscal year.

AUTOMATION MODERNIZATION

For necessary expenses for United States Customs and Border Protection for operation and improvement of automated systems, including salaries and expenses, \$808,169,000; of