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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Merciful God, enthroned above all other powers, thank You for the opportunity to be called Your children.

Lord, our heart aches because of the pain and pessimism in our world, so use our lawmakers to bring hope where there is despair. Remind our Senators that Your power is far above any conceivable command, authority, or control. Empower them to protect and defend the Constitution of this great land against all enemies foreign and domestic. Our Father, inspire our Senators through the decisions they make to build monuments of courage and moral excellence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mrs. ERNST). The clerk will report the unfinished business.

The senior assistant legislative clerk read the nomination of Rex W. Tillerson, of Texas, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, the remaining postcloture time will be equally divided between the two leaders or their designees.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Madam President, last night President Trump announced an outstanding nominee for the Supreme Court, Judge Neil Gorsuch of Colorado. While Judge Gorsuch has a significant legacy to live up to as the nominee for the seat left vacant by the loss of Justice Scalia, I am confident his impressive background and long record of service will prepare him well for the task ahead.

Like Justice Scalia, Judge Gorsuch understands the constitutional limits of his authority. He understands that a judge's duty is to apply the law evenhandedly, without bias toward one party or another. He understands that his role as a judge is to interpret the law, not impose his own viewpoint or political leanings.

He has also been recognized from people on both sides of the aisle as a consistent, principled, and fair jurist. Judge Gorsuch has a stellar reputation and a resume to match, with degrees from Harvard and Columbia, a Ph.D. in legal philosophy from Oxford, and just about every honor, award, and scholarship you can possibly imagine.

When he graduated from law school, Judge Gorsuch did not just clerk for one Supreme Court Justice, he clerked for two. They were Justices nominated by Presidents of different political parties—Anthony Kennedy, a Reagan appointee, and Byron White, who was nominated by JFK.

Judge Gorsuch received a unanimously ''well qualified'' rating by the American Bar Association when he was nominated to his current position on the court of appeals. He was confirmed without any votes in opposition. That is right—not a single Democrat opposed Judge Gorsuch's confirmation, not Senator Barack Obama, not Senator Hillary Clinton, not Senators Joe Biden or Ted Kennedy. In fact, not a single one of the Democrats who still serve with us opposed him, including the ranking member of the Judiciary Committee, Senator FEINSTEIN, and the Democratic leader himself, Senator SCHUMER. In the coming days, I hope and expect that all Senate colleagues will again give him fair consideration, just as we did for the nominees of newly elected Presidents Clinton and Obama.

This is a judge who is known for deciding cases based on how the law is actually written, not how he wishes it were written, even when it leads to results that conflict with his own political beliefs. He understands that his role as a judge is to interpret the law, not impose his own viewpoint. Here is how Judge Gorsuch himself put it: ''A judge who likes every result he reaches is very likely a bad judge, reaching for results he prefers rather than those the law compels.''

Some of our colleagues and some others on the left see the role of a judge very differently. In last year's Presidential debate, our former colleague, Secretary Clinton, stated her view that a Supreme Court Justice—now listen to this—ought to look more favorably on certain political constituencies than others; that it was the job of the Supreme Court to ''stand on the side'' of this group or another over that one. Some of our current colleagues seem to share this view. The assistant Democratic leader said that what is important to him are the political views of a Supreme Court nominee, what or perhaps whom they are going to stand for.

The problem with that approach is that it is great if you happen to be the party in the case whom the judge likes; it is not so great if you are the other guy. Justice Scalia believed this to his very core. He was an eloquent champion of the Constitution who was guided by important principles like applying the law equally to all, giving every litigant a fair shake, and rulings based on the actual meaning of the Constitution and our laws, not what you or your preferred political constituency wished they meant. These principles

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

helped guide Justice Scalia for many years. The record of Judge Gorsuch indicates that he will continue this legacy of fair and impartial justice.

Now, of course, that does not much matter to some over here on the far left. Despite his sterling credentials and bipartisan support, some on the far left decided to oppose Judge Gorsuch before he was even nominated. We already know what they will say about him as well. It is the same thing they have been saying about every Republican nominee for more than four decades. They said Gerald Ford's nominee, John Paul Stevens, ''revealed an extraordinary lack of sensitivity to the problems women face.'' They said Reagan's nominee, Anthony Kennedy, was a ''sexist'' who would ''be a disaster for women.'' They said George H.W. Bush's nominee, David Souter, was a threat to women, minorities, dissenters, and other disadvantaged groups. So it is not terribly surprising that they would say it again this time. What is disappointing is that leading Democrats in the Senate would adopt the same rhetoric. The ink was not even dry on Judge Gorsuch's nomination when the Democratic leader proclaimed that Judge Gorsuch had—you guessed it—demonstrated a hostility toward women's rights. I hope our colleagues will stick to the facts this time around.

We know that Justice Scalia's seat on the Court does not belong to any President or any political party; it belongs to the American people. When it became vacant in the middle of a contentious Presidential election, we followed the rule set down by Vice President Joe Biden and Democratic Leader Senator SCHUMER, which said that Supreme Court vacancies arising in the midst of a Presidential election should not be considered until the campaign ends. It is the same rule, by the way, that President Obama's own legal counsel admitted she would have recommended had the shoe been on the other foot.

I have been consistent all along that the next President, Democrat or Republican, should select the next nominee for the Supreme Court. I maintained that view even when many thought that particular President would be Hillary Clinton. But now the election season is over and we have a new President who has nominated a superbly qualified candidate to fill that ninth seat. So I would invite Democrats who spent many months insisting we need nine to join us in following through on that advice by giving the new President's nominee a fair consideration and an up-or-down vote, just as we did for past Presidents of both parties.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

UNANIMOUS CONSENT AGREEMENT—AUTHORITY FOR COMMITTEE TO MEET

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate Select Committee on Intelligence have leave to meet after 2 p.m. today.

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

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Madam President, I rise today on a matter of great importance to everyone in this body and everyone in America: the future of the Supreme Court. Last night, the President nominated Judge Neil Gorsuch. We in the Senate have a constitutional duty to examine his record robustly, exhaustively, and comprehensively, and then advise and consent if we see fit. We have a responsibility to reject if we do not. We Democrats will insist on a rigorous but fair process. There will be 60 votes for confirmation. Any one Member can require it. Many Democrats already have.

And it is the right thing to do.

On a subject as important as a Supreme Court nomination, bipartisan support should be a prerequisite; it should be essential. That is what 60 votes does.

This is nothing new. It was a bar met by each of President Obama's nominations. In my mind, 60 votes is the appropriate way to go, whether there is a Democratic President or a Republican President, Democratic Senate or a Republican Senate.

Because a 60-vote threshold is essential, those who say that at the end of this process, there are only two possible results—that the Senate will confirm this nominee or the Republicans will use the nuclear option to change the rules of the Senate—are dead wrong. That is a false choice.

If this nominee cannot meet the same standard that Republicans insisted upon for President Obama's Supreme Court nominees—60 votes in the Senate—then the problem lies not with the Senate but with the nominee.

The answer should not be to change the rules of the Senate but to change the nominee to someone who can earn 60 votes. Sixty votes produces a mainstream candidate, and the need for a mainstream, consensus candidate is greater now than ever before because we are in new territory in two ways; first, because the Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business, pro-special interest Court, siding more with corporations and employers and special interests over working and average Americans. This in an environment where starkly unequal concentrations of wealth and ever-increasing corporate power—aided and abetted by the Citizens United decision—has skewed the playing field even more decisively toward special interests and away from the American citizen. A mainstream nominee would help reverse that trend, not exacerbate it; and, second, another important reason we are in a new world here, making a 60-vote margin even more important than it was before—as important as it was before—is this: This administration, at least since its outset, seems to have less respect for the rule of law than any in recent memory and is challenging the Constitution in an unprecedented fashion. So there is a special burden on this nominee to be an independent jurist.

Let's go over each point. First, we have a special responsibility to judge whether this nominee will further tip the scales on the Court in favor of Big Business and powerful special interests instead of the average American because over two decades this Court has shifted dangerously in the direction of Big Business and powerful special interests.

According to a study by the Minnesota Law Review, the Roberts Court has been the most business-friendly Supreme Court since World War II. It is the most corporate Court in over 70 years. It was pro-corporate when it frequently favored forced arbitration as a way to settle disputes, a process that limits the ability for individuals to form a class and collectively go after large corporate interests; it was pro-corporate when it repeatedly refused to hear legitimate cases where individuals have been harmed by faulty products, discriminatory practices, or fraud; and it was pro-corporate when it came down with one of the worst decisions in the history of the Court: Citizens United. By equating money with speech, the Citizens United decision cut right at the heart of the most sacred power in our democracy: the franchise of our citizens. It has poisoned our politics by allowing dark money to cascade into the system, entirely undisclosed.

With absolutely no precedent, the Roberts Court came up with the theory that money necessarily equals speech, and under the First Amendment, you are allowed to put your ad on TV 11,000 times to drown out all others, especially average Americans. That dampens the power of their voices, dilutes the power of their votes. The Citizens United decision was the worst decision in 100 years, and it is the embodiment of this new era of the corporate special interests Court.

At a time when massive inequality plagues our economy, dark money floods our politics, and faith in institutions is low, this rightward shift in the Court is an existential threat to our democracy.

Now, more than ever, we require a Justice who will move the Court back in the direction of the people, not only because that is what the law requires but because that is what our system of government requires—summed up, of course, by President Lincoln's declaration that it is ''a government of, by, and for the people.''

Second, we must insist upon a strong, mainstream, consensus candidate because this Supreme Court will be tried in ways that few Courts have been tested since the earliest days of the Republic, when constitutional questions abounded, because, again, this administration seems to have little regard for the rule of law and is likely to test the Constitution in ways it hasn't been challenged for decades.

Just 2 weeks in, the new administration has violated our core values, challenged the separation of powers, stretched the bounds of statute, and tested the very fabric of our Constitution in an unprecedented fashion. The President has questioned the integrity of our elections without evidence, issued legally and constitutionally dubious Executive actions, such as the one on immigration and refugees, and fired his Acting Attorney General for maintaining her fidelity to the law, rather than pledging obedience to the President. For that, the White House accused her of betrayal.

Acting Attorney General Sally Yates offered her professional legal opinion, but because it contradicted the administration's position, she was fired, even though the very purpose of the Department of Justice is to be an independent check on any administration.

We are just 13 days into this new administration. How many more of these dismissals will take place over the next 4 years?

This is not even close to normal. Many of us have lived through the first few weeks of several administrations of both parties. This is not even close to normal.

Now, more than ever, we need a Supreme Court Justice who is independent, who eschews ideology, who will preserve our democracy, protect fundamental rights, and will stand up to a President who has already shown a willingness to bend the Constitution.

The Supreme Court is now the bulwark standing between a President who, in too many instances, has little regard for the law, for the separation of powers, for American ideals, for the power of the legislative branch, and for the sanctity of the Nation.

Now, more than ever, we require a Justice who will fulfill the Supreme Court's role in our democracy as a check and balance on the other branches of government.

Because this President has started out in such a fundamentally undemocratic way, we have to examine this nominee closely. As to the nominee himself, I have serious concerns about how he measures up on these two great issues I just described.

First, Judge Gorsuch has consistently favored corporate interests over the rights of working people. He repeatedly sided with insurance companies which wanted to deny disability benefits to employees. In employment discrimination cases, Bloomberg found he has sided with employers a great majority of the time. In one of the few cases he sided with an employee, it was a Republican woman who alleged she was fired for being a conservative.

He wrote in an article in 2005 that securities class actions were just tools for plaintiffs' lawyers to get ''free ride[s] to fast riches,'' ignoring the fact that these lawsuits often bring justice to thousands and thousands of people who have no power without the class action suit.

On money and politics, he seems to be in the same company as Justices Thomas and Scalia, willing to restrict the most commonsense contribution limits.

It seems President Trump, who has said he would be for the working man and woman, has not chosen someone who routinely sides with the average American. Instead, it seems he has selected a nominee to the Supreme Court who sides with CEOs over citizens.

Second, Judge Gorsuch lacks a record demonstrating the kind of independence the Court desperately needs right now. He has shown a tendency to let ideology influence his decisions, criticizing ''liberals'' for turning to the courts to advance policy. The irony is this: Those who blame liberals for legislating through the courts are usually activist judges themselves. In recent years, conservative judges have proven to be the true activists, completely reimagining the scope of the First Amendment through Citizens United, gutting key provision of the Voting Rights Act that had lasted for decades and decades, and attempting to roll back the established law of the land, Roe v. Wade.

Judge Gorsuch has shown disdain for the use of the courtroom to vindicate fundamental rights, a viewpoint that should be anathema to anyone in the legal system but is particularly inappropriate for somebody who seeks a seat on the highest Court in the land. Because of this, women are duly worried about the preservation of their rights and equality, as is the LGBT community. With an administration that has already challenged fundamental American rights and will do so again, the courtroom must be a place where those rights can be vindicated.

As Senators, we are endowed with an awesome power to judge whether this man, Judge Gorsuch, has the right to a title that is higher than all the others in our judicial system, the title of ''Justice.''

Therefore, we must be absolutely certain that this person is a strong, mainstream candidate who has respect for the rule of law and the application of basic constitutional rights to all Americans, a deference to precedent, a nonideological approach to the Court, and the resolve to be a bulwark against the constitutional encroaches of this administration.

Judge Neil Gorsuch, throughout his career, has repeatedly sided with corporations over working people, demonstrated a hostility toward women's rights, and, most troubling, hewed to an ideological approach to jurisprudence that makes me skeptical that he can be a strong, independent Justice on the Court. Given that record, I have very serious doubts that Judge Neil Gorsuch is up to the job.

The Supreme Court now rests in a delicate balance. We cannot allow it to be further captured by corporate influence or bullied by Executive overreach.

The Senate has a responsibility to weigh this nominee with the highest level of scrutiny, to have an exhaustive, robust, and comprehensive debate on Judge Gorsuch's fitness to be a Supreme Court Justice. We Democrats will ensure that it does.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

AUTHORITY FOR COMMITTEE TO MEET VITIATED

Mr. SCHUMER. Madam President, I ask unanimous consent that the request in relation to the Senate Select Committee on Intelligence be vitiated.

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

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Madam President, last evening, I had the pleasure of being at the White House when President Trump introduced his nominee to be Associate Justice of the Supreme Court, Judge Neil Gorsuch, who happens to be serving on the Tenth Circuit Court of Appeals. It shouldn't surprise anybody that President Trump delivered on a promise made during the campaign, when he listed 21 people he would choose from. Everybody knew ahead of time what sort of a judge he would put on for this vacancy or any future vacancy.

Judge Gorsuch's decade of service on the Tenth Circuit has earned him a reputation as a brilliant, principled, and mainstream judge, just exactly the sort of mainstream that Senator SCHUMER must have been thinking about when he said he wants a mainstream judge.

It has already been widely reported that he was unanimously confirmed by a voice vote to the Tenth Circuit in 2006.

There are still 31 Senators in this body who voted for the judge at that particular time; 12 of them are Democrats, and one of them is Senator SCHUMER. Judge Gorsuch was supported, of course, by both of his home State Senators for the Tenth Circuit. One happened to be a Republican, and one a Democrat. He has been recognized as a great jurist by Members from both parties. For instance, when he was sworn into the Tenth Circuit, Senator Salazar, then a Democratic Senator from Colorado, remarked that the judge ''has a sense of fairness and impartiality that is a keystone of being a judge.''

The judge happens to be fourth generation Coloradan. He is eminently qualified to be the next Associate Justice of the Supreme Court. His decades of experience span many facets of our legal system. A graduate of Columbia University and Harvard Law School, the judge was also a prestigious Marshall scholar at Oxford. He served as Principal Deputy Attorney General at the Department of Justice.

Judge Gorsuch also knows the Supreme Court well, having clerked for Supreme Court Justices Byron White and also Anthony Kennedy, who is still on the Court.

He currently serves with distinction on the Tenth Circuit, where he has established himself as a mainstream judge with a reputation as a fair and brilliant jurist. As a mainstream jurist, Judge Gorsuch enjoys broad respect across the ideological spectrum. At the confirmation hearing for his current judgeship on the Tenth Circuit, he was introduced by Republican Senator Allard from Colorado and Democratic Senator Salazar from Colorado. Senator Salazar, of course, isn't exactly a conservative firebrand, having most recently served as head of the transition team of Secretary Clinton.

At his hearing in 2006, William Hughes, Jr., a Democratic candidate for the House of Representatives, authored a strong letter of recommendation for Judge Gorsuch stating:

I have never found, nor thought, Neil's views or opinions to be tainted or swayed by any partisan leanings. Quite to the contrary, his approach to all things professional and personal has always been moderate and practical.

There are plenty of other examples of strong bipartisan support for Judge Gorsuch. Even observers in the press recognize his reputation for fairness. Just last week the Denver Post endorsed the judge, saying: He ''has applied the law fairly and consistently.''

Judge John Kane, a colleague on the District Court of Colorado, appointed by President Carter, says this about Judge Gorsuch:

[He] listens well and decides justly. His dissents are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman.

After his nomination was announced last evening, the highest praise so far came from President Obama's former Solicitor General, Neal Katyal, who described the nominee this way:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law. To boot, as those of us who have worked with him can attest, he is a wonderfully decent and humane person. I strongly support his nomination to the Supreme Court.

To me, following the law wherever that law and case may lead is perhaps the most important attribute for a Supreme Court Justice to possess. That principle guided Justice Scalia's decisionmaking and it is also how Judge Gorsuch has said judges should approach the law.

The judge once wrote, quoting Justice Scalia:

If you are going to be a good and faithful judge, you have to resign yourself to the fact that you are not always going to like the conclusion you reach. If you like them all the time, you are probably doing something wrong.

That gets back to something very basic. A judge is supposed to be dispassionate. A judge is supposed to leave their personal views out of it. A judge looks at the law on the one hand and the facts of the case on the other and makes the decision based on just those two things. So from what I have learned so far, the judge's judicial record reflects this philosophy of being dispassionate, following the Constitution and the laws passed by Congress. I think he said last night something like this: A judge is supposed to judge and a legislature is supposed to legislate, and a judge should not be legislating.

Judge Gorsuch doesn't legislate from the bench, nor does he impose his own beliefs on others. To quote from a speech at Case Western, he said that judges should strive ''to apply the law as it is, focusing backward, not forward, and looking to the text, structure, and history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best.''

I believe it is this fundamental sense of fairness and sense of duty in upholding the Constitution and the laws passed by Congress that has led Judge Gorsuch to be a highly regarded jurist.

After the tragic passing of Justice Scalia, we made it clear that the Senate would wait for the American people to have a say in the future of the Court. I said even before the election that no matter who won the Presidential election, we would move forward with the new President's nominee. I maintained this position even on the eve of the election, and I maintained that position even when everyone seemed to believe that our next President would be Secretary Clinton. I have been consistent.

Unfortunately, some of my Democratic colleagues—the very Senators who held all those rallies chanting ''we need nine''—have already said they intend to do everything they can to stop this eminently qualified judge. That is very, very unfortunate. I hope and trust that approach won't be uniform on their side.

So I look forward to moving forward with a hearing, when we will learn a great deal more about Judge Gorsuch, and I look forward to an up-or-down vote on his nomination.

I thank the Senate, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Madam President, finally, on Monday, the Senate moved forward with the nomination of Rex Tillerson to be the next Secretary of State. His confirmation before this Chamber to serve as our top diplomat should have been a no-brainer, but we know that our Democratic colleagues are still trying to relitigate the election of November 8, and because their preferred candidate lost, they are now trying to do everything they can to slow-walk and to hamper the ability of the winner, President Trump, to get his Cabinet up and running to govern the country. While they think they may be hurting the President and his administration, what they are really doing is hurting the American people whom the government serves. I hope they will reconsider.

It is really sad it has taken this long due to the foot-dragging of our colleagues across the aisle who are sort of in a resistance mode. I really do believe it is like the stages of grief, like the Kubler-Ross stages, where the first one, of course, is denial, the second is anger, and then ultimately you get to acceptance. But they are a long way to acceptance, and they are still in the anger phase of their grieving the outcome of the November 8 election.

When the shoe was on the other foot, we confirmed seven of President Obama's Cabinet nominees on the day he was inaugurated—January 20, 2009—but apparently this is the new normal.

I just hope our Democratic colleagues realize that this is not serving the public interest, and it is not, frankly, good politics, it strikes me, to be so angry and throw a temper tantrum—or, as I said yesterday to some folks, growing up, people used to talk about throwing a hissy fit, and this really strikes me as throwing a hissy fit.

Much has been made of Rex Tillerson's incredible leadership role in a major corporation. Obviously, he has done a tremendous job for one of the largest businesses in the world. He was working for the shareholders of that corporation in that capacity. Now his enormous experience and aptitude and talent are going to be put to work for the American Nation and for the American people.

I believe that not only is he a person of conviction and competence, he is also a man of character. He believes in putting this country first, and I have no doubt he will serve the United States with great integrity and care.

It is none too early for us to transition to somebody of his great qualifications and experience. Our country is no longer respected by many of our friends around the world because we have withdrawn from international leadership. We are no longer feared by our adversaries, who are all too quick to fill the leadership vacuum around the world—Russia being perhaps the most obvious example not only in Crimea and in Ukraine but obviously in Syria and now in Libya. It is dangerous. It is destabilizing. So I am very pleased that we will have a new Secretary of State and a new national security leadership team.

If there is one thing that I think President Trump has done right, it is select good people, from MIKE PENCE as the Vice President, Gen. Jim Mattis as Secretary of Defense, Rex Tillerson as Secretary of State, and Gen. John Kelly of the Department of Homeland

Security. I think he has chosen very well. I could go on and on with his Cabinet members and say the same thing about each one of them.

We will vote on the confirmation of Mr. Tillerson shortly, between 2 and 2:30 p.m. or in that time frame.

NOMINATION OF NEIL GORSUCH

Madam President, what I want to talk about as well is the announcement that President Trump made last night about his choice to fill the Supreme Court vacancy left open by the tragic death of Justice Antonin Scalia. I couldn't be more pleased with his nomination of Judge Neil Gorsuch of the U.S. Court of Appeals for the Tenth Circuit. I can't imagine that the President could have chosen a more qualified, more principled, or more mainstream pick for the job of Justice of the U.S. Supreme Court.

We have all heard some of the details of his personal background, including that he is a Colorado native and that he served in the Denver-based Tenth Circuit Court for a decade, and he is well known and respected in legal circles for his intellect, his brilliant writing, and his faithful interpretation of the Constitution and laws passed by Congress. In short, he is a tremendous jurist with an impeccable legal and academic record. He went to schools like Columbia University, Harvard Law School, and Oxford as a Marshall scholar.

In addition to his decade on the bench, his professional experience includes many years practicing law. As a recovering lawyer myself and recovering judge, I can say that one of the things I think the Supreme Court needs is more people with practical experience, serving as lawyers for clients in court. We have some people with great academic credentials but very few people with any practical experience as practicing lawyers. It is important because once they get on the U.S. Supreme Court, Justices are totally isolated from the rest of the world by the nature of their job. So people need to come to that job with the experience of working with individuals, understanding the strengths and the weaknesses of the legal system and what their role should be.

He not only practiced law at a top law firm as a partner, he had prestigious clerkships, including on the Supreme Court of the United States. He actually clerked for two Supreme Court Justices—Justice Byron White and Justice Anthony Kennedy—as well as served in the Department of Justice.

There is absolutely no question that Judge Gorsuch is a qualified, high-caliber nominee, and I have no doubt that he will serve the Nation well. The reason I say he is a qualified, high-caliber nominee is because when he was confirmed to the Tenth Circuit Court of Appeals, he was confirmed by the Senate on a voice vote. In other words, he was essentially voted for unanimously, including by people like Senator SCHUMER, the Democratic leader, who was here at the time, and others of our colleagues across the aisle. So I think it is going to be very important for the American people, as they hear the inevitable criticism of this nomination, to remember the Senators who were here at the time Judge Gorsuch was confirmed to the Tenth Circuit, and they expressed none of those concerns or reservations then.

I think, most importantly, Judge Gorsuch will honor the legacy of Justice Antonin Scalia on the U.S. Supreme Court, but even more importantly, he will honor the U.S. Constitution and the unique role of our judiciary and our system of government. I think one of the things Justice Scalia made a point of during his professional lifetime was to point out how judges had unfortunately become policymakers rather than interpreters and appliers of the Constitution and the written law. Of course, the problem with that is that judges in the Federal system don't stand for election, so we have lifetime-tenured, unelected Federal judges becoming, in effect, a trump card or super-legislature for our system of government. That certainly isn't what James Madison and the Founding Fathers contemplated. Justice Scalia was a tribute to that traditional role of interpreter of a written Constitution and written laws and respecting the limited, albeit important, role judges play in our system of government.

Put another way, Judge Gorsuch meets every test, and he passes all of them with flying colors.

We have heard from the Democratic leader that President Trump needed to appoint a mainstream nominee. Well, there is no doubt that if that is the litmus test for our friends on the other side of the aisle, Judge Gorsuch meets that test. He has the respect of even people who served on the other side of him in litigation and people whose ideological views differ quite a bit.

Here is what a former Solicitor General under President Obama had to say about Judge Gorsuch:

> Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law.

He goes on to say:

> I strongly support his nomination to the Supreme Court.

This is the sort of respect Judge Gorsuch, in his tenure as a judge, has generated. He has gained respect even from people who are on the opposite end of the ideological spectrum because they realize that Judge Gorsuch will be, first and foremost, somebody who applies the written Constitution and enforces the rule of law—laws passed by the political branches of government—and does not attempt to supplant his own personal agenda for that of the chosen representatives of the American people. As I said, that is why 11 years ago Democrats joined with Republicans to confirm him unanimously to the Tenth Circuit. I mentioned Senator SCHUMER, who was here at the time, as well as Senator DURBIN and several members of the Judiciary Committee still serving in the Senate, including the ranking member, Senator FEINSTEIN from California, and the senior Senator from Vermont, Senator LEAHY. All of them were here at the time. Because of the voice vote, they didn't note any dissent or disagreement, so we would say that essentially is a unanimous vote of the U.S. Senate. So it will be interesting to hear from them about any reservations or concerns they now voice. I hope that at least they will allow us to have an up-or-down vote on the nomination of this outstanding nominee.

To hear Judge Gorsuch last night and to look at his biography, to read his extensive record and appreciate his scholarship and his commitment to the rule of law—all of this is to see precisely the kind of person who should be confirmed to the Supreme Court. I believe the American people will see that as clear as day.

I hope our colleagues across the aisle will resist the temptation to obstruct and drag their feet when it comes to this important nomination. I hope they will not kowtow to some of the extreme factions in their own party.

They have repeatedly argued for the importance of having nine Justices on the Supreme Court. Now that the American people have spoken by electing President Trump, and he has now announced his pick, they should honor that selection. That pick is superb, the kind of nominee who was supported unanimously by Democrats in the past and is endorsed by President Obama's own Solicitor General.

Let's move forward with an undeniably qualified nominee.

Madam President, I ask unanimous consent that all remaining quorum calls during consideration of the Tillerson nomination be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Madam President, I am coming back to the floor to correct the record on my earlier comments, where I said Republicans ''insisted'' on 60 votes for each of President Obama's nominees. Sixty votes is a bar that was met by each of President Obama's nominees, but at the time, there was no need for a cloture vote because we knew each of them would garner 60.

This is important to clarify because I believe 60 votes is the right standard

for this nominee—not because they did it to us or we did it to them but because 60 votes, as I mentioned in my remarks, produces a mainstream candidate and, as I laid out earlier, the Supreme Court requires a mainstream candidate now more than ever.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HEINRICH. Madam President, since President Trump was inaugurated, he has unveiled a series of damaging and truly un-American Executive orders—in particular, the Executive order banning refugees and individuals from Muslim-majority countries from entering our country.

For President Trump and his team, it is a projection of an inward-looking, isolationist vision for America. For many New Mexicans, myself included, it is also seen as an attempt to fundamentally change our American values. We are not a country that discriminates based on how you pray. We are not a nation that turns our back on the innocent victims of terrorism or the allies who have risked their own lives so that American soldiers might live.

President Trump's actions seek to turn us into the kind of authoritarian Nation that we have always stood against. He has promoted this dark vision instead of asserting America's longstanding role as a voice for democracy, for freedom, human rights, the environment, tolerance, and respect for women—values which extend far beyond our shores.

In essence, this selfish and bully-like mentality abandon the values that we hold dear and which have defined our great Nation as a global power.

It should come as no surprise that President Trump's nominees to be our Nation's top diplomats—Nikki Haley, Rex Tillerson—have no diplomatic experience. On Nikki Haley's first day on the job, President Trump announced that he would be cutting funding for the United Nations by 40 percent, and Ambassador Haley announced to the world that the United States is now ''taking names'' of those who disagree with us.

In an attempt to show strength, the Trump administration is actually creating weakness. By stepping away from multinational organizations that we helped establish—organizations like the U.N. and NATO—and by presenting a hostile attitude to other countries and allies, the United States is walking away from its role as the indispensable Nation.

This morning, former CIA Director and retired GEN David Petraeus warned that the global alliances of the United States are at risk, stating:

> Americans should not take the current international order for granted. It did not will itself into existence. We created it.
>
> Likewise, it is not naturally self-sustaining. We have sustained it. If we stop doing so, it will fray and, eventually, collapse.

Just as I am not confident in President Trump's nominee for Ambassador to the United Nations, I am equally concerned, if not more so, about his choice for Secretary of State. During his Senate confirmation hearing, Rex Tillerson, the former CEO of ExxonMobil, demonstrated that he is blatantly unaware of global affairs. He failed to recognize and condemn human rights violations around the world, including in Saudi Arabia and the Philippines, and declared dangerous policy positions without knowing what those policies would actually mean.

In his hearing, Mr. Tillerson repeatedly avoided answering the most rudimentary questions about foreign policy by stating things like ''I'd need more information on that issue.''

For as long as I can remember, throughout grade school and college, women in Saudi Arabia have lacked basic freedoms. Yet Mr. Tillerson either had no knowledge of women's issues in Saudi Arabia or fails to value the importance of that issue, which I believe to be an American value.

The United States faces an increasing number of global threats, including North Korea, Russia, China, Iran, and terrorist organizations across multiple continents. We face evolving threats from nonstate actors and terrorist organizations such as Al Qaeda and the Islamic State. Instability and civil war in the Middle East have led to the greatest global refugee crisis since World War II. Russia and China are acting aggressively to assert their influence and challenge and provoke American interests and allies. Global threats such as pandemic disease, nuclear proliferation, and climate change require international cooperation and responses.

The next Secretary of State will be diving headfirst into all of these incredibly daunting and gravely important foreign policy challenges. Mr. Tillerson's lack of foreign policy experience, combined with a President who promotes an isolationist world view, leaves me deeply concerned for the future of American foreign policy.

The world looks to America to uphold human rights, to promote democratic values, and to take the lead on many challenges we face as an international community. The American people look to the White House and to the State Department to represent our fundamental American values on that international stage. The American people expect their leaders to show that their only interest is in representing the public's best interest.

Americans have reason to doubt where Rex Tillerson's interests rest. His world view has been shaped through the lens of looking out for what is best for his company's profits, not what is best for the American people, not what is best to address complex international challenges. Just like negotiating a real estate deal does not prepare one to lead the Nation, negotiating oil deals does not prepare you to be a diplomat whose primary interest is in advocating for American values.

When Mr. Tillerson has worked with foreign governments to pursue lucrative oil deals and profits, he has been agnostic to human rights and to America's diplomatic and security interests as well. As Exxon's CEO during the Iraq war, Mr. Tillerson undermined the State Department's efforts to keep Iraq cohesive as a nation and instead served the interest of his company's financial gain, in direct conflict to the American interest.

Under Mr. Tillerson's guidance, ExxonMobil signed a deal directly with the Kurdish administration in the country's northern region, a move that fueled Kurdish secessionist ambitions and undercut the legitimacy of Iraq's central government. This deal was drawn despite the State Department's recommendation that they wait until national legislation was passed because a law governing nationwide oil investments was being reviewed by Parliament.

In Russia, Mr. Tillerson worked closely with Vladimir Putin's government to forge deals to drill for oil in the Arctic, the Black Sea, and Siberia. Mr. Tillerson developed such a cozy relationship with the Kremlin that in 2013 he was awarded the Order of Friendship by Vladimir Putin, the highest honor awarded to non-Russians.

After Russia unlawfully invaded the Ukraine and took Crimea, the United States and the European Union enacted sanctions against Russia that Mr. Tillerson would be partly responsible for overseeing as Secretary of State. Right now, when we are trying to hold Russia accountable for its illegal aggression in Eastern Europe, for its war crimes in Aleppo, and for its interference in our own Nation's election, how on Earth can we trust someone with such a cozy relationship with the Putin government to be our Secretary of State?

Mr. Tillerson's record also leads one to wonder how he will address the imperative to implement the Paris climate agreement, especially since President Trump is now exploring how to withdraw from it. At the height of the debate on climate change legislation in Congress, Mr. Tillerson spent tens of millions of dollars to kill a bill that would have reduced our carbon emissions sooner. It has also been reported that his scientists at Exxon have known about the relationship between carbon emissions and climate since the 1980s and that Exxon even made business decisions about what resources to develop and how based on that knowledge. Yet, under Mr. Tillerson's leadership, they chose to withhold those findings and fund

groups determined to sow confusion and doubt. How can we be confident that Mr. Tillerson will help America address the impacts of climate change and put America's security and values first as our top diplomat?

Those conflicts of interest are troubling enough, but the most troubling reason I cannot support Mr. Tillerson's nomination is this: In just the first week and a half of the Trump White House, we have seen numerous cases of Trump nominees saying one thing during their confirmation hearings before this body and then the administration turning around and doing something entirely different. After Secretary Mattis told us that he opposed the Muslim travel ban and Director Pompeo stated his opposition in hearings to torture, we saw this administration move forward with both.

I have seen nothing that shows me that Rex Tillerson will stand up to President Trump's dangerous vision for American foreign policy. What will he do to stand up for NATO? What indication do we have that he will call on the President to act in the interests of the American people and not the interests of President Trump's business holdings in numerous nations around the world?

The Secretary of State sits on the National Security Council. Will Mr. Tillerson stand up to Steve Bannon, President Trump's political strategist who has been outrageously placed on the National Security Council, while, I would add, the Chairman of the Joint Chiefs and the Director of National Intelligence were demoted? President Trump has shown that he trusts the former leader of the far-right Web site Breitbart News more than our leading generals and his appointed leader of the intelligence community. You can already see the influence of Mr. Bannon, who has made a career out of selling hateful and divisive propaganda aimed at women, Hispanics, African Americans, Jews, and other minorities in the actions President Trump has taken in his first days in office.

During his first week in office, President Trump floated the idea of bringing back the CIA's use of ''black site'' prisons and torture techniques, imposed a gag order on our Federal agencies, and renewed talk of a wall on our southern border.

All of this culminated with an Executive order blocking refugees from around the world from entering the United States. This is not greatness. In fact, this is un-American. I will not stand aside as the values that created the greatest Nation on Earth are trampled upon.

This dangerous Executive action has already had a clear human impact. In New Mexico, the Albuquerque Journal reports that our universities have issued an advisory to foreign students and faculty: ''Don't leave the country if you want to come back.'' Think about that.

My office has already heard from New Mexicans who fear for their safety and the safety of their families abroad as a direct result of this order. A man who moved to the United States as a refugee from Iraq and settled in my hometown told me that his wife and two kids went to Baghdad to attend his mother-in-law's funeral. They are currently in Iraq and scheduled to return in February. They are all green card holders. They are part of our community. President Trump's Executive order has left him and his family feeling in limbo. He said: ''I am afraid about our destiny as a family, I am afraid I will lose them.''

The heartbreaking human impact we have already seen is only part of why the Muslim travel ban was such an appalling action for the President to take.

George Washington once said: ''I had always hoped that this land might become a safe & agreeable Asylum to the virtuous & persecuted part of mankind, to whatever nation they might belong.'' It is very clear that President Trump is clearly no George Washington. This Executive order flies in the face of that sentiment and, I believe, the sentiment we share as Americans.

I joined my colleagues in sending a letter to President Trump about this order. I am particularly outraged about the absurd and careless nature of the order, which will have a profound effect on many Iraqi men and women who risked their lives and the lives of their families on behalf of our soldiers, on behalf of American soldiers.

Late last summer, I traveled to Iraq, to Kuwait, to the heart of Africa, and I met with top military officials to discuss operations against ISIL, Al Qaeda, and other terrorist organizations. In order to find a lasting solution in that volatile region, we must take a smart approach that provides training, resources, and support to our regional allies, like the Iraqi security forces, rather than putting tens of thousands of U.S. troops on the frontlines there ourselves. Alienating our regional allies, alienating Muslims as a whole puts all of that at risk.

Former Cabinet Secretaries, senior government officials, diplomats, military servicemembers, and intelligence community professionals who have served in the Bush administration and the Obama administration together have expressed their deep concern this week with President Trump's Executive order. In a letter, they warned:

> This Order not only jeopardizes tens of thousands of lives, it has caused a crisis right here in America and will do long-term damage to our national security.
>
> In the middle of the night, just as we were beginning our nation's commemoration of the Holocaust, dozens of refugees onboard flights to the United States and thousands of visitors were swept up in an Order of unprecedented scope, apparently with little to no oversight or input from national security professionals.

Also this week, the Iraqi Parliament, in direct response to President Trump's Muslim travel ban, voted to implement an identical visa ban on Americans.

How can we possibly think this is in our national security interests?

Rex Tillerson has not answered questions about President Trump's Muslim travel ban. Mr. Tillerson needs to tell us where he stands on this un-American policy. If we are going to move forward on his nomination, Mr. Tillerson needs to reassure the American people and he needs to reassure this body that he understands the repercussions of these kinds of appalling actions. He needs to show us that he will stand up for American values and against the President's dangerous impulses that will isolate our Nation, alienate our allies, and abdicate our role as leader of the free world. Mr. Tillerson has not shown any of that to me, to this body, or to the American public.

Thousands of New Mexicans have flooded my office with letters, emails, and phone calls urging me to oppose his nomination. I share New Mexicans' well-founded concerns about Mr. Tillerson's qualifications to lead the State Department and to stand up for our Nation's interests.

I will not support his nomination, and I urge my colleagues on both sides of the aisle to stop and think carefully about this vote we are about to take. Our Nation's future role in the world is at stake.

Mrs. FEINSTEIN. Madam President, I rise today in opposition to Rex Tillerson's nomination to be our next Secretary of State. I don't believe Mr. Tillerson is an appropriate selection to be our Nation's chief diplomat.

During his confirmation hearing, Mr. Tillerson repeatedly evaded questions related to transparency and corporate responsibility. For instance, on multiple occasions Mr. Tillerson stated that he was unaware of Exxon's history of lobbying Congress; yet, according to lobbying disclosure forms, Exxon lobbied against a variety of Iran and Russia-related sanctions since at least 2010. When pressed on the matter, Mr. Tillerson even claimed he didn't know if Exxon lobbied for or against these energy-related sanctions bills.

Additionally, I am troubled by Mr. Tillerson's response to questions about Exxon's dealings with Iran, Syria, and Sudan. According to public documents, Exxon established a joint venture with Shell to conduct business with state sponsors of terror. That joint venture—Infineum—sold petroleum products to Iran, Sudan, and Syria, when those nations were being sanctioned by the United States.

During that time, Mr. Tillerson rose from senior vice president to president and director and eventually to chairman and CEO of Exxon; yet, during his testimony, Mr. Tillerson claimed to be unaware of Infineum's purposeful evasion of sanctions. Instead of recognizing the larger national interest, Mr. Tillerson suggested that American companies could legally avoid sanctions by setting up shell companies outside of the United States.

Infineum is not the only example of Exxon's history of undermining American policy. Under Mr. Tillerson's leadership, Exxon signed oil exploration contracts with the Kurds in Iraq. Doing so undermined the United States ''one Iraq'' policy and exacerbated the long-simmering conflict between the central government and the Kurds. That is because Exxon signed contracts to explore oil at six sites. Three of those sites were on disputed land claimed by both the Kurds and the Iraqi central government.

By agreeing to explore in disputed territory on behalf of the Kurds, Exxon changed the facts on the ground in favor of the Kurds. Exxon's decision may have been good for Exxon, but it certainly did not benefit a stable, unified Iraq.

I am also concerned by Mr. Tillerson's response to questions about Russia. Russia has invaded Ukraine, annexed Crimea, intervened in Syria, and meddled in our own elections; yet Mr. Tillerson refuses to offer support for international sanctions against Russia.

He refuses to describe Russia's bombing of Syrian hospitals and schools—and a U.N. humanitarian aid convoy—as war crimes.

Russia remains in violation of the Minsk agreement and continues to occupy Crimea, indiscriminately bomb in Syria, and hack American think tanks.

Now is not the time to remove sanctions against Russia, and I have little confidence Mr. Tillerson is committed to pushing back against Russian aggression.

Finally, Mr. Tillerson's indifference to the two-state solution between Israel and the Palestinians is unacceptable. Specifically, Mr. Tillerson said that a two-state solution is a ''dream'' and openly questioned whether or not it could ever become a reality. The reality is that, without a two-state solution, Israel cannot be both a democracy and a majority-Jewish state.

Today Israel is constructing settlements throughout the West Bank. Palestinian terror and incitement continue. Mr. Tillerson's almost casual dismissal of the two-state solution is disqualifying for a Secretary of State. Our chief diplomat must understand the urgency of the situation and must be willing to engage both sides in the pursuit of peace.

I simply do not believe Mr. Tillerson is interested in doing so.

Mr. Tillerson's lack of transparency, history of working against our national interests, close ties to Russia, and indifference to Israel's future make him unfit to serve as the Secretary of State.

I intend to oppose Mr. Tillerson, and I urge my colleagues to do the same.

Mr. VAN HOLLEN. Madam President, my father served in the Foreign Service at the Department of State, so I spent some of my early years overseas. I was proud to be part of a family that represented our great country. I learned firsthand the critical role of our Nation's diplomats, the risks that they take to serve our country, and the part that they play in spreading American ideals of freedom and democracy around the world.

The cabinet position of Secretary of State is as old as our Nation. Thomas Jefferson served as President Washington's Secretary of State. The Secretary is the President's top foreign policy adviser and our Nation's chief representative abroad. Today the State Department reaches across the world, advancing our interests, shaping our relationships, advocating for human rights, and working to advance peace.

In addition, the Secretary of State will encounter a department of employees who are deeply concerned about the role that they will play and the actions that they may be expected to take in service to the new President. Last week, the Washington Post reported that the State Department's entire senior management resigned, including officials who had worked in both Republican and Democratic administrations. This was an unprecedented loss of institutional knowledge.

And by yesterday afternoon, a dissent letter by State Department staff saying that President Trump's executive order to temporarily bar citizens from seven Muslim-majority countries would not make the Nation safer had attracted around 1,000 signatures, far more than any dissent cable in recent years.

President Trump's campaign rhetoric has shaken our allies—wavering on our commitment to NATO, gratuitously escalating arguments with China and Mexico, and empowering an increasingly aggressive Russia. Mr. Trump has made fawning statements about Russian President Vladimir Putin. In October 2007, Mr. Trump said of Putin, ''he's doing a great job.'' In December 2011, Mr. Trump praised Putin's ''intelligence'' and ''no-nonsense way.'' In June 2013, Mr. Trump wondered if Putin would be his ''new best friend.'' And in July 2015, Mr. Trump said, ''I think I'd get along very well with Vladimir Putin.''

And Mr. Trump has questioned the reality of climate change. He tweeted, ''The concept of global warming was created by and for the Chinese in order to make U.S. manufacturing noncompetitive.''

The Secretary of State thus must play a crucial role in maintaining relationships between the United States and our allies around the world. In the face of Mr. Trump's statements and actions, the need for a strong Secretary of State is all the more important.

President Trump has nominated Rex Tillerson, the former CEO of ExxonMobil, to take on this critical role. Mr. Tillerson, who has never served in government, has spent many years building business relationships with Russia and Vladimir Putin, and in 2013, even received the Russian Order of Friendship, an award given to foreigners who work to improve relations with Russia.

Mr. Tillerson has had particularly close dealings with Igor Sechin, the head of a state-owned Russian oil company whom the United States has sanctioned and banned from entering the United States.

In 2014, Mr. Tillerson opposed sanctioning Russia for its actions in Ukraine and reportedly lobbied the government against those sanctions. According to Reuters, ''[Tillerson] added that Exxon does not 'generally' support sanctions and has made that view known to the U.S. Government. . . . 'We're having conversations such that our views are being heard at the highest levels.' Tillerson told reporters.'' And yet, in his confirmation hearing, Mr. Tillerson denied that he or Exxon directly lobbied against the sanctions.

Given Russia's interference with U.S. elections and Russia's increased provocation of our allies, we need to be able to rely on our Secretary of State to advance U.S. interests above all. Mr. Tillerson's long and close relationship with Russia casts doubt on his ability and inclination to pursue additional sanctions as necessary and on the quality of advice that he will give the President. And despite the active national conversation about Russia, Mr. Tillerson said in his hearing that he and President Trump had not even discussed Russian policy with any specificity.

I am also concerned that Mr. Tillerson does not seem to view human rights as a critical issue for the State Department. In addition to refusing to condemn Russian and Syrian atrocities as war crimes, he did not condemn Philippine President Duterte's extrajudicial killings. This is particularly disturbing, as President Duterte has alleged that President Trump approves of his actions. Mr. Tillerson appeared hesitant to weigh in on human rights abuses. But the State Department cannot be silent and must be an outspoken voice for human rights, even to our allies.

Mr. Tillerson appears not to appreciate America's role as a beacon of light around the world that stands up for the rule of law and human rights. This is especially troubling, as President Trump's order last Friday to suspend America's refugee programs is an attack on everything for which our country stands. President Trump's order has made us less safe by playing into ISIS's propaganda, casting our fight against terrorism as a fight against an entire religion. That is not who we are as a nation. We must remain vigilant and resolute against efforts to sow fear and division, and we must fight together to protect the rights and freedoms of all people.

President Trump's executive order highlights the need for a Secretary of State who will push back against President Trump's worst impulses. Mr. Tillerson, however, seems ready to do

the opposite and reinforce many of President Trump's worst instincts. Mr. Tillerson's lack of focus on human rights and the rule of law indicate that he seems not to appreciate the role of American in the world—particularly dangerous traits when President Trump is retreating from America's 70-year special role in the world, retreating—in the words of a recent article in The Atlantic—to a pre-1941 world of ''closed borders, limited trade, intolerance to diversity, arms races, and a go-it-alone national race to the bottom.''

Finally, I seriously question Mr. Tillerson's commitment to working with our allies and cosigners of the Paris Climate Agreement to confront one of our greatest global challenges. While at certain points, he has acknowledged the dangers of climate change, he has more recently questioned the science and the human contribution. In his hearing, he acknowledged that climate change does exist and that the United States needed to have a seat at the table, but he failed to express any urgency to respond or a clear commitment to the Paris Agreement.

While Mr. Tillerson may be a skilled business dealmaker, the job of the Secretary of State and the leader of our State Department requires the experience and determination to meet our current challenges. Given his extensive ties to Russia and questionable commitment to advancing human rights and combatting climate change, I do not believe that Mr. Tillerson is the right person for this job, and I will vote against his confirmation.

The PRESIDING OFFICER. The Senator from South Dakota.

NOMINATION OF NEIL GORSUCH

Mr. THUNE. Madam President, last night President Trump announced the nomination of Judge Neil Gorsuch to the Supreme Court. He will fill the spot left vacant by the death of Justice Antonin Scalia.

Justice Scalia left a profound mark on our judicial history. He had a brilliant mind, a ready wit, and a vivid and colorful writing style that made reading his decisions not only illuminating but enjoyable. But most importantly, Antonin Scalia had a profound respect for the rule of law and the Constitution. He knew that he was a judge, not a legislator, and his job was not to make the law but to interpret the law. That is exactly what he did.

For 30 years, Justice Scalia ruled on the plain meaning of the laws and the Constitution. His politics, his personal opinions, his own feelings about a case—none of those was allowed to play a role in his decision. He asked what the law said, what the Constitution said, and he ruled accordingly, even when he didn't like the result. Justice Scalia once said:

> If you are going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong.

Needless to say, Justice Scalia left some big shoes to fill. But after learning a little about Judge Gorsuch, I have to say that if anyone can come to fill them, I think Judge Gorsuch can. Like Justice Scalia, Judge Gorsuch has a brilliant mind. He shares Justice Scalia's gift for the written word. The Washington Post noted the many people ''who have praised Gorsuch's lucid and occasionally lyrical writing style.'' Slate called Judge Gorsuch's writing ''superb, incisive, witty, and accessible.''

But most importantly, like Justice Scalia, Judge Gorsuch understands the role of a Supreme Court Justice. He knows that a Justice's job is to interpret the law, not write it. In a speech last year, Judge Gorsuch said the following: ''Perhaps the greatest project of Justice Scalia's career was to remind us of the differences between judges and legislators.''

Understanding those differences is indispensable. Brilliance, eloquence, learning, compassion—none of those things matter if you don't understand the proper role of the Supreme Court. That role is to interpret the law, not make the law—to judge, not legislate; to call balls and strikes, not to try and rewrite the rules of the game.

It is great to have strong opinions. It is great to have sympathy for causes or organizations. It is great to have plans for fixing society's problems. But none of those things has any business influencing your ruling when you sit on the Supreme Court. Judge Gorsuch understands this. That is why I trust him to sit on the Supreme Court.

When Judge Gorsuch was nominated to the Tenth Circuit Court of Appeals 10 years ago, he was confirmed by a unanimous vote here in the Senate. You can't really get a more bipartisan confirmation than that. At the time, then-Senator Ken Salazar, a Colorado Democrat who later became Interior Secretary under Obama, noted that Judge Gorsuch ''has a sense of fairness and impartiality that is a keystone of being a judge.''

Given the wide respect in which Judge Gorsuch is held, his outstanding record, and his previous overwhelmingly bipartisan confirmation, I am hopeful that his nomination will move quickly through the Senate. Senate Democrats have spoken a lot about the need to fill the ninth seat on the Supreme Court. Now is the chance.

I congratulate Judge Gorsuch on his nomination, and I look forward to seeing him confirmed to the Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF BETSY DEVOS

Ms. COLLINS. Madam President, I come to the floor to announce a very difficult decision that I have made; that is, to vote against the confirmation of Betsy DeVos to be our Nation's next Secretary of Education. This is not a decision that I have made lightly. I have a great deal of respect for Mrs. DeVos. I believe she is a good person. I know she cares deeply about the children of this Nation. But for the reasons that I will explain, I simply cannot support her confirmation.

Later today, the Senate will vote on a motion to proceed to the DeVos nomination. I will vote to proceed to the nomination because I believe that Presidents are entitled to considerable deference for the selection of Cabinet members, regardless of which political party is in power, and that each and every Senator should have the right to cast his or her vote on nominees for the Cabinet. That is why, during President Obama's administration, I voted for procedural motions, including cloture, to allow the President's nominees for Secretary of Defense and for Secretary of Labor to receive up-or-down votes by the full Senate, even though I ultimately voted against those two nominees on the Senate floor. At the time, I stated that it is appropriate for every Senator to have an opportunity to vote for or against an individual Cabinet member, and I still believe that is the right approach.

Let me again make clear what I said at the beginning of my remarks, which explains why this has been a decision that I have not made lightly. I know that Mrs. DeVos cares deeply about children. I recognize that she has devoted much time and resources to try to improve the education of at-risk children in cities whose public schools have failed them. I commend her for those efforts.

I wrote to Mrs. DeVos, seeking her assurances in writing that she would not support any Federal legislation mandating that States adopt vouchers nor would she condition Federal funding on the presence of voucher programs in States. She has provided that commitment, and I ask unanimous consent that the exchange of correspondence with Mrs. DeVos be printed in the RECORD at the conclusion of my statement.

Nevertheless, like all of us, Mrs. DeVos is the product of her experience. She appears to view education through the lens of her experience in promoting alternatives to public education in Detroit and other cities where she has, no doubt, done valuable work. Her concentration on charter schools and vouchers, however, raises the question about whether she fully appreciates that the Secretary of Education's primary focus must be on helping States and communities, parents, teachers, school board members, and administrators strengthen our public schools.

While it is unrealistic and unfair to expect a nominee to know the details

of all the programs under the jurisdiction of the Department of Education, I am troubled and surprised by Mrs. DeVos's apparent lack of familiarity with the landmark 1975 law, the Individuals with Disabilities Education Act—known as the IDEA—that guarantees a free and appropriate education to children with special needs.

The mission of the Department of Education is broad, but supporting public education is at its core. I am concerned that Mrs. DeVos's lack of experience with public schools will make it difficult for her to fully understand, identify, and assist with those challenges, particularly for our rural schools in States like Maine.

In keeping with my past practice, I will vote today to proceed to debate on Mrs. DeVos's nomination. But I will not, I cannot, vote to confirm her as our Nation's next Secretary of Education.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 24, 2017.

Mrs. BETSY DEVOS,
Education Secretary-Designate,
Washington, DC.

DEAR MRS. DEVOS: I am writing to follow up on the questions posed to you in your confirmation hearing regarding your position on school vouchers should you be confirmed as Secretary of Education. I have concerns about the impact of such a voucher program, especially on rural school districts with limited budgets and numbers of students.

The needs of public schools in Maine are very different from those in large urban areas, where some schools have failed our children. The majority of Maine's schools and school districts are small and rural, and the constraints on resources and the realities of distance greatly influence the policies and practices for delivering high-quality education in those settings. The concern I hear in Maine from teachers, administrators, and parents is that school vouchers will divert scarce resources from public schools.

During my time as a U.S. Senator, I have visited more than 200 schools in Maine. At each visit, I have seen repeatedly the skilled and dedicated teachers, administrators, and staff working closely with parents to deliver the best possible education for their students. Likewise, I have spoken with students who are vibrant members of their communities and excited about learning. Our public schools have a tremendous impact on students and communities, and the U.S. Department of Education is an important partner in fulfilling the promise of high-quality public education for all students.

Please respond in writing to the following question: Would you oppose a federal mandate that would require states to adopt private school vouchers? I ask that you respond prior to the Senate Health, Education, Labor, and Pensions Committee mark-up on January 31.

Sincerely,

SUSAN M. COLLINS,
United States Senator.

JANUARY 25, 2017.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

Dear SENATOR COLLINS: Thank you for the opportunity to answer your question about my position on federal education mandates regarding private school vouchers.

As a strong proponent of local control, I believe the decision of whether to provide vouchers, scholarships, or other public support for students who choose to attend a nonpublic school should not be mandated by the federal government. Rather, this is a state and school district matter.

The Every Student Succeeds Act made great strides in returning control over education decisions to states and local communities, and I applaud your efforts in passing that important law. Decisions about whether to provide parental choice will vary from state to state and district to district, reflecting local needs.

As I stated during my confirmation hearing before the U.S. Senate Health, Education, Labor, and Pensions Committee on January 17, while I am a strong supporter of school choice, I am also respectful of state and local decisions on this issue. Therefore, if confirmed, I will not impose a school choice program on any state or school district.

Senator Collins, I look forward to working with you to support Maine's teachers, schools and districts as they work to provide a high quality education to every student.

Sincerely,

BETSY DEVOS.

Ms. COLLINS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak on the upcoming motion to proceed to the DeVos nomination for a period of 5 minutes.

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

Ms. MURKOWSKI. Mr. President, I would like to share my thoughts with my colleagues today about the President's nominee to be Secretary of Education. I shared many of these thoughts yesterday with my colleagues on the Senate HELP Committee.

Like my colleague from Maine, this nomination has been a very difficult one for me. It has been very personal. As I mentioned in committee, I take very personally the education of the children in my State. I take very personally the contributions that our educators, our administrators in the schools—all that they provide and the importance that we should all place on the education of America's children.

I don't think it is an overstatement to say that I have struggled with how I will cast my vote on the nomination of Mrs. DeVos. Again, I take very personally the success of Alaska's schools and the success of Alaska's schoolchildren. We have a lot of schools in Alaska, as we all do around the country. My schools, I would challenge you all, are a little bit more diverse than perhaps in other parts of America just because of our geography. We are isolated. Eighty-two percent of the communities are not attached by a road. The communities are small. The schools are smaller.

In our urban centers, what some find unusual is we have more diversity in our populations than most people could understand or even imagine. One of the neighborhoods in my hometown of Anchorage hosts the most ethnically diverse schools in the United States of America. So I have urban schools that have rich diversity, and I have very rural, very remote, extremely remote schools that face challenges when it comes to how we deliver education. So knowing that we have the strongest public school system is a priority for me.

I have spent considerable time one-on-one with Mrs. DeVos before and after the committee hearing. I spent the entirety of the Senate HELP Committee listening carefully to the questions that colleagues put to her. Afterward, I reviewed not only her written responses to me but those that she had responded to other colleagues. I requested further that she provide certain commitments in writing. After speaking with her at length and considering everything that I have learned, I have the following comments to share:

First, I must state that I absolutely believe Betsy DeVos cares deeply for all children. I think we all acknowledge that she could have spent her time, her energy, and her considerable resources on almost anything else that she chose to do. I admire her for choosing to help children to access a better education because she could have chosen to do many other things, but she chose to work for children, and I appreciate that.

Now, as Senators, we are in the position to provide advice and consent on the President's nominee. My view has been—and has been since I came to the U.S. Senate—that under almost all circumstances, a President has the right to have their nominees considered and to receive a full vote by the entire Senate.

So I have gone back, and I have looked at how I, as a Senator, have handled confirmations under President Bush and President Obama. When cloture votes have been called on Cabinet nominees, my practice has been to vote aye. I voted aye twice for Secretary of Defense Hagel. I voted aye for Secretary of Labor Perez, even though I voted against his confirmation in the final vote.

So, Mrs. DeVos.

She has answered thousands of questions that have been put to her. Neither the Office of Government Ethics, the Senate HELP Committee, nor I have found any substantive reason to question Mrs. DeVos's name or reputation, but yet I have heard from thousands—truly thousands of Alaskans who share their concerns about Mrs. DeVos as Secretary of Education. They

have contacted me by phone, by email, in person, and their concerns center—as mine do—on Mrs. DeVos's lack of experience with public education and the lack of knowledge she portrayed in her confirmation hearing.

Alaskans are not satisfied that she would uphold Federal civil rights laws in schools that receive Federal funds. They question her commitment to students with disabilities' rights under IDEA. They fear that the voucher programs that are intended to serve them may actually rob them of the opportunity to benefit from an education in an inclusive environment with their nondisabled peers.

After 8 years of the micromanagement that we have seen from this previous administration, quite honestly, they are very concerned that Mrs. DeVos will force vouchers on Alaska. Now, she has said that she has not. She has committed publicly and to me personally that she will not seek to impose vouchers on our States. She has committed to implementing Federal education laws as they are written and intended, and this is a welcome departure from what we had seen with the two previous Secretaries of Education.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent for an additional 1½ minutes.

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

Ms. MURKOWSKI. Thank you, Mr. President.

She has committed that the focus she will give, not only to Alaska but to all States will not undermine, erode, or ignore public schools and that she will, in fact, work to support our public schools. She has committed to me that she will come to Alaska in order to learn from Alaska's educators, our parents, school board members, and our tribal representatives to see for herself the challenges we face.

I still continue to have concerns. I think Mrs. DeVos has much to learn about our Nation's public schools, how they work and the challenges they face.

I have serious concerns about a nominee to be Secretary of Education who has been so involved in one side of the equation—so immersed in the push for vouchers—that she may be unaware of what actually is successful within the public schools and also what is broken and how to fix them.

Betsy DeVos must show us that she truly understands the children of Alaska and across America, both urban and rural, who are not able to access an alternative choice in education, as in so many of my communities. She must show us that she will work to help the struggling public schools that strive to educate children whose parents are unable to drive them across town to get to a better school. That she will not ignore the homeless students whose main worry is finding somewhere safe to sleep and for whom their public school is truly a refuge. And that she will fight for the children whose parents don't even know how to navigate these educational options.

I believe that my colleagues here in the Senate and the many, many they represent have the right to debate these questions, to air their thoughts and concerns and perspectives about this nomination, and again I believe that any President has the right to expect that we do so.

I conclude my remarks to make clear that my colleagues know firmly that I do not intend to vote, on final passage, to support Mrs. DeVos to be Secretary of Education. I thank the chairman of the committee for working with me and with my colleagues on this matter, but I cannot support this nominee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Mr. ALEXANDER. Mr. President, I come to the floor to thank the Senator from Alaska and the Senator from Maine for this reason: They are following a long and venerable tradition in the United States Senate that too many Senators do not follow. They are allowing—despite their final view on the substance of an issue—the full Senate to make a decision on an important issue.

It used to be that a motion to proceed to an issue was routine. It used to be that after a certain period of time, we would cut off the vote so we could have an up-or-down vote, 51, on an important issue.

We have gotten away from that, but Senator COLLINS and Senator MURKOWSKI have been among the most consistent Senators who would say, absent extraordinary circumstances, ''I am going to vote to allow the vote to come to the floor so the full Senate can make its decision,'' and I thank them for that.

Madam President, as to Mrs. DeVos, I ask unanimous consent to have printed in the RECORD, following my remarks, an article about why the Senate should promptly confirm Betsy DeVos as U.S. Education Secretary, which I believe it will do so.

Mrs. DeVos will be an excellent Education Secretary. She has commitment to public education. She has said that. There is no better example of that than her work on the most important reform of public schools in the last 30 years, which is charter schools.

Charter public schools are the fastest growing form of public education to give teachers more freedom and parents more choices, and she has been at the forefront of that public school activity. Second, she has spent her time truly helping to give low-income parents more choices and better schools for their children, but is that a reason not to support her? I would be surprised if any President supported an Education Secretary who didn't support charter schools. I would be surprised if a Republican President nominated an Education Secretary who didn't believe in school choice.

What I especially like about Mrs. DeVos is that she believes in the local school board, instead of the national school board. She has made it clear that there will be no mandates from Washington to adopt Common Core in Arkansas or Tennessee if she is the Education Secretary, there will be no mandate in Washington to evaluate teachers in Washington State this way or that way if she is the Secretary, and there will be no mandate from Washington to have vouchers in Maine or Alaska if she is the Secretary.

She believes in the bill we passed in December of 2015, with 85 votes, that restores to States and classroom teachers and local school boards the responsibility for making decisions about standards, about tests, about how to help improve schools, about how to evaluate teachers. That passed because people were so sick and tired of Washington telling local schools so much about what to do.

She will be that kind of Education Secretary. She will be an excellent Education Secretary. The two Senators have followed a venerable and honorable tradition in the Senate by saying they will vote to allow the full Senate to consider her nomination, and when we do, I am confident she will be confirmed.

There being no objection, the material was ordered to be printed in the RECORD, as follows: [Jan. 24, 2017]

SENATE SHOULD PROMPTLY CONFIRM BETSY DEVOS

(By Sen. Lamar Alexander)

Democrats desperately are searching for a valid reason to oppose Betsy DeVos for U.S. Education Secretary because they don't want Americans to know the real reason for their opposition.

That real reason? She has spent more than three decades helping children from low-income families choose a better school. Specifically, Democrats resent her support for allowing tax dollars to follow children to schools their low-income parents' choose—although wealthy families choose their children's schools every day.

Tax dollars supporting school choice is hardly subversive or new. In 2016, $121 billion in federal Pell Grants and new student loans followed 11 million college students to accredited public, private or religious schools of their choice, whether Notre Dame, Yeshiva, the University of Tennessee or Nashville's auto diesel college. These aid payments are, according to Webster's—''vouchers''—exactly the same form of payments that Mrs. DeVos supports for schools.

America's experience with education vouchers began in 1944 with the GI Bill. As veterans returned from World War II, federal tax dollars followed them to the college of their choice.

Why, then, is an idea that helped produce the Greatest Generation and the world's best colleges such a dangerous idea for our children?

Mrs. DeVos testified that she opposes Washington, D.C., requiring states to adopt vouchers, unlike her critics who delight in a

National School Board imposing their mandates on states, for example, Common Core academic standards.

So, who is in the mainstream here? The GI Bill, Pell Grants, student loans, both Presidents Bush, President Trump, the 25 states that allow parents to choose among public and private schools, Congress with its passage of the Washington, D.C. voucher program, 45 U.S. senators who voted in 2015 to allow states to use existing federal dollars for vouchers, Betsy DeVos—or her senate critics?

The second reason Democrats oppose Mrs. DeVos is that she supports charter schools—public schools with fewer government and union rules so that teachers have more freedom to teach and parents have more freedom to choose the schools. In 1992, Minnesota's Democratic-Farmer-Labor party created a dozen charter schools. Today there are 6,800 in 43 states and the District of Columbia. President Obama's last Education Secretary was a charter school founder. Again, who is in the mainstream? Minnesota's Democratic-Farmer-Labor party, Presidents Bush, Clinton and Obama; the last six U.S. Education Secretaries, the U.S. Congress, 43 states and the District of Columbia, Betsy DeVos—or her senate critics?

Her critics dislike that she is wealthy. Would they be happier if she had spent her money denying children from low-income families choices of schools?

Mrs. DeVos' senate opponents are grasping for straws. We didn't have time to question her, they say, even though she met with each one of them in their offices, and her hearing lasted nearly an hour and a half longer than either of President Obama's education secretaries.

Now she is answering 837 written follow up questions from Democratic committee members—1,397 if you include all the questions within a question. By comparison, Republicans asked President Obama's first education secretary 53 written follow-up questions and his second education secretary 56 written follow-up questions, including questions within a question. In other words, Democrats have asked Mrs. DeVos 25 times as many follow-up questions as Republicans asked of either of President Obama's education secretaries.

Finally, Democrats are throwing around conflict of interest accusations. But Betsy DeVos has signed an agreement with the independent Office of Government Ethics to divest, within 90 days of her confirmation, possible conflicts of interest identified by the ethics office, as every cabinet secretary is required to do. That agreement is on the internet.

Tax returns? Federal law does not require disclosure of tax returns for cabinet members, or for U.S. Senators. Both cabinet members and senators are already required to publish extensive disclosures of their holdings, income and debts. Cabinet members must also sign an agreement with the Office of Government Ethics to eliminate potential conflicts of interest.

One year ago, because I believe presidents should have their cabinet in place in order to govern, I worked to confirm promptly President Obama's nomination of John King to be Education Secretary, even though I disagreed with him.

Even though they disagree with her, Democrats should also promptly confirm Betsy DeVos. Few Americans have done as much to help low-income students have a choice of better schools. She is on the side of our children. Her critics may resent that, but this says more about them than it does about her.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

TRAVEL BAN

Mrs. SHAHEEN. Mr. President, I came to the floor today to join with Senators and people across this country in speaking out against the President's misguided and, I believe, destructive Executive order that has abruptly closed our borders to all refugees as well as citizens from seven Muslim-majority countries.

During the campaign, Candidate Trump called for a ''total and complete shutdown of Muslims entering the United States.'' I had certainly hoped that once in office, he would receive wise and prudent counsel and he would realize that elevating such a Muslim ban to the status of official U.S. policy would have very negative consequences.

Instead, what we have seen is that a small group in the White House acting in secret produced this Executive order. They did so without legal review and even without the knowledge of the Secretary of Homeland Security, the Secretary of Defense, or the nominee to be Secretary of State. As a result, as we all know, we saw a weekend of chaos and confusion—a self-inflicted wound to our national security and to our reputation in the world.

The consequences go far beyond the scenes of disorder that we witnessed in recent days. By singling out Muslim-majority countries and banning their citizens from entry into the United States and by denying entry to all refugees, the President has greatly damaged America's image across the world and, perhaps, worst of all, this Executive order is a gift to ISIS, Al Qaeda, and to every other radical jihadist group. On social media they celebrated the travel ban as a confirmation to their narrative that the United States is at war with Islam and that they are engaged in a clash of civilizations. One ISIS sympathizer praised the Executive order as a ''blessed ban,'' comparing it to what he called ''the blessed invasion'' of Iraq, which inflamed anti-American anger across the Islamic world. This is dangerous because this is a powerful recruitment tool for our enemies.

I am also deeply concerned that this Executive order endangers our troops and our diplomats who are in the field. Today, more than 5,000 American troops are supporting Iraqi troops in the fight to reclaim Mosul and drive ISIS out of Iraq. By discriminating based on religion and nationality, the President's order undermines the local alliances and the trust established by our troops and diplomats in the field. This order is so ill-considered that, as originally drafted, it even barred Iraqi civilians, including translators who provided essential assistance to the U.S. mission.

Just to be clear, this Muslim ban is un-American. It is offensive to our Nation's core values and ideals. The right way forward is not to carve out small exceptions to the Muslim ban. It is to repeal the ban entirely. The President has called for what he has termed ''extreme vetting,'' but the truth is that our vetting procedures are already thorough and rigorous. It takes as long as 24 months for a refugee to make it through the process and come to the United States. The entire screening process takes place outside the United States. So it doesn't pose a threat to people here in America.

In my home State of New Hampshire, the President's Executive order has caused shock and profound concern, especially in our business and academic communities, as well as in our immigrant communities. T.J. Parker is the CEO of PillPack, a company that employs nearly 400 people in Manchester, which is the largest city in New Hampshire. He said on Monday: ''This ban is wrong and goes against our values as a company and as Americans.''

He continued: ''I'm also deeply concerned about any measures that could discourage talented individuals from studying and working in the U.S.''

The Union Leader newspaper reported yesterday that more than 700 refugees who settled in New Hampshire over the past decade are from the seven countries singled out in the Executive order and would have been banned from entry. These immigrants are not Iraqis, Somalis, Sudanese or Syrians. They are proud loyal members of our diverse American family. Many of them have spouses or children still in refugee camps, and they hope to be united with their families. The President's order has now slammed the door on these hopes.

Yesterday the Associated Press in New Hampshire reported on Dr. Omid Moghimi, an internist at New Hampshire Dartmouth-Hitchcock Medical Center. An American citizen, he fell in love with a childhood friend in Iran and married her in Tehran in 2015. Here is the picture of the two of them on their wedding day. After months of vetting for entry to the United States, his wife had an appointment for her visa interview. That appointment was abruptly canceled after the President's Executive order, and Dr. Moghimi worries that this could become permanent. He is now in his first year of a 3-year residency, and he fears he will have to leave the United States in order to live with his wife, who volunteers at daycare centers and an orphanage. Dr. Moghimi told the AP: ''There's no evidence that she is in any way even a miniscule threat, security risk, and there are many, many cases like her out there.''

If this Executive order stays in effect, we lose the opportunity to have Dr. Moghimi practice in the United States and maybe serve a community in New Hampshire, and it has a real impact on their lives. The ill-advised words and actions, including this Executive order, have damaged America's standing in the world and harmed our national security. But the Senate has

an opportunity to send a very different message to our allies and to our enemies across the globe. We can make clear that America's democracy is founded on a system of checks and balances, and that the President doesn't speak for America or make policy all by himself. I urge my Senate colleagues to join with us in supporting legislation to repeal the President's order. We need to send a clear message to the world that America does not support discrimination based on religion. We welcome appropriately vetted refugees from wars and violence, and we respect our Muslim allies, including our friends in Iraq who have sacrificed so much in the fight against ISIS.

In recent days we have seen what happens when America betrays its ideals and its allies. The Senate has a responsibility to reassert those ideals and to reassure our allies. I urge my colleagues to support legislation that Senator FEINSTEIN put forward to repeal the President's Executive order.

Thank you very much. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I rise today to speak about the nominee for Secretary of State. I will be brief and to the point.

Mr. Rex Tillerson led his last organization in a lobbying campaign to undermine the national security interests of the United States in favor of Russia, Iran, and corporate profit. Putting narrow corporate interests ahead of America's national security interests is inexcusable for a CEO and disqualifying for a nominee to be our Nation's chief diplomat.

I will vote against Rex Tillerson's nomination for Secretary of State, and I encourage my colleagues to do the same.

Thank you, Mr. President. I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. Mr. President, I yield back the remainder of our time.

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

All postcloture time has expired.

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

Mr. ISAKSON. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—56

Alexander	Gardner	Paul
Barrasso	Graham	Perdue
Blunt	Grassley	Portman
Boozman	Hatch	Risch
Burr	Heitkamp	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Sessions
Cornyn	Kennedy	Shelby
Cotton	King	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Enzi	McCain	Warner
Ernst	McConnell	Wicker
Fischer	Moran	Young
Flake	Murkowski	

NAYS—43

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Donnelly	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—1

Coons

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote on confirmation.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. MCCONNELL. Mr. President, I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table the motion to reconsider the vote on confirmation.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—55

Alexander	Capito	Cornyn
Barrasso	Cassidy	Cotton
Blunt	Cochran	Crapo
Boozman	Collins	Cruz
Burr	Corker	Daines
Enzi	Kennedy	Rounds
Ernst	King	Rubio
Fischer	Lankford	Sasse
Flake	Lee	Scott
Gardner	Manchin	Shelby
Graham	McCain	Sullivan
Grassley	McConnell	Thune
Hatch	Moran	Tillis
Heitkamp	Murkowski	Toomey
Heller	Paul	Warner
Hoeven	Perdue	Wicker
Inhofe	Portman	Young
Isakson	Risch	
Johnson	Roberts	

NAYS—43

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	McCaskill	Van Hollen
Donnelly	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

NOT VOTING—2

Coons Sessions

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alabama (Mr. SESSIONS) and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—53

Alexander	Flake	Moran
Barrasso	Gardner	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Cassidy	Heller	Roberts
Cochran	Hoeven	Rounds
Collins	Inhofe	Rubio
Corker	Isakson	Sasse
Cornyn	Johnson	Scott
Cotton	Kennedy	Shelby
Crapo	King	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Toomey
Enzi	McCain	Wicker
Ernst	McConnell	Young
Fischer	Menendez	

NAYS—44

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson	

NOT VOTING—3

Coons	Sessions	Tillis

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

THE JOURNAL

Mr. MCCONNELL. Mr. President, I move that the reading of the Journal be waived.

The PRESIDING OFFICER. The question is, Shall the Journal stand approved to date?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—54

Alexander	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Burr	Grassley	Portman
Capito	Hatch	Risch
Cassidy	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	King	Thune
Daines	Lankford	Tillis
Durbin	Lee	Toomey
Enzi	McCain	Wicker
Ernst	McConnell	Young

NAYS—44

Baldwin	Franken	Merkley
Bennet	Gillibrand	Murphy
Blumenthal	Harris	Murray
Booker	Hassan	Nelson
Brown	Heinrich	Peters
Cantwell	Hirono	Reed
Cardin	Kaine	Sanders
Carper	Klobuchar	Schatz
Casey	Leahy	Schumer
Cortez Masto	Manchin	Shaheen
Donnelly	Markey	Stabenow
Duckworth	McCaskill	Tester
Feinstein	Menendez	Udall
Van Hollen	Warner	Whitehouse
Warren		Wyden

NOT VOTING—2

Coons	Sessions

The PRESIDING OFFICER. The Journal stands approved to date.

The majority leader.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 11, Elisabeth DeVos to be Secretary of Education.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—1

Coons

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Pat Roberts, Roy Blunt, John Boozman, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The PRESIDING OFFICER. The Senator from Missouri.

NOMINATION OF NEIL GORSUCH

Mr. BLUNT. Mr. President, I am proud to have a chance to speak in support of your fellow Coloradan, Neil Gorsuch, President Trump's nominee to be an Associate Justice of the Supreme Court.

Clearly, we all understand this is an important decision and an important institution. The Supreme Court is the only Court specified in the Constitution and often the final arbiter of how the Constitution and the law is to be applied. In the history of the Court, in the history of the country, only 112 individuals have had the honor to serve on the Supreme Court. As we debate the qualifications and qualities of the person who has been nominated, and I hope to see confirmed as the 113th person to serve as an Associate Justice or a Justice on the Court, it is really vital we understand that we have a nominee who has a deep understanding and appreciation of the role of the Court and the role the Court plays in our democracy.

Judge Gorsuch embodies these principles through a lifetime of service, and he has really prepared himself in many unique ways for this moment. He graduated from Columbia University, where he was elected to Phi Beta Kappa and earned his law degree from Harvard Law School. After law school, Judge Gorsuch served as a Supreme Court clerk to two different Justices, Justice Byron White and Justice Anthony Kennedy. It has been pointed out that if Judge Gorsuch is confirmed to serve on the Court, he will be the first person ever to serve with someone for whom he clerked, and hopefully he and Justice Kennedy will have an opportunity to serve together.

After clerking on the Court, he went on to a successful career in private law

practice, spending 10 years litigating a broad range of complex trials and appeals.

In 2004, just in case his Harvard law degree wasn't enough, as a Marshall scholar, he received a doctorate in philosophy from Oxford University.

At every point in his preparation, it has been understood he was at the top of that preparatory activity. He has served his country in the Justice Department, working as the Principal Deputy Associate Attorney General. In 2006, 10 years ago, President George W. Bush nominated him to serve on the Tenth Circuit Court of Appeals. At the time of his nomination, the American Bar Association gave him a unanimous ''well qualified'' rating, the highest rating. The Senate then confirmed his nomination unanimously by a voice vote.

Today I believe the Senate has 11 Democrats serving with us who were part of that unanimous process. In his decade on the Tenth U.S. Circuit Court of Appeals bench, Judge Gorsuch has demonstrated a steadfast commitment to upholding the rule of law and interpreting the Constitution as its authors intended.

I am confident he will continue to adhere to the Constitution, apply the rule of law, and not legislate from the bench. I think he understands, as Justice Scalia did, that the job of a Justice of the Supreme Court is not to decide what the law should be or what the Constitution, in their opinion, should say but decide what the law is and what the Constitution does say.

His keen intellect and devotion to law are very well understood and appreciated throughout the legal profession. He has the integrity, the professional qualifications, and the judicial temperament to serve on the Nation's highest Court.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from earlier this week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Jan. 26, 2017]

TRUMP WOULD DO WELL TO CONSIDER NEIL GORSUCH FOR SUPREME COURT

(By the Editorial Board)

Then-U.S. Sen. Ken Salazar, right, introduces Neil Gorsuch at his nomination hearing to the U.S. Court of Appeals for the 10th Circuit on June 21, 2006. Gorsuch is being considered as a possibly replacement for the late U.S. Supreme Court justice Antonin Scalia.

President Donald Trump is on the verge of making his most enduring appointment to date and we are encouraged by one of the names on his list to replace former Supreme Court Justice Antonin Scalia.

Neil Gorsuch is a federal judge in Denver with Western roots and a reputation for being a brilliant legal mind and talented writer. Those who have followed Gorsuch's career say that from his bench in the U.S. 10th Circuit Court of Appeals he has applied the law fairly and consistently, even issuing provocative challenges to the Supreme Court to consider his rulings.

Liberals who dreamed of a less-conservative Merrick Garland on the court will undoubtedly gasp at a suggestion that Gorsuch would be a good addition to a court that has been shorthanded for more than a year.

Gorsuch is most widely known for ruling in the Hobby Lobby contraception case before it reached the Supreme Court in 2014. His controversial decision was upheld in a 5–4 vote. Gorsuch wrote in the case that those with ''sincerely held religious beliefs'' should not be forced to participate in something ''their religion teaches them to be gravely wrong.''

We disagreed with that ruling, saying the Supreme Court wrongly applied constitutional protections of religious freedom to a corporation that remained owned by a small group of like-minded individuals.

We argued that even closely held corporations—primarily functioning as money-making entities and not religious institutions—shouldn't be able to opt out of the Affordable Care Act mandate that insurance cover contraception by citing First Amendment protections intended for individuals and churches.

But in considering Gorsuch's body of work and reputation—and yes, we like his ties to Colorado as well—we hope Trump gives him the nod.

We are not afraid of a judge who strictly interprets the Constitution based solely on the language and intent of our nation's founders, as long as he is willing to be consistent even when those rulings conflict with his own beliefs.

As Denver Attorney Jason Dunn, who considers himself a longtime fan of Gorsuch, explains, his views stem ''from a belief in a separation of powers and in a judicial modesty that it is not in the role of the courts to make law. Justice Scalia would put it: If you like every one of your rulings, you're probably doing it wrong.''

A justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go fair to restore faith in the highest court of the land. That faith has wavered under the manufactured and false rhetoric from critics that the high court has become a corrupt body stacked with liberals. And while Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency rather than political leanings.

Gorsuch, at 49, will have years to whittle away at that damaging lack of trust. A July 2016 Gallup Poll found that 52 percent of Americans disapproved of the way the Supreme Court handled its job. The finding is striking, considering the same poll in 2000 found only 29 percent of Americans disapproved.

We could do far worse than a thoughtful graduate from Columbia, Harvard and Oxford universities, who clerked for two Supreme Court justices and calls Denver home.

Mr. BLUNT. I wish to share a little of that editorial where the Denver Post says:

We are not afraid of a judge who strictly interprets the Constitution based solely on the language and intent of our nation's founders, as long as he is willing to be consistent even when those rulings conflict with his own beliefs.

As Denver Attorney Jason Dunn, who considers himself a longtime fan of Gorsuch, explains, his views stem ''from a belief in a separation of powers and in a judicial modesty that it is not in the role of the courts to make law. Justice Scalia would put it: If you like every one of your rulings, you're probably doing it wrong.''

That is similar to what you and I heard Judge Gorsuch say last night; that a good judge doesn't rule based on what a judge likes to have happen but what the law and the Constitution insists does happen.

Going back and continuing just one more paragraph from that Denver Post editorial:

A Justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go far to restore the faith in the highest court of the land. That faith has wavered under the manufactured and false rhetoric from critics that the high court has become a corrupt body stacked with liberals. And while Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency rather than political leanings.

That is in the middle of that editorial that is now in the RECORD.

The Supreme Court is one of the most important legacies this President is likely to leave. I think he made a very well-considered and right choice in selecting Judge Gorsuch to begin shaping the long-term view of the Court. I look forward to hearing more from the judge as this confirmation process moves forward and to seeing him confirmed as an Associate Justice of the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we began public hearings on the Supreme Court nominees in 1916. Since we began those, the Senate has never denied a hearing or a vote to a pending Supreme Court nominee—never, since 1916 until last year.

Last year Senate Republicans waged an unprecedented blockade against the nomination of Chief Judge Merrick Garland, a fine judge with impeccable credentials and with strong support from both Republicans and Democrats, a man who should be on the Supreme Court today. This is the first time since 1916 that had ever been done. Instead, bowing to the extreme right of their party, Republicans who knew him and who even had said publicly before how much they respected him and how he should be on the Supreme Court refused even to meet with him, let alone accord him the respect of a confirmation hearing—even though the Constitution says that we shall advise and consent and even though each one of us has raised our hand in a solemn oath saying we will uphold the Constitution.

So this is exactly what happened. The Republicans held hostage a vacancy on the Supreme Court for a year so that their candidate for President could choose a nominee. The blockade of the Merrick Garland nomination was shameful, but I think it is also corrosive for our system of government. Candidate Donald Trump, who verbally attacked a sitting Federal judge in what Speaker RYAN called ''a textbook example of a racist comment,'' encouraged Senate Republicans to ''delay, delay, delay.'' Candidate Trump then went further. He said he would

outsource the vetting of potential nominees to far-right organizations, many of them lobbying organizations, that want to stack the judiciary with ideological conservatives who are outside the mainstream. He promised a nominee who would overturn 40 years of jurisprudence established in Roe v. Wade. With the selection of Judge Gorsuch, it appears as though he is trying to make good on that promise.

When we confirmed Judge Gorsuch for the Tenth Circuit Court of Appeals—and I was a Member of the Senate at the time—I knew he was conservative, but I did not do anything to block him because I hoped he would not impose his personal beliefs from the bench. In fact, at his confirmation hearing in 2006, Judge Gorsuch stated that ''precedent is to be respected and honored.'' He said it is ''unacceptable'' for a judge to try to impose ''his own personal views, his politics, [or] his personal preferences.'' Yet, just last year, he tried to do that. He called for important precedent to be overturned because it did not align with his personal philosophy.

From my initial review of his record, that I have just begun, I question whether Judge Gorsuch meets the high standard set by Merrick Garland, whose decisions everybody would agree were squarely within the mainstream. And with the ideological litmus test that President Trump has applied in making this selection, the American people are justified to wonder whether Judge Gorsuch can truly be an independent Justice. So I intend to ask him about these and other important issues in the coming months.

Republicans rolled the dice last year. They subjected the Supreme Court and the American people to a purely political gamble. They ignored the Constitution and did something that had never been done before in this country.

I know President Trump likes to boast that he won the election in a massive landslide. Well, of course he didn't. Secretary Clinton received more than 2.8 million more votes from the American people than President Trump. But more importantly, due to Senate Republicans' political gambit, the U.S. Supreme Court clearly lost in this election. This is really no way to treat a coequal branch of government, and it is certainly not the way to protect the independence of our Federal judiciary—something that is the bedrock of our Constitution.

The President's electoral college victory—which was far narrower than either of President Obama's victories—is hardly a mandate for any Supreme Court nominee who would turn back the clock on the rights of women, LGBT Americans, or minorities; or a nominee who would use theories last seen in the 1930s to undermine all we have accomplished in the last 80 years. If he follows these right-wing lobbying groups who helped vet him for the President, if he follows what they want, then critical programs, like Social Security and Medicare and Medicaid, key statutes, including the Civil Rights Act, the Voting Rights Act, and the Clean Air Act, could well be at risk.

So after nearly a year of obstruction—unconstitutional, unprecedented obstruction—I really don't want to hear Republicans say we now must rush to confirm Judge Gorsuch. I know the President thinks they should, but I also wonder how seriously even he takes this. His announcement yesterday was like he was announcing the winner of a game show: I brought in these two people, and now here is the winner. We are talking about the U.S. Supreme Court; treat it with the respect it deserves.

For all of the Republican talk of Democrats setting the standard with the confirmations of Justice Sotomayor and Kagan, they ignored the standard they set in the shameful treatment of Chief Judge Garland. In fact, I remember when—and I was chairman at the time—when we set the schedule for the hearings and the vote on Justice Sonia Sotomayor, and I remember the Republican leader rushing to the floor and saying: Oh, this is terrible. You are rushing it. You are moving it so fast.

I pointed out that we were setting the schedule to the day—to the day—the same as we set for Chief Justice John Roberts. So I asked the obvious question: Are you telling me the schedule was OK for him but not OK for her? We followed the schedule.

We need time to look at all of these nominees.

I would note, as one who has tried cases in Federal courts, as a lawyer, and as one who has chaired the Judiciary Committee, I would say the courts are a vital check on any administration, especially one that, like this one, has found itself on the losing side of an argument in Federal court in only its first week—they lost on something that a first-year law student could have told them they were going to lose. But with great political fanfare, the President issued an order. Fortunately, the order was seen for what it was: No Muslims need show up in our country.

Judge Gorsuch, to be confirmed, has to show that he is willing to uphold the Constitution even against President Trump, even against the lobbying groups the President had vetting him.

His record includes a decade on the Federal bench. The Judiciary Committee must now carefully review his decisions. We have to conduct a thorough and unsparing examination of his nomination. That is what I will do, just as I have done for every nominee—everybody currently on the Supreme Court and many before them. Whether nominated by a Republican or a Democrat, I did a thorough and unsparing examination of their nomination. The Senate deserves nothing less. More importantly, the American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

TRAVEL BAN

Mr. KAINE. Mr. President, I rise to speak on a special day. Today is my wife's birthday. Today is National Freedom Day, when we recognize President Lincoln's signing the 13th Amendment banning slavery. This is the reason we celebrate Black History Month in February.

Today, February 1, begins American Heart Month, acknowledging the great heart of the American people, as well as the need for health care.

But today, February 1, is also the first day of World Interfaith Harmony Week. In 2010, King Abdallah II of Jordan spoke before the U.N. General Assembly, and he asked the U.N. to declare a week every year to promote understanding and tolerance between the world's religions. In his speech before the U.N., this is what King Abdallah said:

> It is also essential to resist forces of division that spread misunderstanding and mistrust, especially among peoples of different religions. The fact is, humanity everywhere is bound together, not only by mutual interests, but by shared commandments to love God and neighbor, to love the good and neighbor. What we are proposing is a special week, during which the world's people, in their own places of worship, could express the teachings of their own faith about tolerance, respect for others and peace.

The resolution was adopted unanimously at the U.N. General Assembly, and all nations, religions, and peoples were asked to observe it.

By happy coincidence, as the Presiding Officer knows, King Abdallah is in Washington right now. He visited with Senators here at the Capitol yesterday and today. Earlier today I met with him, and I told him I would speak in his honor in the hopes that his words might inspire us at a challenging time.

The word of last Friday's Executive orders regarding immigration and refugees—orders which implemented the President's campaign rhetoric to implement a Muslim ban—shocked the country this weekend. I traveled to Roanoke and Blacksburg, VA—communities in the southwestern portion of my Commonwealth. I was there to meet with local health care providers and students pursuing health care careers. I had planned the trip to go talk about the Affordable Care Act, but at my first event, two families came to me with a concern. Working together with Roanoke Catholic charities, they had helped settle a Syrian refugee family in Blacksburg 1 year ago. The Syrian family was a mom and dad and four kids. These sponsors told me how well the family was doing and how welcoming this community was in bringing this family to Virginia and taking them in.

The employer of the Syrian father runs a construction company, and he hired him to do construction work. He told me, kind of chuckling about it: Senator, not all my workers agree with me on politics, but no one better say a

bad word about their Syrian coworker around them.

He went on to describe how the employees at his construction firm had done a number of things, including collecting funds to help the children have soccer shoes there, in Southwest Virginia. But they didn't tell me this story because it is a happy story about resettlement of a family, although that is a point of the story.

Here is why they came to see me. The community was poised to welcome a second family from Syria—a mother, father, and five minor children—to meet them at the Roanoke airport tomorrow and help them find a home in the United States. This refugee family they were supposed to meet tomorrow fled Syria 4 years ago. They had been living in a refugee camp in Jordan, undergoing 4 years of vetting in the hopes they could come to America. Now, their sponsors pressed papers into my hand and said: What will happen to this family? Are they now shut out of the dream they have worked so hard to achieve? Are we now shut out from our desire to offer them the Christian hospitality of our community?

We have been working to get answers to these questions, but as of today, we know nothing about this family's fate.

There are so many questions I struggle to answer in the aftermath of these orders. The orders single out people based on their Muslim faith by targeting primarily Muslim nations and allowing exceptions to be made for Christians and other religious minorities. Why?

The orders single out seven countries—countries where citizens have been exposed to genocide and other crimes against humanity—while leaving countries that have actually exported terrorists to the United States untouched. Why?

The order was applied to legal permanent residents of the United States until clarified and also to brave people who had helped American soldiers on the battlefield, thereby earning a special immigrant visa status. Why?

We can have security procedures that are based on the danger of an individual rather than a stereotype about where they were born or how they worship.

I am called to reflect on these events by King Abdallah's words suggesting that the world should recognize this week as World Interfaith Harmony Week. He told us today that the order is being viewed with deep anxiety in his country, which is one of our strongest allies in the Arab world—indeed, in the entire world. I am called to reflect on these events by my own citizens in Roanoke and Blacksburg, working with a church group, who just want to serve others in a way commanded by their faith and by all faiths.

At the Presiding Officer's desk, there is a book of the rules of the Senate and there is also a Bible. In a week where all are called to reflect upon their own religious traditions of tolerance and peace, there is wisdom in that Book for our Nation.

Exodus 22:21: ''You shall not wrong or oppress an alien, for you were aliens in the land of Egypt.''

Leviticus 19:34: ''The alien who resides with you shall be to you as a citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt.

Deuteronomy 1:16: ''Give the members of your community a fair hearing and judge rightly between one person and another whether citizen or resident alien.''

Deuteronomy 10:18–19: ''For the Lord your God loves the strangers, providing them with food and clothing. You shall also love the stranger for you were strangers in the land of Egypt.''

Deuteronomy 24:17: ''You shall not deprive a resident alien or an orphan of justice.''

Deuteronomy 26:5: ''A wandering Aramaean was my ancestor, he went down into Egypt and lived there as an alien.''

Matthew 2:13–23: Jesus began his life as a refugee in Egypt.

Matthew 25:34: ''I was hungry and you fed me. I was thirsty and you gave me drink. I was a stranger and you invited me into your home.''

The traditions of this nation, other nations, religions, and peoples point us in the same direction. Pope Francis reminded us of these very words when he spoke to us in the fall of 2015 and told us—as individual leaders and as a nation—that the yardstick we use to measure and evaluate others is the yardstick that will be applied to us.

On this opening day of World Interfaith Harmony Week, I pray that we commit to peaceful understanding and appreciation of people from diverse faith backgrounds. I pray that the unjust immigration orders that target suffering people based on where they were born or how they worship will be rescinded. I pray that Congress and the administration will work together to set up appropriate security procedures that do not discriminate on the grounds of religion or national origin, and I pray that we will be true to our best principles and not sacrifice them for the sake of politics.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Colorado.

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, as I stated repeatedly before the Presidential election of this past year, we stood, and continue to stand, at a very pivotal time in our Nation's history.

After 8 years of using the judicial and regulatory systems to push through its legislative agenda, the balance of power had shifted from what our Founders intended. Our Founders intended the Congress to make the laws and write the laws, the executive branch to implement the laws, and the judiciary to be guardians of the Constitution, not to make the laws.

That is why we said that the next President of the United States, whether they be Democrat or Republican, would have the opportunity to fill the vacancy on the Supreme Court, following the Biden rule—the edict that there wouldn't be a confirmation hearing for a Supreme Court nominee until after that year's Presidential election—to allow the American people to make their decision, giving the American people a say in the direction of this country for years to come. In return, they have given us this nominee.

It is with great pride that I rise today to talk about the nominee today—a fellow Coloradan, Judge Neil Gorsuch, President Trump's nominee to the Supreme Court. Judge Gorsuch comes to the Court with that unique western perspective that the Presiding Officer and I share. Our States of Utah and Colorado obviously like to see that western perspective shared at the Tenth Circuit Court, where it is housed in the West, but at every level of our courts and to the Supreme Court—adding to Justice Kennedy's background and to others who share that same perspective and history in the Supreme Court.

Born in Denver, Judge Gorsuch is a fourth-generation Coloradan, coming from a long line of individuals who have dedicated their life to service not only to the State of Colorado but to the Nation. His mother, Ann Gorsuch, served in the Colorado House of Representatives and, during the Reagan administration, she was the first female Administrator of the Environmental Protection Agency. His grandfather, John Gorsuch, founded one of Denver's largest law firms, Gorsuch Kirgis, where both he and Neil's father, Dave, practiced throughout the firm's successful 60-year-old history. His stepfather, Robert Buford, was a former speaker of the Colorado House of Representatives who went on to become the head of the Bureau of Land Management.

Judge Gorsuch is also one of our country's brightest legal minds, with a sterling reputation, and significant experience as a Federal judge and a private litigator. He has impeccable academic credentials and is a widely respected legal scholar. He received his bachelor's degree from Columbia University, graduated from Harvard Law School, and was a Marshall scholar at Oxford University, where he obtained a doctorate in legal philosophy.

Of course, I cannot forget the summer he spent at the University of Colorado as well. Judge Gorsuch clerked for two Supreme Court justices—Byron White, a Colorado native as well. In fact, in his comments last night after the announcement of his nomination, Judge Gorsuch mentioned that he worked for the only Coloradan to serve on the Supreme Court and also the only leading rusher in the NFL to ever serve on the Supreme Court.

He also clerked for Justice Anthony Kennedy, as well as for Judge David Sentelle on the U.S. Court of Appeals for the DC Circuit. Following his clerkships, Judge Gorsuch went into private

practice, eventually rising to the rank of partner in the elite litigation law firm of Kellogg Huber, leaving practice in 2005 to serve as a high-ranking official in the Bush administration Justice Department. A year later, President George W. Bush nominated Gorsuch to serve on the Tenth Circuit Court of Appeals, a position for which he was confirmed by a unanimous vote. I think it is very telling that not only was he confirmed by a unanimous vote, but roughly 11 or 12 members of the Democratic conference were there to vote for Judge Gorsuch. There are people serving today who voted for Judge Gorsuch. I believe SCOTUSblog recently reported that when Judge Gorsuch was nominated to the Tenth Circuit Court, then, Neil Gorsuch's confirmation hearing was sparsely attended. I believe it mentioned that only a few people attended. I think Senator LINDSEY GRAHAM, our colleague from South Carolina, was one of the Senators to attend his confirmation hearing. I believe Senator LEAHY, our colleague from Vermont, submitted questions for the record. But as SCOTUSblog cited, very few people attended his confirmation hearing because of the high caliber and high quality of the nomination. He was introduced by my predecessor from Colorado, Ken Salazar, and was praised from Senator Salazar's perspective for being impartial, fair, and the having the kind of temperament that we need in the circuit court.

Judge Gorsuch is an ardent faithful defender of the Constitution and has the appropriate temperament, as then-Senator Salazar noted, to serve on the Nation's highest Court. Of course, he was then talking about the Tenth Circuit Court. Judge Gorsuch recognizes that the judiciary isn't the place for social or constitutional experimentation, and efforts to engage in such experimentation delegitimizes the Court. He has said:

> This overweening addiction to the courtroom as the place to debate social policy is bad for the country and bad for the judiciary. . . . As a society, we lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide.

Here we see his understanding that certain debates are to take place where debate is held by those elected directly by the people—in the Congress.

Judge Gorsuch believes in the separation of powers as established by our Founding Fathers in the Constitution. As he rightly stated, ''a firm and independent judiciary is critical to a well-functioning democracy,'' understanding the value of three branches of government, the value of an independent judiciary, understanding that there are certain things dedicated exclusively to the judiciary, to the legislative branch, and to the executive.

Judge Gorsuch is not an ideologue. He is a mainstream jurist who follows the law as written and doesn't try to supplant it with his personal policy preferences. He said: ''Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's own abilities and conclusions always do.''

Judge Gorsuch understands the advantage of democratic institutions and the special authority and legitimacy that come from the consent of the government. He said: ''Judges must allow the elected branches of government to flourish and citizens, through their elected representatives, to make laws appropriate to the facts and circumstances of the day.''

Judge Gorsuch appreciates the rule of law and respects the considered judgment of those who came before him. He said:

> Precedent is to be respected and honored. It is not something to be diminished or demeaned.

This morning, I had the opportunity to meet with Judge Gorsuch—of course, knowing him from Colorado and the town of Boulder, where he lives today, and also where I received my law degree. We spent a lot of time talking about our favorite passions in Colorado, whether it is fly-fishing, whether it is paddle-boarding. Of course, he spends a lot of time out on the Boulder Reservoir, enjoying recreation—just like every other person in Boulder does and every other person in Colorado does—as somebody who understands the great outdoors. We talked about the rule of law. We talked about the separation of powers, his concern over originalism and textualism, and following in the footsteps of other great Justices on the Supreme Court.

We talked about something he said last night when his name was put forward for nomination by President Trump. We talked about a statement he made to this effect: If a judge likes every opinion that they have written, every decision that they have reached, they are probably a bad judge. I think this goes to his insistence that, as a judge, you must put your personal beliefs, your personal policies aside to rule as the rule of law requires and to rule as the Constitution and the statutes require.

We discussed in our meeting decisions he made of which he didn't like the outcome but believed that the rule of law required a certain outcome—whether it was a felon who possessed a handgun or whether the Federal Government had misspoken to the accused and he believed that the government had done the accused wrong.

While Judge Gorsuch personally believed that perhaps he would have liked to have found a guilty decision or agreed with a guilty decision, he couldn't do it because of the standards that were applied in the case—the grammatical gravity that had to be ignored in order to reach the conclusion the lower court had reached.

His ability to put personal opinions aside, I think, is what makes him an ideal candidate for the U.S. Supreme Court. Over the coming days and months, we are going to have many opportunities to talk about the qualities of Judge Gorsuch, but we have already heard many people complain that perhaps they didn't pay enough attention to Judge Gorsuch 10 years ago. They talked about their concern, this newfound concern that was not available—that apparently wasn't there 10 years ago when this Senate unanimously supported Judge Gorsuch.

I have even heard complaints that they didn't like the way that his nomination was announced—a complaint about how the President announced the nomination. Those are the kinds of concerns we are hearing about Judge Gorsuch today because they didn't like the way he was announced.

We are going to have a lot of opportunity to talk about his temperament, those things he believes are important as a judge, those things he believes are important to make decisions. I look forward to having a conversation about what I believe is a brilliant legal mind—someone of a brilliant legal mind, someone with a sterling reputation, someone who has been known as a feeder judge of clerks to the highest Court in the land, someone who rules on the law and not on his personal beliefs, someone who believes in the Constitution and not in the role of legislator from the bench.

I am grateful I had this opportunity to support a Coloradan, a man of the West, to Nation's highest Court, and I look forward to working to place Judge Gorsuch as Associate Justice to the U.S. Supreme Court.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, we are in the second week of the Trump Presidency, and it is pretty clear that something is happening in our country. All across the Nation, Americans in quiet towns and boisterous cities are taking to the streets to fight for American values. They are protesting in the streets and calling their Representatives. They are getting involved in local organizations, and they are organizing around the causes they support.

We know that American values are threatened when the President issues an order banning immigrants from the country based on their religion. We know that American values are threatened when politicians try to break apart a health care system that has extended medical benefits to millions of Americans, and we know that American values are threatened when a President tries to stack his government with billionaires and insiders who have a history of grinding working people into the dirt.

Yesterday something happened that is a threat to our American values. President Trump nominated Judge Neil Gorsuch to serve on the Supreme Court. For years now, I have repeated this warning: America's promise of equal justice under the law is in danger. Over the last three decades, as the

rich have grown richer and middle-class families have struggled, the scales of justice have also tilted, tilted in favor of the wealthy and the powerful.

This is not an accident. It is part of a deliberate strategy to turn our courts into one more rigged game for folks at the top, and its effects have been devastating. Recent court decisions have protected giant businesses from accountability, made it harder for people who have been injured or cheated to get a hearing, gutted longstanding laws protecting consumers who have been swindled, and unleashed a flood of secret money into our politics that is rapidly tilting the entire government in favor of the wealthy.

Billionaires and corporate giants have launched a full-scale attack on fair-minded, mainstream judges. It has happened at every level of our judiciary, but the best example was the unprecedented blockade of Judge Merrick Garland's nomination to the Supreme Court. Judge Garland was an obvious consensus nominee and a straight shooter who followed the law. Why block him? The problem was that Judge Garland's career didn't reflect a sufficient willingness to bend the law to suit the needs of the rich and powerful. And for that sin, far-right groups, financed by Big Business interests, spent millions of dollars attacking him, to torpedo his nomination and keep that seat open.

They did something else that is even more damaging: Far-right groups also drew up a list of ''acceptable'' Supreme Court nominees, people who demonstrated they were sympathetic to the rich and the powerful. Judge Neil Gorsuch made the cut, and his nomination is their reward.

Judge Gorsuch is intelligent and accomplished. He is polite, respectful, and articulate. Make no mistake, his professional record, which I have reviewed in detail, clearly and consistently favors the interests of big corporations over workers, big corporations over consumers, and big corporations over pretty much anybody else.

Let's not mince words. The nomination of Judge Gorsuch is a huge gift to the giant corporations and wealthy individuals who have stolen a Supreme Court seat in order to make sure that the justice system works for them. What I am saying shouldn't be controversial. They haven't made a secret of what they were doing. This is exactly why Judge Gorsuch has been on their list for 4 months. He is the payoff for their multimillion-dollar investment.

Throughout his professional career, Judge Gorsuch has shown a truly remarkable insensitivity to the struggles of working Americans and an eagerness to side with businesses that break the rules over workers who are seeking justice.

Even before he became a judge, Judge Gorsuch famously argued in favor of limiting the ability of investors and shareholders to bring lawsuits when companies commit fraud, whining about how annoying it is for billionaire corporations to have to face their investors when they cheat them.

As a judge for more than a decade, he has twisted himself into a pretzel to make sure that the rules favor giant companies over workers and individual Americans. Let me just count some of the ways. He has sided with employers who deny wages, employers who improperly fire workers, employers who retaliate against whistleblowers for misconduct. He has sided with employers who denied retirement benefits to their workers. He has sided with big insurance companies against disabled workers who were denied benefits. He has ruled against workers in all kinds of discrimination cases. He has even argued that the rights of corporations outweigh the rights of the people working for them, for example, allowing businesses to assert religious beliefs so they can limit their employees' access to health care.

Listen to that one again. He thinks that a company can assert a religious belief and decide whether female employees get access to birth control. Let's be clear. That means a lot of employees will be living at the whim of their employers.

Judge Gorsuch has written dismissively about lawsuits to vindicate the rights of vulnerable people. Equal marriage? Assisted suicide? Keep those issues out of his courtroom.

He is willing to open the doors wide when big corporations show up in his court to challenge health and safety rules they don't like or regulations to prevent them from polluting our air and water, poisoning our food, undermining our public safety, or just plain cheating people. When that happens, Judge Gorsuch is ready to go, to override the rules with his own views. On that score, he is even more extreme than Justice Scalia.

This is exactly the type of Supreme Court Justice that giant corporations want, but they have never been quite so brazen about it. Spending millions to slime a consensus straight shooter nominee like Merrick Garland and steal a Supreme Court seat, then drawing up a public list of ''acceptable'' alternatives and handing it over to a billionaire President so he can do his buddies a favor. That is bold. That is bold, and that is not how America is supposed to work.

Our courts are supposed to be neutral arbiters, dispensing justice based on the facts and the law, not people chosen to advance the interests of those at the top.

Let's be clear. This fundamental principle might be more important today than it has ever been in modern history. Every day our new President finds more ways to demonstrate his hostility for an independent judiciary, for a civil society, and for the rule of law. That is precisely the reason that our Constitution gives us a neutral, independent judiciary. We don't need Justices who have been handpicked for their willingness to kowtow to those with money, power, and influence. We need Justices who will stand up to those with money, power, and influence.

Judge Gorsuch may occasionally write in vague terms about the importance of the independent courts. Today, right now, that simply is not good enough. Now, more than ever, the United States needs a Supreme Court that puts the law first every single time. That means Justices with a proven record of standing up for the rights of all Americans—civil rights, women's rights, LGBTQ rights, and all the protections guaranteed by our laws.

We cannot stand down when American values and constitutional principles are attacked. We cannot stand down when the President of the United States hands our highest Court over to the highest bidder, and that is why I will oppose Judge Gorsuch's nomination.

Mr. President, I yield.

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

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

Mr. HATCH. Mr. President, I rise today in support of the nomination of Judge Neil M. Gorsuch to serve as the next Associate Justice of the Supreme Court of the United States. Judge Gorsuch has been nominated to fill the seat left vacant by the late Justice Antonin Scalia.

Justice Scalia was a dear friend of mine, and his death was a great loss to me and to our country, not just to me personally but for the whole Nation. Justice Scalia joined the Supreme Court after years of unbridled activism by the Court, during which time Justices imposed their own left-wing views—completely unmoored from the law as written—on the American people.

In response, he led a much needed revolution based on the enduring principle that the role of a judge is to say what the law is, not what a judge wishes it were. As the intellectual architect of the effort to restore the judiciary to its proper role under the Constitution, Justice Scalia was a singularly influential jurist.

To say that he leaves big shoes to fill is an understatement. Any worthy successor to his legacy will not only be committed to continuing his life's work but also capable of delivering the sort of intellectual firepower and leadership that Justice Scalia provided for decades.

Of all the potential candidates for this position, this vacancy, Neil Gorsuch stands out as the jurist best positioned to fill this role. His resume

can only be described as stellar: Columbia University, a Marshall Scholarship to study at Oxford, Harvard Law School, clerkships for Judge Sentelle on the DC Circuit and for Justices White and Kennedy on the Supreme Court, a distinguished career in private practice and at the Department of Justice, and more than a decade of service on the U.S. Court of Appeals for the Tenth Circuit.

Even among his many talented colleagues on the Federal bench, his opinions consistently stand out for their clarity, thoughtfulness, and airtight reasoning. In the words of one of his colleagues appointed by President Carter, Judge Gorsuch ''writes opinions in a unique style that has more verve and vitality than any other judge I study on a regular basis.'' He continued: ''Judge Gorsuch listens well and decides justly. His dissents are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman.''

This view of Judge Gorsuch's capabilities is broadly shared across a wide swath of legal observers. Consider some other descriptions of his qualifications from outlets that could hardly be considered conservative. The New York Times reported on his ''credentials and erudition.'' The Los Angeles Times called him a ''highly regarded . . . jurist,'' and ABC News described how ''in legal circles, he's considered a gifted writer.''

I think there can be no doubt that Judge Gorsuch has the credentials to make him a capable and effective member of the U.S. Supreme Court. Nevertheless, I have long held that a nominee's resume alone—no matter how sterling—should not be considered sufficient evidence to merit confirmation to the Supreme Court. Rather, we should also consider a nominee's judicial philosophy. In this analysis, Judge Gorsuch has developed a record that should command ironclad confidence in his understanding of the proper role of a judge under the Constitution.

Judge Gorsuch's opinions and writings show a clear fidelity to a judge's proper role. While his body of work is replete with examples of this fidelity, I want to point to one example in particular, a lecture he delivered last year in the wake of Justice Scalia's death that is one of the most thoughtful and persuasive cases for the proper role of a judge that I have ever read. In it, he affirmed his allegiance to the traditional account of the judicial role championed by Justice Scalia, which he described as such:

> The great project of Justice Scalia's career was to remind us of the differences between judges and legislators. To remind us that legislators may appeal to their own moral convictions and to claims about social utility to reshape the law as they think it should be in the future. But that judges should do none of these things in a democratic society. That judges should instead strive (if humanly and so imperfectly) to apply the law as it is, focusing backward, not forward, and looking to text, structure, and history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best.

As Justice Scalia put it, ''If you are going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong.''

This is exactly the kind of judicial philosophy we need our judges to espouse, and Neil Gorsuch is exactly the man to embody it on the Supreme Court. If there is one line in that lecture to which I could draw attention, it is the quotation of Justice Scalia's formulation of the very basic notion that a good judge will oftentimes reach outcomes that he does not personally agree with as a matter of policy. Such a notion should be uncontroversial.

Indeed, many of Justice Scalia's brightest opinions came in cases in which I suspect he would have voted differently as a legislator than as a judge. Yet such a concept might seem wholly foreign to a casual observer of media coverage of the Supreme Court, in which cases are invariably viewed through a political lens. Decisions and Justices are regularly described as liberal or conservative, with little attention paid to rationale and methodology, the matters properly at the core of a judge's work. This phenomenon reflects a regrettable dynamic observed by Justice Scalia himself. As the late Justice observed, when judges substitute their personal policy preferences for the fixed and discernible meaning of the law, the selection of judges—in particular, the selection of Supreme Court Justices—becomes what he called a mini-plebiscite on the meaning of the Constitution and laws of this country. Put another way, if judges are empowered to rewrite the laws as they please, the judicial appointment process becomes a matter of selecting life-tenured legislators practically immune from any accountability whatsoever.

If we value such a system of judicial review, a system deeply at odds with the Constitution's concept of the judiciary, then one can easily see why judicial selection becomes a matter of producing particular policy outcomes. Thus, it is easy to see why many on the left who believe in such a system demand litmus tests on hot-button policy issues. To them, a judge is not fit to serve unless they rule in a way that produces a particular policy. Simply put, this is a terrible way to approach judicial selection. It undermines the Constitution and all of the crucial principles that it enshrines from the rule of law to the notion that our government's legitimacy depends on the consent of the government.

A good judge is not one that we can depend on to produce particular policy outcomes. A good judge is one we can depend on to produce the outcomes commanded by the law and the Constitution. Neil Gorsuch has firmly established himself as that kind of a judge. In Neil Gorsuch's America, the laws that bind us are made by the people's elected representatives, not unelected, unaccountable judges. In Neil Gorsuch's America, the powers and limits of each branch of government are decided by the Constitution, no matter whether their enforcement produces a liberal or conservative outcome. In Neil Gorsuch's America, the basic freedoms of the American people enumerated in the Bill of Rights are carefully protected, whether they are in fashion lately with the left, the right, both or neither. In Neil Gorsuch's America, the views that matter are yours and mine, not those of a handful of lawyers in black robes in Washington.

For these reasons, I applaud the President for his absolutely stellar choice. Judge Gorsuch will do us proud as our next Supreme Court Justice. I will do everything in my power to ensure his confirmation. I will have more to say on this in the future, but I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, it hasn't even been 2 weeks, and President Trump has already demonstrated that he has little tolerance for independent thinking and dissent. He has his own version of reality, which is why his administration resorts to alternative facts.

When the media accurately reported how small the crowd was at his inauguration, he presented us with alternative facts. When the media pointed out he lost the popular vote by the largest margin of any President, he boldly proclaimed, without any evidence, that 3 to 5 million people voted illegally. Many consider this whopper as a cynical way to encourage more States to pass voter suppression laws justified by the bogus claim of widespread voter fraud.

Just 2 days ago, the President again showed the American people how intolerant he is of principled dissent when he fired acting Attorney General Sally Yates after she refused to enforce or defend his totally unjustifiable, kneejerk, and probably unconstitutional Executive order on Muslim immigration.

By firing Sally Yates, the President demonstrated once again that he values loyalty to himself above service to the American people and adherence to the Constitution. This is particularly disturbing as we begin to consider the President's nomination of Judge Neil Gorsuch to sit on the Supreme Court.

I am only beginning to scrutinize Judge Gorsuch's record, but I am very concerned that he will be a rubberstamp for President Trump's radical agenda. You don't have to take my word for it. You only have to listen to what the President has been saying

over the past 2 years. In June 2015, then-Candidate Trump told CNN's Jake Tapper that he would apply a pro-life litmus test for his nominees to the Supreme Court. He did it again at a press conference last March, during the third Presidential debate, and shortly after his election.

This isn't the only litmus test President Trump promised to apply. In February 2016, President Trump committed to appointing a Justice who would allow businesses and individuals to deny women access to health care on the basis of so-called religious freedom. In February 2016, President Trump told Joe Scarborough he would make upholding the Heller decision on guns another litmus test for his Supreme Court nominee. Like tens of millions of Americans, I am deeply concerned that President Trump applied each of these tests before he nominated Judge Gorsuch to the Supreme Court.

In the weeks and months ahead, I will carefully and extensively scrutinize Judge Gorsuch's record. I will question him on his judicial philosophy and how he interprets the Constitution. I will insist he clarify his position on a woman's constitutionally protected right to choose, on voting rights, and the appropriate balance between corporate interests and individual rights. I will do my job as a United States Senator. The American people deserve nothing less from each of us.

I yield the floor.

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

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

STREAM BUFFER RULE

Mr. MCCONNELL. Mr. President, for the last 8 years, the Obama administration has pushed through a number of harmful regulations that circumvent Congress, slow growth, shift power away from State and local governments toward Washington, and kill a lot of jobs. Even on the way out the door, the former administration's regulatory onslaught continued as they pushed through more midnight regulations. These nearly 40 major regulations, which were pushed through by the Obama administration since election day, would cost Americans a projected $157 billion, according to one report.

Fortunately, with a new President, we now have the opportunity to give the American people relief and our economy a boost. One of the most important tools we have is the Congressional Review Act, which allows Congress to provide relief from heavy-handed regulations that hold our country back.

The House just took an important step by sending us two pieces of legislation that will reassert congressional authority and make a real impact for the American people.

One of those resolutions will address a regulation that puts U.S. companies at a competitive disadvantage to private and foreign companies. Passing this resolution will allow the SEC to go back to the drawing board so that we can promote transparency, which is something we all want, but to do so without giving giant foreign conglomerates a leg up over American workers. We will take it up soon.

The other resolution, which we will take up first, will address an eleventh-hour parting salvo in the Obama administration's war on coal families that could threaten one-third of America's coal-mining jobs. It is identical to the legislation I introduced this week and is a continuation of my efforts to push back against the former administration's attack on coal communities.

Appalachian coal miners, like those in my home State of Kentucky, need relief right now. That is why groups like the Kentucky Coal Association, the United Mine Workers Association, and 14 State attorneys general, among others, have all joined together in a call to overturn this regulation.

The Senate should approve this resolution without delay and send it to the President's desk. The sooner we do, the sooner we can begin undoing the job-killing policies associated with the stream buffer rule. This is not a partisan issue; this is about bringing relief to those who need it and protecting jobs across our country. I hope our friends across the aisle will support our Nation's coal miners and join me in advancing this resolution.

After we address these regulations, both the House and the Senate will continue working to advance several other CRA resolutions that can bring the American people relief.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. 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. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

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

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—55

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McCaskill	Young
Ernst	McConnell	
Fischer	Moran	

NAYS—42

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Nelson	Wyden

NOT VOTING—3

Coons	Durbin	Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 38.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 38, a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—56

Alexander	Blunt	Burr
Barrasso	Boozman	Capito

Cassidy	Hatch	Perdue
Cochran	Heitkamp	Portman
Collins	Heller	Risch
Corker	Hoeven	Roberts
Cornyn	Inhofe	Rounds
Cotton	Isakson	Rubio
Crapo	Johnson	Sasse
Cruz	Kennedy	Scott
Daines	Lankford	Sessions
Donnelly	Lee	Shelby
Enzi	Manchin	Sullivan
Ernst	McCain	Thune
Fischer	McCaskill	Tillis
Flake	McConnell	Toomey
Gardner	Moran	Wicker
Graham	Murkowski	Young
Grassley	Paul	

NAYS—42

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Hirono	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Feinstein	Murphy	Warren
Franken	Murray	Whitehouse
Gillibrand	Nelson	Wyden

NOT VOTING—2

Coons	Durbin

The motion was agreed to.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The PRESIDING OFFICER. Pursuant to 5 USC 802(d)(2), there will be up to 10 hours of debate, equally divided between the proponents and the opponents of the resolution.

The Senator from Utah.

NOMINATION OF NEIL GORSUCH

Mr. LEE. Mr. President, I rise to speak about the nomination of Judge Neil M. Gorsuch to be an Associate Justice on the U.S. Supreme Court.

Confirmation of anyone appointed to the Federal judiciary is a big deal. Confirmation of someone appointed to serve on the Supreme Court of the United States is an exceptionally weighty matter. I therefore approach this with the seriousness it deserves. I approach this as one who has argued in front of Judge Gorsuch. I found as a lawyer that he is an exceptional judge, an unusual judge—a judge who comes to argument with an unusual degree of preparation, having read all the briefs and apparently all of the cases and all of the statutes cited in the briefs.

There are some judges who at oral argument are constantly asking questions, but they are not necessarily questions that need to be asked. Perhaps some judges want to hear the sound of their own voices. That is, of course, something that would never happen here, in the U.S. Senate, but it happens sometimes with other people. There are other judges who might be quiet throughout an argument. Then there is a unique category of judge, a judge who doesn't necessarily speak constantly but a judge who listens attentively and then pounces at the moment when he or she sees the pivotal moment in the case arising.

The late Justice Oliver Wendell Holmes, Jr., used to say there was a point of contact in every case. When asked, he pointed out that the point of contact in any case is the place where the boy got his finger caught in the machinery. I learned that quote when I was in law school. I have never entirely understood what it means, but it reminds me of the fact that in every case, there is a pivotal fact and a pivotal aspect of the law which, when properly understood, can help lead the court to a proper disposition of the legal question at hand.

Judge Gorsuch is one of those rare judges who is able to seize upon the point of contact in any case. He does so with seeming effortlessness. Yet I know he does it in a way that requires a lot of effort because these things don't just come naturally. They come only as a result of faithful study of the law, of faithful attention to detail in every case, reading every brief in every case.

Judge Gorsuch does this in part because he was well trained. When we look at his background, we can see that excellence has always been something we have been able to see from him. He graduated with honors from Harvard Law School and received a doctorate in jurisprudence from Oxford. He clerked for three brilliant and very well-respected jurists: Judge David Sentelle on the U.S. Court of Appeals for the DC Circuit and Justice Byron White, as well as Justice Anthony Kennedy of the U.S. Supreme Court. We could not ask for a better legal education or a stronger record of accomplishment from a young lawyer.

After his clerkship, Judge Gorsuch entered into private practice, where he was a trial attorney for 10 years. In 2005, he joined the U.S. Department of Justice as Principal Deputy Attorney General, and he became a judge on the Tenth Circuit in 2006, where he has served for the last decade.

Judge Gorsuch has what I would consider—and I think what most would acknowledge—is the correct approach to the law. He is a judge's judge, both literally and figuratively—literally, because he sits on the U.S. Court of Appeals for the Tenth Circuit. He literally judges the rulings of other judges. It is his job to decide whether other judges have done the right thing. And he is a judge's judge figuratively in the sense that he has the characteristics that all judges aspire to—or at least should. He decides cases based on what the law says and not on the basis of what a particular judge might wish the law said.

I particularly enjoyed last night listening to Judge Gorsuch speak at the White House, his reference to what he considers an important, telltale sign of a good judge or a bad judge. He said: ''A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers rather than those the law demands.'' So a bad judge is one who necessarily likes all the results he reaches, and it naturally follows that a good judge will, from time to time, necessarily disagree with some of the judge's own rulings. In other words, the outcome of the case doesn't necessarily match up with the outcome the good judge would prefer—or the judge, an all-powerful ruler who had the power not only to interpret the law but also make it, establishing rules, embodying policies that would govern in all cases.

This is the essence of the conservative legal movement—the judicial conservative movement, we might say—in which Justice Scalia was so influential, which is why it is so fitting that Judge Gorsuch has been named to replace Justice Scalia.

Judges do not have a roving commission specifically to address all of the evils that plague society. They don't have a roving commission to decide big policy questions of the sort we debate in this Chamber every day. The judge's role, rather, is to apply the facts to the case at hand, and, in the case of the Supreme Court, to provide guidance to lower courts so they can resolve difficult and consequential questions of law. Judge Gorsuch understands the difference between being a judge and being a legislator, and that is very much reflected in his work on the bench.

When I had the privilege of practicing law and appearing in front of Judge Gorsuch, I was able to be the beneficiary of his skill as a judge and of his commitment to the rule of law. Over the last few days, I have had the privilege of reading many of his opinions. I spent hours upon hours poring through his opinions. Knowing that he might well be named to the Supreme Court, knowing he was one of the potential nominees made me want to learn more about him than I already knew. I have to say, every single opinion I read, without exception, was impeccable to an unusual degree. They are methodical. They are careful. They are studious. They reflect a degree of academic and professional craftsmanship rarely seen. He treats the parties appearing before him with dignity and respect. He takes their arguments seriously, and he respectfully explains their arguments as he addresses them.

I know from my time in the practice of law that no one likes to lose a case, but I doubt any litigant has read a Judge Gorsuch opinion and felt like he failed to understand their position or that he failed to take their views seriously with the credibility and dignity they deserve. This is a crucial yet, sadly, often underrated factor when reviewing the work of any judge.

Most of all, his opinions are just brilliant. They are digestible to lawyers

and nonlawyers alike. This is crucial because the judiciary belongs to everyone in this country, not just to attorneys. Judge Gorsuch's opinions are memorably written without being snarky, and he scatters his opinions with literary and philosophical references to highlight the legal points he is making while also just making the opinion much more interesting. As someone who has read more than my fair share of judicial opinions, I can tell you that Judge Gorsuch's opinions are among the very best I have ever read. I don't just mean a few of them, I mean every single one of them that I have read, which is a lot of them. They are very, very good. In fact, they are Supreme Court caliber.

Judge Gorsuch has written hundreds of opinions, but there are two recently decided cases I wish to highlight.

He is a critic of an obscure but very significant legal rule known as the Chevron doctrine. When the Supreme Court decided the Chevron case back in 1984, the Justices may not have thought they were deciding a big case. They might not have realized the extent to which the decision in Chevron v. NRDC—the extent to which that case would have such a profound impact on the Federal judiciary and on the state of the law in the United States of America, but Chevron is in fact one of the most important Supreme Court cases that most of us have never heard of. It says that the courts must defer to an agency interpretation of a statute if the statute is ambiguous.

The problem with Chevron, as Judge Gorsuch has pointed out, is that it tends to divest the courts of their obligation to ''say what the law is,'' as Chief Justice John Marshall wrote in Marbury v. Madison. It has led to a system in which executive agencies not only make and enforce the law but also interpret the law, arrogating to themselves, in effect, some aspects of the powers allocated to all three branches of the Federal Government. This is a violation of the doctrine of separation of powers, one of the most important protections in the Constitution, one of the two fundamental structural protections in the Constitution, as important as any other provision in our founding document.

Worse, doctrines that have developed in response to Chevron allow agencies to stake out a legal position, lose in court, and stake out a new legal position that reaches the same outcome. As Judge Gorsuch points out, that creates fair notice and equal protection problems.

Now, there are two additional points to make about Chevron. First, in the coming days, we will undoubtedly hear some of my colleagues complain that getting rid of Chevron will somehow make the air less clean, our food less safe, our financial system more unstable, and cause a whole lot of other problems, but as Judge Gorsuch has written, ''We managed to live with the administrative state before Chevron. We could do it again. Put simply, it seems to me that in a world without Chevron, very little would change—except perhaps the most important things.''

Second, it is important to note here that the Chevron doctrine is not a particularly ideological one.

Indeed, in the 1980s, Chevron primarily assisted the Reagan administration's deregulation efforts, and junking the doctrine today would constrain the Trump administration's use of regulations. So eliminating the doctrine would affect equally Republican and Democratic policy goals. In any event, I am sure, based on his background and on his record, Judge Gorsuch's critique of the doctrine is not about politics; it is about first principles. At the end of the day, Chevron is neither Republican nor Democratic; it is neither liberal nor conservative. It is simply wrong.

In another notable case, Judge Gorsuch was the lone dissenter in a case in which an 11-year-old student was arrested for generating fake burps in class. As heinous a crime as some might perceive this to be, it is not ordinarily the kind of thing that results in calling the police. Judge Gorsuch would have concluded that clearly established law prevented the arrest and that the child's parents should prevail in a lawsuit against the school officials who decided to call the police in response to this childish act in class. This is not uncommon for Judge Gorsuch, who has voted not to provide qualified immunity in several cases and has voted in many cases for the underdog, for someone who might otherwise not have had a chance in court but for the willingness of one very brave and astute and diligent judge to study the law and the facts of that case aggressively so as to make sure that justice was accorded to the parties.

There are other important areas of the law where Judge Gorsuch has made an important contribution during his time on the U.S. Court of Appeals for the Tenth Circuit. I will be talking about some of those at length in the days and weeks to come. He has been a staunch advocate for the First Amendment. He has read criminal statutes to constrain the government's power, where appropriate, and has voted in several cases to withhold qualified immunity. All of these are important, and I look forward to discussing them with my colleagues.

Before I close, I want to talk a bit about the confirmation process. In 2006, Judge Gorsuch's nomination to the Tenth Circuit was so uncontroversial that it lasted 26 minutes—just 26 minutes, less time than a ''Brady Bunch'' episode. He was confirmed on a voice vote. Among other notable Members of the Senate the day that Judge Gorsuch was confirmed were Minority Leader SCHUMER, ranking member of the Judiciary Committee FEINSTEIN, Senator DURBIN, and Senator LEAHY.

Already, prominent liberal lawyers are praising his nomination. Neal Katyal, who served as Acting Solicitor General under President Obama, has a New York Times op-ed in which he urges liberals to support Judge Gorsuch. Katyal writes:

> I, for one, wish it were a Democrat choosing the next justice. But since that is not to be, one basic criterion should be paramount: Is the nominee someone who will stand up for the rule of law and say no to a president or Congress that strays beyond the Constitution and laws? I have no doubt that if confirmed, Judge Gorsuch would help restore confidence in the rule of law. His years on the bench reveal a commitment to judicial independence—a record that should give the American people confidence that he will not compromise principle to favor the president who appointed him.

Judge Gorsuch is exactly the type of judge who should be confirmed, who should be allowed to serve on the Supreme Court of the United States. This vacancy was a central issue in the 2016 election. The people have now spoken, and I plan to honor the results of this election by working as hard as I can to see Judge Neil Gorsuch confirmed to the Supreme Court of the United States.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Washington.

Ms. CANTWELL. Mr. President, I come to the floor tonight to start debate on what is called the Congressional Review Act of the stream protection rule. For people who are probably saying ''I don't understand any of that; could you explain it to me?'' what we are going to do tonight is to start this debate, which is really about clean water, and it is about making sure that polluters clean up their messes, particularly when it comes to streams and the beauty we have in our country that is used by many people. And it is about making sure that rules for polluters paying are enforced in law and, clearly, agencies which have developed those rules in conjunction with laws that are already on the books continue to have those laws in effect.

We are in a new administration, and already the debate is starting where people would like this end result to be clean water, 0; Donald Trump, the new President, 1. That is because this administration is starting a war on clean water, and tonight that debate is coming to the Senate floor. It is coming to the Senate floor because the last administration worked for more than 5 years on producing something to make sure that we had safe drinking water and safe stream water for fishing and to make sure that industries that are known for polluting ensure that their level of pollution is cleaned up.

After more than 5 years in the implementation of that rule, after thousands and thousands of hours of discussion and debate, as it has become a rule, now there is one thing that can stop it. There is one thing that can stop it; that is, if Congress uses its authority under the Congressional Review Act to repeal it within the 60 days of legislative action that it has become effective.

What is happening is that the Trump administration and our colleagues on the other side of the aisle are trying to say that we want to repeal more than 5 years of hard work of clearly outlining a stream protection rule to protect streams in the United States of America from pollution caused by certain types of mining activity.

Let me show you a picture of what I am talking about. This stream could be anywhere in America. It could be anywhere in the United States of America. It is probably a good picture. Why? Because it shows the great outdoors. Probably for me, it is somewhere I would like to hike. It shows a stream, but it shows the degradation of that stream with the pollution in the stream.

Whether you are Trout Unlimited, which supported this rule, or you are the Wilderness Society, or all the hunting and fishing groups that supported this rule, or you are just one of the many citizens in a State where mining exists and you are happy that it exists there but you also want them to be clean up their messes—these are the people who do not want to see this level of degradation in the streams.

Why don't they want to see it? Because first and foremost they obviously don't want to see it, but if you are a fisherman and you are out fishing, you certainly don't want to see the impacts that selenium is causing on fish.

There are a couple of incidents here where the impacts of selenium on fish are shown in this diagram. Deformation both here in the tail and here in the mouth of fish are impacts from selenium in streams. We do not want to see selenium having that kind of impact on our fish.

What do we want to do? We want to make sure that we are measuring selenium in the streams and that we are cleaning it up. That is what we want to do. The notion that somehow people have described a rule for stream protection that is about having safe drinking water and having safe fishing water is about a ''war on coal'' is just wrongheaded. This is about making sure that we don't overturn something that took over 5 years to get in place. And I should say, it is the first time in 33 years that we have updated this rule.

For 33 years, the Department of the Interior has said that the hydraulic impact of mining on a stream should be mitigated. What has changed in the last 33 years is that we now have better technology and we have more information about selenium. We know that it impacts fish, and we want mining companies to measure their impacts on headwaters and make sure they are doing something to minimize this selenium impact.

I know people think that maybe in this process for 5 years—somehow that created a decrease in the amount of coal in the United States of America, even though the rule was just getting started. Let's look at the real issue. The real issue is that natural gas becoming cheaper in the United States of America has pushed down the demand for purchasing coal, a more expensive product that had nothing do with this rule.

I have been in business and, yes, you plan for the future. And if you think your business is going to have to increase its insurance or change its business practices, yes, you consider all of that, but this chart clearly shows that our electricity grid has gone from having 50 percent of it supplied by coal now down—as this line is crossing here—to about 30 percent of our electricity grid from coal.

This rule was not in place. Saying that you want to have safe drinking water has nothing to do with what has happened in the marketplace as natural gas has become a more viable option than coal. This chart shows it.

We have another chart that also shows this 23-percent decline in coal. Why? Again, because of natural gas consumption going up. For those on the other side who would like to say this is somehow about a war on coal, I will tell you, we should not denigrate anybody for the job that they have done to support their families. In fact, I believe we should make sure they have a pension, make sure they have health care.

It is a tragedy that we bailed out Wall Street from the U.S. Treasury, and as pension programs all across America imploded, nobody wanted to bail out the pension program for miners so they could retire with the kinds of health benefits that other people do. If we want to help individuals who are suffering in coal country, I suggest that we take care of their pensions.

In the meantime, what we should do is make sure we are preparing for the health and safety of people who depend on these streams for multiple uses; that is to say, there are those in an outdoor economy who count just as much on those streams and count on them not being polluted because of certain mining activities.

This chart can be shown in just about every State of the United States. The outdoor economy in our States—the people who like to go fishing, the people who like to go hunting, the people who like to navigate our rivers and want to do so when they are not polluted—is 6.1 million direct jobs in the United States. That basically dwarfs the coal industry.

This isn't about saying one job is better than the other, but the notion that somehow we are hurting our economy because we want to have clean streams and we want people to be able to safely catch fish without selenium in them is basically ignoring the facts. By not regulating the coal industry to make sure they are cleaning up their mess, you are hurting the 6.1 million jobs that depend on having clean streams.

I know people here probably understand that Montana is full of streams. That movie, ''A River Runs Through It,'' is iconic in the Northwest as an example of why people love the outdoors because they want to fish. They want the experience of going and being outdoors and having the wonder of that.

I personally have been in the streams of West Virginia and have had a fabulous time. I want other people to understand that these streams are worth protecting all over the United States of America. But the movie is not called ''A River Runs Through It and a Mine Sits on Top of It.'' We don't have people moving to Montana and buying ranches, making investments, hiring people, and diversifying because they want to see the mines in Montana. They want to see the beauty of the outdoors. They want it to be pure and pristine, and they want people to clean up their pollution. If we are talking about an economy and you want to talk about jobs, do not ruin the $80 billion in tax revenue that comes from an outdoor industry because you want to allow an industry to continue to pollute.

I am going to continue for the next year to make this point to my colleagues in the West who are going to try to overturn every rule they don't like because they think somehow that they want to claim it impacts jobs. We are going to have this discussion, and we are going to show that the outdoor economy is just as important and is actually producing more jobs and producing more revenue. The only point of conflict, I think, is when one impacts the other to the degree of creating pollution and then taking a beautiful stream away from us—because no one wants to fish in a stream with that level of pollution.

Why are we here? We are here because certain types of mining—particularly, mountaintop removal mining—make it way more challenging to protect those streams. As I mentioned, for the last several years, people have been discussing what to do to make sure that these companies are making sure the environmental impacts are minimized. The production of these mines has actually fallen a great degree in the last several years.

We have been working, as I said, during this time period to make sure that we implement the right kind of regulations so that people will clean up this mess. As I mentioned, it has been basically since the early eighties until this level of attention was given to a new rule. Why do we want to change a rule that was from 1983? Because it says that you must minimize the disturbances to the prevailing hydraulic balance at the mine site and offer areas and quality of water and ground water systems, both during and after the mining operations.

President Trump did not invent that. That has been in law all along. The notion that somehow that has changed is not correct. It has been in the opening days of the Trump administration that people are trying to say that stewardship doesn't matter, that somehow, yes, we want to have immaculate water

and immaculate air—as President Trump said—but it is OK if regulations cause a problem for business. What business? The outdoor industry or the coal industry? Because right now, you are talking about making a change to what is protection of those streams and repealing a law that is about safe drinking water. We don't want to eliminate that.

We want to make sure that we use the best technology available to minimize the disturbances, address the impacts on fish and wildlife, and any other related environmental issues. We know a lot more about mining and fishing. As I showed you one picture, I will show you another impact of selenium. Basically, it is showing the deformation. What we now know much more about is how selenium does impact these areas.

What is at stake if you kill the stream protection rule? Our sportsmen—groups like the National Wildlife Federation and Trout Unlimited—say this:

> The resolution is an ill-conceived tool for jettisoning a very useful rule that protects mountain head water streams and communities throughout the coal country in Appalachia. We urge you to oppose striking this rule, and to instead work with the Department of Interior to protect these streams, and make necessary improvements to improve the CRA, instead of using it as a cleaver.

They go on to say:

> 150,000 passionate trout anglers work to conserve, protect and restore our Nation's trout and salmon fisheries and their watersheds. And our members give back to the resources they love by investing dollars and hundreds of thousands of volunteer hours to conserve streams.

So you can see that they feel passionately about this. They feel passionately because this is part of our outdoor economy and what people have passion about.

In my State, people would say: Well, you have these other jobs. No, actually, in our State, there are 250 abandoned mines in Washington. Yes, if we don't clean them up, and if we don't make sure there is reclamation, there is still pollution.

We have had a mine history in our State, but we want responsible mining and we want responsible cleanup. With today's rule that is in place and that you are trying to repeal—to repeal safe drinking water, basically—that would take those tools away and allow pollution to continue. What is the cost of that? It is very small. You would think that the way some people go on about this, that somehow this is astronomical amounts of money. Basically, it is about 0.1 percent of the industry's annual revenue. When you are in business, you think about your costs. You think about your cost of doing business. Yes, the cost of doing business has to include making sure that you clean up pollution. To me, this is an industry that makes way more than this in its annual revenue.

Am I empathetic to my colleagues who represent States that are changing in their energy mix and resources? Do you think we need to have a plan for that? Yes. Do I think we need to have a plan for how we are going to diversify? Yes, I do. But this is not an economic debate about how we are going to save jobs. In reality, as I showed in the chart before, the natural gas prices are driving coal to a much lower level of our electricity grid than ever before in our history, and that is not going to change.

Let's make sure we clean up our streams. Let's make sure we use the best technology available to make sure we are detecting that pollution and require people to have a minimal amount of responsibility in the cost of what it takes to make sure that selenium is not in drinking water or impacting our fish.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

SPIRIT OF BIPARTISANSHIP

Mr. TILLIS. Mr. President, I want to thank my colleague from Utah and his eloquent comments about the Supreme Court nominee. I would like to associate myself with everything he said. He has the kind of experience and insight that I hope so many Members on both sides of the aisle will listen to.

I am here to talk about the spirit of bipartisanship and getting things done. I submitted an editorial to my local newspaper down in Charlotte a couple of weeks ago. The whole premise of my opinion was that in November the voters did not vote for a Republican mandate; they voted for a results mandate. They are tired of the gridlock they see up here in Washington. They are tired of people promising things they know they can't deliver. They are wanting for a leader in President Trump and in the congressional leadership people who want to produce results. They want people who want to work across the aisle and come up with bipartisan solutions to a lot of the problems that confront this Nation.

You would have thought that I changed my registration and became a member of the minority party with the criticism that I got from people on my side of the aisle. I was called a RINO. For those of you who don't know what that is, that is a Republican in name only.

When I was the speaker of the house in North Carolina, the last thing I was ever called was a RINO. We worked on a conservative agenda that made sense. We gained the support of a number of Democrats along the way. North Carolina is a lot better place because of the courage of those folks who were willing to work across the aisle to help our great State, to go from one of the laggards in terms of economic performance to one of the leading States in the Nation for economic performance over the course of about 4 years.

I don't really care about the criticism from the talking heads—from the far left or the far right—because I consider them one of the great threats that we have to actually turning this Congress around and getting things done. I am going to do everything I can to reach across the aisle and produce solutions to some of the most vexing problems we have.

There are solutions within our reach. If you think about immigration reform, there is a 40-year-old failure on the part of the Republicans and Democrats to address the immigration problem. Everybody wants their position on one end of the spectrum or the other versus what the American people want or a solution to the problem—a solution that makes sure the American worker is respected and taken care of, that our borders are secure, and that we end this 40-year-old failure on the part of Washington to solve the problem.

They want solutions on criminal justice reform. We have many people in prison who, after they get out, are more likely to go back into prison because we really haven't thought about commonsense ways to help them enter back into society and have productive lives, beyond just going back into a criminal enterprise. We can solve that problem, but we can only solve it if we have Republicans and Democrats come together—and silence the voices who want their perfect version based on their ideology—on a solution that makes sense to the average American.

The agenda that we want to complete can only be completed if we have people who have the courage to come to this floor and do what I consider to be political courage. It is not courageous for me as a Republican to stand up to a Democrat and oppose their view. That is my job. I am a conservative. I am a proud conservative. Courage, in terms of someone who would walk onto this floor, is someone who can look at a person—a fellow Republican and conservative—and say: We are not going to go where you want to go because we are here to get something done—not just to make speeches, not to talk about an unachievable goal, but to make progress on things that are sound, conservative policies. But maybe we have to make some compromises. Maybe we have to go a little bit further than we want because we want to get something done. We want to pass things that are good. If we wait to only pass things that are perfect, then we will be guilty of doing exactly what many other people have done in this body—to promise a lot and deliver very little.

I took a lot of hits for my op-ed and my public comments about bipartisanship, about compromise, about respect, about reaching across the aisle. I am willing to take those hits because I would rather go down as someone who is willing to go get something done than someone who is willing to only settle for the perfect, knowing that perfect never happens here. The Founding Fathers didn't expect perfect. The Founding Fathers introduced defects, if you read the Federalist Papers, that

prevented any one ambition from prevailing. To have ambition set against ambition is foundational to our democratic institution here. We are not going after perfect. We are going to go after good.

I was really excited. I got some great comments from my friends across the aisle. I thought this is an area where we can work together. There are a lot of areas where we can't work together because our world views are so different. Let's not focus on those. Let's focus on things on which we can work together. I thought we had a minority leader who was actually committed to that. At least that is what I thought. But I have to say I am beginning to wonder if we haven't gotten a different sort of view of the leadership. Comments today do not reflect the comments of not so long ago. In 2012, the minority leader said:

Everything doesn't have to be a fight. Legislation is an art of working together, building consensus, compromise.

I could have written that. I absolutely agree with that principle. That is why I got criticized by folks on my side of the aisle—or the talking heads, anyway, the conservative talking heads—because I wasn't willing to take a purist position.

Now, you fast forward. And the minority leader made this comment when he was not the minority leader. But today this is what we are hearing just within the last month: ''The only way we're going to work with him''—that would be President Trump—''is if he moves completely in our direction and abandons his Republican colleagues.''

Does that sound like bipartisanship? Does that sound like somebody who wants to reach across the aisle and work on immigration reform, criminal justice reform, sentencing reform—things where I believe there is a majority of people in this body, as many as 60 or more votes—who would be willing to move legislation? I don't think so.

We have to make sure that people like this are accountable to the American people, the so-called real people. I will get to that in a little bit. That is not bipartisanship. That is not leadership. That is divisiveness. That is gridlock. That is the stuff that inspired me to run in 2014. That is the thing I am against, whether it is a Democrat saying it or a Republican saying it.

I think we can also expect more of what really stems—or what you can infer from the latest position of the minority leader, more gridlock. We will go to the next chart. The sort of a double standard here, duplicity, really drives me crazy. Situational ethics I will call it or situational principles. On the one hand, you stand firm on something. You fast forward because you didn't like the outcome of the election, and suddenly you no longer take that same position.

People can rationalize it any way they want to, but I think the real people, the real voters, the folks out there, see this for what it is. It is taking a so-called principled position when that particular position benefits your agenda, not necessarily something that is bipartisan, something that actually serves a political agenda.

The Supreme Court, I think that is what we are going to see here. I have presided. I have been a freshman for 2 years. We get to preside a lot. I get to hear a lot of these floor speeches. I heard endless speeches talking about how we needed to do our job, how we actually—here is another quote from the now minority leader:

The Supreme Court handles the people's business. As President Reagan put it, every day that goes by without a ninth justice is another day the American people's business is not getting done.

Now what we are hearing is that same group of people say they are going to use every lever they can to stop us from seating a ninth Supreme Court Justice. What has changed, except for the fact that you are not happy with the outcome of the election? So I think we need to recognize that the American people are sick of Democrats and Republicans promising things, but if they don't get their way in the election outcome, if they are not able to set the agenda, then they are no longer interested in bipartisanship.

I have a lot of confidence in this body. I have a lot of confidence in a number of people on the other side of the aisle. I think there is a pent-up demand among Members here who want to see results—not perfect, but good. I am going to do everything I can to work with those. I will do an equal amount of time focused on those who I don't think are acting in the best interests of their own constituents. They are not listening to the real people in America, the real people who did not endorse a Republican mandate in November.

They said: It is time to stop. It is time to get things done. It is time to treat people with respect on both sides of the aisle. It is time to accept good, and it is time to stop pretending that this body can produce perfect. Now, I have to say I am glad to see my colleagues on the other side of the aisle are starting to look at the so-called real people.

Last week, the Republicans were in Philadelphia. We were at a retreat. At the same time, there was a group of my colleagues on the other side of the aisle who were meeting up in West Virginia. There was a Politico article that I thought was particularly interesting. This was a part of the published agenda that was reported by Politico, an agenda that says they are getting people together. They want to talk about speaking to those who feel invisible in rural America, listening to those who feel unheard, and a discussion with Trump voters.

There was another entry in the agenda, I believe, that says talking to real people. I am here to talk to the real people tonight. You have Members in the Senate who want to get things done. We know you are hurting. We know the government has failed you, Democrats and Republicans. We have failed to actually take the tough votes. We have failed to deliver. It is time for us to deliver.

I believe we have a President who expects us to reach across the aisle and solve problems. I am going to be a part of solving that problem. We have a great opportunity here with the Supreme Court nomination. It is time to get past the election results, get over it, and get to work. It is time to recognize that the real people, the people who sent a mandate here—but the mandate was not Republican, it wasn't far right, it wasn't far left—all they said was produce results.

I am going to produce results. I am going to expect my Members to produce results. I am going to go into my conference, when it looks like we are going down the path of taking an intransigent position that does not produce a result, and I am going to call them out. I am also going to hold my colleagues on the other side of the aisle to the same standard.

I am going to hope to find folks who want to solve the immigration problem in a respectful, methodical way. I want to work with people on the other side of the aisle who want to solve the criminal justice problem, the sentencing reform, the judicial reform bills that are moving through that have, I believe, far more than 60 votes to support it.

We have to work on these. We will save the other ones where we simply can't find common ground, and those will be the arguments that we can have that can influence future elections, but for the next 2 years, let's get work done. Let's actually be able to go back to our State and proudly proclaim that we had the courage to stand up to people on our side of the aisle when getting to perfect was at the expense of doing something good.

If we do that, we will have one of the most productive legislative sessions. The 115th Congress could go down in history as one of the most productive Congresses in the last 100 years. I want to be a part of that story. I want to go back to North Carolina and be proud of what I did, proud of the compromises, proud of the bipartisan relationships that we did to solve these problems.

I am going to go to other States who may be up for reelection in 2018 and either thank the Members on the other side of the aisle who worked with us for those solutions or campaign against them because they failed to actually look at their constituents and do the right thing.

There are a lot of opportunities here. I, for one, am going to spend every waking hour to make sure I do my part, and I can be proud of the work I did to produce results, to answer that mandate by the electorate that came in November to produce results.

I have every confidence that there are enough Members here to join us.

With that, we will do great things. We will fulfill the promises we made. There is nothing more rewarding than being able to look your constituents in the eye and say: We did it. We listened to you. We compromised. We treated people with respect. We delivered.

I call on all my Members to think again about what they can do to be a part of providing the solutions. I look forward to working with them in this Congress.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I rise to speak on the stream protection rule. One of the first things we learn as kids is that if you make a mess, you are responsible to clean it up. It is good manners, but it is also a matter of ethics. It is about doing the right thing. This is the spirit, this is the idea behind the stream protection rule. It simply tells coal companies doing mountaintop mining that they need to clean up their mess if they make a mess. It seems pretty common sense to me.

Opponents of this rule argue that this is somehow an unfair burden on coal companies because coal is doing poorly in the emergency markets. Opponents seem to want to say that asking companies to be responsible to clean up whatever mess may have been made makes it harder for them to compete.

The truth is, coal is having a very difficult time in energy markets, but it is not because they are being required to clean up after themselves. It is because other energy resources are becoming cheaper. Solar is cheaper now than ever. The natural gas revolution is now in competition with coal. It is very difficult to get a new coal-fired powerplant on line. It may be even more difficult to recapitalize an old one. So coal is struggling, but the reason is not the stream protection rule.

There is another aspect of this, which is, since when is there no cost to doing business? Since when are any companies allowed to come in, pollute, and then walk away without doing anything about it? If you hired a contractor to work on your house and they left a pile of materials in your kitchen, you wouldn't say: Well, that is just the cost of doing business. You would say: Clean up the mess. That is part of the job.

There is no question that coal mining is a tough business, but it also can sometimes be a messy business. That is a simple fact. If we ignore the pollution that is caused, if we ignore the cost the public bears when toxic substances are dumped without proper treatment or when coal-fired powerplants spew carbon pollution into the atmosphere, for that matter, we are ignoring the cost of doing business.

To be fair, we have to make sure every industry, including the coal industry, plays by the same rules as everyone else. Up until December of last year, some coal companies just were not playing by the same rules. Mountaintop mining had leaked dirty water and waste into the streams. Researchers estimate that this has destroyed 2,000 miles of stream in the United States of America.

That destruction has a domino effect. It threatens the health of people who depend on those streams for their drinking water, it poisons fish, birds, plants, and it reduces the quality of life for people across the country. That is why the stream protection rule was established. It is there so parents don't have to worry when their kids go play by the stream or go fishing behind their house. It is there so ranchers don't have to worry about a nearby mine that could harm their land, and fishermen don't have to worry if the salmon catch is poisoned or if there are fewer fish because salmon are dying from pollution.

This rule is so communities don't have to worry that their daily lives will be changed because a company is not being responsible and cleaning up after itself. This may surprise some people, but the rule will actually create jobs. People like to talk about how burdensome regulations are, especially in the environmental space, but the truth is, it will not lead to fewer jobs.

The Department of Interior predicted it will actually create hundreds of jobs a year, not take them away. Most of all, it is going to have a real positive impact on the world we live in. Over the next two decades, researchers estimated that the stream protection rule would protect or restore 6,000 miles of streams. That is more than the distance between eastern Maine and my home State of Hawaii.

So if you care about protecting local water supply, if you care about having a place for your kids to go hiking and fishing, if you care about holding everyone to the same standard, then don't let this bureaucratic mumbo jumbo get in the way. This rule was created to fix a specific problem, and repealing it could effectively exempt mountaintop coal mining from modern regulation indefinitely.

This is a very important point that has to be made about Congressional Review Act votes. We are going to have a slew of them over the next probably 2 or 3 months. Here is the thing about a CRA vote because it gets rather technical. It is not just overturning a regulation. The way the law works, is that not only is the regulation overturned but an administration can never touch this issue again. We can't do anything that is ''substantially similar.''

So if you want to do something about the stream protection rule, make a law; override the rule that was just made and craft legislation. You have a working majority in both Chambers, work with the bipartisan group. You have four or five Democrats who voted for the CRA. Let's legislate.

What is going to happen when the CRA vote succeeds is we are never going to be able to touch the question of pollution from mountaintop removal again—literally. That is how CRA works. So every time we have a CRA vote, it is not just whether you like the particular rule and want to overturn it, it is whether you never want to touch this subject matter again. That is a rather serious threshold that we have to come through.

We are going to do a lot of CRAs. I know everybody on the Republican side is raring to go to sort of undo all the rules that were done under the Obama administration. Fair enough. We understand. You have the Presidency. You have both Chambers. It is certainly your prerogative to take up all of these CRAs, but be careful because you are not going to be able to touch these issues again. You are forfeiting your prerogative to touch these issues again.

So for the sake of public health and in order to leave a better world for our kids, we need to keep this rule in place.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I am here to speak in support of the Congressional Review Act on the stream protection rule.

I want to say to those who participated in the last election—where part of the discussion was the Federal Government knows all and needs to be in your life and in your business life every day, and it knows the best one-size-fits-all way—that help is on the way today. A lot of the talk of the election is now going into action in the form of the Congressional Review Act.

In particular, the stream protection rule was a last-minute power grab that was aimed at giving more power to the Federal Government.

Now, at the onset, I would like to say this: I don't have any charts. I don't have any pictures, but then I thought, you know what. Yes, I do. I have a lot of pictures on my device here, which I will not open up because it is against the rules and you will not be able to see anyway. But in these pictures, you will see a picture of me fishing in a beautiful stream in West Virginia, where trout is unlimited. You will see me riding an ATV on a Hatfield-McCoy Trail, which is the old mining trails and the old lumber trails in southern mine country in West Virginia, where thousands of people come every year. You will see me visiting a school or a business park that is built on the top of what is a reclaimed mountaintop removal.

If you have ever been to West Virginia, they don't call us the Mountain State for nothing. It is mountain after mountain after mountain, difficult terrain, and in some ways it is very difficult to have any kind of economic development.

So when the laws are enforced—the laws that we have now, in terms of water protection and reclamation—after the mining is finished, we have been able to have some economic development projects that have been to the benefit of many communities there.

So I have no charts. I live there. This is my home. I can drive 4 miles and be at a coal mine very easily, probably less than that.

I heard the argument about outdoor recreation, that people want to have outdoor recreation. I just described three outdoor recreation activities in my State, and the ranking member was talking about how she fished in West Virginia and enjoyed it and had good luck, I hope. Anyway, we have beautiful trout streams, but the outdoor recreator doesn't want to see a coal mine. I would bet the outdoor recreator doesn't want to see a nuclear plant, probably doesn't want to see a windmill farm, probably doesn't want to see a natural gas plant because when you are getting away to recreate, I don't know that anybody would want that, but I can tell you what they do want.

They want the steel that is in their truck to get them there. They want the electricity that they have to have when they go home at night to cook their food or clean their clothes or all the different things that electricity does.

There are tradeoffs to everything. Certainly coal has provided the baseload of the industrial revolution for this country, and we still, I think, have a great role to play.

There are estimates with this rule. The other thing is, it was said that there were no rules in place until we had this rule. That is absolutely false—absolutely false. This rule was rushed in. It was worked on for 5 years, yes. It had 10 State regulators. Let me go back.

The regulation, under the Clean Water Act, is done by the States through the EPA, in conjunction with State and Federal, with the EPA overseeing what the States are doing to make sure they are meeting the minimum standards.

So there are protections in place, and we welcome those protections. Where we live, where everybody lives, we want that. Can we do better? Absolutely, we can do better. We should always strive to do better.

This rule has been in the making for 5 years. Ten States came to this table, 10 States which were most heavily impacted, to try to help the Department of Interior develop this rule.

Our DEP Secretary Randy Huffman says that this proposed version of a stream protection rule—and this is not a Republican-Democrat thing. This is a Democratic Governor's DEP commissioner saying that it was ''an unnecessary, uncalled for political gesture.'' He went on to say that ''the combined administrative record developed throughout the history of mining regulation under SMCRA is totally devoid of any indication of a need for this radical rewrite of the regulations governing the way coal is mined in America.''

Other States have made comments as well. We had the Ohio Chief of Mineral Resources Management Lanny Erdos testify before our EPW Committee. ''OSM has not provided for meaningful participation with the cooperating or commenting agency States.''

Basically, these State regulators who were charged with the primacy of putting forward the water standards in their States and overseeing mining in their States were basically invited into the party and then put in another room and not listened to. Then, eight of them walked away. That has to tell you, this wasn't an even playing field and was probably a very insincere effort to include everybody's opinions.

In Wyoming, Todd Parfitt said: ''The failure to engage cooperating agencies throughout this process is reflected in the poor quality of the proposed rule.''

We have heard a lot about the empathetic voices of the job losses: 60,000 miners since 2011, many of them in my State. Many of these men and women who were making $80, $90,000 a year no longer have a job. They are living in communities that are decimated.

Our State is $500 million in the hole. We are trying to transition. We are trying to do the right thing, but rules like this that we are about to overturn through the CRA process are such an overreach of authority.

The EPA has already gotten slapped down by the Supreme Court for the match rule. They put a stay on the Clean Power Plan. There are definite questions as to the authorities that the past administration has put forward.

United Mine Workers of America President Cecil Roberts says: ''We are especially concerned with the long-term negative impact this rule is very likely to have on future longwall coal mining in the United States and associated employment impacts on our miners.''

We have heard about mountaintop removal. There is a strong belief that this will impact our underground mining as well. That is pretty much—I wish I knew the exact percentage, but I would say well over 70 or 75 percent of the mining and maybe more than that.

I hosted Senate committee field hearings centered on energy jobs in Beckley, Logan, and Morgantown. Bo Copley, a coal miner who lost his job, talked about the impact regulatory policies were having on him, his young family, his community, and his former colleagues.

We heard about the fact that the health and pension of our miners is in deep trouble. I have been very much on board. Senator MANCHIN and I have been working hard—along with Senator PORTMAN, Senator BROWN—with those more affected regions to make sure the health care and pensions of our miners are funded and that those miners know that the benefits that were promised will be there for them and their families. The promises made will be promises kept, but this downturn in the coal industry heavily affects the ability for the pension funds to be solvent and for the health benefits to be carried on. So there is a direct correlation between the overregulation we have seen and the effects in the health and pension funds.

The ranking member on the Energy Committee—and we just had a good conversation. I will paraphrase what she said: Sometimes I think we are sort of talking by one another. And I think maybe she is right in certain respects, and she mentioned the effect of natural gas on the coal industry. Yes, that has had an effect on the coal industry, but this rule that was proposed, rushed in at the last minute by the Department of Interior, would have an even more devastating effect than the combination of regulations to this point, the combination of the natural gas and market conditions.

So you ask: Oh, how rushed in was it if it was being worked on for 5 years?

Well, they didn't publish the rule until December 20, 2016, after the election—the election in which overregulation was one of the key factors that was discussed during the election and the effect on economies and businesses and the ability for American workers to continue to work hard and keep their jobs, but Americans rejected the continuation of these policies.

So they published the rule on December 20, 2016, and then it was made effective January 19, 2017.

What is January 19, 2017? It was the day before President Obama left office. There is no irony there at all, I don't think.

I am here to say that Senator MCCONNELL and I have put this forward. It is one of the first ones that has come forward in terms of the Congressional Review Act. Help is on the way, and the President will sign this. He has said in his Statement of Administration Policy: ''The administration is committed to reviving America's coal communities, which have been hurting for too long.''

Again, I can tell you about it. I could probably show you pictures of it. I live there. These are my friends. These are folks I see every day. I see them in the grocery store. And we have seen the effects in our region to the point of six of our counties are in deep, deep depressions.

So I want to congratulate the House of Representatives for passing this earlier today. I want to thank West Virginia Representatives DAVID MCKINLEY, EVAN JENKINS, and ALEX MOONEY for voting yes and getting a strong vote. I would like to thank Leader MCCONNELL for his leadership on this and the 27 other cosponsors of this bill.

Lastly, I would like to say, we heard the Senator from Hawaii talk about how this is really going to create jobs. Well, I found an article from the Wall Street Journal on December 20, 2016, and I am going to quote from it.

Interior's projections about the economic impact are laughable. OSM reckons the rule would cost a mere 124 coal mining jobs a year—

Whereas, other estimates are almost as much as one-third of the jobs—

but instead of visiting operating mines, the wizards at OSM built their estimates on computer models. They even reported a net gain in jobs—

And I think this is what the Senator from Hawaii was talking about—

as miners are replaced by workers implementing the rule.

Less mining but more workers—genius.

This reminds me a little bit of when we were talking about all of the regulatory burdens of Dodd-Frank, which I am sure we will be getting into in another CRA. I was on the Financial Services Committee over in the House for a long time, and we learned, when Dodd-Frank went into effect, within a year and a half, the largest growing profession was bank auditors. So the government has created jobs for bank auditors to put forward their rules. It sounds a lot like that is what OSM has done with this rule.

I would just like to close with this. We are going to move forward with this because it is important to our region. It is important to a lot of working people. It will not and does not in any form or fashion allow fowling of the water, fowling of our streams. There are protections that are carried forth through our State regulators who came to the table for this rule, who felt they were not being listened to and, over the course of 5 years, all drifted out. I don't think they were invited back. I am confident this will have an effect of saying: America, you voted to unleash the American economy, to let our regulators regulate, to let our clean water statutes move forward in conjunction with State and Federal regulators, to let Americans know that the Federal Government is not going to be reaching into every aspect of your life and it is going to result in losing your job, creating hopelessness, 72 teachers being laid off in my county last month because we have lost people, real estate values going down, and the loss of a valuable resource that leads to the strength and to the viability and to the security because energy security is security for our country, for our whole country.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in opposition to this effort under the Congressional Review Act to block implementation of the stream protection rule.

CRA offers Congress an important tool, as we know, to consider potentially egregious rules that are promulgated usually at the end of Presidential terms. The stream protection rule, which we are considering this evening, is not one of those.

I live in a State—Delaware—whose citizens can be adversely affected by the upstream actions of others and border States whose citizens could be compromised by the things we do.

I take it as a matter of faith that we should treat other people the way we want to be treated. We call that the Golden Rule, and I know that not everyone shares my passion for the Golden Rule, even though it appears not just in my faith, those who happen to be Catholic or Protestant, Jewish, Muslim, Hindu, Buddhist—it appears in all faiths, the idea that we ought to treat other people the way we want to be treated.

I also believe the Federal Government should act to protect citizens from the harm of the actions that other citizens would do to them. This stream protection rule is, I believe, one of those actions.

I am a native West Virginian. I was born in Beckley, WV, a coal mining town in South Central West Virginia. I understand well the role coal mining has played in supporting families in my native State and communities there for longer than any of us can personally remember.

I also know that mining operations have had a devastating impact on the lives of those who have endured compromised drinking water and destroyed natural habitat, with a loss of the fish and wildlife that define the fabric of my native State and all other States.

This rule has been a long time coming, as we have heard this evening. Indeed, we are living with rules governing mining conduct that go back, I believe, as far as 30 years. It is time for an upgrade, and I think the rule before us is a sound, responsible, and carefully developed answer to that need.

In what is becoming an art form in this country, there are myths—some call them alternative facts—that are swirling around this rule. As ranking member and the senior Democrat on the Environment and Public Works Committee, I want to address a couple of them.

Some would attack this rule's provisions as redundant and inconsistent with State obligations under the Clean Water Act. I am also a former Governor and am keenly aware of the problems of inefficient governance and avoided at all costs conflicts between State agencies. It wasn't always easy, but we didn't need Federal actions to compound those frictions. I am happy to say that the drafters of this rule heard those concerns, and this rule promotes collaboration and coordination between mining and environmental agencies and clarifies their roles, preserving their authorities under the surface mining and clean water laws.

Both the EPA and the Army Corps of Engineers concurred with the final rules, and in doing so, EPA said: ''We have concluded that nothing in the Stream Protection Rule is inconsistent with the provisions of the Clean Water Act and that the final rule does not inhibit the EPA's Clean Water Act authority to require that surface mining activities comply with all applicable provisions of the Clean Water Act, particularly those provisions related to water quality.''

The EPA goes on to say: ''The final Stream Protection Rule incorporates measures to limit duplication and avoid inconsistency in the implementation of Surface Mining and Reclamation Act and Clean Water Act programs, while supporting complementary, comprehensive, and effective environmental reviews of proposed surface coal mining operations.''

Some would say that the stream protection rule allows the U.S. Fish and Wildlife Service to veto Surface Mining Control and Reclamation Act permits. That is not true. It is true that section 7 of the Endangered Species Act does require the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior to consult with the U.S. Fish and Wildlife Service if any action ''may affect'' listed terrestrial and freshwater species.

The stream protection rule allows permit applicants and regulatory authorities to achieve ESA compliance in a variety of ways but does not provide the Fish and Wildlife Service any veto authority over permits. Indeed, this past year, the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service completed consultation under the Endangered Species Act, resulting in what is known as the 2016 Biological Opinion. This new Biological Opinion smooths the way for more efficient Endangered Species Act compliance, while providing important protections to industry and State regulators regarding possible impacts of mining operations on protected species.

I think it is important to note that if we kill this rule, that protection for industry and State regulators will go away. Let me repeat that. I think it is important to note that if we kill this rule, that protection for industry and State regulators will go away, and those players will have to resort to a more cumbersome case-by-case review under the Endangered Species Act for all activities that might affect protected species. That would be a shame for a struggling industry.

For those and a host of other reasons my colleagues will offer today, I urge a ''no'' vote on this resolution.

I thank the Presiding Officer, and I yield back my time.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Georgia.

NOMINATION OF NEIL GORSUCH

Mr. PERDUE. Mr. President, during the Presidential campaign last year, President Donald J. Trump promised the American people he would nominate an unwavering supporter of the U.S. Constitution to the Supreme Court. He has now kept that promise.

I personally applaud the President for nominating Judge Neil Gorsuch to serve on the U.S. Supreme Court. He is an outstanding choice. Throughout his career, Judge Gorsuch has been a stalwart, standing strong in support of the U.S. Constitution. He has repeatedly shown his commitment to our country's founding principles of economic opportunity, fiscal responsibility, limited government, and individual liberty. These principles have served to

make our Nation exceptional throughout our history. Each branch of government has the shared charge of preserving and protecting those rights for all Americans. Judge Gorsuch has had a remarkable career in both the public and private sectors and has demonstrated a keen understanding and appreciation of the law.

He has an outstanding academic record. He is an outsider to the political nonsense here in this town. He has an impeccable judicial record, and he is actually called a ''judge's judge'' in the Scalia mold. He is a mainstream judge.

Actually, when he was confirmed in his current position, he was confirmed by 11 Democrats who are still in this body today, including Senators LEE, FEINSTEIN, SCHUMER, and DURBIN. Clearly, Judge Gorsuch will honor the formidable and impressive legacy of defending the Constitution left by Justice Scalia.

Throughout last year, I and other Members in the Senate held our ground in saying that no nominee to the Supreme Court should be confirmed until after the Presidential election. We believed the American people deserved a voice in the process. We also knew that the hyper-partisanship and politics of a Presidential election cycle should never have any place in the nomination and confirmation of a Supreme Court Justice, which we all know is a lifetime appointment. The integrity of the advice and consent process, clearly spelled out in Article II, Section 2 of the Constitution, was at stake. In protecting the integrity of the sacred constitutional process, we did our job.

Our position was exactly the same, ironically, as held by former Vice President Biden, former Minority Leader Harry Reid, and others in earlier times and earlier debates.

Now that President Trump has announced his nomination, it is time to continue doing our job. I hope the minority leader and Members of the minority party will walk away from the hypocrisy they are already demonstrating this year.

Last June, the current minority leader tweeted: ''In order for justice to remain a pillar of this nation, we must have a functioning judicial branch. The [Supreme Court of the United States] must have nine [sitting Justices].'' Later that same month, the minority leader said before the U.S. Senate: ''Every day that goes by without a ninth Justice is another day the American people's business is not getting done.'' So why would the current minority leader and some of the Democrats in this body now say they will filibuster any nominee to the Supreme Court before even knowing who would be nominated?

The minority leader railed on the Senate floor. Yet last month he went on CNN and said: ''We absolutely would keep the seat open . . . we will fight it tooth and nail, as long as we have to.''

Again, this was before a nominee was even announced.

The political theater of 2016 has no place in the confirmation process this year. Now is the time to govern, not to engage in the far-off political theater of 2018 and 2020. As we move forward in this process, I hope the minority leader and my colleagues across the aisle will remember that. I hope they will put the integrity of the Constitution before the scope of their political ambition and their bitterness about last year's election outcome.

I would remind my colleagues across the aisle that Republicans put aside political theater to confirm two Justices to the Supreme Court under both President Obama and President Clinton. Now President Trump has nominated Neil Gorsuch, who is a principled judge who will put the Constitution of the United States and the rights of all Americans at the forefront of any decision he takes. Judge Gorsuch's record of service and his commitment to the Constitution is quite clear. I am looking forward to voting to confirm his nomination and to ensure that we have a fully functioning High Court.

I strongly urge my colleagues across the aisle to put aside their partisan self-interest and do what is right for our country. Our children and our children's children deserve nothing less.

TRAVEL BAN

Mr. President, I also would like to speak momentarily to the President's recent Executive order to strengthen our refugee screening process that he thinks will protect America, and I agree with him.

The minority leader's tear-jerking performance over the past weekend belongs at the Screen Actors Guild awards, not in a serious discussion of what it takes to keep America safe. Folks back home are fed up with Members of this body stirring up global hysteria to score political points.

Let's be clear. This temporary action is not a so-called Muslim ban, and no Muslim ban has been put into place. As a matter of fact, the five countries most heavily populated with Muslims around the world were not included in this temporary pause on movement. In fact, almost 90 percent of the world's Muslim population is not even remotely affected by this temporary pause.

The seven countries that were included in President Trump's Executive order—Iraq, Iran, Syria, Libya, Somalia, Sudan, and Yemen—were included for specific reasons. Each of these nations was previously identified by President Obama as posing national security threats to the United States.

This is not a target at any religion; it is simply a temporary pause in the movement of individuals from nations of concern in order to assess whether our current screening system is in the best possible shape to protect Americans. I am apoplectic that Members of the minority party and the former President of the United States would actually say or imply otherwise. Their comments encouraging civil unrest and disobedience are both deplorable and unacceptable.

The failed foreign policy of President Obama in Syria and the broader Middle East has made the world more dangerous than at any time in my lifetime and has helped to create the current refugee crisis around the world. We are at war with ISIS, and we know they have identified and targeted our refugee system as a point of weakness. They have already exploited the refugee systems of nations in Europe, carrying out terrorist attacks and killing innocent people.

It would be malfeasance for our President not to take action and immediately review our current screening process to ensure we are helping those in need and keeping terrorists out. This temporary pause will allow us to assess our current screening process and strengthen it as needed. Moving forward, the implementation of this temporary pause must be efficient and effective.

During this screening review period, we should avoid overreacting to the responsible steps that have been taken to prioritize the protection of all Americans. It is totally irresponsible and ridiculous for the minority leader, Members of this body, the former President, President Obama, and others to suggest that it is anything other than a rational, responsible step to keep America safe and deal with the ISIS threat once and for all.

I yield my time.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I know my colleague from Oregon is around somewhere and wanted to speak on this rule, and when he shows up on the floor, we will certainly give him the time to do so. I want to make a couple of points while we are waiting for him.

First, in this discussion here with my colleagues, there is some discussion and I guess the start of what will be a continuing theme that somehow, if you get rid of regulations, we are going to restore competitiveness to the U.S. economy. Nothing could be further from the truth.

If you ask businesses what we need to do to be competitive as a country, they will say: Make sure we have a great education system. Make sure we invest in R&D. Let's develop new technology.

If we look at where businesses are locating, they want to locate in beautiful, pristine places because they know that is where their employees will want to locate. So, first of all, that somehow the government is going to restore the economy by deregulating and letting polluters pollute is just not correct. It is not what America wants. What people want is to have safe drinking water, and they want an outdoor economy that is supported by having a great environment.

So I want to say a couple of other things. Obviously, this rule that we are talking about and that has been developed over a long period of time is an

improvement over the 1983 rule because it gives us a better idea on the pollution that is happening. Now, if people don't want to know that information, I guess that is OK. The court, counter to what my colleague from West Virginia said, did not say that it was suspending the rule. It said that it was still in effect, that the pollution had to be cleaned up. It said: Come back and look at the economic impact. But somehow, some are saying that the Supreme Court decision on the MATS rule gave EPA and others a get-out-of-jail-free card; you don't have to look at pollutants. They have to look at pollutants.

So what is this issue about? It is about clean water.

Mr. President, I wish to enter into the RECORD a couple of articles that I have seen from constituents. My colleague from West Virginia mentioned a few people. These are the real people in America who want this.

One of them is a gentleman named Ben Kurtz, who happens to be from Grand Junction, CO. This is what he says:

It's often said that drag is a fly fisherman's greatest enemy. The truth, however, is that a wet fly or heavy drag is irrelevant if you don't have clean water to fish. Our lakes, rivers, streams and the fish that inhabit them are all extremely sensitive to pollution. And right now, many of these streams all across our country are being threatened by dirty groundwater stemming from coal mines.

Despite this, it's been nearly a decade since the Department of Interior has updated its Stream Protection Rule—an inadequate, Reagan-era regulation governing impacts to waterways from coal mining which was weakened even further under the Bush administration.

For the last six years, DOI has been engaged in the process of updating and gathering input on the rule, with the ultimate goal of revising it to make it more effective, in line with the challenges our waters face today as well as the law Congress passed in the 1970s to create it. While it has been a long time coming, that process now appears to be coming to a close.

Once finalized, the revised rule would establish common-sense new protections that would safeguard the health of our waterways, and by extension, the communities that are impacted by them. For example, the rule would strengthen baseline requirements for water quality testing to ensure that coal mining operations are not polluting streams in a manner similar to that of the old hardrock mines throughout the West.

In addition, the revised standards would require coal mines to develop a plan for how to protect fish and wildlife while also putting in place measures that will reduce impacts on habitats and improve reclamation of mines that have shuttered.

I mentioned earlier as a side note to this letter that we have 250 such mines in our State.

These proposed changes are just common sense: The rule is low-cost (independent analysts have calculated that the safeguards would cost between 1 and 60 cents per ton of coal that's mined) and while the revisions are expected to result in cleaner waters and improved public health, its impact on jobs will be slim to none.

Still, the issuing of a strong final Stream Protection Rule is not a foregone conclusion, as the coal industry is intent on maintaining the status quo. Were that to transpire it would mean streams that are at greater risk of being polluted with coal mine waste and runoff.

Taking all of this into account, it's clear that whether you're a fly fisherman or not, the revised rule is something we should all support. Cleaner waters not only mean better fishing but cleaner and healthier communities too.

Speaking on behalf of my fellow fly fishermen, I applaud the Department of the Interior for its ongoing efforts to enact sensible safeguards that protect the federal lands we all support and enjoy. It's time for DOI to push the Stream Protection Rule update across the finish line so we fishermen—

Obviously, this letter was written before that—

can go back to worrying about the little things—like what color fly to cast—rather than fretting over groundwater pollution that threatens our vibrant ecosystems and jeopardizes our health.

Well, I think Mr. Kurtz said it the best.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROTECTION FOR OUR RIVERS AND STREAMS IS LONG OVERDUE

(By Ben Kurtz)

It's often said that drag is a fly fisherman's greatest enemy. The truth, however, is that a wet fly or heavy drag is irrelevant if you don't have clean water to fish. Our lakes, rivers, streams and the fish that inhabit them are all extremely sensitive to pollution. And right now, many of these streams all across the country are being threatened by dirty groundwater stemming from coal mines.

Despite this, it's been nearly a decade since the Department of Interior has updated its Stream Protection Rule—an inadequate, Reagan-era regulation governing impacts to waterways from coal mining which was weakened even further under the Bush administration.

For the last six years, DOT has been engaged in the process of updating and gathering input on the rule, with the ultimate goal of revising it to make it more effective, in line with the challenges our waters face today as well as the law Congress passed in the 1970s to create it. While it has been a long time coming, that process now appears to be coming to a close.

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These proposed changes are just common sense: The rule is low-cost (independent analysts have calculated that the safeguards would cost between 1 and 60 cents per ton of coal that's mined) and while the revisions are expected to result in cleaner waters and improved public health, its impact on jobs will be slim to none.

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Ms. CANTWELL. Mr. President, I can read others, but these are the people who are concerned about this rule. These are the individuals who want to know whether we are going to do our job and to say that polluters must pay. I believe that if we have the technology and the rules to do that, why would miners object? Why would the mining industry object to having the correct information?

I will read another letter from a Montana rancher this time.

As a long-time rancher of north of Billings, water supply has been a 70-year-old struggle for my ranch. The coal industry has posted a threat to my water supply since the 1970s, and more recently increased mining, spurred by fast-growing markets and the export to Asia, which has sparked water damage across the West. The limited water we are talking about in the West makes it doubly valuable and in need of protection. As the saying goes: ''Whiskey is for drinking and water is for fighting.'' So it is absolutely essential that we protect the water we have, and sometimes that means a stronger rule from the Federal Government.

Most cattle ranchers in the Bull Mountains where I live rely on a combination of wells and natural springs to water our livestock. And like other nearby operations, my ranch is currently being literally undermined by coal mines using massive and destructive long wall machines that make it difficult for efficient mining because of surface disruptions, impairing coal aquifers, subsiding recharge areas, and they pull surface streams underground. I can think of no industry that degrades water in such a reckless and cavalier way as the coal industry. From acid mine drainage and thousands of mines' buried headwaters across Appalachia, to eating streams on the prairie that are destroying wells and springs in Montana's Bull Mountain.

While Montana surface mining laws require reclamation of the area over long mines, reclamation is a slow and uncertain process, and water in the existing mines in Montana has not been reclaimed, according to the bond-released statistics. These proposals for mining are to be included along these rivers and even moving along tributaries, to get it out of the way of coal mining. In Wyoming, Angelo Creek is slowly being eaten by a coal mine. With all of it as a backdrop, I am happy to see the proposal by the Department of the Interior to update this regulation put in place over 30 years ago.

So the proposed Stream Protection Rule would safeguard communities from destructive coal mining practices and keep pace with our current science and modern mining practices. These new rules would minimize impacts to surface and groundwater such as springs on my property by requiring companies to avoid mining practices that permanently pollute and diminish streams, requiring coal companies to test and monitor the conditions of streams that their mining might impact before and during and after operations.

The proposed rule would also require companies to restore streams and other waters that they were using and that were capable of supporting, like in the ranching area, prior to the mining activities. The Department of the Interior could also improve parts of the stream protection rule by providing technical assistance.

It is very well to have good standards and test these out in rules, but if they are poorly implemented on the ground and over time, the results will be like no rule. So the Interior Department's work to update and modernize these decade-old rules and regulations is absolutely essential if we are going to keep a bad situation from getting worse. Clean water in the West is too precious to let coal companies pollute it or diminish it.

This happens to be from a woman named Ellen Pfister who has a cattle ranch in the Bull Mountains area of Shepherd, MT.

So these are just two examples of people who really want to see us do something. Why? Because clean water is so important to them. It is so important to the outdoor economy, and it is important to this particular rancher who wants to make sure that clean water is an aspect of their farming.

There are a couple of other points I wanted to make about the rule and this notion that somehow overregulation has destroyed the pension program. It is so amazing that here in the Senate, somebody thinks that overregulation could blow that big of a hole into the pension program. The pension program had a more than 23-percent drop in the implosion of the economy in 2008 and 2009. So that kind of hole was there before this process. It is sad that now miners who are going to reach a retirement age won't have a pension to retire on. I think it is appalling that we bailed out Wall Street and we don't want to help with a pension program that basically took a major hit during the downturn. What are we saying to people? We don't care about those pensions, but we will turn over the keys to the Treasury to someone else?

So the notion that, somehow, standing up for clean water is equated with the pension program is just not true. We support those workers. We will do anything to help them from all aspects of that picture, including giving them a pension and making sure they have health care and retirement. We have had that discussion, and many of my colleagues had that discussion here late into the night just at the end of last year. I am sure that we are waiting for a response from Leader MCCONNELL as to when he is going to put that kind of legislation on the Senate floor. But, unfortunately, what we have instead is a rule trying to hold back making sure that we have safe drinking water, safe fishing water, and an outdoor economy that can count on these things.

I thank my colleague from Hawaii for being here earlier and talking about this issue, as well as my colleague who is the ranking member from the EPW committee, Senator CARPER from Delaware, making an eloquent statement and talking about the West Virginia economy, as he is a native of West Virginia, and now my colleague from Oregon, who is also addressing this issue. I appreciate their coming to the floor tonight and being part of this discussion.

This is so important to all of us and really to all of our country. I think making sure that people understand how important clean water is to various aspects is so important. So I thank my colleague from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the comments just delivered by my colleague from Washington State. Our two States are roughly the same size. They have similar amounts of coastline. We have citizens who share a lot of perspective on the country and that may be apparent in the comments I am about to make.

Mr. President, from our earliest days, long before the Founding Fathers gathered in Philadelphia to declare that 13 disparate colonies were united and ''absolved from all allegiance to the British Crown'' and long before they sought to ''form a more perfect Union,'' our streams, our rivers, and our lakes have been the economic lifeblood of our Nation. They have supported commerce and trade, fishing and agriculture. They have facilitated the ability to travel the vastness of this continent. They have sustained our growing communities and served as critical resources for public health.

It is no wonder, then, that generations of Americans have worked incredibly hard to protect these natural resources to keep them clean and safe. That is why here, in the Senate and in the House, in 1972, we passed the Clean Water Act that formed the foundation for our Nation's water regulations. It is why, 2 years later, the House and Senate developed and passed the Safe Drinking Water Act, to make sure that public drinking water supplies are safe throughout the Nation.

I recall the impact of these acts in my home State of Oregon. The Klamath River was considered extraordinarily polluted. You could boat down it and see pipes dumping into it at regular intervals. Then, over time, as the State worked hard to identify those pipes, remove those pipes, and make sure that all pollution went through water treatment, the river got better. It got healthier.

Now, it is not without its problems. Its problems still exist. There is still nonpoint pollution that affects life in the stream. But it is a far more beautiful and far healthier river than it was before we passed the Clean Water Act.

We have proceeded to be fairly fierce about our enforcement. We have prosecuted polluters who have bypassed the law and dumped the results of their processes directly into our streams and our waterways. We have worked to protect wetlands, and we have worked to protect estuaries, understanding more and more about the role these various bodies of water play in our economy and play in our natural system and making sure they can continue to play that role so that we have a sustainable environment, one that is not at war with our economy.

We have made the two work very well together, and we have accomplished all this through the debate and dialogue that we have had in the Senate and in the House and that the experts have brought to bear in our committee hearing rooms. We have accomplished it through the testimony of concerned citizens across the Nation who have identified one particular problem or another problem and have brought those challenges to us here in this body, and we have worked to address them. If you have ever visited a nation that didn't have this kind of process and seen the intense, incredible pollution of its waterways, then you know what a difference it makes to have this public process. I invite you to visit China and see what happens when there is no public process for taking into account and rectifying the challenges when industrial waste is simply dumped into our waterways.

We take a lot of pride in protecting our streams, our rivers, and our lakes. That process has continued over these past years at the Department of the Interior, where the Office of Surface Mining Reclamation and Enforcement was working on the stream protection rule.

I am going to show a picture to give some scale to the type of mining that the Department of the Interior, Office of Surface Mining Reclamation and Enforcement was trying to address. We see here the little tiny tractor. This is actually a massive tractor dwarfed by the scale of this massive mine. Indeed, in many cases, the entire top of the mountain is blown off to get at the coal seams underneath. In the process, a tremendous amount of rock debris is created and a tremendous amount of fracturing that can lead to water that moves through the water table eventually finds its way into streams.

The goal has been to find a way that this type of mining can be done in respectful balance with the streams that are further down the mountainside. That is the challenge, and it wasn't easy to address. That is why this rule has been under development for 7 years, from 2009 right up through December of 2016—virtually the entire length of the Obama administration. During this period of consideration, there have been multiple reiterations of what the rule could look like and

what actually works in the real world, with stakeholder after stakeholder after stakeholder saying: This is what you have to do to make it work. The goal was that this type of mining would be done, but not in a fashion which would destroy the streams. That is why it took so much hard work to do this.

There were hundreds of hours of meetings, responses to over 114,000 comments on the rule. But here we are in the evening, with little attention being paid by the vast bulk of Senators spending just a couple hours and planning to undo this work.

Under the Senate rules under the Congressional Review Act, we have just 10 hours of debate. Some of that can be yielded back by one side or the other, so maybe it will only be a few hours of debate. In those few hours, we hold in our hands the fate of the streams downstream from this mining. This is the premise: Will they conduct this mining in a fashion and followup with restoration to protect the streams that will otherwise be devastatingly impacted?

I am going to say yes. Let's take to heart the 100,000-plus hours of work or the 114,000 comments and the multitude of meetings over 6 years, the work of professionals who talked to every stakeholder. Let's take to heart their work and not undo it in just an hour or two here on the floor.

The Senate works in a way now that, even with something that has such a profound impact, Senators aren't here listening to each other; thus, we are not sharing our thoughts back and forth the way the old Senate used to debate. It is almost in silence that we are undoing or potentially undoing all of this work. Shouldn't we be celebrating that so many folks came together to craft a strategy that would not cause this type of mining to destroy the down-mountain streams?

Let me show an example of what a down-mountain stream looks like. This is a stream that probably ran blue not too long ago. It now runs orange. It is full of toxic metals and who knows what. I rather doubt that any Member of the Senate would volunteer to go and take a cup of water from this stream and drink it. We can just look at it and know it is deadly.

So we are trying to keep in place a rule carefully crafted so this stream—which not so long ago ran blue or ran turquoise or deep green because it was a natural stream without this devastating pollution—will stay in that natural state. That is the goal. That is the point of this rule.

I want to be very clear that the stream protection rule is designed to enable mining and stream sustainability to go hand-in-hand. Coal mining is changing in America. It has adopted a number of practices that have made it safer. Machinery has also gotten bigger in ways that mean far fewer people are employed in it. It is also changing because the economies of the energy market are changing. We see that natural gas prices have dropped so low that many utilities are shutting down their coal plants and they are opening up natural gas plants or they are investing in wind or solar renewables. But we need to recognize that for 150 years coal mining families have worked incredibly hard, at great personal risk to their health, to put meals on their tables and to provide power to our Nation. So let's have this conversation about protecting our streams with a full respect for the mining economy and the families that have put their lives at stake and worked to put food on the table.

There is no reason we can't do what we have done in so many other parts of our economy to make the industrial process or the manufacturing process or the mining process be one that works in harmony with our environment, instead of at odds with the environment. That is the goal of the stream protection rule. It updates our 30-year-old coal mining regulations to better reflect the industry as it is today, in 2017.

The fact is, we know a great deal more about the impacts of various coal mining processes on both the people and communities and environment—much more now than we did when most of the regulations were put together decades ago. We know that when we use explosives to blast the summit of a mountain as is done in mountaintop removal, everything gets blasted up into the air and pushed down into the valleys where it ends up in rivers and streams. What is the result of that? If that newly blasted rock doesn't block the flow of the river and streams entirely, it is still in constant contact with them, leaching out pollutants into the water, and those pollutants include things like heavy metals and other toxics that pose enormous threats to the region's fish and to the plants and to the animals and, yes, even to the people who live downstream. There are pollutants like selenium, a metalloid that is toxic to fish even at a very low level, causing deformities, causing reproductive failures, causing death.

One way to tell the health of a stream is that it has life in it, but I doubt anyone would come out and say: Last year, I fished here when this was a blue-green stream, but this year I am not because with one glance at this stream, you know all the fish are dead.

There are other pollutants like cadmium, a pollutant that is not safe at any level and has been tied to cancer in humans. So as cadmium goes down into water, flows into the streams and cities and small towns further down, it adds to the health risks of the folks living in the areas.

Waste dumps called valley fills are left in place even when the mining is completed and the company moves on. We know that the rubble from mountaintop mining is impacting our streams and waterways because we have measured it. According to the Environmental Protection Agency's statistics, valley fills from mountaintop removal are responsible for burying 2,000 miles of vital Appalachian headwater streams. Now, 2,000 miles is a lot of streams. Picture 2,000 miles of a blue-green stream reduced not just to a toxic red stream but to no stream at all because it has been completely covered and eliminated. That is a lot of fishing holes that are gone forever.

In addition to that, we know the fish populations downstream have been reduced by two-thirds from the places where mountaintop removal is occurring.

We know that communities nearby are contending with contaminated drinking water and that babies are being born with higher rates of birth defects. I think about the birth of my two children. Like every parent, we pray and hope that the child is going to be born free of birth defects.

So this rule is about something very close to our hearts. For some, it is the beauty of natural streams. For some, it is the opportunity to fish and see wonderful natural places. But for others, it comes straight to the question of whether their children are going to be born with birth defects. At the other end of life, we see downstream elevated levels of lung cancer, elevated levels of heart disease, elevated levels of kidney disease, elevated levels of hypertension.

So I ask: Is it right that here, in the dark of night, with just a few hours of discussion and virtually no one here in the Senate Chamber, we are going to undo 7 years of work designed to reduce birth defects, reduce lung cancer, reduce heart disease, reduce kidney disease, reduce hypertension, reduce contaminated drinking water?

In just a few short hours, we will be making a decision that will result in an impact on thousands of people, as well as thousands of miles of streams. The stream protection rule is pretty straightforward in its design. I will give a few details about what it is intended to do.

One is that it improves construction standards for waste piles. What is a waste pile? Well, it is pretty much what it sounds like. It is a pile built from accumulated rock waste that is removed when you do mountaintop mining. Why do we need to improve their construction? Because these piles grow to enormous size. They can involve millions and millions of tons of rock and debris. Over time, erosion in the soil around them can create dangerous, unstable slopes that can eventually produce landslides. So how you design it matters. These coal piles can have high levels of coal dust or hydrocarbons. And then there is the acid rock drainage. As water comes down in rain and it percolates down through these, it ends up seeping out into the groundwater or into the stream and poisoning the groundwater or poisoning the stream.

That is why it matters how you have a construction standard for a waste pile. Isn't it smart to have such a standard in place and one that has been developed over hundreds of meetings over 6 years so that mining is much more compatible with clean streams and healthy people?

Another thing this rule does is it enhances restoration by strengthening bonding requirements. It is not unknown, unfortunately, that coal miners would just abandon the mine once their operations were finished, leaving all sorts of undone business that adds to the enormous contamination that even a small amount of mining can do.

In 1977, Congress passed a law saying that miners needed to restore the land after their mining operation was completed and that they needed to provide a bond up front to pay for the cleanup cost just in case the company decided it didn't want to follow through on the cleanup after it completed extracting the coal. Strengthening that and making sure the bonding process actually works right, that the bond is actually there to do the cleanup, makes a lot of sense.

Years ago, I was immersed in first developing housing with Habitat for Humanity and then building affordable multiplexes for a nonprofit, Human Solutions. Companies that were being paid to do their work had a construction bond. The bond made sure that if the company somehow disappeared in the middle of the night, the work was going to get done. That bond was very important to the nonprofit, that what they were investing in—the payments they made were actually going to result in what was contracted to be delivered. That is the same thing here. A company that comes in and says: We got permission to mine—it is saying to the public, with a good bonding system, yes, you can be confident that the cleanup work will be done. That needed to be strengthened because often it is not done. That is another piece of this puzzle.

Then there is another piece that is related to coal slurry and reducing the odds of coal slurry causing a lot of damage. Coal slurry is liquid waste generated when mined coal is washed off. You have a lot of water that is thickened with debris from washing the coal, and it can be held in a basin, but if the walls of that basin fail and that coal slurry gets into the streams, it does massive damage.

That transpired in Martin County, KY, 16 years ago. An estimated 306 million gallons of slurry spilled into two tributaries of the Tug Fork River. How much is 306 million gallons? It is a lot of swimming pools, almost more than you can imagine. Another way to look at it is it is 30 times larger than the *Exxon Valdez* oilspill, one of the worst environmental disasters ever.

There it is. It was a big, massive pond that spilled into the forests and into the rivers in that situation in Martin County. Overnight, one of the tributaries, the Coldwater Fork, a 10-foot-wide stream, became 100 yards of slurry. In some places, the spill was over 5 feet deep. It spread out and covered people's yards on the banks. Hundreds of miles of the Big Sandy River were polluted as a result as the stuff washed down the stream. The Ohio River was polluted. The water supply for 27,000 people was contaminated.

It is not that it has just happened once; it has happened other times. It happened in Buffalo Creek Hollow, WV, in 1972. In that case, it was 132 million gallons of slurry. That is about a third of the size of the other spills, so I guess you could say that instead of being 30 times *Exxon Valdez*, it was only 10 times *Exxon Valdez*. But it did a lot of damage. It created a wave going downstream that was 30 feet high. Can you imagine how much material is required to create a wave of—a flash flood of coal slurry 30 feet high? This didn't happen away from human civilization; this wave of coal slurry killed 125 people. This wave of toxic coal slurry hit and injured over 1,000 more people—1,121 more people. It left 4,000 people homeless, wiped out their homes and their towns.

That is the type of damage that can occur, so why not have a rule that has looked at how these ponds are created and said, here is a standard so that the pond is not overloaded or overtopped or the wall does not collapse and cause a tidal wave that will kill more than 100 people or injure more than 1,000 or leave 4,000 people homeless. Having a standard is the logical thing to do. It helps the companies because then they know exactly what they need to do to make that pond safe.

Those are some examples of what is in this rule.

I think it is important to understand another factor. This rule requires careful mapping before the mining is done so that the restoration process can be held accountable to restore the contours that existed previously, or as close as you can get. Without an understanding of what the land looked like beforehand, it is hard to say what it should look like when it is restored.

Those are commonsense measures. That is it. Common sense. Common standards for safety, for protection of the streams and the wildlife and the people. Isn't that what we should be all about? Shouldn't we not be undoing that, as we will be in a couple of hours, in a deserted Senate Chamber in the middle of the night? That is wrong.

If you want to change these standards—and I say this to my colleagues, and I know many do care a great deal about the environment—then have the courage to do it in daylight. Have the courage to do it in a committee. Have the courage to invite the public in to testify. But here we are tonight, hiding from the population across America, undoing this important work for the safety of our people. That is wrong.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is my understanding that the Senator will take us through the closing script, and as a part of that, I will be recognized in the order to make my remarks.

With that understanding, I yield the floor.

What if I suggest that I begin my remarks, that you give me the high sign whenever the closing script is prepared—it is. Never mind.

I yield the floor.

The PRESIDING OFFICER. This is the high sign.

Mr. WHITEHOUSE. The high sign has been received.

The PRESIDING OFFICER. The Senator from Colorado.

MORNING BUSINESS

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

VOTE EXPLANATION

Mr. DURBIN. Mr. President, I was necessarily absent for the votes on the motion to proceed to legislative session and the motion to procced to a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, H.J. Res. 38.

On vote No. 41, had I been present, I would have voted ''nay'' on the motion to proceed to legislative session.

On vote No. 42, had I been present, I would have voted ''nay'' on the motion to proceed to H.J. Res. 38.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULES OF PROCEDURE

Mr. ROBERTS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator STABENOW, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

115th Congress

RULE I—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk. (b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information: (1) A detailed biographical resume which contains information relating to education, employment, and achievements; (2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and (3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions: (1) Do you agree or disagree to poll the proposal; and (2) Do you favor or oppose the proposal. If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the

production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

SPECIAL COMMITTEE ON AGING

RULES OF PROCEDURE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Special Committee on Aging, having adopted rules governing its procedures for the 115th Congress, have a copy of their rules printed in the RECORD, pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING

COMMITTEE RULES 115TH CONGRESS

JURISDICTION AND AUTHORITY

A.1. There is established a Special Committee on Aging (hereafter in this section referred to as the ''special committee'') which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

2. For the purposes of paragraph I of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

B.1. It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

2. The special committee shall, from time to time (but not less than once year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

C.1. For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

2. The chairman of the special committee or any Member thereof may administer oaths to witnesses.

3. Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

D. All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. Convening of Meetings

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

2. Notice and Agenda:

(a) Written or Electronic Notice. The Chairman shall give the Members written or electronic notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) Shortened Notice. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. Convening of Hearings

1. Notice. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. Presiding Officer. The Chairman shall preside over the conduct of a hearing when present, or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. Witnesses. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. Testimony. At least 48 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than five minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 40 copies of such statement with the clerk of the Committee 48 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. Counsel. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious

errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. Minority Witnesses. Whenever any hearing is conducted by the Committee, the Ranking Member shall be entitled to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. Closed Sessions and Confidential Materials

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written or an electronic request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. Broadcasting

1. Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. Quorums and Voting

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. Hearings. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) Committee rules changes and (3) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. Investigations

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Committee investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing Committee investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. The Chairman and Ranking Minority Member, acting together, shall authorize a subpoena. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Committee Investigative Reports. All reports containing Committee findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. Depositions and Commissions

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. Subcommittees

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. Reports

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

X. Amendment of Rules

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed or via polling, subject to Rule V (4).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE MEMBERSHIP

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources' subcommittee assignments for the 115th Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENERGY AND NATURAL RESOURCES

115TH CONGRESS SUBCOMMITTEE ASSIGNMENTS

ENERGY

Cory Gardner, *Chairman*

James E. Risch; Jeff Flake; Steve Daines; Jeff Sessions; Lamar Alexander; John Hoeven; Bill Cassidy; Rob Portman; Joe Manchin III, *Ranking*; Ron Wyden; Bernard Sanders; Al Franken; Martin Heinrich; Angus King; Tammy Duckworth; Catherine Cortez Masto.

PUBLIC LANDS, FORESTS, AND MINING

Mike Lee, *Chairman*

John Barrasso; James E. Risch; Jeff Flake; Steve Daines; Cory Gardner; Jeff Sessions; Lamar Alexander; John Hoeven; Bill Cassidy; Ron Wyden, *Ranking*; Debbie Stabenow; Al Franken; Joe Manchin III; Martin Heinrich; Mazie Hirono; Catherine Cortez Masto.

NATIONAL PARKS

Steve Daines, *Chairman*

John Barrasso; Mike Lee; Cory Gardner; Lamar Alexander; John Hoeven; Rob Portman; Mazie Hirono, *Ranking*; Bernard Sanders; Debbie Stabenow; Martin Heinrich; Angus King; Tammy Duckworth.

WATER AND POWER

Jeff Flake, *Chairman*

John Barrasso; James E. Risch; Mike Lee; Jeff Sessions; Bill Cassidy; Rob Portman; Angus King, *Ranking*; Ron Wyden; Bernard Sanders; Al Franken; Joe Manchin III; Tammy Duckworth.

Lisa Murkowski and Maria Cantwell are *ex officio* members of all Subcommittees.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

RULES OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have the committee rules for the Health, Education, Labor, and Pensions Committee printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

LAMAR ALEXANDER, *Chairman*

RULES OF PROCEDURE (AS AGREED TO JANUARY, 2017)

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing or executive session it intends to hold at least one week prior to the commencement of such hearing or executive session. In the case of an executive session, the text of any bill or joint resolution to be considered must be provided to the chairman for prompt electronic distribution to the members of the committee.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution shall be before the committee or a subcommittee for final consideration, the clerk shall distribute to each member of the committee or subcommittee a document, prepared by the sponsor of the bill or joint resolution. If the bill or joint resolution has no underlying statutory language, the document shall consist of a detailed summary of the purpose and impact of each section. If the bill or joint resolution repeals or amends any statute or part thereof, the document shall consist of a detailed summary of the underlying statute and the proposed changes in each section of the underlying law and either a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and, in italics, the matter proposed to be added, along with a summary of the proposed changes; or a side-by-side document showing a comparison of current law, the proposed legislative changes, and a detailed description of the proposed changes.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments electronically to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

SUBCOMMITTEE MEMBERSHIP

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have the subcommittee assignments for the Health, Education, Labor, and Pensions Committee printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

CHILDREN AND FAMILIES

Mr. Paul, Kentucky, *Chairman*

Mr. Casey, Pennsylvania, *Ranking Member*

Ms. Murkowski, Alaska; Mr. Burr, North Carolina; Mr. Cassidy, Louisiana; Mr. Young, Indiana; Mr. Hatch, Utah; Mr. Roberts, Kansas; Mr. Alexander, Tennessee (*Ex Officio*); Mr. Sanders, Vermont; Mr. Franken, Minnesota; Mr. Bennet, Colorado; Mr. Kaine, Virginia; Ms. Hassan, New Hampshire; Mrs. Murray, Washington (*Ex Officio*).

EMPLOYMENT AND WORKPLACE SAFETY

Mr. Isakson, Georgia, *Chairman*

Mr. Franken, Minnesota, *Ranking Member*

Mr. Roberts, Kansas; Mr. Scott, South Carolina; Mr. Burr, North Carolina; Mr. Paul, Kentucky; Mr. Cassidy, Louisiana; Mr. Young, Indiana; Mr. Alexander, Tennessee (*Ex Officio*); Mr. Casey, Pennsylvania; Mr. Whitehouse, Rhode Island; Ms. Baldwin, Wisconsin; Mr. Murphy, Connecticut; Ms. Warren, Massachusetts; Mrs. Murray, Washington (*Ex Officio*).

PRIMARY HEALTH AND RETIREMENT SECURITY

Mr. Enzi, Wyoming, *Chairman*

Mr. Sanders, Vermont, *Ranking Member*

Mr. Burr, North Carolina; Ms. Collins, Maine; Mr. Cassidy, Louisiana; Mr. Young, Indiana; Mr. Hatch, Utah; Mr. Roberts, Kansas; Mr. Scott, South Carolina; Ms. Murkowski, Alaska; Mr. Alexander, Tennessee (*Ex Officio*); Mr. Bennet, Colorado; Mr. Whitehouse, Rhode Island; Ms. Baldwin, Wisconsin; Mr. Murphy, Connecticut; Ms. Warren, Massachusetts; Mr. Kaine, Virginia; Ms. Hassan, New Hampshire; Mrs. Murray, Washington (*Ex Officio*).

COMMITTEE ON FOREIGN RELATIONS

RULES OF PROCEDURE

Mr. CORKER. Mr. President, the Committee on Foreign Relations has adopted rules governing its procedures for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator CARDIN, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 31, 2017)

RULE 1—JURISDICTION

(a) *Substantive.*—In accordance with Senate Rule XXV.1(j)(1), the jurisdiction of the committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The committee is also mandated by Senate Rule XXV.1(j)(2) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) *Oversight.*—The committee also has a responsibility under Senate Rule XXVI.8(a)(2), which provides that ''. . . each standing committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee.''

(c) ''*Advice and Consent*'' *Clauses.*—The committee has a special responsibility to assist the Senate in its constitutional function of providing ''advice and consent'' to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) *Creation.*—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the committee and shall deal with such legislation and oversight of programs and policies as the committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the chairman or by vote of a majority of the committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the chairman or the committee may refer the matter to two or more subcommittees for joint consideration.

(b) *Assignments.*—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the committee may receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the committee may serve on more than four subcommittees at any one time.

The chairman and ranking member of the committee shall be *ex officio* members, without vote, of each subcommittee.

(c) *Hearings.*—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the chairman of the full committee or by decision of the full committee. Hearings of subcommittees shall be scheduled after consultation with the chairman of the committee with a view toward avoiding conflicts with hearings of other subcommittees insofar as possible. Hearings of subcommittees shall not be scheduled to conflict with meetings or hearings of the full committee.

The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 3—MEETINGS AND HEARINGS

(a) *Regular Meeting Day.*—The regular meeting day of the Committee on Foreign Relations for the transaction of committee business shall be on Tuesday of each week, unless otherwise directed by the chairman.

(b) *Additional Meetings and Hearings.*—Additional meetings and hearings of the committee may be called by the chairman as he may deem necessary. If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon filing of the request, the chief clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk shall notify all members of the committee that such special meeting will be held and inform them of its date and hour.

(c) *Hearings, Selection of Witnesses.*—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may select and call an equal number of non-governmental witnesses to testify at that hearing.

(d) *Public Announcement.*—The committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least seven calendar days in advance of such meetings or hearings, unless the chairman of the committee, or subcommittee, in consultation with the ranking member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) *Procedure.*—Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member. The chairman, in consultation with the ranking member, may also propose special procedures to govern the consideration of particular matters by the committee.

(f) *Closed Sessions.*—Each meeting and hearing of the Committee on Foreign Relations, or any subcommittee thereof shall be open to the public, except that a meeting or hearing or series of meetings or hearings by the committee or a subcommittee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting or hearing to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or hearing or series of meetings or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by government officers and employees; or

(B) the information has been obtained by the government on a confidential basis, other than through an application by such person for a specific government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or government regulations.

A closed meeting or hearing may be opened by a majority vote of the committee.

(g) *Staff Attendance.*—A member of the committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at committee meetings and hearings. The chairman or ranking member may authorize the attendance and seating of such a staff member at committee meetings and hearings where the member of the committee is not present.

Each member of the committee may designate members of his or her personal staff for whom that member assumes personal responsibility, who holds, at a minimum, a top secret security clearance, for the purpose of their eligibility to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

In addition, the majority leader and the minority leader of the Senate, if they are not otherwise members of the committee, may designate one member of their staff for whom that leader assumes personal responsibility and who holds, at a minimum, a top secret security clearance, to attend closed sessions of the committee, subject to the same conditions set forth for committee staff under Rules 12, 13, and 14.

Staff of other Senators who are not members of the committee may not attend closed sessions of the committee.

Attendance of committee staff at meetings and hearings shall be limited to those designated by the staff director or the minority staff director.

The committee, by majority vote, or the chairman, with the concurrence of the ranking member, may limit staff attendance at specified meetings or hearings

RULE 4—QUORUMS

(a) *Testimony.*—For the purpose of taking sworn or sworn testimony at any duly scheduled meeting a quorum of the committee and each subcommittee thereof shall consist of one member of such committee or subcommittee.

(b) *Business.*—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

(c) *Reporting.*—A majority of the membership of the committee, including at least one member from each party, shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members is physically present, including at least one member from each party, and a majority of those present concurs.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General.*—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the committee.

(b) *Presentation.*—If the chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements.*—A witness appearing before the committee, or any subcommittee thereof, shall submit an electronic copy of the written statement of his proposed testimony at least 24 hours prior to his appearance, unless this requirement is waived by the chairman and the ranking member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses.*—Only the chairman may authorize expenditures of funds for the expenses of witnesses appearing before the committee or its subcommittees.

(e) *Requests.*—Any witness called for a hearing may submit a written request to the chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The chairman shall determine whether to grant any such request and shall notify the committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization.*—The chairman or any other member of the committee, when authorized by a majority vote of the committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any member of the committee, the committee shall authorize the issuance of a subpoena only at a meeting of the committee. When the committee authorizes a subpoena, it may be issued upon the signature of the chairman or any other member designated by the committee.

(b) *Return.*—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the chairman or any other member designated by him may convene a hearing by giving 4 hours notice by telephone or electronic mail to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions.*—At the direction of the committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing.*—When the committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views.*—A member of the committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing (including by electronic mail), with the chief clerk of the committee, with the 3 days to begin at 11:00 p.m. on the same day that the committee has ordered a measure or matter reported. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

(c) *Roll Call Votes.*—The results of all roll call votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee.

RULE 9—TREATIES

(a) *General.*—The committee is the only committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent to ratification. Because the House of Representatives has no role in the approval of treaties, the committee is therefore the only congressional committee with responsibility for treaties.

(b) *Committee Proceedings.*—Once submitted by the President for advice and consent, each treaty is referred to the committee and remains on its calendar from Congress to Congress until the committee takes action to report it to the Senate or recommend its return to the President, or until the committee is discharged of the treaty by the Senate.

(c) *Floor Proceedings.*—In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress ''shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.''

(d) *Hearings.*—Insofar as possible, the committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) *Waiting Requirement.*—Unless otherwise directed by the chairman and the ranking member, the Committee on Foreign Relations shall not consider any nomination until 5 business days after it has been formally submitted to the Senate.

(b) *Public Consideration.*—Nominees for any post who are invited to appear before the committee shall be heard in public session, unless a majority of the committee decrees otherwise, consistent with Rule 3(f).

(c) *Required Data.*—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance

on the basis of a thorough investigation by executive branch agencies; (2) the nominee has filed a financial disclosure report and a related ethics undertaking with the committee; (3) the committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; (5) for persons nominated to be chiefs of mission, the report required by Section 304(a)(4) of the Foreign Service Act of 1980 on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated; and (6) the nominee has provided the committee with a signed and notarized copy of the committee questionnaire for executive branch nominees.

RULE 11—TRAVEL

(a) *Foreign Travel*.—No member of the Committee on Foreign Relations or its staff shall travel abroad on committee business unless specifically authorized by the chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the ranking member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the committee within 30 days. This report shall be furnished to all members of the committee and shall not be otherwise disseminated without authorization of the chairman and the ranking member. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded to consult the Senate Code of Conduct, and, as appropriate, the Senate Select Committee on Ethics, in the case of travel sponsored by non-U.S. Government sources.

Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the chairman and ranking member of the full committee.

(b) *Domestic Travel*.—All official travel in the United States by the committee staff shall be approved in advance by the staff director, or in the case of minority staff, by the minority staff director.

(c) *Personal Staff Travel*.—As a general rule, no more than one member of the personal staff of a member of the committee may travel with that member with the approval of the chairman and the ranking member of the committee. During such travel, the personal staff member shall be considered to be an employee of the committee.

(d) *PRM Travel*.—For the purposes of this rule regarding staff foreign travel, the officially-designated personal representative of the member pursuant to rule 14(b), shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations.

RULE 12—TRANSCRIPTS AND MATERIALS PROVIDED TO THE COMMITTEE

(a) *General*.—The Committee on Foreign Relations shall keep verbatim transcripts of all committee and subcommittee meetings and hearings and such transcripts shall remain in the custody of the committee, unless a majority of the committee decides otherwise. Transcripts of public hearings by the committee shall be published unless the chairman, with the concurrence of the ranking member, determines otherwise.

The committee, through the chief clerk, shall also maintain at least one copy of all materials provided to the committee by the Executive Branch; such copy shall remain in the custody of the committee and be subject to the committee's rules and procedures, including those rules and procedures applicable to the handling of classified materials.

Such transcripts and materials shall be made available to all members of the committee, committee staff, and designated personal representatives of members of the committee, except as otherwise provided in these rules.

(b) *Classified or Restricted Transcripts or Materials*.—

(1) The chief clerk of the committee shall have responsibility for the maintenance and security of classified or restricted transcripts or materials, and shall ensure that such transcripts or materials are handled in a manner consistent with the requirements of the United States Senate Security Manual.

(2) A record shall be maintained of each use of classified or restricted transcripts or materials as required by the Senate Security Manual.

(3) Classified transcripts or materials may not leave the committee offices, or SVC–217 of the Capitol Visitors Center, except for the purpose of declassification or archiving, consistent with these rules.

(4) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts or materials. Their contents may not be divulged to any unauthorized person.

(5) Subject to any additional restrictions imposed by the chairman with the concurrence of the ranking member, only the following persons are authorized to have access to classified or restricted transcripts or materials:

(A) Members and staff of the committee in the committee offices or in SVC–217 of the Capitol Visitors Center;

(B) Designated personal representatives of members of the committee, and of the majority and minority leaders, with appropriate security clearances, in the committee offices or in SVC–217 of the Capitol Visitors Center;

(C) Senators not members of the committee, by permission of the chairman, in the committee offices or in SVC–217 of the Capitol Visitors Center; and

(D) Officials of the executive departments involved in the meeting, hearing, or matter, with authorization of the chairman, in the committee offices or SVC–217 of the Capitol Visitors Center.

(6) Any restrictions imposed by the committee upon access to a meeting or hearing of the committee shall also apply to the transcript of such meeting, except by special permission of the chairman and ranking member.

(7) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a committee meeting or hearing, members and staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself or is a member or staff of a relevant committee or executive branch agency and possess an appropriate security clearance, or unless such communication is specifically authorized by the chairman, the ranking member, or in the case of staff, by the staff director or minority staff director. A record shall be kept of all such authorizations.

(c) *Declassification*.—

(1) All noncurrent records of the committee are governed by Rule XI of the Standing Rules of the Senate and by S. Res. 474 (96th Congress). Any classified transcripts or materials transferred to the National Archives and Records Administration under Rule XI may not be made available for public use unless they have been subject to declassification review in accordance with applicable laws or Executive orders.

(2) Any transcript or classified committee report, or any portion thereof, may be declassified, in accordance with applicable laws or Executive orders, sooner than the time period provided for under S. Res. 474 if:

(A) the chairman originates such action, with the concurrence of the ranking member;

(B) the other current members of the committee who participated in such meeting or report have been notified of the proposed declassification, and have not objected thereto, except that the committee by majority vote may overrule any objections thereby raised to early declassification; and

(C) the executive departments that participated in the meeting or originated the classified information have been consulted regarding the declassification.

RULE 13—CLASSIFIED INFORMATION

(a) *General*.—The handling of classified information in the Senate is governed by S. Res. 243 (100th Congress), which established the Office of Senate Security. All handling of classified information by the committee shall be consistent with the procedures set forth in the United States Senate Security Manual issued by the Office of Senate Security.

(b) *Security Manager*.—The chief clerk is the security manager for the committee. The chief clerk shall be responsible for implementing the provisions of the Senate Security Manual and for serving as the committee liaison to the Office of Senate Security. The staff director, in consultation with the minority staff director, may appoint an alternate security manager as circumstances warrant.

(c) *Transportation of Classified Material*.—Classified material may only be transported between Senate offices by appropriately cleared staff members who have been specifically authorized to do so by the security manager.

(d) *Access to Classified Material*.—In general, Senators and staff undertake to confine their access to classified information on the basis of a ''need to know'' such information related to their committee responsibilities.

(e) *Staff Clearances*.—The chairman, or, in the case of minority stag the ranking member, shall designate the members of the committee staff whose assignments require access to classified and compartmented information and shall seek to obtain the requisite security clearances pursuant to Office of Senate Security procedures.

(f) *PRM Clearances*.—For the purposes of this rule regarding security clearances and access to compartmented information, the officially-designated personal representative of the member (PRM) pursuant to rule 14(b), shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations.

(g) *Regulations*.—The staff director is authorized to make such administrative regulations as may be necessary to carry out the provisions of this rule.

RULE 14—STAFF

(a) *Responsibilities*.—

(1) The staff works for the committee as a whole, under the general supervision of the chairman of the committee, and the immediate direction of the staff director, except

that such part of the staff as is designated minority staff shall be under the general supervision of the ranking member and under the immediate direction of the minority staff director.

(2) Any member of the committee should feel free to call upon the staff at any time for assistance in connection with committee business. Members of the Senate not members of the committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations and other matters within the jurisdiction of the committee. In addition to carrying out assignments from the committee and its individual members, the staff has a responsibility to originate suggestions for committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and national security and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) *Personal Representatives of the Member (PRM).* —Each Senator on the committee shall be authorized to designate one personal staff member as the member's personal representative of the member and designee to the committee (PRM) that shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations where specifically provided for in these rules.

(c) *Restrictions.*—

(1) The staff shall regard its relationship to the committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply, unless staff has consulted with and obtained, as appropriate, the approval of the Senate Ethics Committee and advance permission from the staff director (or the minority staff director in the case of minority staff):

(A) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group; and

(B) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations.

(2) The staff shall not discuss their private conversations with members of the committee without specific advance permission from the Senator or Senators concerned.

(3) The staff shall not discuss with anyone the proceedings of the committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself or is a member or staff of a relevant committee or executive branch agency and possesses an appropriate security clearance, or unless such communication is specifically authorized by the staff director or minority staff director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in certain cases, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) *Status.*—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate, which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the committee with respect to certain matters, as well as the timing and procedure for their consideration in committee, may be governed by statute.

(b) *Amendment.*—These rules may be modified, amended, or repealed by a majority of the committee, provided that a notice in writing (including by electronic mail) of the proposed change has been given to each member at least 72 hours prior to the meeting at which action thereon is to be taken. However, rules of the committee which are based upon Senate rules may not be superseded by committee vote alone.

COMMITTEE ON INDIAN AFFAIRS

RULES OF PROCEDURE

Mr. HOEVEN. Mr. President, I ask unanimous consent that the ''Senate Committee on Indian Affairs rules for the 115th Congress'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON INDIAN AFFAIRS COMMITTEE RULES FOR THE 115TH CONGRESS

RULES OF PROCEDURE

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, as supplemented by these rules, are adopted as the rules of the Committee to the extent the provisions of such Rules, Resolution, and Acts are applicable to the Committee on Indian Affairs.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Wednesday/Thursday while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3(a). Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, shall be given of the date, place and subject matter of any heating to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending concurs. In no case shall a hearing be conducted with less than 24 hours' notice.

(b). Each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each Member shall be limited to five (5) minutes of questioning of any witness until such time as all Members attending who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for consideration of such measure or subject has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 48 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to

have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8(a). Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary.

(b). At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule.

(c). Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part, or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, Internet, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

COMMITTIEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, rule XXVI, paragraph 2, of the Standing Rules of the Senate requires each committee to adopt rules to govern the procedure of the Committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. Today the Committee on Homeland Security and Governmental Affairs adopted committee rules of procedure.

Consistent with Standing Rule XXVI, I ask unanimous consent to have a copy of the rules of procedure of the Committee on Homeland Security and Governmental Affairs printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURIT GOVERNMENTAL AFFAIRS

PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The Committee shall hold its regular meetings on the first Wednesday of each month, when the Congress is in session, or at such other times as the Chairman shall determine. Additional meetings may be called by the Chairman as he/she deems necessary to expedite Committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special Committee meetings. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the offices of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the offices of the Committee their written notice that a special Committee meeting will be held, specifying the date and hour thereof, and the Committee shall meet on that date and hour. Immediately upon the filing of such notice, the Committee chief clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of Committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all Committee Members at least 5 days in advance of such meetings, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session. The written notices required by this Rule may be provided by electronic mail. In the event that unforeseen requirements or Committee business prevent a 5–day notice of either the meeting or agenda, the Committee staff shall communicate such notice and agenda, or any revisions to the agenda, as soon as practicable by telephone or otherwise to Members or appropriate staff assistants in their offices.

D. Open business meetings. Meetings for the transaction of Committee or Subcommittee business shall be conducted in open session, except that a meeting or series of meetings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule X.XVI, Sec. 5(b), Standing Rules of the Senate.) Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he/she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a Subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless a written copy of such amendment has been delivered to each Member of the Committee or Subcommittee, as the case may be, and to the office of the Committee or Subcommittee, by no later than 4:00 p.m. two days before the meeting of the Committee or Subcommittee at which the amendment is to be proposed, and, in the case of a first degree amendment in the nature of a substitute proposed by the manager of the measure, by no later than 5:00 p.m. five days before the meeting. The written copy of amendments in the first degree required by this Rule may be

provided by electronic mail. This subsection may be waived by a majority of the Members present, or by consent of the Chairman and Ranking Minority Member of the Committee or Subcommittee. This subsection shall apply only when at least 120 hours written notice of a session to mark-up a measure is provided to the Committee or Subcommittee.

F. Meeting transcript. The Committee or Subcommittee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting whether or not such meeting or any part thereof is closed to the public, unless a majority of the Committee or Subcommittee Members vote to forgo such a record. (Rule XXVI, Sec. 5(e), Standing Rules of the Senate.)

RULE 2. QUORUMS

A. Reporting measures and matters. A majority of the Members of the Committee shall constitute a quorum for reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. One-third of the membership of the Committee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Committee other than reporting to the Senate any measures, matters or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

C. Taking testimony. One Member of the Committee shall constitute a quorum for taking sworn or unsworn testimony. (Rule XXVI, Sec. 7(a)(2) and 7(c)(2), Standing Rules of the Senate.)

D. Subcommittee quorums. Subject to the provisions of sections 7(a)(1) and (2) of Rule XXVI of the Standing Rules of the Senate, the Subcommittees of this Committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

E. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. Subject to the provisions of subsection (E), no vote may be taken by the Committee, or any Subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting measures and matters. No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee Members are actually present, and the vote of the Committee to report a measure or matter shall require the concurrence of a majority of those Members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a)(1) and (3), Standing Rules of the Senate.)

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the Committee, or any Subcommittee thereof, except that, when the Committee, or any Subcommittee thereof, is voting to report a measure or matter, proxy votes shall be allowed solely for the purposes of recording a Member's position on the pending question. Proxy voting shall be allowed only if the absent Committee or Subcommittee Member has been informed of the matter on which he or she is being recorded and has affirmatively requested that he or she be so recorded. All proxies shall be filed with the chief clerk of the Committee or Subcommittee thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the Committee or Subcommittee as to how the Member establishes his or her vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the Committee by roll call vote acts upon any measure or amendment thereto, other than reporting a measure or matter, the results thereof shall be announced in the Committee report on that measure unless previously announced by the Committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each Member of the Committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a roll call vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or matter. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

E. Polling. (1) The Committee, or any Subcommittee thereof, may poll (a) internal Committee or Subcommittee matters including the Committee's or Subcommittee's staff, records and budget; (b) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and (c) other Committee or Subcommittee business other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public.

(2) Only the Chairman, or a Committee Member or staff officer designated by him/her, may undertake any poll of the Members of the Committee. If any Member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the Committee shall keep a record of polls; if a majority of the Members of the Committee determine that the polled matter is in one of the areas enumerated in subsection (D) of Rule 1, the record of the poll shall be confidential. Any Committee Member may move at the Committee meeting following the poll for a vote on the polled decision, such motion and vote to be subject to the provisions of subsection (D) of Rule 1, where applicable.

F. Naming postal facilities. The Committee will not consider any legislation that would name a postal facility for a living person with the exception of bills naming facilities after former Presidents and Vice Presidents of the United States, former Members of Congress over 70 years of age, former State or local elected officials over 70 years of age, former judges over 70 years of age, or wounded veterans.

G. Technical and conforming changes. A Committee vote to report a measure to the Senate shall also authorize the Committee Chairman and Ranking Member by mutual agreement to make any required technical and conforming changes to the measure.

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The Chairman shall preside at all Committee meetings and hearings except that he or she shall designate a temporary Chairman to act in his or her place if he or she is unable to be present at a scheduled meeting or hearing. If the Chairman (or his or her designee) is absent 10 minutes after the scheduled time set for a meeting or hearing, the Ranking Majority Member present shall preside until the Chairman's arrival. If there is no Member of the Majority present, the Ranking Minority Member present, with the prior approval of the Chairman, may open and conduct the meeting or hearing until such time as a Member of the Majority arrives.

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The Committee, or any Subcommittee thereof, shall make public announcement of the date, time, and subject matter of any hearing to be conducted on any measure or matter at least 5 days in advance of such hearing, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, unless the Committee, or Subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the Committee, or any Subcommittee thereof, shall be open to the public, except that a hearing or series of hearings on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) below would require the hearing to be closed, followed immediately by a record vote in open session by a majority of the Committee or Subcommittee Members when it is determined that the matters to be discussed or the testimony to be taken at such hearing or hearings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of foreign relations of the United States;

(2) will relate solely to matters of Committee or Subcommittee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

Notwithstanding the foregoing, whenever disorder arises during a Committee or Subcommittee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chairman to enforce order on his or her own initiative and without any point

of order being made by a Member of the Committee or Subcommittee; provided, further, that when the Chairman finds it necessary to maintain order, he or she shall have the power to clear the room, and the Committee or Subcommittee may act in closed session for so long as there is doubt of the assurance of order. (Rule XXVI, Sec. 5(d), Standing Rules of the Senate.)

C. Full Committee subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses at a hearing or deposition or the production of memoranda, documents, records, or any other materials. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman has not received a letter of disapproval signed by the Ranking Minority Member within 72 hours, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chairman providing notice of the Chairman's intent to issue a subpoena, including an identification of all individuals and items sought to be subpoenaed. Delivery and receipt of the signed notice and signed disapproval letters and any additional communications related to the subpoena may be carried out by staff officers of the Chairman and Ranking Minority Member, and may occur through electronic mail. If a subpoena is disapproved by the Ranking Minority Member as provided in this subsection, the subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

D. Witness counsel. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition to advise such witness while he or she is testifying, of his or her legal rights; provided, however, that in the case of any witness who is an officer or employee of the Government, or of a corporation or association, the Committee Chairman may rule that representation by counsel from the Government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Committee by personal counsel not from the Government, corporation, or association or by personal counsel not representing other witnesses. This subsection shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such manner so as to prevent, impede, disrupt, obstruct or interfere with the orderly administration of the hearings; nor shall this subsection be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. Witness transcripts. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony whether in public or executive session shall be made available for inspection by the witness or his or her counsel under Committee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to any witness at his or her expense if he or she so requests. Upon inspecting his or her transcript, within a time limit set by the chief clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors; the Chairman or a staff officer designated by him/her shall rule on such requests.

F. Impugned persons. Any person whose name is mentioned or is specifically identified, and who believes that evidence presented, or comment made by a Member of the Committee or staff officer, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) File a sworn statement of facts relevant to the evidence or comment, which statement shall be considered for placement in the hearing record by the Committee;

(b) Request the opportunity to appear personally before the Committee to testify in his or her own behalf, which request shall be considered by the Committee; and

(c) Submit questions in writing which he or she requests be used for the cross-examination of other witnesses called by the Committee, which questions shall be considered for use by the Committee.

G. Radio, television, and photography. The Committee, or any Subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the Committee, or Subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

H. Advance statements of witnesses. A witness appearing before the Committee, or any Subcommittee thereof, shall provide electronically a written statement of his or her proposed testimony at least 48 hours prior to his or her appearance. This requirement may be waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

I. Minority witnesses. In any hearings conducted by the Committee, or any Subcommittee thereof, the Minority Members of the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of the Minority Members, to call witnesses of their selection during at least 1 day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

J. Swearing in witnesses. In any hearings conducted by the Committee, the Chairman or his or her designee may swear in each witness prior to their testimony.

K. Full Committee depositions. Depositions may be taken prior to or after a hearing as provided in this subsection.

(1) Notices for the taking of depositions shall be authorized and issued by the Chairman, with the approval of the Ranking Minority Member of the Committee. The Chairman may initiate depositions without the approval of the Ranking Minority Member where the Chairman has not received a letter of disapproval of the deposition signed by the Ranking Minority Member within 72 hours, excluding Saturdays, Sundays, and legal holidays in which the Senate is not in session, of the Ranking Minority Member's receipt of a letter signed by the Chairman providing notice of the Chairman's intent to issue a deposition notice, including identification of all individuals sought to be deposed. Delivery and receipt of the signed notice and signed disapproval letter and any additional communications related to the deposition may be carried out by staff officers of the Chairman and Ranking Member, and may occur through electronic mail. If a deposition notice is disapproved by the Ranking Minority Member as provided in this subsection, the deposition notice may be authorized by a vote of the Members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee Member or Members or staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 5D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by a Committee Member or Members or staff. If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee Member or Members or staff may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it, which shall be handled in accordance with the procedure set forth in subsection (E). If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The Chairman or a staff officer designated by him/her may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

RULE 6. COMMITTEE REPORTING PROCEDURES

A. Timely filing. When the Committee has ordered a measure or matter reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, Minority, and additional views. A Member of the Committee who gives notice of his or her intention to file supplemental, Minority, or additional views at the time of final Committee approval of a measure or matter shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Notice by Subcommittee Chairmen. The Chairman of each Subcommittee shall notify the Chairman in writing whenever any measure has been ordered reported by such Subcommittee and is ready for consideration by the full Committee.

D. Draft reports of Subcommittees. All draft reports prepared by Subcommittees of this Committee on any measure or matter referred to it by the Chairman shall be in the

form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the Committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the Committee at the earliest practicable time.

E. Impact statements in reports. All Committee reports, accompanying a bill or joint resolution of a public character reported by the Committee, shall contain (1) an estimate, made by the Committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next 5 years thereafter (or for the authorized duration of the proposed legislation, if less than 5 years); and (2) a comparison of such cost estimates with any made by a Federal agency; or (3) in lieu of such estimate or comparison, or both, a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

Each such report shall also contain an evaluation, made by the Committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (a) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (b) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (c) a determination of the impact on the personal privacy of the individuals affected, and (d) a determination of the amount of paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution. Or, in lieu of the forgoing evaluation, the report shall include a statement of the reasons for failure by the Committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(b), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established Subcommittees. The Committee shall have three regularly established Subcommittees. The Subcommittees are as follows:

Permanent Subcommittee on Investigations
Subcommittee on Federal Spending Oversight and Emergency Management
Subcommittee on Regulatory Affairs and Federal Management

B. Ad hoc Subcommittees. Following consultation with the Ranking Minority Member, the Chairman shall, from time to time, establish such ad hoc Subcommittees as he/she deems necessary to expedite Committee business.

C. Subcommittee membership. Following consultation with the Majority Members, and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership on the Subcommittees referred to in paragraphs A and B, above.

(1) The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(2) Any Member of the Committee may attend hearings held by any subcommittee and question witnesses testifying before that Subcommittee, subject to the approval of the Subcommittee Chairman and Ranking Member.

D. Subcommittee meetings and hearings. Each Subcommittee of this Committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the Committee except as provided in Rules 2(D) and 7(E).

E. Subcommittee subpoenas Each Subcommittee is authorized to adopt rules concerning subpoenas which need not be consistent with the rules of the Committee; provided, however, that in the event the Subcommittee authorizes the issuance of a subpoena pursuant to its own rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member waive the 48–hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

F. Subcommittee budgets. During the first year of a new Congress, each Subcommittee that requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the Committee, by a date and time prescribed by the Chairman, its request for funds for the two (2) 12-month periods beginning on March 1 and extending through and including the last day of February of the 2 following years, which years comprise that Congress. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification addressed to the Chairman of the Committee, which shall include (1) a statement of the Subcommittee's area of activities, (2) its accomplishments during the preceding Congress detailed year by year, and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding Congress detailed year by year, (b) the funds actually expended during that Congress detailed year by year, (c) the amount requested for each year of the Congress, and (d) the number of professional and clerical staff members and consultants employed by the Subcommittee during the preceding Congress detailed year by year and the number of such personnel requested for each year of the Congress. The Chairman may request additional reports from the Subcommittees regarding their activities and budgets at any time during a Congress. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information concerning the Nominee. Each nominee shall submit the following information to the Committee:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, in such specificity as the Committee deems necessary, including a list of assets and liabilities of the nominee and tax returns for the 3 years preceding the time of his or her nomination, and copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement, necessary for the Committee's consideration; and,

(3) Copies of other relevant documents the Committee may request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office. At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor. Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability, and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including, but not limited to, any professional activities related to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the 3 years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated. For the purpose of assisting the Committee in the conduct of this inquiry, a Majority investigator or investigators shall be designated by the Chairman and a Minority investigator or investigators shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, other Members of the Committee, and designated investigators shall have access to all investigative reports on nominees prepared by any Federal agency, except that only the Chairman, the Ranking Minority Member, or other Members of the Committee, upon request, shall have access to the report of the Federal Bureau of Investigation. The Committee may request the assistance of the U.S. Government Accountability Office and any other such expert opinion as may be necessary in conducting its review of information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be made in the case of judicial nominees and may be made in the case of non-judicial nominees by the designated investigators to the Chairman and the Ranking Minority Member and, upon request, to any other Member of the Committee. The report shall summarize the steps taken by the Committee during its investigation of the nominee and the results of the Committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be held until at least

72 hours after the following events have occurred: The nominee has responded to prehearing questions submitted by the Committee; and, if applicable, the report described in subsection (D) has been made to the Chairman and Ranking Minority Member, and is available to other Members of the Committee, upon request.

F. Action on confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff may make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their full-time service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time basis.

RULE 9. PERSONNEL ACTIONS AFFECTING COMMITTEE STAFF

In accordance with Rule XLII of the Standing Rules of the Senate and the Congressional Accountability Act of 1995 (P.L. 104–1), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, state of physical handicap, or disability.

RULE 10. APPRISAL OF COMMITTEE BUSINESS

The Chairman and Ranking Minority Member shall keep each other apprised of hearings, investigations, and other Committee business.

RULE 11. PER DIEM FOR FOREIGN TRAVEL

A per diem allowance provided a Member of the Committee or staff of the Committee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member of the Committee or staff of the Committee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses. (Rule XXXIX, Paragraph 3, Standing Rules of the Senate.)

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–83, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $70 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. RIXEY,
Vice Admiral, USN, Director.

Enclosures.

TRANSMITTAL NO. 16–83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Republic of Korea.

(ii) Total Estimated Value:
Major Defense Equipment * $66 million.
Other $4 million.
Total $70 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
Major Defense Equipment (MDE):
Eighty-nine (89) AGM–65G–2 Maverick Missiles.
Non-MDE includes:
Missile containers and other related elements of support.

(iv) Military Department: Air Force (KS–D–YHF).

(v) Prior Related Cases, if any: FMS Case KS–D–YAF–$22.55M—14 Mar 12.

(vi) Sales Commission, Fee, etc., Paid. Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached,

(viii) Date Report Delivered to Congress: January 31, 2017.

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AGM–65G–2 Maverick Missiles

The Government of the Republic of Korea (ROK) has requested the potential sale of eighty-nine (89) AGM–65G–2 Maverick missiles, missile containers and other related elements of support. The total estimated program cost is $70 million.

This proposed sale contributes to the foreign policy and national security of the United States. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in the region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. This sale increases the ROK's capability to participate in Pacific regional security operations and improves its national security posture as a key U.S. ally.

The proposed sale will improve the ROK's capability to meet current and future threats. The ROK will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. The ROK, which already has AGM–65G missiles in its inventory, will have no difficulty absorbing these additional missiles.

The proposed sale of this equipment and support does not affect the basic military balance in the region.

The principal contractor is Raytheon, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16–83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AGM–65G–2 Maverick is an air-to-ground close air support missile with a lock on before launch day or night capability. The G model has an imaging infrared (IIR) guidance system. The infrared Maverick G can track heat generated by a target and provides the pilot a pictorial display of the target during darkness and hazy or inclement weather. The warhead on the Maverick G is a heavyweight penetrator warhead. Maverick hardware is UNCLASSIFIED. Performance and operating logic of the countermeasures circuits are SECRET. Overall system classification is SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon effectiveness or be used in the development of a system with similar or advanced capabilities.

3. This sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16–85, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost $70 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J. W. RIXEY,
Vice Admiral, USN Director.

Enclosures.

TRANSMITTAL NO. 16–85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Republic of Korea.

(ii) Total Estimated Value:
Major Defense Equipment* $60 million.
Other $10 million.
Total $70 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
Major Defense Equipment (MDE):
Sixty (60) AIM–9X–2 Sidewinder Block II All-Up-Round Missiles.

Six (6) AIM–9X–2 Block II Tactical Guidance Units.

Non-MDE include:

Containers, spares and missile support, U.S. government and contractor technical assistance, and other related elements of logistics support.

(iv) Military Department: Navy (KS-P-AMA).

(v) Prior Related Cases, if any: FMS Case KS-P-AKR, KS-P-AKZ.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress: January 31, 2017.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea—AIM–9X–2 Sidewinder Missiles

The Government of the Republic of Korea (ROK) has requested a possible sale of sixty (60) AIM–9X–2 Sidewinder Block II All-up-Round Missiles and six (6) AIM–9X–2 Block II Tactical Guidance Units, containers, spares and missile support, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is $70 million.

This proposed sale contributes to the foreign policy and national security of the United States. The ROK is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in the region. It is vital to U.S. national interests to assist our Korean ally in developing and maintaining a strong and ready self-defense capability. This sale increases the ROK's capability to participate in Pacific regional security operations and improves its national security posture as a key U.S. ally.

The ROK intends to use the AIM–9X–2 Sidewinder Block II missiles to supplement its existing inventory of AIM–9X–2 Block II missiles. The ROK will use the enhanced capability as a deterrent to regional threats and to strengthen its homeland defense. The ROK will have no difficulty absorbing these additional missiles into its armed forces.

The proposed sale of this equipment and support does not affect the basic military balance in the region.

The principal contractor is Raytheon Missile Systems Company, Tucson, AZ. At this time, there are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea. However, U.S. Government or contractor personnel in-country visits will be required on a temporary basis in conjunction with program technical oversight and support requirements.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16–85

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AIM–9X–2 Block II Sidewinder Missile represents a substantial increase in missile acquisition and kinematics performance over the AIM–9M and replaces the AIM–9X Block I Missile configuration. The missile includes a high off-bore sight seeker, enhanced countermeasures rejection capability, low drag/high angle of attack airframe and the ability to integrate the Helmet Mounted Cueing System. The software algorithms are the most sensitive portion of the AIM–9X–2 missile. The software continues to be modified via a pre-planned production improvement (P31) program in order to improve its counter-countermeasure capabilities. No software source code or algorithms will be released. The missile is classified as CONFIDENTIAL.

2. The AIM–9X–2 will result in the transfer of sensitive technology and information. The equipment, hardware, and documentation are classified CONFIDENTIAL. The software and operation performance are classified SECRET. The seeker/guidance control section and the target detector are CONFIDENTIAL and contain sensitive state-of-the-art technology. Manuals and technical documentation that are necessary for support operational use and organizational management are classified to SECRET. Performance and operating logic of the counter-measures circuits are classified SECRET. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

TRIBUTE TO BRIGADIER GENERAL FRANCIS XAVIER TAYLOR

Mrs. FEINSTEIN. Mr. President, today I wish to recognize an extraordinary public servant and a dedicated leader of the U.S. intelligence community, Brig. Gen. Francis Xavier Taylor, the Under Secretary for Intelligence and Analysis, I&A, at the Department of Homeland Security.

I had the pleasure of presiding as chairman of the Intelligence Committee for the confirmation hearing for General Taylor in 2014 and have witnessed his leadership over the past 2 and a half years as I&A has made perhaps the most impressive progress of any intelligence agency over this time.

After nearly 40 years of honorable service to our Nation, Under Secretary Taylor retired on the last day of the Obama administration.

Prior to his work at DHS, Frank Taylor served for 31 years in the U.S. Air Force and at the U.S. Department of State as an ambassador for counterterrorism and head of diplomatic security. He also served as vice president of security at General Electric. For the past 2 years, he has applied the leadership skills, understanding of security at home and abroad, and his close personal friendship with Secretary Jeh Johnson to transform the Office of Intelligence and Analysis.

I&A's mission is to equip the Homeland Security Enterprise with timely intelligence and information it needs to keep the homeland safe, secure, and resilient. It provides critical intelligence to the leadership of the DHS and its components; State, local, tribal, and territorial governments, and private sector partners. The office itself was formed after the creation of DHS through the Homeland Security Act of 2002 and has seen significant change and disruption in its short lifetime. Due to Under Secretary Taylor's leadership, I&A is much further along on its vision of becoming a premier element of the IC, driving information sharing and delivering unique predictive intelligence and analysis to operators and decisionmakers at all levels.

During his confirmation hearing, General Taylor was asked why I&A needed to exist, given the domestic mission of the FBI and the analytic work of the National Counterterrorism Center. He was asked to justify the office's existence if it produced one analytic product per employee per year. Members questioned him on the need for State and local fusion centers and the support provided to them by the Federal Government. I focused my questions on why an intelligence agency should have more than 60 percent of its staffing come from a contractor workforce.

As we begin 2017, those questions are no longer applicable. Under Secretary Taylor has transformed the organization. He removed internal I&A stovepipes and realigned the organization to more closely reflect the intelligence cycle. Where homeland intelligence analysis had too often relied on repackaging products from other members of the IC, DHS collection now forms the basis of I&A production. Under Secretary Taylor also ordered that finished intelligence include DHS and State-local-tribal Partner data. Within 1 year, the organization achieved great success on this front, ensuring 80 percent of finished intelligence in fiscal year 2016 included unique homeland-derived data. Under his leadership, I&A is fulfilling the unique homeland-focused role that Congress intended. The contract workforce is below 25 percent and the office is producing valuable intelligence analysis, tips to law enforcement, compiling and improving the quality of DHS data for intelligence purposes, strengthening our watch listing capability, and lending expertise to decision makers from the President down to the cop on the beat.

Under Secretary Taylor has worked tirelessly to mature and strengthen the Department's relationship with the State and local fusion centers and make information sharing a priority, changing the way the IC analyzes the domestic threat picture. When I have visited my local fusion center in San

Francisco, I receive nothing but praise for the support that I&A provides and the importance of local, State, and Federal information sharing. The most recent example of this partnership is the Field Analysis Report, FAR, an intelligence report written by State and local intelligence analysts in coordination with I&A for the State and local audience. This is an important development from intelligence handed down from intelligence agencies inside the Federal beltway that, at times, misses the mark of what the local customer needs. FARs are among the most highly rated finished intelligence products coming out of I&A and are a direct result of General Taylor's vision.

Under Secretary Taylor also took to heart the need to invest in the workforce and address extremely low employee morale. He has restructured the workforce, drastically reducing the ratio of supervisors to workers, streamlining management and developing what he calls ''seed corn''—young, junior intelligence professionals brought in to rejuvenate the organization and help develop a truly homeland-focused workforce. Besides shifting the balance of the staff, Under Secretary Taylor focused on hiring, growing, and investing in the workforce and ensuring that inherently governmental work is done by governmental employees and clear communication between the workforce and the leadership.

Members of the Intelligence Committee spend most of our time on international events and the often controversial practices of the CIA, NSA, and FBI. We have had the luxury in the recent past not to have to worry on the intelligence coming from and provided to our homeland security professionals because of the leadership and uncommon skill of Under Secretary Frank Taylor. We owe him a tremendous debt of gratitude. I wish to thank Under Secretary Taylor for his decades of exceptional service to our country and to wish him and his wife, Connie, the very best in the days and years ahead as he retires for the fourth time.

Thank you.

REMEMBERING ROBERT JUSTIN STEVENS

Mr. MCCAIN. Mr. President, I rise today in fond memory of Robert Justin Stevens, a former staffer of mine who recently passed away—entirely too young—after a long, arduous fight with cancer.

Justin was exemplary in his desire to serve and his love for public policy and politics. He was a dedicated public servant who worked tirelessly to improve the lives of Americans. Over the last few years, Justin managed Federal policy and advocacy for homeland security, public safety, and military-related issues as legislative director with the National Governors Association.

Before that, Justin worked with me and later with Senator SCOTT Brown as a professional staff member at the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security. There, he helped us to identify and address waste, fraud, and abuse in government spending and financial improvement, audit readiness, and business transformation at our Federal agencies. During my 2008 Presidential campaign, Justin served as a senior advance team lead. It was in that context that I was first introduced to Justin's boundless love of life and energy.

Justin also served as the director for candidate operations and advance for the Scott Brown for Senate 2012 campaign; a financial systems analyst with the EMCOR Group; and a Navy/NASA University Faculty Fellowship program manager with the American Society for Engineering Education, ASEE.

Justin never took his young life for granted. An avid runner and adventurous soul, Justin sought to improve himself by taking courses in furtherance of a master's in national security and strategic studies at the U.S. Naval War College, after having received a B.S. in business administration from the University of Florida and graduating East Lake High School. Also, unbowed by his continuing struggle with cancer and always filled with hope, Justin married the love of his life, Elizabeth.

Justin will be forever remembered for the joy he brought to the lives of his family, friends, and colleagues with his humor, energy, and selflessness. Throughout his young life, Justin always made sure that those closest to him knew how important they were to him.

Cindy and I extend our warmest condolences to Justin's wife, Elizabeth; his mother, Karen; his stepmother, Jean Nowakowski, with whom Justin was exceptionally close; his siblings, Bryan and Damon; his niece, Magdalena and nephew Jackson.

REMEMBERING DR. HENRY HEIMLICH

Mr. PORTMAN. Mr. President, today I wish to pay tribute to the life of a famous Ohioan, Dr. Henry Heimlich.

The son of Jewish immigrants who fled Central and Eastern Europe for a better life in America, Henry Judah Heimlich spent his life helping others.

As a 21-year-old medical student, he was riding a train from Connecticut to New York City when the train derailed. Henry rescued one of his fellow passengers that day. That was the first of the many lives he would save.

By 23, he had his medical degree. Two years later, he left his internship at Boston City Hospital to serve in the Navy during World War II. He was sent to treat American Marines and Chinese soldiers in the Gobi desert of Inner Mongolia, behind Japanese lines. In those rugged conditions, he came up with a new solution to help there hundreds of people there who had a certain bacterial infection that caused blindness.

In 1957, after sketching the idea on the back of a napkin, he became the first American doctor to repair a damaged esophagus using a tube made from the patient's stomach. A year later, it became a standard procedure in the United States.

In 1964, based on those experiences during World War II operating without electricity in the Gobi desert, he invented the Heimlich chest drain valve, which drained blood and air out of the chest to help those with gunshot wounds or collapsed lungs. It all started with a toy noisemaker he found at a dime store. He noticed that the toy had a flutter valve, which he realized could be used as a model for a valve to prevent fluids from flowing back into the lungs.

This invention was immediately used to save the lives of American soldiers serving in Vietnam, and more than 4 million of these valves have sold since then.

In 1968, Dr. Heimlich moved to my hometown of Cincinnati and became surgery director of Jewish Hospital and professor of surgery at the University of Cincinnati. He taught at UC until 1978, when he became a professor of advanced clinical science at Cincinnati's Xavier University. He taught at Xavier until 1989.

In 1974, he became famous around the world for finding a better way to save someone from choking.

At that time, some 4,000 Americans were dying every year from choking, and it was one of the leading causes of accidental death. Many of those victims were kids who choked on small toys.

With a great feeling of compassion for them, Dr. Heimlich set out to find a solution. Whatever it was, it would have to be a quick and efficient solution because, within just 4 minutes of being deprived of oxygen, the brain becomes irreversibly damaged.

Dr. Heimlich thought that the conventional techniques used at that time were not just ineffective but actually harmful because they risked pushing the blockage farther down the windpipe, making the problem worse.

At Jewish Hospital in Cincinnati, Dr. Heimlich led 2 years of research that discovered a new, more effective technique of dislodging objects from the esophagus: putting pressure just below the diaphragm to create upward air pressure in the chest. Just days after it was made public, a restaurant owner in Washington State used it to save someone's life.

It was simple and easy—so simple that, within a few years, a 5-year-old boy in Massachusetts used it to save one of his friends. You can even use it on yourself if necessary.

As Dr. Heimlich put it, ''the best thing about it is that it allows anyone to use it to save a life.'' Everyone can and should learn this technique.

Letters began pouring in. Within a year, Dr. Heimlich received some 200 from people around the country who had successfully used the Heimlich maneuver to save a life and the American Medical Association had endorsed it. Within 2 years, the American Red Cross recommended it.

The Heimlich maneuver is estimated by some to have saved as many as 50,000 or even 100,000 lives just in America—not to mention countless others around the world.

To put a face to these numbers, consider that the Heimlich maneuver has saved the lives of future-President Ronald Reagan in 1976. It has saved the lives of New York City Mayor Ed Koch, basketball commentator Dick Vitale, news anchorman John Chancellor, television personality Simon Cowell, as well as actors Walter Matthau, Elizabeth Taylor, Marlene Dietrich, Carrie Fisher, Goldie Hawn, Nicole Kidman, and Halle Berry, and so many other people who have touched our lives. The maneuver has been used by Cincinnati Reds third basemen Todd Frazier, Israeli Prime Minister Ehud Barak at Camp David, and an 83-year-old Clint Eastwood.

We have all benefited from this innovative technique.

This discovery, I think, really sums up Dr. Heimlich's life, because he used to say that his focus was to find ''simple, creative solutions to seemingly insurmountable health and medical problems.'' Time and again, he did just that, authoring more than 100 scientific papers and presenting more than 250 medical lectures over his lifetime.

In 1980, he invented the MicroTrach, a more efficient portable oxygen system that, because of its smaller size, gave patients more mobility. In 1981, Dr. Heimlich received the ''Distinguished Service Award'' from his colleagues with the American Society of Abdominal Surgeons, and he received the 1984 ''Arthur Lasker Award for Public Service'' for his ''simple, practical, cost-free solution to a life-threatening emergency, requiring neither great strength, [nor] special equipment [n]or elaborate training.''

In 1985, Surgeon General C. Everett Koop declared that the Heimlich maneuver was the best method to be used when someone is choking. From 1986 to 2005, the American Red Cross and the American Heart Association issued the same recommendation.

Dr. Heimlich's medical career lasted some 70 years. In his final years, he remained active, swimming and exercising regularly. Living at a retirement home run by Episcopal Retirement Services in Cincinnati, he saved the life of an 87-year-old fellow resident named Patty Ris this past May using his famous maneuver.

Dr. Heimlich passed away on December 17 at age 96 at Christ Hospital in Cincinnati. He was married to his wonderful wife, Jane, for 61 years, and he is survived by his four children and three grandchildren.

His son Phil is a good friend of mine and a former Cincinnati city councilman and Hamilton County commissioner.

Jane and I send our condolences to our friends in the Heimlich family. We are grateful for Dr. Heimlich's work and for his life. We will miss him, but even in his absence, his ideas will live on and continue to save lives.

Thank you.

TRIBUTE TO LAYNE BANGERTER

Mr. CRAPO. Mr. President, today I wish to recognize the outstanding work of a longtime member of my Senate staff, Layne Bangerter, who has been appointed as special assistant to President Donald Trump.

Layne has been a valued member of my staff for more than 13 years. Serving as director of agriculture and natural resources, he has provided sound counsel on critical issues for our State. For example, Layne dedicated countless hours to crafting the Owyhee Public Land Management Act and has worked to ensure sound implementation of the agreement. His well-honed ability to build relationships has been key to the success of this and many other efforts.

As a rancher and farmer, Layne has unique on-the-ground experience with how Federal policies affect land, water, and people. He also has significant understanding from his work for the U.S. Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services and the U.S. Fish and Wildlife Service. He has used this experience to inform a number of critical agricultural and natural resources issues, including wildlife, conservation, forestry, water, and agricultural programs. He knows the right balance needs to be struck between conservation and responsible natural resources practices and that the one-size-fits-all approach never works in real America. Layne is the kind of guy that you want in your corner—he listens, uses common sense, and then works to come up with the best possible solutions.

Layne is positive, encouraging, and affable while also having a pragmatism shaped by extensive experience. His insight will no doubt be extremely valuable to the Trump administration. While I will miss having Layne as a member of my staff, I wish him all the best in this new endeavor and look forward to our continued friendship. Thank you, Layne, for your hard work on behalf of Idahoans and our country, and congratulations on this next step in your career. I wish you, Betsy, and your wonderful family continued success.

TRIBUTE TO ADELE GRIFFIN

Mr. RUBIO. Mr. President, today I want to recognize Adele Griffin, a longtime Senate staffer in my Jacksonville office, for her years of hard work; for me, my staff, and the people of the State of Florida.

A fifth-generation Floridian, Adele previously worked under Senator Mel Martinez and Senator George LeMieux before her time in my office. Adele has been a dedicated and diligent leader who took special pride in addressing the many issues facing northeast Florida over the years.

I would like to extend my sincere thanks and appreciation to Adele for all the great work she has done and wish her a happy retirement.

ADDITIONAL STATEMENTS

TRIBUTE TO RON CHASTAIN

● Mr. BOOZMAN. Mr. President, today I wish to recognize MG Ron Chastain for his four decades of service to the State of Arkansas and to our Nation. For 32 years, he worked at the U.S. Department of Agriculture's Farm Service Agency and served for the last 6 years as my Agricultural Liaison in Arkansas. He has also enjoyed a distinguished military career in the Arkansas National Guard that spanned nearly four decades.

Ron was born and raised in Arkansas and graduated from Arkansas Tech University with a degree in biology in 1972. In 1974, he began his career with the USDA. He was the supervisory program specialist in Arkansas and dealt with Federal farm programs at the county, district, and State levels. He is a recipient of the USDA Service to Agriculture Award and also received recognition for his suggestions that improved the administration of Federal farm programs.

At the same time, Major General Chastain was a dedicated member of the Army National Guard serving our State and Nation on weekends, evenings, and multiple overseas deployments. While in uniform, he honorably served as deputy commanding general for the Arkansas Army National Guard at the U.S. Army Forces Command, the adjutant general of the Arkansas National Guard, as Chief of Staff, wartime, of U.S. Forces Korea, commander of the 39th Brigade Combat Team in Iraq, and commander of the 25th Rear Operations Center during Operation Desert Storm. A veteran of two wars, Major General Chastain was awarded the Army Distinguished Service Medal, Legion of Merit, and two Bronze Star medals. He has also been inducted into the distinguished Arkansas Military Veterans' Hall of Fame.

In 2010, ''the General'' retired from the Arkansas Army National Guard. Shortly thereafter, I called to congratulate him on his impressive military career, and during our conversation, he said he would be happy to help me in any way he could. I knew that he could bring his unique experience and expertise to help me represent the agriculture community in Arkansas, so I asked him to join my staff.

As a member of my team, Major General Chastain has been a professional

and tireless advocate on behalf of Arkansas' farmers and ranchers. The Arkansas Farm Bureau recently recognized his hard work and contribution to our State's agriculture community. Ron also educated thousands of young Arkansans about the history and proper care of the U.S. and Arkansas flags during his time with my office.

MG Ron Chastain dedicated his career to leading and serving others. I want to thank him for all that he has done on behalf of Arkansas, and I wish him well on his retirement. I know he will enjoy spending more time with his family and working on his farm. As a model public servant for so many years, his retirement and all the recognition he has garnered are well deserved.●

RECOGNIZING xCRAFT ENTERPRISES, LLC

● Mr. RISCH. Mr. President, my home State of Idaho has long been known for its incredible natural resources and vibrant agricultural economy. What some may not know, though, is that Idaho is also home to a burgeoning technology industry, thanks to a number of impressive innovators who bring their entrepreneurial spirit and innovations to our State. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my pleasure to recognize one of these great innovators, xCraft Enterprises, LLC in Coeur d'Alene, as the Senate Small Business of the Month for January 2017. xCraft has made Idaho proud with their considerable success and continuous innovation in and contribution to the unmanned aerial vehicle, UAV, or drone, industry.

Cofounder and CEO JD Claridge has always had a passion for flight. He built numerous flying toys as a child, and at the age of just 7, he constructed a hang glider and even convinced a friend to test it. JD harnessed this lifelong love of flying and started xCraft Enterprises, LLC, along with fellow aviation enthusiast, Charles Manning. Their vision for the company was to develop small, powerful, long-range drones that serve the needs of both hobbyists and commercial customers. With the expertise and skills of their team of highly educated engineers and business people, they have turned their aviation dream into a successful small business endeavor.

xCraft's patent-pending drones are built with lightweight materials that allow for long-range flight and are also capable of flying preprogrammed GPS-enabled flight paths. Notably, the company has designed a drone which has the ability to carry and utilize a smartphone, making it possible to link advanced smartphone technology to an economically priced small drone. In addition, xCraft has been recognized as a leader in the UAV and technology industries for producing one of the fastest racing drones available on the market today, exceeding speeds of 100 miles per hour. This continuous innovation and reinvention adds an immense value to the numerous and diverse industries that drones play a major role in, helping to drive the entire American economy forward.

Today xCraft offers seven drones of varying sizes and capabilities. There is no telling what their next innovation will be, but I know it will be another great contribution to their industry and the many others that depend upon it. It is my honor to recognize JD, Charles, and all of the employees at xCraft Enterprises, LLC in Coeur d'Alene. Thank you for your commitment to innovation and for carrying on the entrepreneurial spirit that is so valued in our great State of Idaho. I look forward to following your continued growth and success.●

REMEMBERING ELIZABETH HOWARD SWAIN

● Mr. SANDERS. Mr. President, today I wish to honor Elizabeth Howard Swain. Elizabeth was a lifelong champion of community health care centers, as well as the people they serve, and a wonderful colleague, mother, and friend.

After graduating from Boston University with a B.A. in sociology and a master's degree in political economics, Elizabeth moved with her family to Seattle, WA. In 1981, she began working at Seattle's 45th Street Clinic, a Federally Qualified Health Center, FQHC, and eventually became the executive director, a position she held for 10 years. Elizabeth founded the Community Health Plan of Washington and worked as the regional health officer at Public Health of Seattle and King County, as well as the assistant vice president for public policy for the Community Health Network of Washington.

In 2005, Elizabeth was recruited to be CEO of the Community Health Care Association of New York State, an advocacy organization that supports more than 65 FQHCs. In Albany, she was a strong advocate for community-based primary care and was known for her ability to bring rival forces together and create partners out of adversaries.

Elizabeth also championed FQHC's and the importance of community-based primary care in the American health system in regular meetings with members and staff of the U.S. Senate Health, Education, Labor, and Pension Committee. While Elizabeth was grateful that I secured significant funding for FQHCs through the Affordable Care Act, as a strong supporter of universal health care, she was disappointed that neither the ''public option'' provision, much less a single-payer Medicare for all plan, were part of the ACA. Elizabeth remained true to her commitment to provide quality health care for all Americans, and she did all of this with tremendous energy and compassion for the most vulnerable and medically underserved populations.

Elizabeth understood the need to move health care dollars into the front end of the system, where they could be used more efficiently to prevent illness, through patient care management, case management and nutrition, and by keeping people out of expensive hospital settings. She also recognized the critical need for all-inclusive and integrated health care, including dental care and mental health services, in both urban and rural communities served by FQHC's.

Elizabeth will be sorely missed. She is survived by her sisters Julia, Cynthia, and Judith and children Kalil, Carmen, and Alexis.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committee.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 58. An act to require the Secretary of Homeland Security to submit a study on the circumstances which may impact the effectiveness and availability of first responders before, during, or after a terrorist threat or event, and for other purposes.

H.R. 276. An act to amend title 49, United States Code, to ensure reliable air service in American Samoa.

H.R. 347. An act to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes.

H.R. 366. An act to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

H.R. 437. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities.

H.R. 505. An act to amend the Homeland Security Act of 2002 to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes.

H.R. 526. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence, activities, and policy related to counterterrorism, and for other purposes.

H.R. 549. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes.

H.R. 584. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes.

H.R. 612. An act to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity.

H.R. 642. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes.

H.R. 655. An act to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes.

H.R. 665. An act to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes.

H.R. 666. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes.

H.R. 677. An act to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes.

H.R. 678. An act to require an assessment of fusion center personnel needs, and for other purposes.

H.R. 687. An act to amend the Homeland Security Act of 2002 to establish a process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes.

H.R. 690. An act to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes.

H.R. 697. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes.

At 5:08 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 38. Joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Projection Rule.

H.J. Res. 41. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to ''Disclosure of Payments by Resource Extraction Issuers''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 58. An act to require the Secretary of Homeland Security to submit a study on the circumstances which may impact the effectiveness and availability of first responders before, during, or after a terrorist threat or event, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 276. An act a bill to amend title 49, United States Code, to ensure reliable air service in American Samoa; to the Committee on Commerce, Science, and Transportation.

H.R. 339. An act to amend Public Law 94–241 with respect to the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

H.R. 347. An act to amend the Homeland Security Act of 2002 to provide for requirements relating to documentation for major acquisition programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 366. An act to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 381. An act to designate a mountain in the John Muir Wilderness of the Sierra National Forest as ''Sky Point'' ; to the Committee on Energy and Natural Resources.

H.R. 437. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; to the Committee on Homeland Security and Governmental Affairs.

H.R. 505. An act to amend the Homeland Security Act of 2002 to strengthen accountability for deployment of border security technology at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 526. An act to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security a board to coordinate and integrate departmental intelligence, activities, and policy related to counterterrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 538. An act to redesignate Ocmulgee National Monument in the State of Georgia and revise its boundary, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 549. An act to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to clarify certain allowable uses of funds for public transportation security assistance grants and establish periods of performance for such grants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 558. An act to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 584. An act to amend the Homeland Security Act of 2002 to enhance preparedness and response capabilities for cyber attacks, bolster the dissemination of homeland security information related to cyber threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 612. An act to establish a grant program at the Department of Homeland Security to promote cooperative research and development between the United States and Israel on cybersecurity; to the Committee on Homeland Security and Governmental Affairs.

H.R. 642. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 655. An act to amend the Homeland Security Act of 2002 to establish the Securing the Cities program to enhance the ability of the United States to detect and prevent terrorist attacks and other high consequence events utilizing nuclear or other radiological materials that pose a high risk to homeland security in high-risk urban areas, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 665. An act to modernize and enhance airport perimeter and access control security by requiring updated risk assessments and the development of security strategies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 666. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 677. An act to amend the Homeland Security Act of 2002 to establish chemical, biological, radiological, and nuclear intelligence and information sharing functions of the Office of Intelligence and Analysis of the Department of Homeland Security and to require dissemination of information analyzed by the Department to entities with responsibilities relating to homeland security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 678. An act to require an assessment of fusion center personnel needs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 687. An act to amend the Homeland Security Act of 2002 to establish a process to review applications for certain grants to purchase equipment or systems that do not meet or exceed any applicable national voluntary consensus standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 690. An act to amend the Homeland Security Act of 2002 to enhance certain duties of the Domestic Nuclear Detection Office, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 697. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS, from the Special Committee on Aging, without amendment:

S. Res. 31. An original resolution authorizing the expenditures by the Special Committee on Aging.

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. Res. 36. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. CORKER, from the Committee on Foreign Relations, without amendment:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Foreign Relations.

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 255. An act to authorize the National Science Foundation to support entrepreneurial programs for women.

H.R. 321. An act to inspire women to enter the aerospace field, including science, technology, engineering, and mathematics, through mentorship and outreach.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HATCH for the Committee on Finance.

*Steven T. Mnuchin, of California, to be Secretary of the Treasury.

*Thomas Price, of Georgia, to be Secretary of Health and Human Services.

By Mr. GRASSLEY for the Committee on the Judiciary.

Jeff Sessions, of Alabama, to be Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 249. A bill to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land, and for other purposes; to the Committee on Indian Affairs.

By Mr. SCHATZ (for himself, Ms. HASSAN, Mrs. SHAHEEN, Ms. HIRONO, and Ms. CANTWELL):

S. 250. A bill to prohibit any hiring freeze from affecting any Department of Defense position at, or in support of, a public shipyard; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Mr. HEINRICH, and Ms. STABENOW):

S. 251. A bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. LEAHY, Mr. DURBIN, Mr. KING, Mr. REED, Mr. BLUMENTHAL, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, Ms. BALDWIN, Ms. HIRONO, Mr. UDALL, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. WHITEHOUSE):

S. 252. A bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. CASEY, and Mr. HELLER):

S. 253. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mr. UDALL (for himself, Ms. MURKOWSKI, Ms. HEITKAMP, Mr. TESTER, Mr. FRANKEN, Mr. HEINRICH, and Mr. SCHATZ):

S. 254. A bill to amend the Native American Programs Act of 1974 to provide flexibility and reauthorization to ensure the survival and continuing vitality of Native American languages; to the Committee on Indian Affairs.

By Mr. SCHATZ (for himself, Mr. BROWN, Mrs. MURRAY, Mr. CARDIN, and Mr. VAN HOLLEN):

S. 255. A bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HEITKAMP (for herself and Ms. COLLINS):

S. 256. A bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for himself and Ms. COLLINS):

S. 257. A bill to clarify the boundary of Acadia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON (for himself and Mr. RUBIO):

S. 258. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. RUBIO, and Mr. MENENDEZ):

S. 259. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mr. RISCH, Mr. ROBERTS, Mr. PORTMAN, Mr. TILLIS, Mr. CASSIDY, Mr. RUBIO, Mr. GRASSLEY, Mr. MCCAIN, Mr. INHOFE, Mr. FLAKE, Mr. HELLER, Mr. THUNE, Mr. DAINES, Mr. MORAN, Mr. BLUNT, Mr. COCHRAN, Mr. SCOTT, Mr. TOOMEY, Mr. JOHNSON, Mr. ISAKSON, Mr. SHELBY, and Mr. WICKER):

S. 260. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. BLUNT (for himself, Mr. KING, Mrs. MCCASKILL, Mr. MCCAIN, Mr. BOOZMAN, Mr. SCOTT, and Ms. HEITKAMP):

S. 261. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CAPITO (for herself, Mr. BROWN, Mr. PORTMAN, Mr. CASEY, and Ms. STABENOW):

S. 262. A bill to amend the Internal Revenue Code of 1986 to extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Finance.

By Mrs. CAPITO (for herself, Mr. FLAKE, Mr. MANCHIN, Mrs. FISCHER, Mr. CORNYN, and Mr. INHOFE):

S. 263. A bill to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LANKFORD (for himself and Mr. PAUL):

S. 264. A bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose; to the Committee on Finance.

By Ms. BALDWIN (for herself, Ms. WARREN, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. VAN HOLLEN, and Mr. MERKLEY):

S. 265. A bill to prevent conflicts of interest that stem from executive Government employees receiving bonuses or other compensation arrangements from nongovernment sources, from the revolving door that raises concerns about the independence of financial services regulators, and from the revolving door that casts aspersions over the awarding of Government contracts and other financial benefits; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HATCH (for himself and Mr. CARDIN):

S. 266. A bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S. 267. A bill to provide for the correction of a survey of certain land in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. YOUNG (for himself and Mr. RUBIO):

S. 268. A bill to provide the legal framework necessary for the growth of innovative private financing options for students to

fund postsecondary education, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. SULLIVAN):

S. 269. A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes; to the Committee on Indian Affairs.

By Mr. ENZI (for himself, Mr. ALEXANDER, Mr. PORTMAN, and Mr. ISAKSON):

S. 270. A bill to prohibit the use of premiums paid to the Pension Benefit Guaranty Corporation as an offset for other Federal spending; to the Committee on the Budget.

By Mrs. FISCHER:

S. 271. A bill to strengthen highway funding in the near term, to offer States additional financing tools, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHATZ (for himself, Mr. BROWN, Ms. WARREN, and Mr. MERKLEY):

S. 272. A bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RISCH (for himself, Mr. CRAPO, Mr. HATCH, Mr. HELLER, Mr. LEE, Mr. DAINES, and Mr. ENZI):

S. 273. A bill to provide for the protection and recovery of the greater sage-grouse by facilitating State recovery plans, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. WYDEN, Ms. CANTWELL, Mr. UDALL, Mr. VAN HOLLEN, Mr. MURPHY, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. CARPER, Mr. SANDERS, Mr. MARKEY, Ms. BALDWIN, Mr. CARDIN, Mr. HEINRICH, Ms. HASSAN, Mr. BROWN, Ms. STABENOW, Ms. CORTEZ MASTO, Mr. KAINE, Ms. HARRIS, Mr. LEAHY, Mr. PETERS, Mr. COONS, Mr. MENENDEZ, Mrs. MURRAY, Mr. BOOKER, Mr. WHITEHOUSE, Mr. FRANKEN, Ms. HIRONO, Ms. WARREN, Mr. KING, Mr. CASEY, Mr. WARNER, Mr. REED, Mr. SCHATZ, Mrs. SHAHEEN, Ms. DUCKWORTH, and Mr. BENNET):

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States; read the first time.

By Mr. WYDEN (for himself, Mr. HEINRICH, and Ms. STABENOW):

S.J. Res. 16. A joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. RISCH, Mr. ROBERTS, Mr. PORTMAN, Mr. CASSIDY, Mr. GRASSLEY, Mr. MCCAIN, Mr. INHOFE, Mr. HELLER, Mr. THUNE, Mr. DAINES, Mr. MORAN, Mr. JOHNSON, Mr. ISAKSON, and Mr. SCOTT):

S.J. Res. 17. A joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act; to the Committee on Finance.

By Mr. SULLIVAN (for himself and Ms. MURKOWSKI):

S.J. Res. 18. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Department of the Interior relating to Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska; to the Committee on Energy and Natural Resources.

By Mr. PERDUE (for himself, Mr. COTTON, Mr. ISAKSON, Mr. JOHNSON, Mr. LANKFORD, Mr. LEE, and Mr. ROUNDS):

S.J. Res. 19. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Ms. COLLINS:

S. Res. 31. An original resolution authorizing the expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. RISCH:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Ms. MURKOWSKI:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. JOHNSON:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. CARDIN (for himself, Mr. RUBIO, Mr. DURBIN, Mr. COTTON, Mr. MENENDEZ, Mr. BLUNT, Mr. NELSON, Mr. GARDNER, Mr. KAINE, and Mr. PERDUE):

S. Res. 35. A resolution expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes, including free and fair elections; to the Committee on Foreign Relations.

By Mr. HOEVEN:

S. Res. 36. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. CORKER:

S. Res. 37. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Ms. HIRONO (for herself, Mr. SANDERS, Mr. WYDEN, Mr. BOOKER, Mr. SCHATZ, Mr. BROWN, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. WARREN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. KAINE, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN):

S. Res. 38. A resolution recognizing January 30, 2017, as ''Fred Korematsu Day of Civil Liberties and the Constitution''; to the Committee on the Judiciary.

By Mr. ALEXANDER:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Ms. HEITKAMP (for herself, Mr. LANKFORD, Ms. STABENOW, Ms. BALDWIN, Mr. SCHATZ, Mr. UDALL, Mr. THUNE, Mr. MORAN, Mr. TESTER, Mr. HEINRICH, Mr. DAINES, Mr. HOEVEN, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. FRANKEN, Mr. PETERS, Ms. HIRONO, and Mr. BARRASSO):

S. Res. 40. A resolution designating the week beginning on February 5, 2017, as ''National Tribal Colleges and Universities Week''; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. PERDUE, Ms. HIRONO, Mr. CRAPO, and Mrs. FEINSTEIN):

S. Res. 41. A resolution raising awareness and encouraging the prevention of stalking by designating January 2017 as ''National Stalking Awareness Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 18, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 55

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 55, a bill to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

S. 82

At the request of Mr. REED, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 87

At the request of Mr. TOOMEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 87, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect

our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. 96

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 96, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 175

At the request of Mr. MANCHIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 175, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 178

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 178, a bill to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 203

At the request of Mr. BURR, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 203, a bill to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, and for other purposes.

S. 220

At the request of Mr. SASSE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 220, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 224

At the request of Mr. RUBIO, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 229

At the request of Mr. HEINRICH, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 229, a bill to provide for the confidentiality of information submitted in requests for the Deferred Action for Childhood Arrivals Program and for other purposes.

S. 236

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 240

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. SCHATZ), the Senator from Colorado (Mr. BENNET), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 240, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S. 247

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 247, a bill to provide an incentive for businesses to bring jobs back to America.

S. 248

At the request of Mr. MURPHY, the names of the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. GILLIBRAND), the Senator from Vermont (Mr. LEAHY) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 248, a bill to block implementation of the Executive Order that restricts individuals from certain countries from entering the United States.

S.J. RES. 8

At the request of Mr. UDALL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 8, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 9

At the request of Mr. INHOFE, the names of the Senator from Arizona (Mr. FLAKE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Kentucky (Mr. PAUL), the Senator from Alaska (Mr. SULLIVAN), the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 10

At the request of Mr. THUNE, his name was added as a cosponsor of S.J. Res. 10, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of the Interior relating to stream protection.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from Montana (Mr. TESTER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 18

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 18, a resolution reaffirming the United States-Argentina partnership and recognizing Argentina's economic reforms.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. CASEY, and Mr. HELLER):

S. 253. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise in support of the Medicare Access to Rehabilitation Services Act, which I am introducing today with my colleagues Senators COLLINS, CASEY, and HELLER. This important bill repeals the monetary caps that limit Medicare beneficiaries' access to medically necessary outpatient physical therapy, occupational therapy, and speech-language pathology services.

Limits on outpatient rehabilitation therapy services under Medicare were first imposed in 1997 as part of the Balanced Budget Act. The decision to impose limits on these services was not based on data, quality-of-care concerns, or clinical judgment—its sole purpose was to limit spending in order to balance the Federal budget. Since 1997, Congress has acted 12 times to prevent the implementation of the therapy caps through moratoriums and an exceptions process. While these short-term actions have provided necessary relief to our seniors, a long-term solution is essential to bring permanent relief and much-needed stability for both patients and providers.

We need a full repeal of the existing caps on physical therapy, occupational therapy, and speech-language pathology services. These annual financial caps limit services often needed after a

stroke, traumatic brain injury, or spinal cord injury, or to effectively manage conditions such as Parkinson's disease, multiple sclerosis, and arthritis. Arbitrary caps on these vital Medicare outpatient therapy services are simply unacceptable. They also discriminate against the oldest and sickest Medicare beneficiaries, who typically require the most intensive therapy, and disadvantage Medicare beneficiaries who live in regions with higher health care costs.

In a 2009 report issued by the Medicare Payment Advisory Committee, MEDPAC, it was estimated that the therapy cap, if enforced without an exceptions process, could negatively impact 931,000 Medicare beneficiaries. Arbitrarily capping outpatient rehabilitation therapy services would likely cause some beneficiaries to delay necessary care, force others to assume higher out-of-pocket costs, and disrupt the continuum of care for many seniors and individuals with disabilities.

I urge my colleagues to join me and Senator COLLINS in supporting the Medicare Access to Rehabilitation Services Act to ensure that our seniors have access to the outpatient rehabilitation therapy services that they need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Access to Rehabilitation Services Act of 2017''.

SEC. 2. OUTPATIENT THERAPY CAP REPEAL.

(a) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395(l)) is amended by striking subsection (g).

(b) CONFORMING AMENDMENTS.—Section 1842(t)(2) of the Social Security Act (42 U.S.C. 1395u(t)(2)) is amended—

(1) by striking ''(2) Each request'' and all that follows through ''1833(a)(8)(B),'' and inserting ''(2)(A) Each request for payment, or bill submitted, for therapy services described in subparagraph (B)''; and

(2) by adding at the end the following new subparagraph:

''(B) The following therapy services are described in this subparagraph:

''(i) Physical therapy services of the type described in section 1861(p) and speech-language pathology services of the type described in such section through the application of section 1861(ll)(2), including services described in section 1833(a)(8)(B), and physical therapy services and speech-language pathology services of such type which are furnished by a physician or as incident to physicians' services.

''(ii) Occupational therapy services of the type that are described in section 1861(p), including services described in section 1833(a)(8)(B), through the operation of section 1861(g) and of such type which are furnished by a physician or as incident to physicians' services.''.

By Mr. CORNYN (for himself, Mr. RISCH, Mr. ROBERTS, Mr. PORTMAN, Mr. TILLIS, Mr. CASSIDY, Mr. RUBIO, Mr. GRASSLEY, Mr. MCCAIN, Mr. INHOFE, Mr. FLAKE, Mr. HELLER, Mr. THUNE, Mr. DAINES, Mr. MORAN, Mr. BLUNT, Mr. COCHRAN, Mr. SCOTT, Mr. TOOMEY, Mr. JOHNSON, Mr. ISAKSON, Mr. SHELBY, and Mr. WICKER):

S. 260. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Finance.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Seniors' Access to Medicare Act of 2017''.

SEC. 2. REPEAL OF THE INDEPENDENT PAYMENT ADVISORY BOARD.

Effective as of the enactment of the Patient Protection and Affordable Care Act (Public Law 111–148), sections 3403 and 10320 of such Act (including the amendments made by such sections) are repealed, and any provision of law amended by such sections is hereby restored as if such sections had not been enacted into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 30—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERTS submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a)EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $2,463,834, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b)EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $4,223,716, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c)EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $1,759,882, of which amount—

(1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $40,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a)EXPENSES OF THE COMMITTEE.—

(1)IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2)VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b)AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 31—AUTHORIZING THE EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Ms. COLLINS submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $1,399,763, of which amount—

(1) not to exceed $3,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $3,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $2,399,594, of which amount—

(1) not to exceed $6,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $6,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $999,831, of which amount—

(1) not to exceed $2,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,500 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. RISCH submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $1,520,944, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $2,607,332, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $1,086,388, of which amount—

(1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 33—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. MURKOWSKI submitted the following resolution; from the Committee

on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $3,219,522.

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $5,519,181.

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $2,299,659.

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. JOHNSON submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (in this resolution referred to as the ''committee'') is authorized from March 1, 2017, through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed $5,591,653, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017, through September 30, 2018, under this resolution shall not exceed $9,585,691, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018, through February 28, 2019, under this resolution shall not exceed $3,994,038, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017, through September 30, 2017;

(2) for the period October 1, 2017, through September 30, 2018; and

(3) for the period October 1, 2018, through February 28, 2019.

SEC. 5. INVESTIGATIONS.

(a) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the

manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce, and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety, including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into the discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(b) EXTENT OF INQUIRIES.—In carrying out the duties provided in subsection (a), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(c) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this section, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman is authorized, in its, his, her, or their discretion—

(1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(2) to hold hearings;

(3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) to administer oaths; and

(5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(e) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and any duly authorized subcommittee of the committee authorized under S. Res. 73, agreed to February 12, 2015 (114th Congress), are authorized to continue.

SENATE RESOLUTION 35—EXPRESSING PROFOUND CONCERN ABOUT THE ONGOING POLITICAL, ECONOMIC, SOCIAL AND HUMANITARIAN CRISIS IN VENEZUELA, URGING THE RELEASE OF POLITICAL PRISONERS, AND CALLING FOR RESPECT OF CONSTITUTIONAL AND DEMOCRATIC PROCESSES, INCLUDING FREE AND FAIR ELECTIONS

Mr. CARDIN (for himself, Mr. RUBIO, Mr. DURBIN, Mr. COTTON, Mr. MENENDEZ, Mr. BLUNT, Mr. NELSON, Mr. GARDNER, Mr. KAINE, and Mr. PERDUE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 35

Whereas the deterioration of basic governance and the economic crisis in Venezuela have led to an unprecedented humanitarian situation in which people are suffering from severe shortages of essential medicines and basic food products;

Whereas Venezuela lacks more than 80 percent of the basic medical supplies and equipment needed to treat its population, including medicine to treat chronic illnesses and cancer as well as basic antibiotics, and 85 percent of pharmacies are at risk of bankruptcy, according to the Venezuelan Pharmaceutical Federation;

Whereas, despite the massive shortages of basic foodstuffs and essential medicines, President of Venezuela Nicolas Maduro has rejected repeated requests from civil society organizations to bring humanitarian aid into the country;

Whereas the International Monetary Fund assesses that, in Venezuela, gross domestic product will contract 10 percent and inflation will exceed 700 percent in 2016, accelerating to over 1,600 percent in 2017, the worst anticipated growth and inflation performance in the world;

Whereas Venezuela's political, economic, and humanitarian crisis is fueling social tensions that are resulting in growing incidents of public unrest, looting, violence among citizens, and an exodus of Venezuelans abroad;

Whereas Caracas continues to have the highest per capita homicide rate in the world at 120 per 100,000 citizens, according to the United Nations Office on Drug and Crime;

Whereas the deterioration of governance in Venezuela has been exacerbated by widespread public corruption and the involvement of public officials in illicit narcotics trafficking and related money laundering;

Whereas, on August 1, 2016, General Nestor Reverol, Venezuela's current Minister of Interior and former National Guard commander, was indicted in the United States for participating in an international cocaine trafficking conspiracy;

Whereas, on November 18, 2016, Franqui Francisco Flores de Freitas and Efrain Antonio Campo Flores, nephews of President Maduro and Venezuelan First Lady Cilia Flores, were convicted by a United States Federal jury on charges of conspiring to import cocaine into the United States;

Whereas international and domestic human rights groups, such as Venezuelan organization Foro Penal, recognize more than 100 political prisoners in Venezuela, including opposition leader and former Chacao mayor Leopoldo Lopez, Judge Maria Lourdes Afiuni, Caracas Mayor Antonio Ledezma, and former San Cristobal mayor Daniel Ceballos;

Whereas the 1999 Constitution of the Bolivarian Republic of Venezuela serves as the foundation for political processes in Venezuela;

Whereas, in December 2015, the people of Venezuela elected the opposition coalition (Mesa de Unidad Democràtica) to a two-thirds majority in the unicameral National Assembly, with 112 out of the 167 seats;

Whereas, in late December 2015, the outgoing National Assembly confirmed to the Supreme Court of Venezuela magistrates politically aligned with the Maduro Administration and, thereafter, the Supreme Court blocked four legislators, including 3 opposition legislators, from taking office;

Whereas, during the first year of the new legislature, the Supreme Court has repeatedly overturned legislation passed by the democratically elected National Assembly;

Whereas, in 2016, President Maduro has utilized emergency and legislative decree powers to bypass the National Assembly, which, alongside the actions of the Supreme Court, have severely undermined the principles of separation of powers in Venezuela;

Whereas, in May 2016, Organization of American States Secretary General Luis Almagro presented a 132-page report outlining grave alterations of the democratic order in Venezuela and invoked Article 20 of the Inter-American Democratic Charter, which calls on the OAS Permanent Council ''to undertake a collective assessment of the situation'';

Whereas, in late October 2016, Venezuela's state courts and National Electoral Council, which are comprised of political allies of President Maduro, halted efforts to hold a referendum pursuant to provisions of the Venezuelan constitution to recall President Maduro, thereby denying the Venezuelan people the ability to pursue a democratic solution to Venezuela's crisis; and

Whereas, in November 2016, sectors of the opposition and the Government of Venezuela

initiated a dialogue, facilitated by the Vatican, in an effort to pursue a negotiated solution to the country's political, economic, social, and humanitarian crisis: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about widespread shortages of essential medicines and basic food products faced by the people of Venezuela, and urges President Maduro to permit the delivery of humanitarian assistance;

(2) calls on the Government of Venezuela to immediately release all political prisoners and to respect internationally recognized human rights;

(3) supports meaningful efforts towards a dialogue that leads to respect for Venezuela's constitutional mechanisms and resolves the country's political, economic, social, and humanitarian crisis;

(4) affirms its support for OAS Secretary General Almagro's invocation of Article 20 of the Inter-American Democratic Charter and urges the OAS Permanent Council, which represents all of the organization's member states, to undertake a collective assessment of the constitutional and democratic order in Venezuela;

(5) calls on the Government of Venezuela to ensure the neutrality and professionalism of all security forces and to respect the Venezuelan people's rights to freedom of expression and assembly;

(6) calls on the Government of Venezuela to halt its efforts to undermine the principle of separation of powers, its circumvention of the democratically elected legislature, and its subjugation of judicial independence;

(7) stresses the urgency of strengthening the rule of law and increasing efforts to combat impunity and public corruption in Venezuela, which has bankrupted a resource-rich country, fuels rising social tensions, and contributes to elevated levels of crime and violence; and

(8) urges the President of the United States to provide full support for OAS efforts in favor of constitutional and democratic solutions to the political impasse, and to instruct appropriate Federal agencies to hold officials of the Government of Venezuela accountable for violations of United States law and abuses of internationally recognized human rights.

SENATE RESOLUTION 36—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. HOEVEN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved, That, in carrying out its powers, duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2017, through September 30, 2017, under this resolution shall not exceed $1,184,317.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2017, through September 30, 2018, expenses of the committee under this resolution shall not exceed $2,030,258.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2018, through February 28, 2019, expenses of the committee under this resolution shall not exceed $845,941.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2017, through September 30, 2017; October 1, 2017, through September 30, 2018; and October 1, 2018, through February 28, 2019, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 37—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. CORKER submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 37

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $3,889,028, of which amount—

(1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $6,666,904, of which amount—

(1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $2,777,877, of which amount—

(1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $20,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 38—RECOGNIZING JANUARY 30, 2017, AS ''FRED KOREMATSU DAY OF CIVIL LIBERTIES AND THE CONSTITUTION''

Ms. HIRONO (for herself, Mr. SANDERS, Mr. WYDEN, Mr. BOOKER, Mr. SCHATZ, Mr. BROWN, Mr. WHITEHOUSE, Ms. CANTWELL, Ms. WARREN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. KAINE, Mrs. MURRAY, Mr. COONS, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 38

Whereas, on January 30, 1919, Fred Toyosaburo Korematsu was born in Oakland, California, to Japanese immigrants;

Whereas Fred Korematsu graduated from Oakland High School in 1937 and attempted to enlist in the military twice but was unable to do so because his selective service classification was changed to enemy alien, even though Fred Korematsu was a United States citizen;

Whereas Fred Korematsu trained as a welder and worked as a foreman at the docks in Oakland until the date on which he and all Japanese Americans were fired;

Whereas, on December 7, 1941, Japan attacked the military base in Pearl Harbor, Hawaii, causing the United States to declare war against Japan;

Whereas, on February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), which authorized the Secretary of War to prescribe military areas—

(1) from which any or all people could be excluded; and

(2) with respect to which, the right of any person to enter, remain in, or leave would be subject to any restriction the Military Commander imposed in his discretion;

Whereas, on May 3, 1942, the Lieutenant General of the Western Command of the Army issued Civilian Exclusion Order 34 (May 3, 1942) (referred to in this preamble as the ''Civilian Exclusion Order'') directing that all people of Japanese ancestry be removed from designated areas of the West Coast after May 9, 1942, because people of Japanese ancestry in the designated areas were considered to pose a threat to national security;

Whereas Fred Korematsu refused to comply with the Civilian Exclusion Order and was arrested on May 30, 1942;

Whereas, after his arrest, Fred Korematsu—

(1) was held in squalor for 2 ½ months in the Presidio stockade in San Francisco, California;

(2) was convicted on September 8, 1942, of violating the Civilian Exclusion Order and sentenced to 5 years of probation; and

(3) was detained at Tanforan Assembly Center, a former horse racetrack used as a holding facility for Japanese Americans before he was exiled with his family to the Topaz internment camp in the State of Utah;

Whereas more than 120,000 Japanese Americans were similarly detained, with no charges brought and without due process, in 10 permanent War Relocation Authority camps located in isolated desert areas of the States of Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming;

Whereas the people of the United States subject to the Civilian Exclusion Order lost their homes, livelihoods, and the freedoms inherent to all people of the United States;

Whereas Fred Korematsu unsuccessfully challenged the Civilian Exclusion Order as it applied to him and appealed the decision of the United States District Court to the United States Court of Appeals for the Ninth Circuit, which sustained his conviction;

Whereas Fred Korematsu was subsequently confined with his family in the internment camp in Topaz, Utah, for 2 years, and during that time, Fred Korematsu appealed his conviction to the Supreme Court of the United States;

Whereas, on December 18, 1944, the Supreme Court of the United States issued Korematsu v. United States, 323 U.S. 214 (1944), which—

(1) upheld the conviction of Fred Korematsu by a vote of 6 to 3; and

(2) concluded that Fred Korematsu was removed from his home not based on hostility toward him or other Japanese Americans but because the United States was at war with Japan and the military feared a Japanese invasion of the West Coast;

Whereas, in his dissenting opinion in Korematsu v. United States, 323 U.S. 214 (1944), Justice Frank Murphy called the Civilian Exclusion Order the ''legalization of racism'';

Whereas Fred Korematsu continued to maintain his innocence for decades following World War II, and his conviction hampered his ability to gain employment;

Whereas, in 1982, legal historian Peter Irons and researcher Aiko Yoshinaga-Herzig gained access to Government documents under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), that indicate that while the case of Fred Korematsu was before the Supreme Court of the United States, the Federal Government misled the Supreme Court of the United States and suppressed findings that Japanese Americans on the West Coast were not security threats;

Whereas, in light of the newly discovered information, Fred Korematsu filed a writ of error coram nobis with the United States District Court for the Northern District of California, and on November 10, 1983, United States District Judge Marilyn Hall Patel issued her decision in Korematsu v. United States, 584 F. Supp. 1406 (N.D. Cal. 1984), that—

(1) overturned the conviction of Fred Korematsu;

(2) concluded that, at the time that senior Government officials presented their case before the Supreme Court of the United States in 1944, the senior Government officials knew there was no factual basis for the claim of military necessity for the Civil Exclusion Order; and

(3) stated that although the decision of the Supreme Court of the United States in Korematsu v. United States, 323 U.S. 214 (1944), remains on the pages of United States legal and political history, ''[a]s historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting constitutional guarantees'';

Whereas the Commission on Wartime Relocation and Internment of Civilians, authorized by Congress in 1980 to review the facts and circumstances surrounding the relocation and internment of Japanese Americans under Executive Order 9066 (7 Fed. Reg. 1407 (February 25, 1942)), concluded that—

(1) the decision of the Supreme Court of the United States in Korematsu v. United States, 323 U.S. 214 (1944), is overruled by the court of history;

(2) a grave personal injustice was done to the United States citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them, were excluded, removed, and detained by the United States during World War II; and

(3) the exclusion, removal, and detention of United States citizens and resident aliens of Japanese ancestry was motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership;

Whereas the overturning of the conviction of Fred Korematsu and the findings of the Commission on Wartime Relocation and Internment of Civilians influenced the decision by Congress to pass the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.) to request a Presidential apology and the symbolic payment of compensation to people of Japanese ancestry who lost liberty or property due to discriminatory actions of the Federal Government;

Whereas, on August 10, 1988, President Reagan signed the Civil Liberties Act of 1988 (50 U.S.C. 4211 et seq.), stating, ''[H]ere we admit a wrong; here we reaffirm our commitment as a nation to equal justice under the law.'';

Whereas, on January 15, 1998, President Clinton awarded the Medal of Freedom, the highest civilian award of the United States, to Fred Korematsu, stating, ''[i]n the long history of our country's constant search for justice, some names of ordinary citizens stand for millions of souls: Plessy, Brown, Parks. To that distinguished list, today we add the name of Fred Korematsu.'';

Whereas, despite the fact that history demonstrates that discriminatory actions breed immoral, unconscionable, and unconstitutional actions levied against religious, ethnic, and racial minorities in the name of national security, recent actions by President Trump have publicly fanned religious, ethnic, and racial prejudices;

Whereas, on January 27, 2017, President Trump issued—

(1) an Executive order that suspends for 90 days the entry into the United States of immigrants and nonimmigrants who are nationals of 7 Muslim-majority countries, prohibiting the issuance of any visa to relatives, family members, and tourists from the 7 designated countries based solely on the nationality of the individual;

(2) an Executive order indefinitely suspending the admission as refugees of Syrian nationals, even though, as of January 2017, there are more than 4,000,000 registered Syrian refugees who have fled the destructive civil war in Syria;

(3) an Executive order slashing refugee admissions numbers for fiscal year 2017 from 110,000 to 50,000, even as other countries move to take in refugees; and

(4) an Executive order directing the United States Refugee Assistance Program to prioritize refugee claims based on religious persecution in which the religion of the refugee is a minority religion in the country of nationality of the refugee, a priority that singles out for exclusion members of the Islamic faith;

Whereas Fred Korematsu remained a tireless advocate for civil liberties and justice throughout his life by—

(1) speaking out against racial discrimination and violence targeting Arab, Muslim, South Asian, and Sikh Americans in the wake of the September 11, 2001, tragedy; and

(2) cautioning the Federal Government against repeating mistakes of the past that singled out individuals for heightened scrutiny on the basis of race, ethnicity, nationality,or religion;

Whereas, on March 30, 2005, Fred Korematsu died at the age of 86 in Larkspur, California;

Whereas Fred Korematsu is a role model for all people of the United States who love the United States and the promises contained in the Constitution of the United States, and the strength and perseverance of Fred Korematsu serve as an inspiration for all people who strive for equality and justice; and

Whereas the recent actions of President Trump run directly counter to the history and legacy of justice exemplified by Fred Korematsu: Now, therefore, be it

Resolved, That the Senate—

(1) honors Fred Toyosaburo Korematsu for his—

(A) loyalty and patriotism to the United States;

(B) work to advocate for the civil rights and civil liberties of all people of the United States; and

(C) dedication to justice and equality;

(2) recognizes January 30, 2017, as ''Fred Korematsu Day of Civil Liberties and the Constitution''; and

(3) denounces any governmental effort to discriminate against any individual based on the national origin or religion of the individual.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $5,105,487, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $8,752,264, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $3,646,777, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $25,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2018 and February 28, 2019, respectively.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 40—DESIGNATING THE WEEK BEGINNING ON FEBRUARY 5, 2017, AS ''NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK''

Ms. HEITKAMP (for herself, Mr. LANKFORD, Ms. STABENOW, Ms. BALDWIN, Mr. SCHATZ, Mr. UDALL, Mr. THUNE, Mr. MORAN, Mr. TESTER, Mr. HEINRICH, Mr. DAINES, Mr. HOEVEN, Ms. KLOBUCHAR, Mrs. MURRAY, Mr. FRANKEN, Mr. PETERS, Ms. HIRONO, and Mr. BARRASSO) submitted the following resolution; which was considered and agreed to:

S. RES. 40

Whereas there are 37 Tribal Colleges and Universities operating on more than 75 campuses in 16 States;

Whereas Tribal Colleges and Universities are tribally chartered or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas Tribal Colleges and Universities serve students from more than 250 federally recognized Indian tribes;

Whereas Tribal Colleges and Universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhances Indian communities and enriches the United States as a whole;

Whereas Tribal Colleges and Universities provide access to high-quality postsecondary educational opportunities for American Indians, Alaska Natives, and other individuals living in some of the most isolated and economically depressed areas in the United States;

Whereas Tribal Colleges and Universities are accredited institutions of higher education that effectively prepare students to succeed in their academic pursuits and in a global and highly competitive workforce;

Whereas Tribal Colleges and Universities have open enrollment policies, and approximately 15 percent of the students at Tribal Colleges and Universities are non-Indian individuals; and

Whereas the collective mission and the considerable achievements of Tribal Colleges and Universities deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on February 5, 2017, as ''National Tribal Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe National Tribal Colleges and Universities Week with appropriate ceremonies, activities, and programs to demonstrate support for Tribal Colleges and Universities.

SENATE RESOLUTION 41—RAISING AWARENESS AND ENCOURAGING THE PREVENTION OF STALKING BY DESIGNATING JANUARY 2017 AS ''NATIONAL STALKING AWARENESS MONTH''

Ms. KLOBUCHAR (for herself, Mr. PERDUE, Ms. HIRONO, Mr. CRAPO, and

Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 41

Whereas approximately 15 percent of women in the United States, at some point during their lifetimes, have experienced stalking victimization, during which the women felt very fearful or believed that they or someone close to them would be harmed or killed;

Whereas, during a 1-year period, an estimated 7,500,000 individuals in the United States reported that they had been victims of stalking;

Whereas more than 80 percent of victims of stalking reported that they had been stalked by someone they knew;

Whereas 11 percent of victims of stalking reported having been stalked for more than 5 years;

Whereas two-thirds of stalkers pursue their victims at least once a week;

Whereas victims of stalking are forced to take drastic measures to protect themselves, including changing their identities, relocating, changing jobs, or obtaining protection orders;

Whereas the prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among victims of stalking than the general population;

Whereas many victims of stalking do not report stalking to the police or contact a victim service provider, shelter, or hotline;

Whereas stalking is a crime under Federal law and the laws of all 50 States, the District of Columbia, and the territories of the United States;

Whereas stalking affects victims of every race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas national organizations, local victim service organizations, campuses, prosecutor's offices, and police departments stand ready to assist victims of stalking and are working diligently to develop effective and innovative responses to stalking;

Whereas there is a need to improve the response of the criminal justice system to stalking through more aggressive investigation and prosecution;

Whereas there is a need for an increase in the availability of victim services across the United States, and the services must include programs tailored to meet the needs of victims of stalking;

Whereas individuals 18 to 24 years old experience the highest rates of stalking victimization, and rates of stalking among college students exceed rates of stalking among the general population;

Whereas up to 75 percent of women in college who experience behavior relating to stalking experience other forms of victimization, including sexual or physical victimization;

Whereas there is a need for an effective response to stalking on each campus; and

Whereas the Senate finds that ''National Stalking Awareness Month'' provides an opportunity to educate the people of the United States about stalking: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 2017 as ''National Stalking Awareness Month'';

(2) applauds the efforts of service providers for victims of stalking, police, prosecutors, national and community organizations, campuses, and private sector supporters to promote awareness of stalking;

(3) encourages policymakers, criminal justice officials, victim service and human service agencies, institutions of higher education, and nonprofit organizations to increase awareness of stalking and the availability of services for victims of stalking; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through ''National Stalking Awareness Month''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WICKER. Mr. President, I have two requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on February 1, 2017, at 2:30 p.m., in room SD–106 of the Dirksen Senate Office Building.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on February 1, 2017, in room SD–562 of the Dirksen Senate Office Building at 2:30 p.m. to conduct a hearing entitled ''Stopping Senior Scams: Developments in Financial Fraud Affecting Seniors.''

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my science fellow, Christy Veeder, be allowed the privileges of the floor.

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

APPOINTMENT

Mr. GARDNER. Mr. President, I understand an appointment was made during the adjournment of the Senate, and I ask it be stated for the RECORD.

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., sections 42 and 43, reappoints the Senator from Vermont, Mr. LEAHY, as a member of the Board of Regents of the Smithsonian Institution.

UNANIMOUS CONSENT AGREEMENT—READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. GARDNER. Mr. President, I ask unanimous consent that not withstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 27, 2017, at a time to be determined by the majority leader in consultation with the Democratic leader.

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

NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 40, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 40) designating the week beginning on February 5, 2017, as ''National Tribal Colleges and Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 40) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

NATIONAL STALKING AWARENESS MONTH

Mr. GARDNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 41, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 41) raising awareness and encouraging the prevention of stalking by designating January 2017 as ''National Stalking Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. GARDNER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 41) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

MEASURE READ THE FIRST TIME—S. 274

Mr. GARDNER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 274) to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

Mr. GARDNER. I now ask for a second reading and, in order to place the bill on the calendar under provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, FEBRUARY 2, 2017

Mr. GARDNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, February 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 38; finally, that there be 6 hours of debate remaining, equally divided in the usual form.

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

ORDER FOR ADJOURNMENT

Mr. GARDNER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator WHITEHOUSE.

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

The Senator from Rhode Island.

STREAM PROTECTION RULE

Mr. WHITEHOUSE. Mr. President, we are gathered here this evening to seek to defend against the Congressional Review Act effort to overturn the clean stream protection rule. It is interesting that this first Congressional Review Act measure that we are taking up should be one that puts money into the pockets of the fossil fuel industry and lifts their obligation to clean up public streams that they have ruined with their pollution.

As I have been in the Senate, I am in my second term, and I am more than halfway through it. By Senate standards, I don't expect that is very senior, but it is enough that I have seen some patterns develop.

One of the patterns I have seen develop is that my friends on the other side of the aisle talk a really good game on deregulation, on regulatory reform. They give speeches on the burden of undue regulation. They give speeches about the cost of regulation. Over and over they seek deregulation. But when it comes time to actually do something, every single time that I can remember, the deregulatory effort goes to the benefit of two groups. One is Wall Street and the other is polluters. The rest is just talk.

Sure enough, here we are with the first Congressional Review Act effort, and the choices are money in the fossil fuel company's pockets versus our natural heritage of clean streams for ourselves and our children. And which way do we go? Put the money in the fossil fuel pockets—to heck with the clean streams. This would be 0.3 percent of coal industry revenues to clean up after the mess they have made.

I grew up and I was taught that if you spill something, you clean it up. If you make a mess, you clean it up. But in this building, if it is the fossil fuel industry, if you make a mess, too bad, we will take care of you. You are our guys. We don't care about the stream. We don't care about the people who live downstream. We don't care about people who might fish in it. We don't care about the fact that this is God's creation. We care about making the coal companies happy.

It happens over and over. If it is not polluters, it is Wall Street. If it is not Wall Street, it is polluters. As to all this talk about deregulation, watch where it goes—Wall Street and polluters. Here we are with the archetypical challenge between private benefit and public harm. The very purpose of government—even conservative commentators say—is to protect the public from being harmed by those who cause them harm as they pursue their private benefit. What could be more the case than coal waste polluting public streams? We don't care; we are going to go to bat for the coal companies. I tell you, there are special rules around here for the fossil fuel industry.

We heard President Trump's promises to drain the swamp of the outside influence of corporate special interests and lobbyists in our government. Well, particularly when it comes to fossil fuel interests, that oft-repeated promise seems to have evaporated in the murky haze of his transition. From the very outset, operatives of the Koch brothers and other fossil fuel interests have infiltrated his team.

Some of the biggest swamp alligators have floated up as his nominees to run federal agencies that protect our public health, that enforce our laws, that maintain our natural resources, and even those who carry out our international diplomacy. With all these nominations, the President isn't draining the swamp. He is filling it with exactly the kind of big special interests that most Americans voted to keep out.

Our Republican colleagues are jamming and stacking the confirmation hearings in a rush to fill in this swamp Cabinet before the American people can get a good look at the nominees. By the way, the byproduct of all of this is the swamp gas of climate denial.

A strong majority of voters polled since the election called on President Trump to do more to address global warming. So let us look at the record of this fossil fuel swamp Cabinet.

Today, we voted on ExxonMobil CEO Rex Tillerson to be our Secretary of State. Like President Trump, Tillerson and ExxonMobil have been talking out of two sides of their mouths about climate change. Sometimes Tillerson acknowledges climate change exists, pointing to a revenue-neutral carbon fee like the one I have introduced as the best way to address it. At other times, he plays up imagined scientific uncertainty and overestimates the costs of action. In 2012, Tillerson said:

> I'm not disputing that increasing CO_2 emissions in the atmosphere is going to have an impact. It will have a warming impact.

As far back as 2009, he backed a revenue-neutral carbon fee like the one I introduced as the best way to address the problem. But in 2013, he questioned whether we should do anything at all to slow climate change, asking: ''What good is it to save the planet if humanity suffers?''

That is the climate deniers' false premise—that humanity will suffer from our solving a problem that they face.

In 2015, Tillerson told an ExxonMobil shareholder meeting that he thought the world should wait for science to improve before solving the problem of climate change. He couldn't find one State university in this country that would agree with him. He says that because it is the fossil fuel industry stall strategy. It is so ironic coming from the longtime head of ExxonMobil to say we should wait because it has been well documented by the Los Angeles Times, by Inside Climate News, and by others that ExxonMobil—despite conducting some of the leading climate science for decades—has played a devious role in undermining public understanding of these dangers.

For years, Exxon has underwritten a shadowy network of denial organizations—we have called it here on the Senate floor the web of denial—with the purpose of delaying any steps to reduce the use of fossil fuel. Between 1988 and 2005, ExxonMobil contributed over $16 million to a network of phony-baloney think tanks and pseudo-science groups that spread misleading and false claims about climate science. In response to public outrage about ExxonMobil's role in funding climate denial—it knew it had been caught—it claimed that it would stop and that it had stopped. But in 2015, ExxonMobil was still funneling millions to groups pedaling climate denial. According to its own publically available ''2015 Worldwide Global Giving'' report, over $1.6 million, or one-fifth of ExxonMobil's public information and policy research contributions went to organizations active in deceiving the public about climate change—groups like the American Legislative Exchange Council, the National Black Chamber of Commerce, the Hudson Institute, and the Manhattan Institute.

Under Tillerson's leadership, Exxon spent untold millions of dollars obstructing climate action and burying real science in a cloud of nonsense. The nonprofit research organization Influence Map found that ExxonMobil spent

at least $27 million obstructing climate action in 2015 alone. This was after they had said publically that they would knock it off. Tillerson even fought his own shareholders. The Institute for Policy Studies reports shareholders of ExxonMobil have introduced 62 climate-related resolutions over the past 25 years. Under his guidance, management has opposed every one of them.

Rex Tillerson once openly mocked a shareholder who asked about investing in renewables. Tillerson responded that renewable energy only survives on the backs of enormous government mandates that are not sustainable. ''We on purpose choose not to lose money,'' he said. Well, one of the ways they choose not to lose money is by spending huge amounts on a big, complex PR machine to churn out doubt about the real science and to protect the enormous market failure that forces the rest of us to pay for the cost of Exxon's carbon pollution. To say that renewable energy only survives on the backs of government mandates and subsidies is a bitter irony from the CEO of a company in an industry that has been calculated by the International Monetary Fund to get subsidies of $700 billion a year in the United States alone from not having to pay for the damage that its product causes.

Now, $700 billion a year is quite the subsidy. We heard this special brand of fossil fuel doublespeak in his confirmation hearing. ''The increase in greenhouse gas concentrations in the atmosphere are having an effect,'' he said. ''Our ability to predict that effect,'' he continued, ''is very limited.''

Wrong. Our ability to predict that effect is clearly established. The scientists who study our planet's climate system know that is the case. They understand that our carbon pollution has already driven unprecedented changes in the climate, and they know that rising concentrations of greenhouse gases will bring rising temperatures, higher sea levels along our coast, a warmer and more acidic ocean, and changes in weather patterns.

None of this is subject to serious doubt in the scientific community. When asked whether he sees climate change as a national security issue, Tillerson replied, ''I don't see it as the imminent national security threat that perhaps others do.''

Well, let's talk about those ''others'' for a minute. They are the ''others'' who are in charge of defending our country and its interests, the people whose job it is to monitor global trends and prepare for future threats. They are intelligence and security experts like the former Director of the CIA, the Chair of President George W. Bush's National Intelligence Council, the former commander of the U.S. Pacific Command.

The ''others'' include the top brass at the U.S. Department of Defense, which has in its Quadrennial Defense Reviews for years described climate change as a ''global threat multiplier.'' These ''others'' might just know what they are talking about, and they are not burdened with the conflict of interest of being the CEO of a company that is sponging a $700-billion subsidy off the American taxpayers every year. Perhaps the problem is that Mr. Tillerson is too steeped in the fossil fuel industry to hear the ''others'' who have dedicated their careers to defending the American people.

The United States ought to represent to the world a model of democratic leadership and honesty. That is how we get away with saying that we are a city on a hill. That is how we explain to the world that we hold up a lamp in its darkness. The telling responses from Mr. Tillerson's hearing matter because he will be the one to direct or abdicate America's global leadership on this critical issue.

We may be blind in this Chamber to the fact that the fossil fuel industry is calling the shots, pulling the strings, has control over our democracy, and is going around breaking our democratic checks and balances in order to seize control. But the rest of the world knows. You don't think the rest of the world can see why this body will do anything on climate change when every American State university knows that it is coming on, when every American scientific society knows that it is coming on, when our defense professionals know that it is coming on and warn us about it, when NASA and NOAA know that it is coming on and warn us about it?

You don't think that the people of Russia and China and Germany know that we are the ones who have a craft driving around on the surface of Mars? You don't think they know how good our scientists are, and you don't think they know that the NASA scientists are telling us climate change is serious, it is coming at us, it is going to be catastrophic if we don't act—we have to do something? They know that.

Everybody sees it. It is in plain view. What is missing is that Congress will not act because the tentacles of the fossil fuel industry swarm through this place. The world sees it and knows it and history will judge us for it.

Tillerson has spent his career leading an international oil company that has been consistently and fundamentally dishonest with the world as to what ExxonMobil knew about climate change. His professional life has been centered on extracting—extracting fossil fuels from the earth, extracting drilling concessions from corrupt regimes, extracting special tax favors from Congress, and extracting profits for his shareholders.

Well, American leadership in a dangerous world is about more than that. That is why I could not support his nomination. He is just one of several individuals nominated by President Trump who cannot accept the science of climate change or who harbors close ties to the fossil fuel industry or both—usually.

Oklahoma attorney general Scott Pruitt is Trump's nominee for Administrator of the Environmental Protection Agency, the bureau most directly responsible for leading the U.S. effort to stave off the effects of climate change. Mr. Pruitt has such deep political and financial ties to fossil fuel companies and front groups that it is hard to tell where they give off and he begins. He has served as the industry's mouthpiece and attack dog for years.

When he was asked during his Environment and Public Works Committee confirmation hearing to explain his dealings with the fossil fuel industry through secretive, dark money groups that he operated, which have been tied to specific companies he would be charged with regulating should he be confirmed, he provided misleading, incomplete, and evasive answers.

So we submitted substantive followup questions, asking him to set the record straight. Once again, he chose to provide evasive and empty responses. Right now, his record is a black hole of special interest secrecy about his dark money links to the fossil fuel industry. That ought not to be acceptable to anybody in the Senate.

We have a constitutional duty to provide advice and consent on administration nominations. Any Senator who believes that Congress should have a role in overseeing this administration should take note of this. In response to questions following up on Pruitt's hearing, rather than providing information sought by the committee, he instructed the Senate to file open records act requests for the information with the State of Oklahoma.

If Pruitt is willing to tell Senators who are poised to vote on his nomination to go to the back of a very long, first-come, never-served line to learn more about his conflicts of interest, I can hardly imagine how unresponsive he will be when Congress asks for information about changes he wants to make to the renewable fuel standard, changes he wants to make to clean air protections, changes he wants to make to our clean water protections or to toxic regulations.

By the way, he has stonewalled for more than 2 years, producing 3,000 emails between him and his office and identified fossil fuel companies and front groups—stonewalled an open records request for 2 years. His office admits there are at least 3,000 of them. Of the 3,000 emails between him and the fossil fuel industry that his office has admitted exist, how many do you suppose he has produced for the Environment and Public Works Committee—out of 3,000? Pick a number. I will tell you what the number is: zero; not one.

The party that for a long time had a really determined interest in emails suddenly has no interest in these emails at all. Emails? What emails? If it is fossil fuel companies on the other end of the emails, suddenly it does not matter. Pruitt does not want the Senate and the American people to know

about his dealings with his polluter patrons. But we should know. It is our job to know. The public should know—but not when it is fossil fuels.

President Trump also nominated Senator SESSIONS of Alabama as Attorney General, the position responsible for enforcing Federal environmental laws, like the Clean Air Act. He has invented the notion that the sky is not right in Alabama for solar power, saying, ''In my home State of Alabama, one would think we have a good bit of sunshine, but in truth, we have a lot of clouds, and solar is not effective in our area.''

In a 2015 interview with the Family Research Council, Senator SESSIONS said he was not even sure that global warming exists. That same year in a hearing with the EPA Administrator, Senator SESSIONS claimed that ''carbon pollution is CO_2, and that's not really a pollutant; that's a plant food, and it doesn't harm anybody except that it might include temperature increases.''

This is the man who wants to be Attorney General of the United States, who says he is going to follow the law. There is a Supreme Court case on point that says carbon is a pollutant. What does he say? Carbon pollution is CO_2, and it is not really a pollutant. That is just plain not the law.

By the way, try telling my Rhode Island fishermen, whose stocks are disappearing from the warming waters off our coast, that CO_2 does not harm anybody. Trying telling it to Senator MERKLEY's shell fishermen in Oregon who have had shellfish hatcheries wiped out by acidified seas coming in.

I asked Senator SESSIONS at the confirmation hearing whether, as Attorney General, he would make decisions in environmental cases based on scientifically accepted facts. Senator SESSIONS, to his credit, responded that he would and said that the ''theory'' of global warming ''always struck me as plausible.''

Well, if he is confirmed, he will have to hold a lot of these fossil fuel companies accountable under our environmental laws, and I hope he will familiarize himself with the science that he committed to follow because I intend to hold him to his pledge.

Last, over at the Department of Energy, Trump chose former Governor Rick Perry of Texas, a one-time Presidential candidate who campaigned on eliminating altogether the Department he now hopes to lead. Perry also does not accept the scientific consensus on climate change.

He has said:

> Historically in Texas we've always had substantial periods of drought. World temperatures have also been changing for millennia. I truly believe the science is not settled on the issue of man-made global warming.

Well, he had not checked with Texas universities when he said that. He was the Governor of Texas. He has not even checked with his own universities.

I went down to Texas. I had a hearing with climate scientists from the major Texas universities. They came in and said what they knew: It is real. It is coming. We are already seeing it. It is important. We have to get ahead of it. It is caused by CO_2. We can solve that. Let's get to work.

It is not a complicated message. It is coming from his home-State universities.

Why would a Governor not follow the message of science developed and propagated by his own home-State universities? Why? Because the fossil fuel industry is so powerful that it will not let people recognize the truth. In the confirmation, Perry continued to hedge his bets. He said:

> I believe the climate is changing. I believe some of it is naturally occurring, but some of it is also caused by man-made activity. The question is how do we address it in a thoughtful way that does not compromise economic growth, the affordability of energy or American jobs.

Well, if Governor Perry were actually being thoughtful about it, he would heed economic analyses like the Risky Business Project that show if we don't address climate change in a serious way, worsening storms, rising seas, warmer temperatures, and other extreme weather events will cost the United States billions of dollars. Just ask the insurance industry. In fact, ask our own CBO who testified today that these are concerns we need to look at.

President Trump's Cabinet nominees should be working for the American people. But their public records show that they are more likely to listen to the Koch brothers, to ExxonMobil, to Devon Energy, to Murray Energy, to the special interests and the fossil fuel industry, and that they will not listen to our military, they will not listen to our national labs, they will not listen to NASA, even though they have that rover driving around on Mars and presumably know a little something about science. They are more likely to protect the profits of polluters than protect the health of Americans.

Mr. President, there is too much at stake here to let Washington sink into the polluters' swamp. This whole scenario is an embarrassment to our country. It is going to be a lasting stain on our national reputation.

Bringing us back to this Congressional Review Act, here we go again. The Congressional Review Act action was brought to benefit coal company polluters at the expense of our natural heritage, our children, and our common good, just so they don't have to clean up the mess they left behind, just so they don't have to clean up ruined public streams. It is just the latest demonstration that in this Congress, fossil fuel is king, doesn't care for our future, doesn't care for anything but what goes into its own pockets, and it is a disgrace.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 9:25 p.m., adjourned until Thursday, February 2, 2017, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SUPREME COURT OF THE UNITED STATES

NEIL M. GORSUCH, OF COLORADO, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE ANTONIN SCALIA, DECEASED.

DEPARTMENT OF JUSTICE

ROD J. ROSENSTEIN, OF MARYLAND, TO BE DEPUTY ATTORNEY GENERAL, VICE SALLY QUILLIAN YATES, RESIGNED.

RACHEL L. BRAND, OF IOWA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE DEREK ANTHONY WEST, RESIGNED.

STEVEN ANDREW ENGEL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE VIRGINIA A. SEITZ, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate February 1, 2017:

DEPARTMENT OF STATE

REX W. TILLERSON, OF TEXAS, TO BE SECRETARY OF STATE.