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No. 8

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

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

Eternal God, rescue us. Come quickly and bring the stability and unity we need.

May our lawmakers who seek You find You, receiving from Your divine presence wisdom, mercy, and power. Cleanse the inner fountains of our hearts from anything that will hinder Your will from being done.

Lord, You are our helper and redeemer. Do not delay.

We pray in Your powerful 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The majority leader is recognized.

### MEASURE PLACED ON THE CALENDAR—H.R. 266

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 266) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year

ending September 30, 2019, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

### STRENGTHENING AMERICA'S SECURITY IN THE MIDDLE EAST ACT OF 2019—Motion to Proceed

Mr. MCCONNELL. Madam President, I move to proceed to S. 1.

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The senior assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 1, a bill to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes.

### GOVERNMENT FUNDING

Mr. MCCONNELL. Madam President, over the course of this partial government shutdown, we have seen our Democratic colleagues engage in increasingly acrobatic contortions in order to dodge a serious conversation about the urgent humanitarian and security crisis down at our southern border. Their refusal to come to the negotiating table has serious implications for the hundreds of thousands of Federal workers going without pay and for all Americans who deserve a nation that can secure its own border.

Along the way, we have heard that new funding of any sort—any sort—of border barrier, even the kinds that Democrats have supported so recently and so often, would now be an immorality. An immorality?

We have heard serious proposals brushed aside with joking offers of \$1 to address the critical issue. We have

even heard frank admissions that, 30 days from now, there would be no progress toward an agreement on border security, even if the government were reopened.

Under normal circumstances, we could expect lines like these from the furthest left organizers and most vocal liberal protesters. But these are not normal circumstances. These are the words, believe it or not, of the Speaker of the House, the gentlelady from California, NANCY PELOSI.

It is unclear exactly when the Speaker made the determination that the explicit requests of the men and women who secure our borders and the safety of our communities would take a backseat to the political whims of the far left, that the border efforts toward which Democrats have agreed to direct billions of dollars in the past have transformed overnight into something evil. But here we are, day 25. We know the new and unreasonable position of the Speaker of the House.

So here, in the Senate, my Democratic colleagues have an important choice to make. They could stand with common sense, with border experts, with Federal workers—and with their own past voting records, by the way—or they could continue to remain passive spectators, complaining from the sidelines as the Speaker refuses to negotiate with the White House and ensures that our Nation keeps going round and round and round this political carousel. It is up to our colleagues on the other side of the aisle.

### BORDER SECURITY

Madam President, on another matter, the substance of the border security issue is not the only subject that is occasioning a spectacular display of inconsistency from my colleagues across the aisle.

If you recall, since last week, the apparent position of Senate Democrats has been that the Senate itself cannot engage in any of the people's business until government funding is resolved.

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



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Democrats have held this position so dogmatically that three times now they have voted against advancing a bipartisan and urgently needed package of legislation that concerns Israel, Jordan, and the civil war in Syria.

It has been the Democrats' very own "Senate shutdown" on top of the partial government shutdown they are prolonging. What about our ally Israel? What about the innocent people of Syria? I guess they are just out of luck—just out of luck. The Democratic leader has made clear that they will just have to wait. They will just have to wait until he decides to end his filibuster of these bipartisan bills, which, until last week, by the way, he supported. It is a bizarre position—a truly bizarre position.

It has directly contradicted the stated foreign policy views of many of our Democratic colleagues, but this has been the Democratic leader's position: Filibuster the expanded assistance for Israel. Filibuster the new consequences for giving aid and comfort to the Assad regime as it butchers its own people. That is what the Democratic caucus has overwhelmingly voted to do on three occasions.

But now, we are informed that it was all just a farce. The Democratic leader actually doesn't mind doing other business because he now intends to bring a privileged and political stunt of a motion relating to the administration's use of sanctions against Russia.

So now at least we know the score. Our Democratic colleagues don't really object to Senate action as such; they just object to debating a bipartisan package of bills to reinforce our support for Israel, help Jordan stand firm amidst regional chaos, and take action to hold accountable those who have tortured and murdered countless—countless—Syrian civilians.

There is no reason this bill shouldn't sail through Congress and be signed by the President. A bipartisan bill to support Israel, defend Jordan, and provide justice for innocent Syria—that is what the Democratic leader is filibustering. But a partisan motion on an unrelated foreign policy issue? Oh, he is perfectly happy to see it come right here to the floor for a vote. As I said, at least we know the score.

So here is my commitment to Israel and to Jordan and to the Syrian people: I will continue to force these cynical tactics into the light of day. Democrats may vote a fourth time—or a fifth time—to filibuster these bipartisan bills, even as they turn the Senate toward other business. But Republicans will not abandon the need for American leadership in the world.

#### NOMINATION OF WILLIAM BARR

Madam President, on one final matter, today our colleagues on the Judiciary Committee will begin nomination hearings for Mr. William Barr, the distinguished public servant President Trump has asked to serve as the Nation's next Attorney General.

Certainly, no one needs me to explain all of the reasons this is a vital posi-

tion. The Department of Justice is charged with duties such as protecting Americans' civil rights, defending the public order to which citizens are entitled, and upholding the time-honored tradition that the United States of America is a nation governed by law. So it is the Nation's good fortune—our good fortune—that the President has selected such a completely qualified and thoroughly prepared leader to fill this vacancy.

First and foremost, of course, is the fact that Bill Barr has served in this position before. As Attorney General under President Bush 41 in the early 1990s, he fulfilled his oath and led the Department of Justice with honor and with skill. He was widely regarded as a capable administrator and as a strong, independent, and principled advocate for fairness and for following the law.

His tenure confirmed the great confidence that Republican and Democratic Senators had all placed in him when they confirmed him to that position unanimously. Democrats controlled the Senate in 1991—Democrats controlled the Senate in 1991. That is when he was confirmed—confirmed on a voice vote. Boy, those were the good old days.

Amid the proceedings, our distinguished colleague Senator LEAHY expressed confidence that Mr. Barr would be "an independent voice for all Americans."

Then-Senator Joe Biden, who was then the chairman of the Judiciary Committee, put it this way at the time: He is "a heck of an honorable guy."

So 28 years ago, leading Democrats were practically heading up the Bill Barr fan club, and his subsequent service proved they had made the right call. In fact, this nominee has been unanimously confirmed by the Senate three times—three times.

Before serving as Attorney General, he worked as an Assistant Attorney General and a Deputy Attorney General. In no case did even a single Senator identify a good reason to oppose his confirmation—three times unanimously.

So it is beyond safe to say that Mr. Barr is eminently qualified and widely respected. I look forward to his testimony today and to the testimony of those who know him and his work. I hope every Senator will afford Mr. Barr the fair consideration he so obviously deserves.

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.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### GOVERNMENT FUNDING

Mr. SCHUMER. Madam President, as the Trump shutdown drags on, more and more Americans are getting hurt. Public servants have been working without pay, critical Agencies are unable to perform the functions they are supposed to perform for the American people—whether that is inspecting food supply, protecting our airports and prisons, or helping farmers and small businesses get loans. We are now approaching tax season with the IRS under severe limitations.

When will the President's ridiculous manufactured crisis come to an end?

I have three words for President Trump, Leader MCCONNELL, and our Republican Senators: Open the government.

We can debate border security. We have debated it for a month and a half. We haven't come to a conclusion. Open the government, and we can debate border security while the government is open.

Now, for weeks, as I said, we have been at a standstill. We have offered the President several ways to uncouple his demand for a border wall from a government shutdown. The President has been obstinate, insisting on a \$5.7 billion wall he promised that Mexico would pay for.

The few times that his deputies—the Vice President and the Chief of Staff—have made proposals to Democrats, the President contradicted them soon thereafter. Just yesterday, the President flatly refused to consider a proposal from his close ally in the Senate, Senator GRAHAM, to open the government temporarily while we debate border security.

Sadly, neither Republicans in Congress nor the President's own staff seem willing to tell him what everyone else already knows: The President does not have the votes in either House of Congress for his expensive, ineffective wall.

The reason we have been unable to make any progress is that President Trump is not yet interested in making progress.

So there is only one person who can help America break through this gridlock: Leader MITCH MCCONNELL. For the past month, Leader MCCONNELL has been content to hide behind the President, essentially giving him a veto over what comes to the floor of the Senate. It has put him in the ridiculous position of refusing to consider legislation to reopen the government that nearly every Senate Republican has voted for—legislation that leader MCCONNELL has proudly voted for; legislation that the American people favor by a 2-to-1 margin, including nearly 40 percent of Republicans.

The American people suffering the dire consequences of this shutdown can no longer afford to wait for the President to come around. The President must be shown the will of the Congress, and I believe that if Leader MCCONNELL were to put the House-passed bills on

the floor, they would receive a significant majority in the Senate, a veto-proof majority.

So I would appeal to Leader MCCONNELL: Do what is right for the country. Do what is right for hundreds of thousands of Federal employees laboring without pay. Do what is right for our farmers and small businesses, homeowners, and taxpayers. Do what is right for America.

President Trump may not care about the harm he is doing to all of these people, but our Republican Senators, including Leader MCCONNELL, should.

A few years ago, Leader MCCONNELL remarked: Remember me? I am the guy that gets us out of shutdowns.

Well, Leader MCCONNELL, now is the time. Leader MCCONNELL, allow a vote on legislation and reopen the government.

In a short time, a few of my Democratic colleagues will ask the Senate for that chance. Will Leader MCCONNELL help us reopen the government? Will some of our Republican Senators actually join us, not in nice words but in actually voting to reopen the government? Or will Leader MCCONNELL block it yet again, aiding and abetting President Trump's desire to extend his government shutdown?

One final point here, President Trump thinks if he holds out long enough, he will win the fight with the American people. Every day he is losing. The Gallup poll today had him at a near-record low of 37 percent popularity. Even some of his base is losing face.

President Trump, you are not going to win this fight with the American people. Every day it drags on, you are less popular. Every day it drags on, people blame you and the Republicans, not the Democrats. You are not winning the fight. You may be in your own untruth bubble, but you are not winning the fight. Everyone knows that. We certainly do.

#### NOMINATION OF WILLIAM BARR

Madam President, on another matter, as we speak, the Senate Judiciary Committee is conducting its hearing on the nomination of William Barr to be the next Attorney General of the United States. It is an august position that demands the highest degree of credibility, transparency, and fidelity to rule of law, even during a normal Presidency.

But given President Trump's actions, his disdain for rule of law, his derision of the rulings of an independent judiciary, his public contempt for law enforcement procedures of the Justice Department, the burden of proof for William Barr is higher than it would be for other Presidents.

This is not a normal Presidency. We don't need an Attorney General who will just comply with this President. That is a danger to the Republic.

The Senate should expect unequivocal and explicit commitments from Mr. Barr to resist President Trump. Mr. Barr cannot merely give perfunctory,

boilerplate assurances. Saying "I am for transparency" is not good enough.

Will he release Mueller's report—yes or no? If he can't answer "yes," he doesn't deserve the position. Will he not interfere in any way with Mueller's investigation as opposed to saying he likes Mueller and thinks he is doing a good job? If Mr. Barr can't say "yes," that he will not interfere in any way with the Mueller investigation, he doesn't deserve the job, particularly in light of his writings.

We should expect unequivocal commitments from Barr to defend the integrity of the FBI and our Federal law enforcement officers, not vague statements that give him plenty of wiggle room to do President Trump's dirty work if he gets to be Attorney General, and we should expect an unequivocal commitment from Mr. Barr to allow the special investigation to proceed and conclude without any—underline "any"—interference.

One last point, the expectations for Mr. Barr are even more demanding given the recent revelation that he wrote a detailed, unsolicited memo to the Justice Department criticizing the Mueller investigation, despite having no knowledge of its workings. The memo revealed that Barr holds an astonishingly broad—almost imperial—view of executive power. That should also be a serious line of inquiry for our colleagues on the Judiciary Committee.

The next Attorney General will take charge of a Justice Department that has been embroiled in near-constant chaos for 2 years at a critical moment for our democracy. The Senate should only approve an Attorney General of unimpeachable integrity and unimpeachable fidelity to the rule of law, with the strength and conviction to resist the worst impulses of this President, who, probably, when it comes to the Justice Department, has the worst impulses of any President we have ever had.

#### RUSSIAN SANCTIONS

Madam President, finally, on Russia sanctions, later this afternoon the Senate will move to consider a motion to proceed to a resolution of disapproval on the Treasury Department's proposal to relax sanctions on three companies owned and controlled by sanctioned Russian oligarch Oleg Deripaska. The case against the Treasury Department's proposal is strong. It fails to sufficiently limit Deripaska's stake in the three companies. It merely reduces his ownership to 45 percent. Many U.S. companies are heavily influenced by an owner who controls much less than a 45-percent share. Why didn't they reduce it to 10 or 15? But they didn't.

Treasury's plan also allows for Russian shareholders with family and business ties to Deripaska to retain shareholder interest. Considering that Deripaska's ex-wife and father-in-law control 7 percent of the company, add that to the 45, and he has total control. So Treasury does not come close to going far enough.

Beyond the weak terms of the deal, the Senate must consider that Deripaska has deep ties to President Putin and his intelligence apparatus, organized crime, and Mr. Paul Manafort, a subject of the special counsel's investigation.

It is deeply suspect that the Trump administration would propose sanctions relief for Deripaska's companies before the special counsel finished his work. We should not allow any sanction relief for President Putin's trusted agents or the companies they control before the conclusion of the investigation.

Finally—and maybe most seriously of all—there is a foreign policy issue here at stake. President Putin's government, one of Russia's largest banks, and the Russian economy have a direct interest in sanction relief for Deripaska's companies. Why is the Trump administration proposing sanctions relief when President Putin has not yet made any move to curtail or constrain his maligned activities around the globe?

Now, this morning, my friend from Kentucky called this a political stunt and a farce. That is appalling. After all Putin has done, this is a stunt and a farce? And why are we doing it now?

He said: Why are Democrats doing it?

Because the underlying law that allows for this resolution has a 30-day alarm clock on it. The alarm clock goes off Thursday. Democrats are not forcing this vote; the law is.

I would say to the leader, Democrats were not the ones who decided to relax sanctions on Putin's cronies just before the Christmas holiday, hoping no one would notice. That was the Trump administration. If Leader MCCONNELL wants to know why we are voting on Russian sanctions this afternoon, he should go talk to the White House.

So allow me to appeal directly to my Republican colleagues. Whatever your view on this issue, there are enough questions—enough questions—that we should vote for the motion to proceed so that you can hear the debate. It is an important debate. Putin is laughing with the damage he is doing to America. We cannot go along.

In the past, one of the finer moments of this Senate, which Leader MCCONNELL talks about all the time, was when we joined in a bipartisan way to impose sanctions on Russia. Well, we should not relax that view. We should not relax that vigilance. The details here are complex. The Senate and the American people ought to have a real understanding of the facts before voting. If that debate is allowed to proceed, I believe my Senate colleagues will see the wisdom of keeping the current sanctions in place.

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

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

GOVERNMENT FUNDING

Mr. THUNE. Madam President, Democrats continue to talk about the need to fully reopen the government, and I cannot agree with them more. It is time to end this partial shutdown and get the government fully operating again. But there is a problem. Democrats may talk a lot about the need to reopen the government, but they are not willing to do the work that would be required to actually get the government open.

In a divided government, negotiation and compromise are essential. If you want to get something done in a divided government, you have to compromise. But that doesn't seem to be something the Democrats understand. For Democrats, it is "my way or the highway." They won't give an inch. They want their way, and they want their way only. All of us would like to get our proposals passed exactly as we want them, with no changes, but we all know that is unrealistic. If you want to get something done, you usually have to compromise.

The White House has a strongly held position but has also made it very clear that it is willing to be flexible and negotiate with Democrats, but the Democrats refuse to play ball, and they continue to hold parts of the Federal Government hostage.

We just heard our colleague from New York, the Democratic leader, suggest that it should be Republican leader Senator MCCONNELL's job to solve this problem, but the fact is—and we all know this—the negotiation in this circumstance has to be between the President of the United States and the Democrats in the Senate and the House who have refused to budge on that position.

The Republican leader has made it very clear that as soon as the President is willing to sign something and the Democrats here are willing to produce enough votes to give us the 60 votes that are necessary to pass it in the Senate and the House, he will move a bill through the Senate that we can get to the President and end this shutdown, get the government open again, and fund border security, which is an important priority for our country and for our national security interests.

That is a position which, until recently, was also held by the Democrats. As recently as December, the Democratic leader indicated that to solve this budget stalemate, this impasse we seem to be having, we needed to have the support of the leaders in both the House and the Senate and the President before either Chamber should vote on legislation. He suggested that the President needed to come out publicly in support of it—in other words, to indicate he would sign any legislation that might move.

So that is where we are. It is not a function of the Republican leader's. The Republican leader is prepared to

produce the votes that are necessary to pass legislation to reopen the government. It is entirely dependent upon the President of the United States, who must sign that bill into law, and the Democrats here in the Senate, who have to produce the requisite number of Democrats to get the 60 votes that are required to pass it in the Senate. That is where we are.

Frankly, right now, there isn't a negotiation going on. The Democrats' refusal to negotiate is victimizing the very workers they want to protect. The Federal workers who are struggling right now are struggling precisely because Democrats are refusing to work with this President, and that has a lot more to do with politics than it has to do with the issue itself.

Democrats need to negotiate with the White House to reopen the government, but they should also want to work with the White House on border security solutions. Border security is a national security imperative. No country can be secure if dangerous individuals can creep across its borders unchecked and unobserved, and Democrats used to understand this.

In 2006, the Democratic leader and the ranking member of the Senate Judiciary Committee voted for legislation to authorize a border fence. They were joined in their vote by then-Senator Biden, then-Senator Clinton, and then-Senator Obama.

In 2013, every Senate Democrat—every Senate Democrat—supported legislation requiring the completion of a 700-mile fence along our southern border. This legislation would have provided \$46 billion for border security and \$8 billion specifically for a physical barrier.

As recently as last year, nearly every Senate Democrat supported \$25 billion in border security.

My point is that the Democrats in the Senate have in the past recognized the importance, No. 1, of securing the border and, No. 2, how important a physical barrier is as a part of the solution to securing our border—not entirely dependent upon a border wall but certainly a part of that solution, to include technological solutions, manpower, additional personnel, cameras, sensors, all the modern technology that we have, but in certain places recognizing that the fence works. The fence has worked. There is already 700 miles of fence on the southern border.

I would point out that in 2009, the Senate Democratic leader said in a speech that "any immigration solution must recognize that we must do as much as we can to gain control of our borders as soon as possible." That was in 2009 from the Senate Democratic leader. He went on to discuss, interestingly enough, progress that had been made on border security between 2005 and 2009, including "construction of 630 miles of border fence that create a significant barrier to illegal immigration on our southern land border." That from the Democratic leader in 2009,

again crediting the construction of 630 miles of border fence that creates a significant barrier to illegal immigration on our southern land border. In other words, in 2009, the Democratic leader not only didn't oppose border fences, he praised them.

The fact is, our border is not secure. Tens of thousands of individuals try to cross our southern border illegally each month. Illegal drugs flow into this country through ports of entry and other unsecured areas of the border. Federal agents have seen a 115-percent increase in the amount of fentanyl seized between ports of entry, and 90 percent of the heroin supply in this country flows across our southern border. There is human trafficking, weapons trafficking, and more.

We need better border security, including more barriers, technology, and personnel along our southern border. We don't know who is coming into our country and why. We need to ensure that we keep criminals, traffickers, terrorists, and dangerous goods out of this country.

House majority leader STENY HOYER was asked about the Democrats' flip-flop on border security and whether there is any real difference between what they supported in the past and what they are opposing now. He said: "I don't have an answer that I think is a really good answer."

"I don't have an answer that I think is a really good answer." Well, Madam President, at least that is honest. Democrats don't have a good answer because there is no real difference between what they have supported in the past and what they are opposing right now.

Before Christmas, I came to the floor to talk about the divided government we would be dealing with in 2019 and 2020. I noted that divided government doesn't have to spell the doom of productivity. In fact, over the past 30-plus years, some of our greatest legislative achievements have been the product of divided government. But I also noted that in order for us to be productive in the 116th Congress, Democrats would have to decide to work with us. So far, they have decided not to.

In addition to refusing to negotiate on border security, Senate Democrats have also blocked the Senate from considering legislation to support Israel's security, strengthen our relationship with our Jordanian allies, and hold accountable individuals who participate in the atrocities of the Assad regime in Syria.

Despite our divided government, we can still accomplish important things for the American people, but it is going to require an about-face from Democrats, who have so far made the 116th Congress about partisanship and their hostility to this President.

It is time for Democrats to stop talking about reopening the government and to take steps that would actually do so by committing to real negotiations with the White House. Then and

only then can we get past this impasse, get the government open and functioning, and address what is a critical and important national security imperative for our country, and that is ensuring that our southern border is secure.

It is not about Republicans in the Senate. It is about the President of the United States, for whom this is a huge priority, something he is passionate about doing and a commitment he made to the American people. And it is about the Democrats here in the Senate—and in the House but here in the Senate, where it takes 60 votes to pass anything—sitting down across the table from the President in good faith and dealing with what usually happens in circumstances like this, and that is to negotiate an agreement for both sides, give a little bit, have a little give-and-take.

As I mentioned, the President has been very flexible and very open to sitting down with Democrats. In the discussions I have been a part of, he has demonstrated his willingness to compromise. But I have yet to see a single step by the Democrats here in the Senate or in the House, in their leadership, a single move, a single inch of movement in the direction of trying to solve this problem. Instead, they seem bent on turning it into a political issue. That is not good for the American people. It is certainly not good for those employees who are struggling out there because they are not being paid and certainly not good for the crisis we face at our southern border and the security threat that poses for the American people.

I hope we will do better. We can do better, but it is going to require negotiation. It is going to require a willingness to sit down at the table in good faith and to get discussions going about how we solve this important problem.

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

The PRESIDING OFFICER (Mr. SCOTT of Florida). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 21

Mr. CARDIN. Mr. President, I am here with my colleague Senator VAN HOLLEN. The two of us are going to make a unanimous consent request to reopen the government.

I know the distinguished majority leader is here. We are on day 25 of this tragic, outrageous, needless, and dangerous partial shutdown. Senator VAN HOLLEN and I have met with government workers, and we heard their account. They can't pay their bills. Mortgages are going without payment. I heard yesterday from a Federal worker who can't pay their children's extra ac-

tivities at school for dance lessons. They can't help their relatives deal with their problems. They are postponing needed health treatment issues.

I read last week on the floor of this body a letter from Kristen Jones and Brad Starkey, air traffic controllers who explained how they can't take care of their family needs. So 800,000 people are furloughed without pay or working without pay—30 percent are veterans. Small businesses are shuttering their operations because they depend upon government workers for their business. From cleaners to restaurants, they are finding they don't have the business they used to have.

Kevin Hassett, Chairman of the White House Council of Economic Advisers, indicates the economic impact is \$1.2 billion a week on our economy.

We heard that small businesses have to lay off employees because they are not getting their Federal partnerships. I used the example of the Senior Services of America. They laid off 176 employees because the USDA and Forest Service can't honor their contracts. People can't close on their home mortgages because they don't have pay stubs to show their income. The FHA can't certify loans with HUD being shuttered. Core missions are being compromised.

I talked to air traffic controllers yesterday—people in air safety. They don't have their full complement. They are professionals. We have the most professional government workforce in the world, and they are dedicated professionals who do their job, but we are asking them to do it with half the number of employees and without getting a paycheck. That is outrageous.

This shutdown has to end. The President wants it. We are an independent body. We are a coequal branch of government. We could open up the government. Yes, we can negotiate border security, but we have to have the government open. You can't negotiate under circumstances where the President is holding the country hostage, and he undermines his own negotiators. It cries out for Congress to take the lead.

I agree with Senator GRAHAM when he says we should open the government and then let us negotiate using the regular process of Congress to debate the issues of border security, including immigration issues. We are a coequal branch of government. Two bills are on our desk. Both have passed the House of Representatives.

I am going to make a unanimous consent request with regard to H.R. 21, and my colleague Senator VAN HOLLEN will deal with the rest of the government. H.R. 21 has six appropriations bills that are not related to the issue of border security. They have already been acted upon by this body. They are not part of this dispute. It is Financial Services and General Government. It is Agriculture. It is Interior and Environment. It is Transportation and HUD. It is State and Foreign Operations. It is Commerce, Justice, and Science. They

passed this body either by a 92-to-6 vote for the Appropriations Committee or unanimous or near unanimous by our Appropriations Committee under Republican leadership in a bipartisan manner. We need to reopen the government.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 5, H.R. 21, making appropriations for the fiscal year ending September 30, 2019; I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CARDIN. Mr. President, I say in response to the distinguished majority leader, I just don't understand why the Senate is missing in action. We are a coequal branch of government. Let us speak about opening the government. There are Members on both sides who understand that we can debate border security, and we can reach agreements, but you can't do that with a partial government shutdown.

This is President Trump's shutdown, and now with the majority leader's objections, the Republicans in the Senate are assisting this shutdown.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Let me repeat again what I have said now for some 3 weeks. The solution to this is a negotiation between the one person in the country who can sign something into law, the President of the United States, and our Democratic colleagues. For the Senate Republicans to participate in something that doesn't lead to an outcome strikes me as not what the Senate ought to be involved in.

We have an important package of bills that have been held up during the Senate shutdown—never mind the government shutdown—related to our colleagues, our friends in the Middle East, the Israelis, related to the Syrian civil war and all the atrocities that have occurred. There is business to be done in the Senate.

The way to solve the government shutdown is for the administration and our good friends in the House in the majority and Senate Democrats to reach a legislative solution. When that happens, I will be more than happy to call it up because we know it will actually solve the problem.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Briefly, in response to the majority leader, the first priority should be reopen government. That needs to be our very first priority of business.

In regard to the legislation the leader is referring to, let me point out that those bills could have been passed in

the last Congress where Republicans controlled both the House and the Senate. The majority leader made a decision on floor time that it was not a priority to be considered in the 115th Congress.

Let me also say, in regard to Israel, it will benefit from the foreign ops appropriations bill to be passed, which is part of my unanimous consent request of an additional \$200 million, but that is being held up because of this shutdown that has been caused by the President and has now been assisted by the Republicans in the Senate.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS CONSENT REQUEST—H.J. RES. 1

Mr. VAN HOLLEN. Mr. President, the issue here is that, under the U.S. Constitution, the Senate really does need to do its job as a separate and co-equal branch of government.

Last week, Senator CARDIN and I were right where we are today—here on the floor of the Senate, asking consent that the Senate immediately take up and vote on the two House bills that are on the Senate calendar as we speak and pass them and send them to the President to reopen the government. Last week, the majority leader blocked a vote on that. He blocked consent to take up those bills to reopen the government. Since last week, much has changed, and much has stayed the same. Here is what has changed.

The impact and harm of the shutdown is growing by the day. It is metastasizing around the country. Here are some headlines: “The cascade of shutdown problems grows each week.” Another headline: “This is ridiculous: Small-business owners can’t get loans as shutdown enters Day 20.” That was day 20. We are now on day 25. “FBI operations damaged as shutdown continues.” “FBI Agents Group Says Shutdown Affects Law Enforcement.” They point out it is putting those on the job at greater risk because those are who are furloughed who support them can’t give them the backup they need.

The FDA continues to not do its routine food inspections, and American veterans—and veterans make up 30 percent of the Federal workforce—are being disproportionately hurt by the shutdown.

We just heard it reported that the White House economists are doubling their estimate of the harm being done to our economy each week. It is already in the billions of dollars, and they are saying it looks as though it will be twice that much as this thing grows exponentially.

Services have been shut down for the American people. There were 800,000 Federal employees, as of last Friday, who received pay stubs like the one I am holding in my hand. This is one that was for an air traffic controller. Starting last Friday, 800,000 Federal employees did not get paychecks. Hundreds of thousands of them are on the job, working, and hundreds of thousands of them have been locked out of

work. What they tell us is they just want to get back to work and do their jobs for the American people. If you look at this pay stub, at the net pay, it reads “zero”—a big, fat goose egg. I can tell you these Federal employees are getting bills. They are getting their mortgage and rent bills. They don’t say zero. They stay the same. So here you have 800,000 Federal employees who are unable to make do—missing mortgage payments, missing rent payments, missing their monthly installments on community college payments. On top of that, you have all of these small businesses that do work for the Federal Government that are beginning to go belly-up, and their employees are being told not to go in to work.

Since Senator CARDIN and I were here on the floor just last week, things have gotten much worse around the country, but here is what has stayed the same—that we have it in our power today to take up two House bills to open the government.

I was listening to the majority leader say: Well, you know, the President says he is not going to sign them.

Yet we are a separate branch of government. We are the article I branch of government. I am holding in my hand, right here, the bill that Senator CARDIN asked us to vote on today. I think the public needs to know what is in it because what is in it has already been supported on a bipartisan basis by this U.S. Senate.

It has provisions to open about five Departments of the U.S. Government that have nothing to do with Homeland Security. We passed that by a vote of 92 to 6. The President says that he doesn’t want to sign it. He can veto it. With 92 to 6, it is a veto override—big time. Also contained in here are bills that passed the Senate Appropriations Committee by a vote of 30 to nothing and 30 to 1. That is what is in here—bipartisan bills.

So the question for this body, as a separate branch of government, is this: Why in the world are we not going to allow a vote to reopen the government on provisions that we have already agreed to on an overwhelming bipartisan basis—in fact, with a veto-proof margin?

The President can say that he is not going to sign it. That is his business. That is the executive branch. For goodness’ sake, let’s do our job here in the U.S. Senate, because every day that goes by with this growing harm, the Senate is more and more complicit, and we are an accomplice to the shutdown.

I know President Trump likes to talk about the fact that he has done things that no other President has done before in the history of the United States. This time, he is right. He has the longest shutdown of any President in the United States. He said he would be proud to shut down the government if he didn’t get his way. I know that no Senator here—Republican or Democratic—is proud to shut down the gov-

ernment, certainly, for the longest period in history.

So let’s do the right thing. Let’s do our job. Let’s not just say the President is the only one who can handle this. We can handle it.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 6, H.J. Res. 1, making further continuing appropriations for the Department of Homeland Security. I further ask that the joint resolution be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

#### STRENGTHENING AMERICA’S SECURITY IN THE MIDDLE EAST ACT OF 2019—Motion to Proceed—Continued

The PRESIDING OFFICER. The Senator from Virginia.

#### RUSSIA SANCTIONS

Mr. WARNER. Madam President, I rise today to express my support for S.J. Res. 2, a resolution of disapproval on lifting sanctions against the energy and aluminum companies En+, RUSAL, and EuroSibEnerg.

To start from the beginning, the United States of America has had very good reasons for sanctioning Oleg Deripaska. There are a number of significant national security risks at play. That is why repeatedly—not just in the current administration but in prior administrations—this individual has been denied a visa and why he has been personally sanctioned by the Treasury Department. As a matter of fact, the Treasury press release announcing the sanctions noted that Deripaska “has been investigated for money laundering, has been accused of threatening the lives of business rivals, illegally wiretapping a government official, and taking part in extortion and racketeering.”

These are not the qualifications of someone who should get relief from the United States. I appreciate the fact that his company, RUSAL, has an enormous effect upon the aluminum markets. I appreciate the efforts the Treasury Department has tried to make in restricting his control. But any businessperson knows that if you take an ownership position from 70 percent to 45 percent, and even with the voting power of 35 percent, you still control a company, particularly when this company was founded and the management team was all created by Mr. Deripaska.

As we see continuing challenges coming out of the Russian Government, as we see continued efforts of Mr. Deripaska, being one of Vladimir Putin's closest allies and closest cronies, we would send absolutely the wrong signal if we in this body were to remove these sanctions.

I know my friend the Senator from Texas wants to speak in a moment. I simply want to refer to the chairman of the Intelligence Committee, Chairman BURR, who has frequently pointed out that Deripaska and his associates have come up a number of times in our Senate Intelligence Committee's Russia investigation. All those facts can't be laid out here right now, but I strongly urge my colleagues to vote in favor of this resolution that will come up later today, that we don't send a signal that we are open for business with individuals who have the reputation of Oleg Deripaska, and that we maintain the sanctions on both him and his company, RUSAL.

I yield the floor to my friend the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I would say to my friend from Virginia, we both serve on the Senate Intelligence Committee, and of course we have both been intimately involved in the investigation on Russia's activities up to and including the 2016 election.

I would like to point out the hypocrisy of our colleagues across the aisle who refused to take up any legislation whatsoever, such as S. 1, which is on the floor and which would take extraordinarily positive measures to protect our most important allies in the Middle East, including Israel and Jordan. They filibustered that bill and said: We are not going to take up any legislation until the government is back open—100 percent of it.

For the past 2 weeks, the minority leader has paralyzed the work of the Senate, saying they would block the Senate from considering any legislation unrelated to government funding. A number of our colleagues have said—for example, the junior Senator from Virginia said: "The Senate should vote on nothing else until we vote to reopen the government. Period." Senator MERKLEY said: "The Senate's schedule cannot be business as usual if we shut down a quarter of the government and

just leave it shut down." Senator BOOKER said that Senate Democrats should block consideration of all unrelated bills.

All this comes as a result of the fact that the impetus is on the Democrats to come forward and negotiate a resolution of the shutdown in good faith. But to this point, the Speaker, Ms. PELOSI, and the minority leader, Senator SCHUMER, have simply refused to negotiate with the President.

I was with the President down in Texas, down along the border, on Thursday. He is willing to negotiate. We know we had broad bipartisan support for the Secure Fence Act, for example, in 2006, authorizing up to 800 miles of fencing on the southern border. The Democratic leader voted for that, and so did Barack Obama and Hillary Clinton. Later, in 2014, all Democrats voted for \$40 billion in border security, including barriers, fencing, and tactical infrastructure along the border. Now they are saying, as the Speaker has said, that somehow this is "immoral." Well, this is hypocrisy at its worst.

#### NOMINATION OF WILLIAM BARR

Madam President, on another matter, today the Senate Judiciary Committee is holding a hearing on the nomination of William Barr to be Attorney General of the United States. Mr. Barr is uniquely qualified for this position in large part because he held the job before. As a matter of fact, 27 years ago, he was nominated by George Herbert Walker Bush to be Attorney General of the United States. He was confirmed by a unanimous voice vote in the Senate. It received little fanfare at the time because it wasn't particularly controversial—nothing like the contentious, partisan confirmation battles we have seen the last 2 years. There wasn't an attempt—at least so far, and I am keeping my fingers crossed—to assassinate Mr. Barr's character or try to decipher the notes in his high school yearbook like we saw in the Kavanaugh confirmation hearing. Instead, so far, and to the committee's credit, we have focused on his qualifications.

He is clearly smart, articulate, and able. He has a clear understanding of what the role of the Attorney General is and, more importantly, what it is not. An Attorney General should not be a politician. As a matter of fact, the Attorney General has the very difficult job of trying to balance his responsibilities as the chief law enforcement officer in the country enforcing the rule of law along with the fact that he is a political appointee of the President's. To me, that is one of the most difficult positions in the Cabinet to hold. But Mr. Barr has done it before, and I think he can do it again. He, of course, has great institutional knowledge about the Department of Justice.

In addition to Attorney General, he held the job of Assistant Attorney General for the Office of Legal Counsel and Deputy Attorney General before he was promoted to the top job.

Back in 1992, when Mr. Barr was confirmed, then-chairman of the Senate Judiciary, Joe Biden—President Obama's Vice President—said he would be a fine Attorney General.

This morning, I heard Mr. Barr discuss the qualities that undoubtedly led Senators on both sides of the aisle to support his confirmation. He spoke of the importance of acting with professionalism and integrity. As a matter of fact, he said that at 68 years old, he basically had decided to semi-retire, only to answer the call by the President to return to public service. He said: I am completely independent. I will make the hard decisions. I will help restore the reputation of the Department of Justice and the FBI to an apolitical, a nonpolitical department, which is exactly what we need.

He wants to make sure that the character and reputation of the Department of Justice is enhanced and restored and then maintained, and then it could withstand even the most trying political times, including those in which we presently live.

He spoke of serving with independence, providing no promises or assurances to anyone or anything, other than to faithfully execute and administer the laws of the United States of America.

It is clear to me that he maintains the same views he held 27 years ago. I share his view that the Department of Justice should function outside of the highly politicized times we live in. The fair and impartial administration of justice is the highest obligation and duty of this position.

I believe Mr. Barr is an outstanding nominee and, once confirmed, will be an outstanding Attorney General. I look forward to voting yes on his nomination.

#### GOVERNMENT FUNDING

Madam President, on the matter of the government shutdown—the 25 percent of the government that is presently not funded—last week, I traveled with the President, along with my colleague Senator CRUZ, to the Rio Grande Valley, to McAllen, TX.

After the President held his roundtable, where he saw heroin, methamphetamine, and weapons, and heard about the human trafficking, including sex slavery involving children and girls and women, after that presentation—after the President left, Senator CRUZ and I sat down with a number of our constituents—county judges, mayors, law enforcement officers, as well as the folks from Border Patrol and Customs and Border Protection. They understand the border better than anybody because they live there. They are deeply concerned about the posturing in Washington and how the political arguments seem to overcome logic and listening to the experts when it comes to border security. I was glad for them to confirm once again what they previously told me: that we need to strengthen those border communities

and keep our country safe, while keeping legitimate trade and commerce flowing across the border.

During our discussion, Scott Luck, Deputy Chief of the Border Patrol, talked about the positive impact of physical barriers and what positive impact they have at targeted locations along the southern border. He said:

The physical barrier has worked every place I have been. I have been in places where they did not have it; they put it in and it worked.

He mentioned Douglas, AZ, as one of those. He said:

There were more people coming into the country there than any other place in the country. I was there. It stopped. It stopped in California. It stopped in Yuma. It stopped in El Paso. It will stop wherever we put it.

Despite what our colleagues across the aisle are saying, physical barriers at the border can be effective when coupled with technology and personnel. It doesn't do you much good to have a physical barrier that somebody can go over or around or through and you don't have a Border Patrol agent there to detain them.

Actually, the physical border is the last place you are going to stop people trying to illegally enter into the United States, together with the narcotics and the human trafficking, but it is important to have those tools available to the Border Patrol, and that is what Deputy Chief Luck was stressing. He made the comments and observation that physical barriers alone are not the solution for the entire border—a holistic border security approach also requires technology and personnel.

When we were discussing the need for building physical barriers in strategic locations, my friend, Cameron County Judge Eddie Trevino, said something to Border Patrol Council President Brandon Judd that I think encapsulates the whole debate. He was talking to the Border Patrol and CBP and said:

If you tell us where you need it, I think we are all on board. If the politicians tell us where we need it, I think that is where we have our concern.

In other words, what Judge Trevino was saying was, let's listen to the experts, the people who know how to use the right combination of technology, tactical infrastructure, and personnel at each given place along the border because it makes no sense to try to treat this like a one-size-fits-all. Anybody who has ever been to the border between the United States and Mexico knows that the geography and topography vary tremendously from place to place.

Let's not try to dictate from Washington, DC, where every dollar goes and in so doing try to micromanage the Border Patrol and Customs and Border Protection and the Department of Homeland Security. Let's leave that to the experts—the men and women who work to protect and secure our border every day.

What we continue to hear and what I continue to advocate is for a layered

approach—barriers where they are appropriate, technology, and personnel. That is exactly what we have been talking about. That is what we voted for in 2006 with the Secure Fence Act. The Democrats supported that, along with Republicans. That is what law enforcement officers tell us they need to operate optimally. Unfortunately, it is what Democrats are now refusing to negotiate and provide.

When looking at the border, it is not just physical security we need to be concerned about; we need to be concerned about our economic security as well.

During our discussions last week with local stakeholders, we also focused on the importance of facilitating legitimate trade and travel at our ports of entry. I was shocked by this figure, but the Customs and Border Protection Officer there, Mr. Higerson, mentioned that the trade from Texas ports alone is valued at \$300 billion per year. For the State of Texas and border communities in particular, these ports fuel our economy, and we need to provide additional funding to ensure efficient movement across the border.

One thing we all agree on is that most of the high-end drugs—the heroin, the methamphetamine, and the fentanyl—come through the ports of entry. So let's modernize those. Let's provide the technology that is needed in order to stop the flow of that poison into the United States. Legitimate trade and commerce is the lifeblood not only of our border region in my State, it is also the lifeblood of our Nation's economy. There are 5 million Americans whose jobs depend on binational trade with Mexico alone.

Along with a number of my colleagues from Texas, we are sending a bipartisan letter to President Trump that thanks him for his continued work to secure our southern border. His advocacy for that layered approach, as well as for port of entry improvements, is vital to my State. In that letter, we also address recent rumors to the effect that the U.S. Army Corps of Engineers' funds might be used for border security purposes, and I have urged the President not to take that route. While I will continue to advocate for additional border security, I believe those funds were intended to support disaster relief and should be used for that purpose. We need both border security and to lend a helping hand to those who are still recovering from natural disasters. We don't have to rob from Peter to pay Paul. We need to do both.

I am grateful for the support that has been shown from the President to the people of Texas both in the days following Hurricane Harvey's landfall and in the nearly year and a half since, and I hope he will continue to work with all of my Texas colleagues and me as we rebuild our communities impacted by Hurricane Harvey and as we work together to secure our border.

Mr. CARPER. Will the Senator yield for a moment?

Mr. CORNYN. I yield.

Mr. CARPER. Madam President, I thank the Senator for his comments. As Senator CORNYN lives down at the border and as his State is on the border, he is well familiar with that part of the world.

As it turns out, as the former chairman of the Homeland Security Committee, I have had a chance to visit the borders in the Senator's State and in other States along the Mexican border. Not that long ago, there were a whole lot of Mexicans coming into the United States, as he knows, and not so many Mexicans going back to Mexico. In the year 2000, when illegal immigration peaked, huge numbers of Mexicans came in—not so much today. As the Senator knows, they are coming from Honduras, Guatemala, and El Salvador.

I am a huge advocate of border security. I think fencing makes sense in a lot of places. We have hundreds of miles of fencing, and in a lot of places, fences alongside roads make sense. We have very sophisticated surveillance equipment that can look from different platforms. We have drones, fixed-wing aircraft, helicopters, stationary towers, and mobile towers that can look down 20, 25 miles into Mexico and pick up people who are coming up from the south. Motion detectors make sense, and tunnel detectors make sense. There is a lot of stuff that makes sense.

I am all for investing there. I think Democrats and Republicans can find common ground, and I think we have. The appropriations bills that we have passed will actually fund that kind of stuff. They are not just Democratic ideas, and they are not just Republican ideas. They are good ideas, and a lot of them come from our Border Patrol personnel, as the Senator knows.

We can do all of this and more on the southern border with Mexico, but if people in Honduras, in Guatemala, and in El Salvador continue to live lives of misery because we are complicit in our addiction to drugs, they are going to still want to come up here. So we need to be able to walk and chew gum at the same time and also provide, through Alliance for Prosperity, which is, really, a modern-day planned Colombia, a little bit of hope and opportunity so they will feel less compelled to come to this country to have a better life.

Thank you.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if I could respond to my friend, the Senator from Delaware, he speaks correctly—accurately—about some of the symptoms and, I think, some of the cures that we need to put in place to deal with this extraordinarily complex problem. We would love to continue to work with him on coming up with something. We may not want to call it "Plan Mexico" but "Plan Americas" because what we really have to deal with is a regional challenge.

He is exactly right in that most of the illegal immigration now is coming from Central America. Gaps in our immigration and human trafficking laws encourage unaccompanied children and family units to come up to the border because they can, essentially, get placed in the United States while they wait for their asylum claims to be determined by a court, and there is a backlog of 700,000 or 800,000 asylum claims. In other words, the criminal organizations that move people for money into the United States have cracked the code and have figured out how to be successful in placing people in the United States.

Unfortunately, it also helps to enrich those organizations that move the poison from south of the border into the United States. They contributed to the deaths of some 70,000 Americans last year alone. I am thinking particularly about the fentanyl, along with the heroin, going from China to Mexico and up across the border. Of that consumed in the United States, 90 percent of it comes from Mexico. I agree that it is the demand here in the United States that enriches the cartels, but they are, more or less, commodity agnostic. In other words, they will do anything that makes them money, these criminal organizations.

We need to have people sit down and work together, and I pledge to work with my colleague to try to do that. Yet we can't get a solution as long as the Speaker of the House calls physical infrastructure or barriers immoral. This is kind of a nonstarter to a conversation that we need to have to try to negotiate our way out of this shutdown.

I welcome working with my friend.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I extend my thoughts in regard to the comments made by the senior Senator from Texas in the need for border security. I appreciate his comments, and I, certainly, agree with them.

NORTH DAKOTA STATE UNIVERSITY 2018 FCS  
TITLE VICTORY

Madam President, I rise to take a minute to recognize the incredible achievements of the North Dakota State University Bison football team today.

On January 5, it earned its record seventh national championship title. For 7 out of the last 8 years, it has been the national champion.

In a hard-fought victory, NDSU defeated the Eastern Washington University Eagles by a score of 38 to 24 in Frisco, TX. With that win, the Bison have now won an unprecedented, as I say, seventh NCAA Division I football championship series championship, setting a record for the most FCS titles of all time. The Bison now have a total of 15 NCAA championship titles. In addition, the team completed the 2018 football season with a perfect record of 15 wins and zero losses, displaying just an extraordinary resilience and skill.

This achievement puts the 2018 Bison in, truly, elite company as it has become only the fifth team to cap off an undefeated season with a national championship title. The 2018 team joins the 2013 NDSU team in accomplishing this impressive feat.

Further, NDSU is one of only five FCS teams to have ever won back-to-back titles. NDSU is the deserved holder of the longest title winning streak in FCS history, with its obtaining five titles in a row from 2011 to 2015. It has been victorious in every FCS title game in which it has played.

After the title game, NDSU quarterback Easton Stick became NDSU's record holder for the most passing yards, having a total of 8,693 passing yards in his college career. He also became the NCAA record holder for the most all-time FCS wins by a quarterback, having a total of 49 career wins.

I also recognize the impressive achievement of NDSU's head coach, Chris Klieman. During his 5 years as head coach, he led the Bison to an outstanding record of 69 wins and only six losses, winning four national championships in the process. Coach Klieman's achievement of four titles in 5 years equals the NCAA's FCS record for obtaining the most titles as a head coach. Coach Klieman and his entire staff instilled character and perseverance in the members of the NDSU Bison football team.

While I know it is bittersweet, I am sure that Bison Nation will join me in wishing Coach Klieman the best of luck in his continued career as the new head coach of the Kansas State University Wildcats next season. We welcome Matt Entz as the new head coach, who was formerly the defensive coordinator. He has, certainly, been part of this great dynasty.

Finally, I recognize all of Bison Nation for its vibrant and unwavering support of the team during another successful season.

As they have grown accustomed to doing, the welcoming residents of Frisco, TX, saw a mass of Bison fans flock to their town for the FCS championship game. They were warm and wonderful in terms of their hospitality. Approximately 20,000 fans traveled from North Dakota and other areas to support our great team. They turned the stadium into a sea of green and yellow as they passionately cheered on our beloved Bison.

The Bison victory was not only a victory for the NDSU football team but for our State as the team brought yet another trophy back home to North Dakota. I congratulate the team, the coaches, and our great, great fans on another national championship.

Go, Bison.

Again, I am so proud of our great team, and I appreciate the opportunity to take this time to recognize its achievements.

I am pleased to yield the floor to my fellow Senator from North Dakota.

Mr. CRAMER. Madam President, I thank my friend and colleague, Senator HOEVEN.

Before I get into my prepared comments, let me first associate myself with his words and his eloquent appreciation and congratulations to the folks at NDSU and to the football team. Let me just say that I don't care what President Trump says—in Bison Nation, we never get tired of winning.

MARCH FOR LIFE

Madam President, for the first time, I rise as a Member of this prestigious body, as a U.S. Senator, to talk about a critical issue that faces our Nation, which is every citizen's right to life.

It is no coincidence that I rise today, the week of March for Life. This coming Friday is the 46th annual March for Life, during which citizens from across the country and hundreds from North Dakota, especially students from places like Shanley High School and the University of Mary and other institutions around our State, will unite to fight against the largest, deadliest, and most silent war this world has ever known. This, my colleagues, is the war against the unborn.

During my time in the House of Representatives in the last 6 years and throughout my campaign for the Senate last year, I promised the people of North Dakota that I would fight for life at all stages. I unite, today, with those who will march this Friday, who will walk with heavy and hopeful hearts and who will pray for the 60 million discarded children who have been denied their very first breaths.

Colleagues, I stand here to call to mind a child's right to life and protection within the womb of his or her mother. Since *Roe v. Wade*, which the Supreme Court decided in 1973, over 60 million children have been denied their right to life. There have been 60 million children who have been refused love, comfort, a hug, care, opportunity, and breath. They were torn from experiencing the beauty of the world that we are so fortunate to see. They were torn from family and unknown friends.

To deny 60 million innocent children the right to these things is the highest injustice to our people and the highest offense to our God. I speak on behalf of the citizens of North Dakota and of all citizens who will gather this week to say that it is absolutely unacceptable that within this country, life is treated as a commodity rather than a gift from an omnipotent Creator.

Some of my pro-choice colleagues and friends may say that in taking this stance, I am standing against women's rights—nothing could be further from the truth—and that this is an issue of a woman's right. It is an issue for the millions of women who have been denied the right to life. I fully support women's rights. I just began supporting them 9 months earlier than some of my colleagues on the other side of this important issue.

To my colleagues who are pro-life who are supportive of this fight, I remind them that abortion is a great injustice, but it is particularly common in situations and communities that

have suffered other injustices. If we are going to be pro-life, I think we must be pro all of life and address the factors that cause women to decide to end the life of their unborn children.

The United States has seen a great evil throughout its history. We have seen and experienced slavery, discrimination, and human trafficking. All of these things are illegal, and these things are issues on which we as a country take a moral stance. However, abortion is legal. Sixty million lives have been ended legally in our country.

Here, in Washington, DC, nearly 40 percent of pregnancies end in abortion. In New York City, an African-American child is more likely to be aborted than born. As one Nation under God, we, as a country, should know better. We must know better, and I believe we do know better. No government should limit the lives of its youngest and most innocent citizens.

As a Senator, I give you my promise to fight for life, and I ask my colleagues to join me. This is my promise to the people of North Dakota who have chosen me as their Senator and my promise to my fellow citizens, especially those who have never had the chance to speak with their voices.

Within my first few weeks here, I have signed onto several pro-life priorities. I have signed a letter asking President Trump to veto any legislation that undermines the right to life. Additionally, I cosponsored the Protect Funding for Women's Healthcare Act, a bill that would end Federal funding for Planned Parenthood and shift that money to women's health services.

In North Dakota, we don't have any Planned Parenthood clinics, but we have 16 community health centers and over 20 federally qualified health centers. Shifting this money toward these health centers would help the women in my State to receive better and more accessible healthcare. Let me say that again. Shifting funding away from the abortion clinics and toward these community health centers would provide more funds to the health centers that care for women across the State of North Dakota.

Additionally, I have cosponsored the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act and the Title X Prohibition Act, two bills to protect the taxpayer from funding the abortion industry.

I have cosponsored the Born-Alive Abortion Survivors Protection Act, which would guarantee that a child who survives an abortion will receive the same medical care as a premature child of the same age, and the Child Interstate Abortion Notification Act, which protects the rights of parents to be notified if their child is going to have an abortion.

Finally, I have cosponsored the Pain-Capable Unborn Child Protection Act, which would ban abortion after 20 weeks.

My fellow Senators, I stand here because of the citizens of North Dakota

and of the United States who desire to see these bills and many other important pro-life bills pass and signed into law. They want an end to this injustice.

I recognize my responsibility to fight for the youngest, most vulnerable members of our society and our future generations. Today, I stand with my constituents and with the entire population of the United States, especially the men and women who have been robbed of their right to life. I urge my fellow Senators to take a stand on this pressing issue as well. With our united efforts, the killing of our unborn citizens will continue to diminish.

Our work is fruitful. In every legislative session we see more and more laws passed at the State level to protect unborn life. From 2008 to 2014, the abortion rate in the United States dropped by 25 percent. Each year, we are making great strides and giving a voice to the voiceless.

This fight is not a political fight but a fight for humanity itself. It is a war against all of us and against all of our children, no matter our ideologies. We have to learn to prioritize the issues in our own parties and work across the aisle. We have to look at each other with open minds and open hearts to solve this crisis that has plagued our country. We must do better at reaching out and uniting with one another in defense of one of the most fundamental rights—the right to life.

The truth is this: We must uphold this right because “we hold these Truths to be self-evident, that all Men are created equal, that they are endowed”—at the time of creation—“by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” Without the first—that is the right to life—we can have neither liberty nor the pursuit of happiness. We have been denying the first for far too long. So let's join together now to give the future of our country, our next generations, the right to life.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I would like to commend my fellow Senator from North Dakota on his heartfelt comments today and express my support and agreement with him and with those comments.

He mentioned a number of pieces of legislation that he is cosponsoring. I am pleased to see that. I, again, have signed onto legislation to support life in this Congress, as I have in previous Congresses.

We will have the March for Life at the end of this week. I look forward to that. Last year, my wife and her sister actually walked in the March for Life. I have always made a practice of greeting our participants in the March for Life from North Dakota, and I certainly look forward to seeing them again here this year.

With that, I thank you for this time to make these comments, and, again,

to extend a warm welcome to my colleague from North Dakota. I have worked with him for many years, and I very much look forward to working with him now here in the Senate.

Thank you.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### NATIONAL DEFENSE

Mr. INHOFE. Madam President, in the floor speech that I gave last week on the “Common Sense for Common Defense,” I highlighted the fact that our competitors have increased their own military spending and focused on modernization and how we are going to have to do the same.

When I talk about competitors, I am talking about China and Russia. I think this President did a good job of outlining our national defense system and putting it into different categories, because when you talk about China and Russia—not many people are aware of this—China and Russia have increased all during the years that we have decreased. They have actually caught up, and, in some cases, have actually passed us.

Our men and women in uniform are outstanding representations of what is right in America. Their drive and determination is the reason the United States of America has the honor of being the leader of the free world. That honor, however, is the product of hard work, not birthright. We earned it.

But over the last 10 years, our military supremacy has slowly degraded. General Dunford, the Chairman of the Joint Chiefs of Staff, has acknowledged that our qualitative and quantitative advantage has eroded. Toward the end of the Obama administration, with many of our systems, like our brigade combat teams, only 35 percent of them could be deployed because of what happened to the defense budget and our maintenance capabilities.

The same thing happened to our Army aviation brigades. The same thing happened to our F18s. It is the Marines that fly the F18s, and we only had 30 percent of those that could be deployed toward the end of the Obama administration.

This is something that people are not aware of. This is very significant. We need to pay attention to this, if there is ever any question. Constant dollar defense spending dropped \$200 billion from 2010 to 2015. That was in the last 5 years of the Obama administration.

In 2010, the budget was \$794 billion, and then 5 years later, it dropped down to \$586 billion. That is unprecedented. Even after the Korean war, it didn't drop that much, but, nonetheless, it did. It has never happened before, and we have to make up for it.

That is exactly what we are doing. Our fiscal year 2018 budget brought it back up to \$700 billion. Our 2019 budget brought it back up to \$716 billion, and we anticipate—and it has been mentioned several times—that in our 2020 budget it is going to be around \$750 billion.

We have a slide here that puts it in a little different perspective. As you can see from the slide, at the end of the Cold War, we had about the same number of fighter aircraft as our adversaries at that time—that was Russia and China. It is very clear on this. The orange is the third generation fighters, and the blue is the fourth generation fighters. It shows that now we are getting into the fifth generation. Actually, at that time, we were way ahead of them. This is a thing of the past now.

While we had the same amount, we were still superior because our aircraft were the newest and the most capable in the world. Our fighter aircraft—in fact, most of our military equipment—was better, more modern, and more effective than the Russians or the Chinese had. Now that has changed. During this most recent period of time, we went through about 10 years of not increasing the quality, and the numbers stayed the same. So we got to the point where many of the things the Chinese and Russians had were better than what we had.

As demonstrated on the chart, our fighter force was reduced nearly 50 percent in total numbers over the last 25 years, and we failed to modernize. Secretary of the Air Force Heather Wilson, said our Air Force is too small to do what the Nation asks. Not only is it too small, but the average age of our aircraft is now 28 years old. How many of us in here drive a car that is 28 years old?

In 1990, we brought over 500 aircraft a year—1990, 500 aircraft a year—but recently, that number has been reduced to 50 a year.

When I go out and talk to people who are in my State of Oklahoma and anywhere around the country, there is the assumption that somehow we have the very best of everything. That used to be the case. That became the case after World War II, but then during the last 10 years is when things dropped down. We are going to have to do better because, at this rate, it would take us over 40 years to modernize a fleet that is already too old and too small. Meanwhile, our adversaries have transformed their aircraft fleets with modernization programs and have increased their overall size and capabilities. In fact, the Chinese and Russian air forces have recapitalized and are now, or soon will be, fielding aircraft with capability matching our own but at a much faster rate. If they get to the point where we are in terms of modernization, they are already way ahead of us in terms of numbers. According to the Chief of Staff of the Air Force, General Goldfein, if we take no action, both the Russian and Chinese forces will be bigger and more technologically advanced than us. We know this is true.

Artillery is measured in terms of rapid fire and range, and that is where we are falling behind them.

The problem is not just the Air Force. The Army, likewise, has gotten

smaller and less capable in the same decade. Specifically, in terms of long-range fires—defined as tubed artillery and tactical missiles—you can see the same trend. This is our artillery system. There are three different types of artillery, but you can see now that as time has gone by, we have actually fallen behind. If you look at us over here, in 2018, our total is 2,886, as opposed to 22,000 for the Russians and 10,000 for the Chinese. The numbers are there, and we know that is happening, and we know it is taking place as we speak.

In the last 25 years, we have kind of rested on that advantage that things were better than they had. While our adversaries have also reduced the amount of long-range fires over the same period of time, they have significantly modernized their force. We are now in a situation where both of these countries—that is, Russia and China—not only have more artillery than us, but theirs is better than ours.

GEN Mark Milley, the Army Chief of Staff said: “In terms of artillery, the Army is outgunned and outranged by our adversaries.” Unfortunately, people don’t know this, and people are going to have to know this to know what happened to us in the last decade.

One can look at the devastating results from Russia’s action against the Ukrainian army. We all remember that in 2014 they made it possible through the modernization of their artillery systems. The results were there. They were. They inflicted damage.

Recognizing the problem is normally the first step in developing an acceptable solution. The fiscal year 2018 and fiscal year 2019 budgets got us back in the right direction, but in fiscal year 2018 we have gone up to \$700 billion for a defense budget and in fiscal year 2019 to \$716 billion. So we are on the road to recovery. We recognize, the people in this body know, what has happened to our abilities and our superiority in these areas that is no longer there.

This is kind of interesting. We had a hearing on this the other day. Of all the presentations I have heard, the assessment and recommendations of the National Defense Strategy Commission—that is what this book is right here—was put together a few years ago. They have actually made these assessments and come to the conclusion that if we want to do something—what they have come up with in this is a formula as to what it is going to take right now and for the foreseeable future. They say all of our defense budgets coming up are going to have to be an increase of somewhere between 3 percent and 5 percent above inflation. Of course, that is exactly what these 3 years will do, so we are making headway in that respect.

This growth projection is also one our Secretary of Defense as well as our Chairman of the Joint Chiefs of Staff say is going to be necessary for us to get back up even with and competitive with both Russia and China.

I can remember not long ago being in the South China Sea and watching China actually building islands. It is not legal, but they do it anyway. If you look at what is on these seven islands out there, it is as if they are preparing for World War III. Our allies in the South China Sea are very much concerned about this as to whose side they are going to be on if this happens.

We don’t want to shortchange our national security. We fully implement the national defense strategy, as found in this book, in a timely manner by avoiding continuing resolutions and eliminating the threat of sequestration.

A continuing resolution is something where, if we don’t get along in this body, we don’t pass our appropriations bills as we are supposed to pass, then we end up passing a continuing resolution that continues what we have done in the previous year. We can’t continue to do that.

The already widening gap with Russia and China will only grow faster if we don’t change our behavior. That is exactly what we plan to do. We need to fix this if we are going to do it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 2

Mr. CRAPO. Madam President, I ask unanimous consent that the following Senators be recognized to speak for up to 7 minutes each: Senator ISAKSON, Senator MENENDEZ, and Senator CRAPO; and finally, following the use or yielding back of that time, Senator SCHUMER be recognized to make a motion to proceed to S.J. Res. 2, and that following his remarks, Senator MCCONNELL be recognized to make a motion to table the motion to proceed following his remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

DISAPPROVING THE PRESIDENT'S PROPOSAL TO TAKE AN ACTION RELATING TO THE APPLICATION OF CERTAIN SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION—Motion to Proceed

Mr. CRAPO. Madam President, I rise to speak against the resolution to disapprove of the administration's agreement to delist Rusal, the Russian aluminum giant from the SDN list.

I will vote no today because this was a hard-fought negotiation, resulting in one of the strongest agreements ever associated with a sanctions delisting, which supports longstanding U.S. sanctions policy and foreign policy toward Russia.

This agreement does nothing to change the sealed fate of Deripaska, the direct target of the sanctions. He remains sanctioned. His current assets remain blocked. The primary and secondary sanctions imposed against him dash any hope of future deals or income, either by operation of his divestiture obligations or future dividends based on his remaining shareholder interests in Rusal. His ability to transfer his shares, use his shares as collateral, or even receive cash from dividends are all effectively frozen.

The sanctions that put Deripaska on the SDN list and froze his investments in Rusal and En+ and ESE, and make him personally radioactive to future transactions with just about anyone, forced these companies to disentangle themselves from Deripaska's control and influence or to face financial devastation.

In fact, the Treasury agreement appropriately reflects how U.S. sanctions policy uses smart sanctions to change the behavior of those sanctioned to build pressure behind the ultimate goals of U.S. policy toward Putin's Russia.

The agreement itself is more akin to a deferred prosecution agreement, in that a failure in its terms can result in an immediate relisting to the SDN list, while it ensures that En+, Rusal, and ESE undertake significant restructuring and corporate governance changes to reverse the circumstances that led to their designation in the first place. These actions include reducing Deripaska's direct and indirect shareholding stakes; overhauling the composition of the relevant boards of directors that control the companies' operations and strategic direction; restricting the steps that can be taken relating to their governance; and agreeing to broad and unprecedented transparency that requires ongoing auditing, certification, and reporting requirements.

Part of keeping a smart sanctions program smart is to ensure that the world understands the U.S. sanctions architecture is fair and respects America's extraterritorial sanctions reach, and providing an off-ramp from the SDN list for those listed who can prove deserving is not only good sanctions policy but the law because if Treasury

fails in its ability to render fair judgments, erstwhile petitioners for removal will simply resort to either the U.S. courts or worse, simply evasion.

In the circumstances of this case, keeping Rusal on the sanctions list could lead to a Putin nationalization of the Russian aluminum industry, which would not only work to enrich Deripaska but all but guarantee the unfettered Kremlin influence in a global concern that would also invite a set of unintended consequences involving wider economic and security costs for our Nation and for our economic allies.

So today I am voting against Senator SCHUMER's resolution to disapprove of the administration's agreement to delist Rusal, the Russian aluminum giant, from the SDN list because Treasury spent the last 8 months getting it right and winning a hard-fought divestiture agreement. It is among the most robust and verifiable delisting determinations ever devised by Treasury, worthy of Senate approval and not a gift to the Kremlin.

Thank you.

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. MENENDEZ. 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. MENENDEZ. Madam President, I come to the floor today in support of S.J. Res. 2, expressing disapproval of the Trump administration's desire to remove sanctions from companies owned by Oleg Deripaska. In accordance with specific provisions in a law I helped write, Countering America's Adversaries through Sanctions Act, the Senate has until Thursday to block this delisting; hence the urgency of this vote. If we wait, then under the law, we lose this important opportunity.

Mr. Deripaska is a notorious Kremlin crony who may have played a role in the Russian Government's attacks during the 2016 Presidential election cycle. At this point, we simply do not know enough about his potential involvement in the cyber attacks and malign influence campaigns carried out by the Kremlin on the American people, and we will not find out until we see the full report of Robert Mueller's completed investigation. Until then, I am not comfortable with any measure that diminishes sanctions pressure on a powerful Russian oligarch with deep ties to Vladimir Putin, including this recent deal agreed to by the Treasury Department.

I am a strong believer in the power of sanctions to incentivize behavioral change in support of our foreign policy priorities. I also deeply respect the skill, expertise, and dedication of the career officials at the Treasury Department who administer many of our sanctions against Russia.

Nonetheless, the deal before us is seriously flawed. First, we must be clear that it is not the American people but, rather, Oleg Deripaska who would benefit handsomely from this arrangement. After his partial divestment in En+, which is the holding company for aluminum giant RUSAL, the Treasury Department would allow Deripaska to use a portion of his shares to pay a very sizable debt to a Russian bank called VTB. So with the deal, Deripaska's overall balance sheet significantly improves. This massive benefit to Deripaska alone is enough to question the merits of this deal.

Moreover, VTB, the Russian bank, is already on a U.S. sectoral sanctions list, related to the 2014 Russian invasion of Crimea and Eastern Ukraine. By allowing VTB, the Russian bank, to participate in this agreement, the Treasury Department is undermining our overall sanctions regime. In effect, the administration is signaling to every entity and individual that has had U.S. sanctions imposed in response to Russia's aggression against Ukraine that they can continue to undermine a sovereign nation without consequence.

Finally, this deal allows Deripaska to maintain a 44.9-percent ownership of En+. While this falls below the Treasury Department's automatic 50 percent threshold for ownership, it is still too high. Yes, perhaps Deripaska has given up control in a legal sense, a technical sense, but make no mistake—he will be the largest shareholder in En+. He will have the ability to appoint one-third of its board members, and he will continue to leverage his network of cronies to influence the conduct of this company. He also has family members who independently will have shares. At the end of the day, he will direct this company's future. I find that unacceptable. We should all find it unacceptable.

No one can deny that we debate this resolution in an increasingly dire context. On top of the indictments and pleas piling up in relation to the Trump campaign's interactions with Russian officials or efforts to cover up those interactions, court filings recently revealed that former Trump campaign chairman Paul Manafort shared polling data with Konstantin Kilimnik during the 2016 Presidential election cycle.

For years, we have known that Mr. Kilimnik has served as a key go-between for Manafort and Oleg Deripaska. He, too, has suspected ties to Russian intelligence.

These latest revelations remind us again that we have more questions than answers about the relationships between the President's associates and the Kremlin.

If that news was not disturbing enough, this past weekend, the New York Times reported that the FBI opened a counterintelligence investigation into the President, in part after he fired the FBI Director because of "this Russia thing." Let that sink in. Senior

officials at the FBI—Americans deeply committed to the hierarchy of law enforcement—saw enough evidence to suspect that Donald Trump, the sitting President of the United States, could be an agent of the Russian Government. That is stunning. It is absolutely stunning.

Likewise, over the weekend, the press reported that President Trump went to extraordinary lengths to conceal the contents of his conversations with Vladimir Putin in Helsinki and elsewhere, even going as far as tearing up the notes of his interpreter. His own staff reportedly sought to learn the contents of the conversation, only to be told that the interpreter could not share the details because the President told him not to.

As the ranking member of the Senate Foreign Relations Committee, I raised serious questions about what happened in Helsinki. I think the whole Nation was stunned by seeing the President's performance there. We wanted to bring the interpreter forward or to get access to those notes, and now we know those notes were destroyed.

Throughout this Presidency, my colleagues and I have demanded accountability from this administration. I have been dismayed at the lack of clarity and transparency from the President when it comes to his dealings with foreign leaders, particularly Vladimir Putin.

I should note that President Trump has had numerous conversations with President Xi of China, Kim Jong Un of North Korea, and leaders and other heads of state across the world. We are not aware of the same standard of secrecy being applied to those exchanges. The President seems to only keep secret his conversations with Putin. And that begs the question, why? Perhaps because Trump and his 2016 campaign staff have repeatedly lied about the extent of their interactions with Russians. Perhaps because the Trump-Putin discussions extended to Russian financing for the Trump Organization's real estate deals throughout the 1990s and 2000s or the Moscow tower project we now know the Trump Organization was still pursuing well into 2017—not advocating on behalf of the American people. Perhaps because the President inappropriately shared classified information with Putin, much like he did when Foreign Minister Lavrov met him for a meeting in the Oval Office. We just don't know, and we have a right to find out.

I ask that my entire comments be printed in the RECORD, ending by asking my colleagues to vote in favor of moving forward so that this can come to light.

I yield the floor.

Mr. ISAKSON. If the gentleman would like to finish his remarks, I would be glad to yield for a few minutes.

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

Mr. MENENDEZ. I thank my distinguished colleague from Georgia—a

member of the committee—for doing so. I appreciate his courtesy.

As I said, we don't know, and we have a right to find out. Our own FBI was worried he might actually be a foreign agent.

Presidents certainly have a right to confidential conversations with world leaders. Never before in our history have we had a President under investigation by the FBI for being a foreign agent—an agent of the Russian Federation. With that in mind, I think we have the right, the responsibility, and the obligation to ensure that we know what happened in all of these conversations between President Trump and Putin and to understand the full extent of this relationship.

I sent a letter to the President today, with the ranking members of the Armed Services and Intelligence Committees, demanding the preservation of all records associated with these meetings and the opportunity to interview the interpreters. This is a matter of U.S. national security.

This Trump-Russia connection gets more confounding by the day. We have to protect the integrity of all oversight efforts, including the objective, sober investigation still being conducted by Robert Mueller. We must take all measures necessary to protect this investigation, including a rock-solid commitment by the President's nominee for Attorney General to not interfere in any way with Mr. Mueller's work. The American people deserve to know who they elected to be their President and what is going on in this regard.

Again, it is time to move to legislation on DASKA, which Senator GRAHAM and I have introduced, along with others. We hope to reintroduce it again.

I think if this body is serious about protecting our institutions, our democracy, and about standing up to an increasingly emboldened Kremlin, if we are serious about our oaths to support and defend the Constitution, then, No. 1, we will agree to move forward on this RUSAL question and move forward to find out the rest of the information.

I appreciate the distinguished gentleman yielding time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I wasn't going to come over here today—I just got off an airplane a little while ago—but I am here because of what I have been hearing.

What I have been hearing is that we need to be talking about the shutdown and not other subjects. When I met with the TSA agents on my plane flying up here, they said: Why don't you get our work back for us?

We are not even talking about TSA. We are not even talking about the shutdown. We are talking about different opinions at different times and different things that don't really matter in the scheme of things.

I appreciate what the distinguished ranking member of the Foreign Relations Committee just said, but quite frankly, last week he was talking about how important it was for us to stay on the shutdown and not do anything else. Now the leader on the minority side says it is important for us to get this Russian gentleman or oligarch—whatever that is—whom we are already punishing, and then we will go back to the shutdown.

My point is this: There is only one thing we need to be doing—restoring the confidence of the American people in the Senate and the House. They don't have it right now. We haven't given them anything to hang their hat on—not a single thing.

We have been shut down for 23, 24 days. I am not a Johnny-come-lately—pardon the reference—to the issue of shutdowns. I have been in the Senate and House for 20 years. I voted against five shutdowns—every one I had a chance to. Shutdowns cost the government more money; they don't save the government any money. They don't solve any single problem whatsoever, even when you mask them by only shutting down a little bit of the government, like we are right now. Not much of the government is really shut down—just the part that hurts the smallest income earners from our government. We are doing the wrong thing, punishing the wrong people, and that is just not right.

All the speeches you are going to hear today, including mine, don't matter at all unless we, first of all, get on the shutdown, correct the problem, and find a way to bridge the gap. The President is not moving. The Democrats aren't moving. The majority leader is not moving. We are not doing much. That doesn't solve anything. Somewhere along the line, we have to agree to find a way to do something different that may not be the end deal but the bridge to do an end deal, or else we are all going to look silly.

The truth is, everybody in this negotiation right now is sitting in their office or sitting and talking to some people, having a beer or doing whatever, and saying: How are we going to stick them—meaning the other party—and get this shutdown over before our people drive us crazy?

We are caught in our own trap. Things like what we are debating this afternoon just emanate that.

This oligarch, who has a huge investment in the largest aluminum company in Russia, is being divested of his interest down from 75 percent, I think, to 45 percent.

My home country of Sweden—one of the largest consumers of their product of aluminum and one of the biggest sellers of aluminum to the United States of America—has called me and said: You all are killing us.

We have driven him down from 75 to 45, and we have some more things to do. They are losing their vote. I think their vote is now down to about 25 percent of the board. They have restricted

him every way they can. I am a businessman; I know how you restrict people and tie them down. This deal does that. It doesn't give them anything they don't want—it gives them a lot of what they don't want to have.

So I just want to appeal to everybody listening to this, all of my colleagues—I love all of you. We all play political jokes. We can talk about how the Democrats did this and the Republicans did that. But the fact is, we are not doing a damn thing while the American people are suffering. The TSA agents I talked to in Atlanta today were doing it out of the goodness of their hearts. A lot of the guys and ladies are not showing up for work, and there are going to be more of them.

We have the Superbowl coming to Atlanta, GA, in about 3 weeks—the biggest tourism event in the world this year. What if the largest airport in the world that is going to bring all the people to the largest football game in the world goes out of business because of the TSA strike? You will have just cost millions of dollars for the United States of America, for my home city—the city of Atlanta—and others. There are thousands of examples just like this.

I have had three people from my State call me. A convention is coming up in one of our cities, and this shutdown is going to hurt the ability to bring that here. We are going to lose the revenue we would normally get from that. So we need to think about what we are doing. We are not winning any points with anything.

A lady who was waiting with me to get on the plane just laughed when I gave my answer to the TSA agent. I turned to her and almost asked: Why are you laughing? I said: You know, I understand why you are laughing because I can't explain it either.

We need to understand what we are doing and why we are doing it. What we are doing doesn't make any sense. What does make sense is resolving to go out and solve the problem. Senator SCHUMER, Senator MCCONNELL, Senator CRAPO, and I—and all of us—should get together in a room and give the press something to really write about—of our having a meeting of 100 people who caused the problem and saying: Let's find a way to solve the problem or to at least agree to get us back to business, to at least agree to not affect the lowest income people on our payroll, because the higher income people aren't suffering. Let's get the work done. Let's get it worked out. Let's not call it a Republican shutdown or a Democratic shutdown. It is an American shutdown.

I see that Senator SCHUMER is coming. I don't usually get this riled up, CHUCK. I apologize because I am riled up a little bit.

It is just silly. I used to be able to explain anything. I was a pretty good real estate salesman for a long time. I could close a deal. I can't close this one. I had to three or four times on

that Delta plane today, as I came up here, and I couldn't do it. When I listened to the answers I was giving these people—good, old American citizens—as to why we can't get the government open, I thought, if I were they, I would not vote for me either.

So let's get to work. Let's stop blaming everybody else. Let's put the blame where it belongs—on all of our shoulders collectively. Let's do what we elected officials were elected to do, and let's make a deal.

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. 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 not going to talk about the substance of what we are here for.

To my dear friend, JOHNNY, whom I love and who serves the best barbecue I ever have every year, among his many other attributes, I will just make this point.

He says it is not a Democratic shutdown or a Republican shutdown. It is a Trump shutdown. We all know it. Donald Trump has called for the shutting down of the government 25 times. He said at our meeting he is proud to shut down the government.

We Democrats do not want to shut down the government. In fact, our slogan—our watchword—is “open up the government.” We have a difference on border security. We are for it. You are for it. You are for something different than we are, but we are not shutting down the government, and everyone knows it. The public opinion polls know it. There are 40 percent of all Republicans, let alone Democrats and Independents, who are for the wall, and most of those people say the government shouldn't be shut down over the wall.

I know how aggravated my colleague is. I would suggest to him that the best solution is to vote for what he voted for—or the whole Republican Party did by unanimous consent—which is to open up the government. Then we can discuss our border security issues.

I yield to my dear friend.

Mr. ISAKSON. Madam President, I will follow up on the Senator's points.

We need to do what we did last year when Republicans and Democrats stayed up here for 2 weeks while the government was shut down. We worked out an immigration agreement, and we got the DACA situation fixed. The President came out for a large number of DACA improvements. We almost got there. We fell short, I think, by six votes. The leader and I were on the same side, and a lot of us in here, from both parties, were on the same side. Those are the types of answers we need. We need to push to get that done.

Mr. SCHUMER. Madam President, I thank my colleague.

There is just one difference between what happened then and what is happening now: Neither side was shutting down the government until it got its way.

I will make my statement, I guess, and wait for Leader MCCONNELL and the motion to proceed.

S. J. RES. 2

Madam President, before we take a vote on the motion to proceed on this resolution, I will make two brief points, and I know my colleagues have discussed this very well.

First, my friends the Republican leader and former Republican whip Senator CORNYN are being incredibly disingenuous to suggest this is a political stunt and to accuse Democrats of forcing this vote out of the blue. The timing of this vote was not determined by me or by Leader MCCONNELL. It was determined by the wall. The law says that we only have 30 days to disapprove of sanctions relief on Russia. This was filed right before Christmas.

I would suggest the administration and the Treasury hope to get away with it because they know how unpopular it would be to remove sanctions on Deripaska or on the companies he controls. They knew how unpopular it would be, so they snuck it in right before Christmas, right before we left. We have only 30 days, and those 30 days expire on Thursday. If we wait, those 30 days will expire—they will be gone—and we will have no opportunity. So this is no accident.

If Leader MCCONNELL and Senator CORNYN want to know why this vote is today, they should talk to the White House, because it is the one that filed this on December 21.

Second, there are serious, substantive reasons to oppose the Treasury plan. It fails to sufficiently limit Mr. Deripaska's stake in these three Russian companies. It gives Vladimir Putin exactly what he wants—sanctions relief on three major producers of aluminum and other metals. That is wrong for the country. Putin's Russia continues to run rampant over international norms, to meddle in democratic elections, and to destabilize the world. Russia has violated the sovereignty of Ukraine, has interfered in our elections and the Brexit vote, has propped up the brutal Assad regime, and has been implicated in nerve agent attacks on the soil of our closest ally. Yet the Trump administration proposes reducing sanctions on Putin and his cronies.

Show me the behavior from Vladimir Putin that warrants such relief. I can't think of any, and I will bet 90 percent of all Americans can't think of any.

Let me be clear. A vote against this resolution—a vote to not allow us to proceed—is a vote to go easy on President Putin and his oligarchs.

I understand my friend the leader, the Republican leader, will move to table the motion to proceed to the resolution. I remind my colleagues that

the timeline runs out on Thursday—48 hours from now. We have to take this vote now. I strongly urge my colleagues to vote no on the motion to table and yes on the motion to proceed.

MOTION TO PROCEED

Madam President, I move to proceed to Calendar No. 13, S.J. Res. 2.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to the consideration of S.J. Res. 2, a joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The majority leader.

Mr. MCCONNELL. Madam President, I believe the Senate's voice should, indeed, be heard on national security policy. This is why I have moved to have the Senate's first legislative business this Congress be a bipartisan package of foreign policy bills. I made it our first priority to move legislation that would have helped defend Israel and Jordan and provide justice for the Syrians who have been tortured and murdered by the Assad regime, but the Democrats have repeatedly blocked that important legislation.

The Democratic leader said the Senate shouldn't do any business during this partial government shutdown, but, apparently, he didn't actually mean it because now the Democratic leader would like to dictate the terms of a debate on Russia.

We Republicans are hardly strangers to the need for strong policies concerning Russia. We have long seen Vladimir Putin for the KGB thug that he is. We have long advocated for tough measures against him and the kleptocrats who surround him. Just ask the junior Senator from Utah who, only 6 years ago, was mocked by the other side for advocating tough policies against the Kremlin.

This Republican administration has taken far tougher measures against Russia than the previous administration did. It has designated 272 Russia-related individuals and entities for sanctions, expelled scores of Russian intelligence officers, shuttered Russian diplomatic outposts, and equipped Ukraine and Georgia to defend themselves against Russian aggression. Clearly, there is more work to be done, and I look forward to this Congress's taking additional steps to defend our interests against the Russian threats and to additionally impose costs on Putin.

Specifically, I look forward to seeing whether the Democrats will join us in providing additional funding to rebuild our military in key areas to deter and defend against Russian investments and key weapons systems.

I look forward to seeing whether the Democrats will support efforts to modernize our aging nuclear triad as the Russians have done.

I look forward to the Congress's reviewing its existing sanctions policies to see how we can impose additional costs on Putin and his cronies who enable his malign activities.

I look forward to the Congress's ensuring that our sanctions efforts remain multilateral and maximize support from our European allies, whose participation is essential to imposing meaningful costs on the Kremlin.

But, in this narrow case, career civil servants at the Treasury Department simply applied and implemented the law Congress itself wrote and which the Democratic leader supported. Treasury's agreement maintains sanctions on corrupt Russian oligarch Deripaska. It would continue limiting his influence over companies subject to the agreement.

In addition to subjecting the companies and their officers to the unprecedented transparency and monitoring requirements, the agreement preserves Treasury's ability to snapback sanctions on the companies and their officers. If there is any evidence of further malfeasance, I expect Treasury to use that authority to the fullest.

In the meantime, the Democratic leader's political stunt should be rejected. I move to table this effort to overturn the hard and painstaking work of the career officials at Treasury, but I look forward to continuing our efforts to hold Putin and his cronies accountable in a thoughtful, far less politicized manner.

VOTE ON MOTION TO TABLE THE MOTION TO PROCEED

I move to table the motion to proceed to S.J. Res. 2, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. SCHUMER. Madam President, I ask unanimous consent to speak for 15 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Democratic leader.

Mr. SCHUMER. Madam President, the leader's rhetoric belies his words. If you believe Putin is a thug, you don't vote to table this resolution.

I yield the floor.

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

The yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) is necessarily absent.

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

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—42

Alexander	Fischer	Portman
Barraso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Scott (FL)
Capito	Isakson	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	Murkowski	Toomey
Enzi	Paul	Wicker
Ernst	Perdue	Young

NAYS—57

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Hawley	Rosen
Booker	Heinrich	Rubio
Boozman	Hirono	Sanders
Brown	Jones	Sasse
Cantwell	Kaine	Schatz
Cardin	Kennedy	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Leahy	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Cotton	McSally	Udall
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warren
Feinstein	Murphy	Whitehouse
Gardner	Murray	Wyden

NOT VOTING—1

Gillibrand

The motion was rejected.

VOTE ON MOTION TO PROCEED

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

The yeas and nays were previously ordered.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) is necessarily absent.

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

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—57

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Hawley	Rosen
Booker	Heinrich	Rubio
Boozman	Hirono	Sanders
Brown	Jones	Sasse
Cantwell	Kaine	Schatz
Cardin	Kennedy	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Leahy	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Cotton	McSally	Udall
Daines	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Moran	Warren
Feinstein	Murphy	Whitehouse
Gardner	Murray	Wyden

NAYS—42

Alexander	Crapo	Isakson
Barraso	Cruz	Johnson
Blackburn	Enzi	Lankford
Blunt	Ernst	Lee
Braun	Fischer	McConnell
Burr	Graham	Murkowski
Capito	Grassley	Paul
Cassidy	Hoeven	Perdue
Cornyn	Hyde-Smith	Portman
Cramer	Inhofe	Risch

Roberts  
Romney  
Rounds  
Scott (FL)

Scott (SC)  
Shelby  
Sullivan  
Thune

Tillis  
Toomey  
Wicker  
Young

NOT VOTING—1

Gillibrand

**DISAPPROVING THE PRESIDENT'S PROPOSAL TO TAKE AN ACTION RELATING TO THE APPLICATION OF CERTAIN SANCTIONS WITH RESPECT TO THE RUSSIAN FEDERATION**

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

The legislative clerk read as follows:

A joint resolution (S.J. Res. 2) disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.

The PRESIDING OFFICER. The Senator from Oklahoma.

**RIGHT TO LIFE**

Mr. LANKFORD. Mr. President, it is amazing how much we talk about our kids. People talk about bipartisan things here all the time. There is a bipartisan conversation often about our families and about our kids and how proud of them we are and about sharing our lives with each other.

My two daughters are a remarkable part of my family, of who I am. I can't even process life without thinking about the two of them.

Our kids are some of the most valuable moments of our entire lives and our greatest memories. When they were little, we looked into their eyes and saw potential, and we dreamed for them. From our earliest days of pregnancy, Cindy and I talked about the future for our girls as we prayed for them, thought about them, prepared for them, and it had sunk in what an incredible responsibility they really were. Kids are that way. That is that earliest moment that we talk about all the time.

What is remarkable about this photo is thinking about just exactly what this moment could be like because, in this moment, there are really two directions that it could go in America. This little one was born several weeks early. For that little one, life could have gone in two different directions. This group of doctors is gathered around this little one, delivering this child, and watching him take his very first breath. Only seconds before that, that same little one we see there with this same group of doctors could have been destroyed—that life in the womb—and it would have been OK.

You see, in America, this moment could go two different directions at any time. This life could be there, and we could watch the decades ahead of him or, seconds before this picture was taken, when that child was still in the womb, that life could have been destroyed, and no one would have paid attention because the determination of whether this is a child or whether this is just a little lump of tissue is deter-

mined by a few seconds in a delivery room. If it is still inside the womb, it is not a child; it is just tissue. A few seconds later, when he is delivered, everyone smiles and looks at the face of this baby and says: What a beautiful child, and what a remarkable miracle that is.

How do we do that in America? How do we decide what is life and what is just tissue?

Some people would say it is only a child if we believe it is a child. If we don't believe it is a child, it is not a child; it is only tissue.

Some people say it has incredible value, and we should prepare for his or her college, and we should think and pray about his future and his spouse and what he is going to do. Some people would say it is meaningless—just flesh that can literally be put into a bag and taken to the curb. The determination is really by the mom and the dad there. They get to choose whether that is a child or whether that is tissue.

I honestly don't understand that conversation because when I look at this child with fingers and toes and hair and unique DNA, there is nothing different about that child right there than this child. You see, that child whom we saw in the picture before is the same age as this one, but, this time, this is a 3D ultrasound taken inside the womb, but there is no difference between the two. Both of them have faces and fingers and toes and nervous systems and functioning brains and lungs. They have DNA that is different from their moms and their dads—DNA that is unique to those people. Whether you can see him or not, that heartbeat and that DNA is a child.

In America, we still have this ongoing dialogue: When is "life" life?

I heard someone earlier jokingly say that if this life were discovered on Mars, we would say Mars had life on it, but we are still discussing whether this life is a life on Earth. What do we do with that?

Here is what we continue to debate and continue to have a conversation about. On January 22, 1973, the Supreme Court ruled on what is now the infamous *Roe v. Wade* decision. It was supposed to have settled the issue about life. It was supposed to have settled the issue that every single State has to allow abortion and that life, according to the Supreme Court in 1973, was about viability. When can this child live on his own outside the womb—viability?

Viability in 1973 was very different than viability now, thankfully. When we think about viability now, there are people born at 21 or 22 weeks—extremely early—who would have never survived in 1973 but who regularly survive now because of great medical care. Viability really doesn't determine life, though. Life is something that begins much earlier, and for some reason in our culture, we are still having a conversation about what to do with that tissue.

As Americans, we spend a lot of time trying to work on very difficult issues, but for some reason, this has become a partisan issue that is exceptionally divisive in this culture. This life and this child shouldn't be a partisan issue. This shouldn't be a Republican child or a Democratic child. This should just be a child, and we should be able to pause for a moment and determine what we are going to do about her and determine: Is she valuable?

As a culture, we spend billions of dollars caring for the homeless because we believe that every single life matters and that no life can just be thrown away just because one struggles with life. We spend billions of dollars caring for the oldest and the weakest in our society because they need 24-hour care and because we respect that life and the dignity that it carries. We demand equal protection for women and men of all races, all ages, all sexual orientations, all faiths. We demand that as a culture because we believe, as a culture, that every person should have respect and every person should have opportunity because of one's great potential.

We pat ourselves on the back when we adopt abused animals, when we stand up against human trafficking worldwide, when we help clean up ocean trash, or when we plant trees to beautify our communities. Yet we are having a tough time considering that child as a child.

We even require that cigarettes, alcohol, theme park rides, medicines, and many other products have warning labels on them to warn pregnant moms not to use the product because it could harm the child because, as a culture, we acknowledge that a mom's smoking hurts a child. Yet, for some reason, we can't seem to acknowledge that a child could be hurt by an abortion and that it really would end a life.

It is my guess that anyone who disagrees with this has already tuned me out because, as a culture, we don't want to think about this life because if, for a moment, we pause and consider that maybe she is really alive and has purpose and value, we would have to swallow hard and acknowledge the millions of little girls just like her who have died in abortions in America—millions. To fight against having to deal with that, we just don't want to think about it, and we just tune it out. Yet, if you are one of the folks who has actually stuck with me through the dialogue, let me walk through a couple of things just to think about.

Let's start with a few things—the science. This little girl has DNA that is different than her mom's and dad's. It has cell division. It has something that we would look at in normal embryonic development called the Carnegie stages of embryonic development.

For years and years, every medical school teaches the Carnegie stages of embryonic development. They look at cell division at the beginning point and acknowledge, as they go through the

process, that this is a child from the earliest moments and that it is a stage of life. Every single person who can hear me right now has gone through the Carnegie stages of embryonic development, just like this little one has. Every person has because we understand that it is a natural part of life, that it is a stage of life, that it is an acknowledgment of life.

It is something that we acknowledge in the animal world because this Congress has passed laws to deal with endangered species, including a \$100,000 fine if you damage a golden eagle's egg, a bald eagle's egg, if you go to marine turtles' nesting spots to destroy or to even disturb the nests of marine turtles. In Oklahoma, we deal with barn swallows that will build their nests in the springtime in construction areas. All construction has to stop if a barn swallow builds a nest in a construction area, because those eggs are important, not so much because of the barn swallow but because there is a common understanding in this Congress that those eagle eggs, turtle eggs, and barn swallow eggs are future barn swallows, turtles, and eagles. We acknowledge that it is a life that is in process. So we protect it, but we can't seem to make the simple, logical step that that eagle egg becomes an eagle and she is a little girl.

The science screams at us in this area, but for many people, they just don't want to think about it because, at this stage, she is in the womb. She is invisible. She hasn't reached the stage at which you can see her. For many people, they say: She is only alive when I can see her. If I can't see her, she is not real.

The problem is that the science doesn't prove that out.

The second issue that we have to deal with is where we are as a culture and where we are as a country compared to other countries on this simple issue about looking at this little one and asking: Is that a child or is that just tissue? Where is the rest of the world on this?

It is interesting to note that the rest of the world is in a very different spot than is the United States on this. This is a simple map of the world. Most of the world—and you will see it in gray here—says that abortion should stop at 12 weeks. That is 3 months. After 3 months, you can't have an abortion anymore.

There are seven countries in the world that will allow abortion all the way up to 24 weeks. They are the countries that are here in black—Canada, the United States, China, North Korea, Vietnam, Singapore, and the Netherlands. They allow abortions up to 24 weeks.

At 24 weeks and on, in the third trimester, there are only four countries in the world that allow late-term abortions—only four—China, North Korea, Vietnam, and the United States. Everywhere else in the world looks at that child and says that the child is a

child—fully viable—except the United States, China, North Korea, and Vietnam. Now, that is not a club I really want us to be in.

All of Europe has banned late-term abortion—all of it. All of Africa, most of Asia, and all of Central and South America have looked at this, and as separate cultures, they have said no to a late-term abortion—that he is a fully viable child.

Interestingly enough, there was a survey that just came out today—a nationwide survey—that asked Americans' opinions on this issue about life. There were 75 percent of Americans who said there should not be abortion after 12 weeks of pregnancy—that is 3 months—except to protect the life of the mom. This was 75 percent of Americans. They are with this part of the world. This part of the world all says that same thing. That is most of Europe, and most of that area says OK to 12 weeks, but that after 12 weeks, you have to stop because the child has a functioning nervous system and brain and is developing in all of those areas.

Even if you don't acknowledge where I am, where I believe that life begins—at conception—why can't you at least acknowledge that at 12 weeks, which is where most of the rest of the world is, he is a child that should be protected?

At what point do we, as Americans, slow down enough to look at what we don't want to look at and at what the rest of the world has done, except for Vietnam, North Korea, and China? Why do we want to be in that group when we deal with the issue of life? Those are some of the worst human rights violators in the world. Why are we in that club?

Folks have recently said to me: You know, I understand this is a legislative issue, but it is really a faith issue. This is really about your faith, and your faith should not legislate who I am.

I would only tell you that a culture makes decisions, including our culture, not just about its faith but about its values as a culture.

Stealing is also a religious issue. It is in the Ten Commandments. So maybe, as a culture, we shouldn't ban stealing because the Ten Commandments say you shouldn't steal. No one would really say that because, as a culture, we all look at it and say that theft is a problem, that you shouldn't be able to do that.

A culture makes its decisions based on its own personal values. So it is not just a religious issue, but our faith does impact our personal lives and decisions. It does affect who we are.

In China, where most faith is banned, they allow abortion at any stage. In fact, in China the state is the most important thing. Everything is about building up the state. The individual has no value. The state has the greatest value. China determines it has too many people. So it forces women to have abortions. It compels them. Some can only have one child, and some can have two children, but every child after

that has to be aborted because the state chooses that. Its greatest value is the state.

Our greatest value is the individual. That is why our documents begin with things like "we the people," because the individual has value. We look at the senior adults who are in the nursing homes and provide care for them. We look at the homeless person, the child who is in need of food, and that little girl who is still in the womb, and we say they all have value because the individual has importance.

I had someone who caught me and said: You know, your faith has this whole verse in the Bible that says: "I was knit together in my mother's womb." So this is a religious issue. You have a belief that each child was knit together by God in their mother's womb.

Then they paused and said: That is fine for you to have that belief, but I have the belief that they were knit together, but it is when they are not done. They are not fully knit together. They are not really a shirt. They are only a sleeve, and if they are still in development, then, they are not fully developed. They are not really a child yet.

I smile at that and say: Actually, although this child was born premature, you are right. She is not fully developed. It is not just a sleeve. It is just a smaller shirt, but she will get there because everything about your life's development—your hair color, your height, your health—is all bound up in those first cells as they start dividing in your own unique DNA.

This is not about a religious conviction. This is about a child and who we are as a culture.

Let me say this: I understand there is a lot of conversation about this. As I mentioned before, this has become a partisan, divisive issue. This is not trying to be a Republican or Democrat. I have met Republicans and Democrats who both can look at this picture and say that is a child, not tissue.

This shouldn't be a divisive or political issue, neither should this be an attacking and condemning issue of the moms and dads who have walked through abortion. Quite frankly, I have great compassion for them. For those moms who have had an abortion, that memory never goes away for them. Years later, they sit in the food court at the mall and watch a small child playing nearby and think: That is how old my child would be right now if they were still alive. I have not met a mom, ever, who wasn't affected by abortion and the memories that come back to them on that.

This is not a flippant issue for any person who goes through an abortion. I grieve for those folks and the struggle they have, but I also grieve for us as a nation in the devaluing of something so obvious as a child. We can do better as a country, but the first thing we have to do is stop and look.

As a nation, we have been through some moments that we are not proud

of, but as a nation, we are proud of who we can become. As a nation, we are not proud that at one point, we declared African-American men and women as three-fifths of a man. As a nation, we are not proud of that. As a nation, we are not proud that we once told women they could not vote. As Americans, we are not proud that at one point, we took Japanese-Americans and interned them in camps because we were afraid of them. As Americans, we are not proud of those moments.

I pray there is a day that we are not proud that we looked away from little girls and little boys and said: You are not human enough yet. Your life can be ended because I don't want to look at you.

The beginning for us, really, is to stop and look at what is obvious. That is a child. What are you going to do about that child?

One of the great books of the 20th century was written by a man named Ralph Ellison, who, by the way, was an Oklahoman. Ralph Ellison was a tremendous African-American author. In the early 20th century, he wrote a book called "Invisible Man." It is a remarkable journey to look into that time period. The author, who is really writing as the narrator of the book, is telling his story.

In the prologue of the book, there is a section I want to read to you because I think it is powerful, just thinking about the philosophy that Ralph Ellison put out. He said this:

I am a man of substance, of flesh and bone, fiber and liquids—and I might even be said to possess a mind. I am invisible, understand, simply because people refuse to see me. Like the bodiless heads you see sometimes in circus sideshows, it is as though I have been surrounded by mirrors of hard, distorting glass. When they approach me they only see my surroundings, themselves, or figments of their imagination—indeed, everything and anything except me.

Nor is my invisibility exactly a matter of biochemical accident to my epidermis. That invisibility to which I refer occurs because of a peculiar disposition of the eyes of those with whom I come in contact. A matter of the construction of the inner eyes, those eyes with which they look through their physical eyes upon reality.

Ralph Ellison was saying in the early 20th century that White America, when they ran into Black America, refused to look and ignored them as if they were invisible and just walked on.

As a culture, I am grateful that Americans are opening their eyes to each other as friends and as neighbors and as Americans. I wonder, one day, when the peculiar eyes that choose to pretend that this child is invisible, simply because she looks like this, when our peculiar eyes choose to look at what we have chosen to say is invisible and to turn away and to say: Let's see what we do as a culture. Let's march for life. Let's speak out for what is obvious, and let's determine what to do in the next step.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MCSALLY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### GOVERNMENT FUNDING

Mr. SULLIVAN. Madam President, I want to spend a few minutes talking about the partial government shutdown, which is happening right now, and, more importantly, related to it, the men and women of the U.S. Coast Guard who are working today, like every other member of the military, risking their lives here, in my State of Alaska, and overseas in the Middle East, and are not getting paid to do so. They are the only branch of the U.S. military not getting paid to risk their lives for their country. They missed their first paycheck today, but here is the good news. We are offering a solution—a solution that is working through the Federal Government that has a lot of potential.

Before I get to that, I want to talk a little bit about the partial government shutdown itself and make clear that I believe the Trump administration's effort to secure the border should be part of the solution. Every nation has the right and has the responsibility to protect its citizens and to protect its sovereignty. In my view, this is something that should not be controversial. Every nation has the right and responsibility to do this, and that is what the citizens of each country expect. It should not be controversial.

In fact, over the past 25 years, every single President of the United States—Democrat and Republican—has attempted to secure the southern border and has come before the Congress and said: I am going to secure the southern border. They have campaigned on securing the southern border. They have all said this. Even the Members of Congress—Democrats and Republicans—year after year have come to the floor of both Houses and said: We need to do it.

In a big speech in 2014, President Obama called the situation on the southern border a crisis. That was 4 years ago. He called it a crisis—the previous President, President Obama. I agreed with his assessment then, and I agree with President Trump's assessment now, which is the same assessment.

That is why the President is asking for \$5.7 billion to secure our border. It is not an unreasonable request, particularly, when Members of this body, just last spring, when we were debating immigration reform, voted for dollar amounts that were much greater than that. Again, Democrats and Republicans, last spring, debating on the floor of this body immigration reform and border security, voted way north of \$5.7 billion.

This is just one of the many solutions we need to grapple with in order to have a functional immigration sys-

tem that secures our border, enforces the law, helps to grow our economy, and, importantly, keeps families together. Securing the border is an important goal.

I am hoping that as we all work on this, Speaker PELOSI, Minority Leader SCHUMER, the President, and my Republican colleagues could get to a compromise on this issue soon. We all need to come together.

The good news, as I mentioned, is that we might be on the verge of coming together—those parties that I just mentioned—on one of the issues that relate to securing our border, that relate to this broader challenge on the partial government shutdown involving the U.S. Coast Guard. I am hopeful that this could be a template for getting out of the broader partial government shutdown.

As you know, the partial government shutdown is negatively impacting Federal workers, but none—none—more so than the brave men and women of the U.S. Coast Guard. As I mentioned, they are currently the only members of the U.S. military who are not getting paid during this partial government shutdown. The Army, the Navy, the Air Force, and the Marines are all out there risking their lives for our Nation. We greatly appreciate that. And guess what. They are getting paid to do it, as they should be, but the Coast Guard members are also out there risking their lives, especially in my State, the great State of Alaska. They are out on the Bering Seas, some of the roughest and most dangerous oceans in the world, keeping our fishermen safe and doing rescues. They are deployed overseas. They are deployed in the Middle East. They have been in Florida and Texas helping with natural disasters, hurricanes—all heroic service. There have been many shutdowns before in the Federal Government, unfortunately, dating back decades, but this might be the first time ever that you have every branch of the military being paid during the shutdown, with the exception of one.

Let me read a letter from the commandant of the Coast Guard, ADM Karl Schultz, to the men and women of the Coast Guard.

To the Men and Women of the United States Coast Guard,

Today you will not be receiving your regularly scheduled mid-month paycheck. To the best of my knowledge, this marks the first time in our Nation's history that servicemembers in a U.S. Armed Force have not been paid during a lapse in government appropriations.

That is the first paragraph in the Commandant's letter to all the members of the U.S. Coast Guard. It is the first time in the U.S. history we are doing this to members of the military.

Madam President, I ask unanimous consent that the letter be printed in the RECORD.

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

TO THE MEN AND WOMEN OF THE UNITED STATES COAST GUARD, Today you will not be

receiving your regularly scheduled mid-month paycheck. To the best of my knowledge, this marks the first time in our Nation's history that servicemembers in a U.S. Armed Force have not been paid during a lapse in government appropriations.

Your senior leadership, including Secretary Nielsen, remains fully engaged and we will maintain a steady flow of communications to keep you updated on developments.

I recognize the anxiety and uncertainty this situation places on you and your family, and we are working closely with service organizations on your behalf. To this end, I am encouraged to share that Coast Guard Mutual Assistance (CGMA) has received a \$15 million donation from USAA to support our people in need. In partnership with CGMA, the American Red Cross will assist in the distribution of these funds to our military and civilian workforce requiring assistance.

I am grateful for the outpouring of support across the country, particularly in local communities, for our men and women. It is a direct reflection of the American public's sentiment towards their United States Coast Guard; they recognize the sacrifice that you and your family make in service to your country.

It is also not lost on me that our dedicated civilians are already adjusting to a missed paycheck—we are confronting this challenge together.

The strength of our Service has, and always will be, our people. You have proven time and again the ability to rise above adversity. Stay the course, stand the watch, and serve with pride. You are not, and will not, be forgotten.

Semper Paratus,

ADMIRAL KARL L. SCHULTZ,  
*Commandant.*

Mr. SULLIVAN. Nobody thinks this is a good idea. Nobody thinks this is a good idea. So last week, a number of us in this body, Democrats and Republicans, put forward a bill that simply says we should pay the men and women of the Coast Guard, even if we are in a partial government shutdown, just like paying the men and women of the other branches of the military. They are risking their lives daily. They can't just quit their job. By the way, if they want to just go quit, they are going to be court-martialed. That is different than other Federal service. So that is what we said we were going to do.

When the President came to the Senate last week, I had the opportunity to raise this issue with the President and his team and highlighted the fact that this is very different, and we need to work together. We have a bill. If we get the President's support and signature on it, that would be a good way to move it forward, and I have been in communication with his administration ever since the lunch—working with us.

I am hopeful we are on the verge of a breakthrough because the White House has said the President recognizes this is a rather unique situation—very unique—so he has now said he is going to support this bill. We have Democrats, Republicans, the White House, and the President of the United States all saying, all right, we are not there yet, but this is a good start, and this is an important issue.

What is going on right now in this body is we are trying to UC this. We

are trying to get unanimous consent from Democrats and Republicans on this bill. Again, leadership on the Democratic side and on the Republican side have all supported this bill: pay the Coast Guard like the other military servicemembers. The White House is now supportive. Hopefully, tonight we are going to get this cleared, and we are going to get it over to the House; Speaker PELOSI and her team will recognize how dire and important this is—just like Democrats, Republicans, the President, and Secretary Nielsen Secretary of Homeland Security all recognize this—and we get to a solution. It is not going to end everything, but it will be a solution.

I am asking my colleagues tonight, as this bill is being moved through the hotline for unanimous consent—and I thank all the Republicans who have already said they will support it. We get my colleagues on the Democratic side—again, there are a number of Democratic cosponsors on this bill. The President said he would sign it. We get it over to the House, and we start to get solutions as opposed to just roadblocks.

There are just two broader issues I want to raise. As I am indicating, this kind of work can be a template to getting to a broader solution with regard to the partial government shutdown—Democrats and Republicans in this body working together, the White House working with us, the Trump administration working with us, and, hopefully, the House will see the wisdom of this when the bill comes over to them, and we will get a bill signed that takes care of almost 50,000 Active-Duty patriots—men and women—risking their lives, right now as we speak, with no pay. I am hopeful that is a template.

Another broader issue that this matter actually raises—that we need to focus on a lot more in the Senate—is a problem I have seen in the last 4 years during my time here; that sometimes the Coast Guard gets short shrift relative to other members of the military. It is wrong, and we need to work on it together.

Why has that happened? Certainly not because they are not as heroic and dedicated and patriotic as the rest of the military. I don't think it is intentional. It is more bureaucratic. The Coast Guard falls under the Commerce Committee. The Coast Guard falls under the Homeland Security Secretary. The Marines, the Army, the Navy, and the Air Force are under the Armed Services Committee and under the Pentagon. Sometimes things just happen, whether it is retirement pay, whether it is the example of paying the military, where the Coast Guard gets treated in an unequal manner. They shouldn't. They shouldn't. We need to treat all members of the military, all five branches, the same: pay, retirement, shutdowns. Again, I don't think it is intentional, but it does happen.

I am the chairman of the subcommittee in the Commerce Com-

mittee in charge of the Coast Guard. I sit on the Armed Services Committee. I know a lot of my colleagues, Democrats and Republicans, have recognized this is a problem. The chairman of the Commerce Committee, the chairman of the Armed Services Committee have. I think we are all focused—again, bipartisan—to address some of these challenges where the Coast Guard is not treated equally among the other services, and that is just wrong. We need to start working on that, and I am going to continue to focus on that issue.

The best way we can start working on that is tonight: Fix this pay problem, which every single American knows is inequitable, knows is not fair to the men and women of the Coast Guard, but we are on the verge of a solution. Let's UC this bill tonight—we have the White House's support—and get it over to the House. At least we will take care of one issue where there is an inequality between the men and women in the other branches of the services and the Coast Guard, and then we will work to fix all the others. I am hopeful we are going to get there tonight and hopefully will solve this problem in the next 24 to 48 hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

#### GOVERNMENT FUNDING

Mr. RUBIO. Madam President, it has been an interesting start to this new Congress 2 weeks ago today, I believe—almost 2 weeks ago, this week. We are in a shutdown, and then we had a vote here a few minutes ago to disapprove of a decision made by the administration.

A lot of people would look at that, and they would say that is a sign of weakness and division. Most certainly, I don't like this shutdown. I hope we can figure a way out of it quickly. A lot of people who had nothing to do with it are being hurt. My feelings about that are strong as well. I don't think what the President is requesting is unreasonable, but the reason we have a shutdown is because, at the end of the day, everyone involved—no matter how long and how strongly they disagree—is willing to live by the Constitution, and the Constitution says, the only way you can fund the government is if the House and the Senate pass a spending bill and the President signs it into law.

Likewise, we had a vote a few minutes ago about a decision made by the administration to delist a Russian company after some changes were made to the ownership structure. You may disagree with it or agree with it, but the bottom line is, that the reason the vote happened is we passed a law that said within 30 days of it being enacted, the Congress could act to disapprove. That is the way our constitutional system works.

So despite our sharp disagreements, despite our arguments, despite what appears outwardly to the country and many in the world as a sign of division and weakness, the result may not be

anything we support—or maybe it is—but at its core, let's remind ourselves that the reason this is happening is because everyone involved, no matter how much they appear to dislike each other or how much they disagree, they are willing to live within the letter and the law of the Constitution of the United States of America.

VENEZUELA

Imagine an alternative for a moment. Imagine if the President, frustrated by Congress's continuing unwillingness to fund one of his priorities on border security, frustrated by a decision in Congress to disapprove of a decision he made regarding sanctions, decided not only was he going to ignore Congress, but he was going to stop paying them, he was going to jail its Members, and he was going to create an alternative Congress, which he handpicked and controlled.

That sounds farfetched. That sounds clearly unconstitutional, but there are parts of this world where those kinds of things are happening, and one of them is in our hemisphere. What I have just described to you is exactly what has happened in the nation of Venezuela beginning as early as 2013.

What has happened there is that the supposed President—actual dictator—of the country, frustrated that the democratically elected national assembly would not support his initiatives to control the country, decided to create an alternative—that they call a constituent assembly—an alternative congress. They no longer pay the national assembly members at all. They have no staffing; they have no budget; they are hardly allowed to meet; and several of them have been jailed.

As part of this process of replacing the national assembly or at least ignoring them and giving no force of law to what they vote on and creating this alternative national assembly called the constituent assembly, completely outside their Constitution, with no basis in law—that entity, that organism, called for an election, a new election for President. It was a snap election designed to not allow the opposition to organize in time, an election in which they control all the television stations, in which people had to show an ID card in order to vote, and that ID card also happened to be the card that got your family food and medicine—the limited amounts people are getting—not a fair election in any way.

The result is, last May, Maduro “wins” this “fraudulent” election, and the first day of the term of this fraudulent Presidency was last week.

Rightfully, the President of the United States, along with leaders from multiple other countries—including Colombia, Brazil, Canada, and dozens of countries around the world—have said Maduro is an illegitimate President under the Constitution of Venezuela: The election you held isn't free and fair. The election you held was authorized by an organism that is not recognized under the Constitution. You

are not the real President. You are a fraud, and the only reason why you are in office is because you are threatening to jail or kill the people who are willing to raise this point against you.

The administration went further, and they said the national assembly of Venezuela is the only constitutionally, democratically elected government in the country.

The statements we have made in the last week are entirely rooted in the rule of law and entirely rooted in the Venezuelan Constitution, and they are not unilateral actions. These statements have been supported by other countries in the region, including Venezuela's neighbors.

If, in fact, we are basing our public policy on the Constitution of Venezuela, there is one more provision we cannot ignore; that is, a provision in the Constitution that says that when there is a vacancy in the Presidency and the Vice Presidency, the President of Venezuela is the President of the national assembly.

We have a similar line of secession in the United States. In the absence of the President or the Vice President, the Speaker of the House automatically becomes the President of the United States. They might have a swearing-in ceremony, but by law that absence triggers the Presidency of the Speaker of the House—third in the line, followed by No. 4 in line, the President pro tempore of the Senate.

They have a similar outline in Venezuela under their Constitution. So it stands to reason that if our policy is that Maduro and his Vice President are illegitimate because they were elected in an extra-constitutional, fraudulent election, then clearly the Presidency of Venezuela is vacant. And if we are rooting our support for the National Assembly as the only constitutionally and legitimately elected body in the country, then we must respect the fact that that Constitution automatically passes the title of “President” to the President of the National Assembly.

What I come to the floor today to ask is that the administration—hopefully in concert with Brazil and Canada and Columbia and other countries around the world—simply recognize what the Venezuelan Constitution clearly lays out. There is no President in Venezuela right now that has been democratically elected, and via their own Constitution, the current President of Venezuela, pending a new election, is Juan Guaido, the President of the National Assembly.

This is entirely rooted, as I said, in rule of law and under the Venezuelan Constitution. It doesn't even require Mr. Guaido to assume the office; it automatically is bestowed upon him. It is a critical thing for us to do in order to begin to build a better future for Venezuela, along with our partners in the region.

I think the next actions that should be followed after that happens is that Mr. Guaido name a cabinet and name leaders to run the military.

From the perspective of the United States, since we have recognized the legitimate Presidency of the National Assembly's President, pending a new election, I think the time has come to expel the Maduro-appointed Ambassadors and allow the new constitutional President to appoint replacements.

The frozen assets of the Venezuelan Government should be put at the disposal of legitimate government so they can use them to conduct a free and fair election and also use them to begin to rebuild the country.

The opportunity exists now to work with the new President, pending the new election, to begin laying out plans to deliver humanitarian aid right now, along with our partners in the region in the world, but also to help put together a package of assistance to help Venezuela rebuild a country decimated by the current dictatorship.

These are bold moves, but they are entirely rooted in the rule of law, entirely justified under the Venezuelan Constitution, and will be clear evidence that we will not stand by idly as democracy in the region is wiped out by this growing trend around the world of authoritarians assuming the vestiges of democracy—holding elections that aren't real elections, having parliamentary bodies that aren't real—in essence, dressing the part of democrats but behaving like dictators.

I strongly urge this administration publicly—and I have done so privately—to move quickly to recognize the President of the National Assembly of Venezuela, Juan Guaido, as the interim President of that country pending a transition to a new, free and fair election, and I hope this is an action we will take in concert with our partners in the region who recognize the exact same thing.

There is a window of opportunity here to shine the light of freedom and liberty through our actions, and I hope we move expeditiously in pursuit of that goal. And to the Venezuelan people—that they may know that we are standing with them, that we have been given a concrete opportunity to defend their aspirations for freedom and a better future but also to defend their Constitution.

To military officers in Venezuela who swore to uphold and defend their Constitution, now is the opportunity for you to abandon the current direction of the country and assume your responsibility that you have sworn to uphold, and that is the constitutional provisions of that country.

I believe with all my heart and I have every reason to believe without any doubt that this administration and this government, along with this Congress, stand ready to work hand in hand with the people of Venezuela to restore a rightful democracy and empower that country to head in the right direction. I urge the administration to move quickly to take the first step on our part to facilitate that. It is, as I said,

the last, best chance we have before it potentially becomes too late and the dark cloud of tyranny settles upon Venezuela the way it has over Cuba and increasingly over Nicaragua now for over two generations.

I urge the President and his administration to do what only they are empowered to do under our Constitution; that is, recognize the rightful heads of state of other nations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I know you are not allowed to respond to me, but allow me to welcome you to the Chair as a new Member of the Senate.

With a new year come a lot of changes. This month, a Democratic majority was sworn in to the House of Representatives. That new majority has heard the call from Americans to make tackling climate change one of our top priorities, and what a change that will make from the last Congress.

Young voters who helped propel this change are urgently concerned about climate change. More than three-fourths of millennials agree on the need for climate action. Even a majority of Republican millennials agree on the need for action in face of our climate crisis. Indeed, a former Republican Congressman just wrote about climate change: "My party will never earn the votes of millennials unless it gets serious about finding solutions."

Of course, it is not just younger voters; polling shows that Americans of all ages and political stripes favor policy solutions that scientists and economists say are needed to tackle climate change. A recent survey of more than 10,000 registered voters showed that nearly two-thirds of Americans believe that investing in renewable energy will create more jobs than investing in fossil fuel. Among Republicans—here—52 percent of Republican voters think that focusing on renewables will create more jobs than fossil fuel—52 percent to 29 percent—and that is with the non-stop saturation, indoctrination of the Republican Party by the fossil fuel industry, with all of its propaganda and nonsense.

Of course, the facts bear out that renewable energy will create more jobs. It is already happening. Over 3 million Americans are employed in the renewable energy and energy efficiency industries, compared to just over 1 million in fossil fuels. There is far more job growth in the renewable sector than in the declining, decrepit fossil fuel industry.

Solid majorities of Americans say they want more emphasis on renewable energy. Seventy-one percent want more solar, 64 percent want more wind, and 56 percent want more hydropower. By contrast, only 40 percent want more natural gas, only 25 percent want more oil, and only 18 percent want more coal. Seventy-one percent want solar,

and 18 percent want coal. I think the Trump administration would do well to pay attention to those numbers—if it were, indeed, about the numbers, anyway.

So make the question harder. Go all in. Ask Americans about a full transition to a 100-percent renewable energy system, and most say that the transition to a 100-percent renewable energy system for America will be good for working families—better than continuing on our fossil fuel path.

If you look at what Republicans say, by 2 to 1, Republican voters say that going to renewables will have a positive impact on working families, versus only 23.5 percent who say it will have a negative impact. The rest—"don't know" or "no impact either way." But the people who favor 100 percent renewables as a good thing for working families—even among Republican voters, it is 2 to 1 over fossil fuel.

When Americans are told about a Green New Deal to reduce carbon pollution and create clean energy jobs by investing in infrastructure and renewable energy and efficient buildings and transportation systems, almost 70 percent are supportive, and that includes almost 60 percent of Republicans—20 percent strongly support, and 36.8 percent support. So even the Green New Deal is a winner among Republican voters.

Ask about putting a price on carbon pollution. Why would you want to do that? Because right now, the costs of carbon pollution are put on the public. They are put on all of us. They are put on our constituents. Polluters get away with polluting for free, and the rest of us pay for the added drought and wildfire and storm damage costs. Well, more than 60 percent of registered voters support pricing carbon to reduce emissions. And if you look at Republicans, a majority of Republicans under the age of 45 also support a carbon price.

This new polling matches other polling that is on its way out or recently out that shows solid support for pricing carbon and making polluters pay for the damage they are causing—which, by the way, is also economics 101, but never mind that. We are talking about polling today.

A Monmouth University poll showed that 64 percent of Republicans now accept climate change as a problem, and a majority of Republicans support government action to combat climate change—a majority of Republicans.

An ABC News poll showed that 81 percent of Americans support cutting greenhouse gas emissions, two-thirds supported a carbon tax, and 81 percent supported tax breaks for renewable power.

These are big, strong, national majorities in favor of the kind of action we need and could do to stem the climate crisis.

A poll for Yale and George Mason Universities showed that 70 percent of registered voters, including over half of

Republicans, support reducing greenhouse gas emissions regardless of what other countries do.

This poll also found majority support across both parties for U.S. participation in the Paris Agreement and overwhelming support for renewable energy among Republicans, Democrats, and Independents.

What is more, this poll found that almost three-quarters of registered voters, including a majority of Republicans, support setting strict limits on carbon pollution from coal-fired powerplants, and a majority of Republicans, Independents, and Democrats support imposing a revenue neutral carbon tax on fossil fuel companies. A majority of Republicans support imposing a revenue neutral carbon tax on fossil fuel companies.

Well, I have had a bill with Senator SCHATZ in the last several Congresses to do just that—charge a fee on the polluters for their carbon emissions and then return all the revenue raised to the American people. Several bills on the House side also price carbon pollution, and a few even had Republican cosponsors.

These bills went nowhere under Republican leadership, notwithstanding these numbers and notwithstanding public support. Why? Because the fossil fuel industry opposes them—so no hearings, no vote, no nothing.

What did get a vote in the House last year under Republican leadership? A resolution condemning carbon pricing—condemning the carbon pricing that a majority of Republican voters support—backed, of course, by the fossil fuel industry. Virtually every expert, economist, and scientist who has studied the question says that putting a price on carbon pollution is not only the right thing to do morally and economically but is necessary to keep global temperatures from climbing 2 degrees Celsius above preindustrial norms, as the scientific consensus makes clear we must do at a minimum—at a minimum. If we blow past 2 degrees, all bets are off, and the consequences of climate change may become irreversible. Even at 1.5 degrees, we are taking chances, but dozens of industry-backed front groups—this is hard to see, but this is the usual array of web-of-denial, phony-baloney front groups that have been supported, funded, and created by the fossil fuel industry so people don't think it is the fossil fuel industry committing this nonsense. They have groups with names such as ALEC, the Competitive Enterprise Institute, Americans for Tax Reform, Heartland Institute, and Institute for Liberty. These groups clean up their propaganda for them.

So here come these letters. These industry-backed front groups had one important thing going for them that the Nobel Prize-winning economists on the other side couldn't match, and that is big political money and the fossil fuel industry behind them. Groups behind this letter to Speaker RYAN received at

least \$54 million from Big Oil and the Koch brothers' political network—at least \$54 million. We don't know for sure because of their clandestine, dark money funding network. Likely, it is far more.

The minimum \$54 million that the fossil fuel industry funded these groups with may likely be far more because so much of the fossil fuel industry's funding is obscured through dark money channels to hide their hand.

What did they achieve? Well, they got a vote. Unlike the carbon pricing bills, they got a vote on the House floor. Speaker RYAN brought the fossil fuel-funded resolution to a vote, and with the Republican caucus largely a wholly owned subsidiary of the fossil fuel industry, the resolution passed.

There is a whole case study in corruption here, as the Founding Fathers would define it, but the simple lesson for today's purposes: Money talks and big fossil fuel money commands.

This situation stinks. The polls I just went through and others show what Americans want. Americans want jobs, Americans want clean air, Americans want a healthy climate, and Americans want to be safe from extreme weather, wildfires, and rising seas, and Americans know clean energy solutions will get them there.

Americans are ready for bipartisan action, and before the Supreme Court's decision in Citizens United came along, we had bipartisan action in the Senate on climate. We had lots of bipartisan action in the Senate on climate, but with Citizens United, unlimited money launched into our politics and things changed, and now the strings are pulled by Big Oil, Big Coal, and a couple of creepy fossil fuel industry billionaires.

Special interest money has infected almost everything we do in Congress, and it is the flagrant fact of our non-response to the climate crisis. The warnings have been coming for decades—first from the scientists, then from the economists, now from practically everywhere.

I went to the capital city of the Presiding Officer's State and was told there that the staffing requirements for police and fire were going to have to change because Phoenix, AZ, was becoming so hot that to get people to work outside, responding to emergencies, responding to fires and so forth, you had to build in a whole new staffing regime because it was so hard to work in the new levels of heat that the city of Phoenix is experiencing. You have to be able to rotate people much faster through crime scenes and through fire scenes and you had to have other people willing to stand by and cool them off after they were exposed to superheating.

So it is everywhere now. If you live on the coast, it is sea level; if you live out West, it is wildfires, and it includes Republican voters and particularly younger Republican voters.

Remember what the recently departed Republican Member of Congress

said: "My party will never earn the votes of millennials unless it gets serious about finding solutions."

Well, clean energy is a solution. The fact of all this Republican voter support on the one hand is a sign of hope for the new year—of hope that elected Republicans will hear their voters and will take action and support the clean energy solutions that can avert the climate crisis. At the same time, the voters on the Republican side who are saying what they want are also being ignored. Therefore, these numbers are equally telling of the secretive political forces at work in Congress to bottle us up and to prevent what even Republican voters want.

There is a rot in our politics, and our failure on climate change is a telling indicator of that rot. The whole world is watching. America is supposed to be "a City upon a Hill," an example for the world. They don't stop looking when we are a bad example. We have to get serious about this. Time is running out. It is time to wake up, and it is time to clean up.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I thank my friend from Rhode Island.

#### CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk for S.J. Res. 2.

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

The bill 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, hereby move to bring to a close the debate on S.J. Res. 2, a joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.

John Thune, Mike Crapo, Tom Cotton, Todd Young, John Cornyn, Jerry Moran, John Boozman, Deb Fischer, John Hoeven, Susan M. Collins, Cory Gardner, Dan Sullivan, Marco Rubio, Richard Burr, John Barrasso, Pat Roberts, Roger F. Wicker, Thom Tillis, Shelley Moore Capito, Mitch McConnell.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

#### MORNING BUSINESS

Mr. MCCONNELL. Madam 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.

#### SENATE SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mr. BURR. Madam President, I ask unanimous consent that the Senate Select Committee on Intelligence's Rules of Procedure be 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 SELECT COMMITTEE ON INTELLIGENCE

##### RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every Tuesday of each month that the Senate is in session, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. 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, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five 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 seven calendar days thereafter, including the day on which the written notice is submitted, these 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.

##### RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present, the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy;

and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such 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 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

#### RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of 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 three working days in which to file such views, in writing with the 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.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

#### RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a response to the Committee's background questionnaire and financial disclosure statement with the Committee.

#### RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members

of the Committee and/or designated Committee staff members.

#### RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

#### RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. Notice.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. Oath or Affirmation.—At the direction of the Chairman or Vice Chairman, testimony of witnesses may be given under oath or affirmation which may be administered by any member of the Committee.

8.3. Questioning.—Committee questioning of witnesses shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. Counsel for the Witness.—(a) Generally. Any witness may be accompanied by counsel, subject to the requirement of paragraph (b).

(b) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject matter was classified in nature, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(c) Conduct of Counsel for the Witness. Counsel for witnesses appearing before the Committee shall conduct themselves in an ethical and professional manner at all times in their dealings with the Committee. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(d) Role of Counsel for Witness. There shall be no direct or cross-examination by counsel for the witness. However, counsel for the witness may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel for the witness also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. Statements by Witnesses.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent

with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee, unless the Chairman and Vice Chairman determine there is good cause for noncompliance with the 48 hours requirement.

8.6. Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. Requests To Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request in writing to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the questioning of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. Contempt Procedures.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to address such contempt recommendation or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

#### RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict security procedures administered by the Committee Security Director under the direct supervision of the Staff Director and Minority Staff Director. At least one United States Capitol Police Officer shall be on duty at all times at the entrance

of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is strictly prohibited except as is necessary for the conduct of Committee business, and as provided by these Rules. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. "Committee sensitive" means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information received by, or in the possession of, the Committee to any other person, except as specified in this Rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the

Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

9.11 Attendance of agencies or entities that were not formally invited to a closed proceeding of the Committee shall not be admitted to the closed meeting except upon advance permission from the Chairman and Vice Chairman, or by the Staff Director and Minority Staff Director acting on their behalf.

#### RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice

Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not

be limited to, revocation of the Committee sponsorship of the staff person's security clearance and immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. 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, handicap, or disability.

#### RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director may recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

#### RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

#### RULE 13. COMMITTEE TRAVEL

No member of the Committee or Committee Staff shall travel on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

#### RULE 14. SUSPENSION AND AMENDMENT OF THE RULES

(a) These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

(b) These Rules shall continue and remain in effect from one Congress to the next Congress unless they are changed as provided herein.

#### APPENDIX A

S. RES. 400, 94TH CONG., 2D SESS. (1976)[1]

*Resolved*, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the

Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains

any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring

the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) 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.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, es-

tablished by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: Provided, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term “department or agency” includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member’s designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as provided in subsections (b) and (c), the Select Committee shall have jurisdiction to review, hold hearings, and report the nominations of civilian individuals for positions in the intelligence community for which appointments are made by the President, by and with the advice and consent of the Senate.

“(2) Except as provided in subsections (b) and (c), other committees with jurisdiction over the department or agency of the Executive Branch which contain a position referred to in paragraph (1) may hold hearings and interviews with individuals nominated for such position, but only the Select Committee shall report such nomination.

“(3) In this subsection, the term ‘intelligence community’ means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the Select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the Select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2) If, upon the expiration of the period described in paragraph (1), the Select Committee has not reported the nomination, such nomination shall be automatically discharged from the Select Committee and placed on the Executive Calendar.

“(c)(1) With respect to the confirmation of appointment to the position of Director of the National Security Agency, Inspector General of the National Security Agency, Director of the National Reconnaissance Office, or Inspector General of the National Reconnaissance Office, or any successor position to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is a member of the Armed Forces on active duty, shall be referred to the Committee on Armed Services and, if and when reported, to the Select Committee for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2) With respect to the confirmation of appointment to the position of Director of the National Security Agency, Inspector General of the National Security Agency, Director of the National Reconnaissance Office, or Inspector General of the National Reconnaissance Office, or any successor position to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is not a member of the Armed Forces on active duty, shall be referred to the Select Committee and, if and when reported, to the Committee on Armed Services for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Committee on Armed Services shall have an additional 5 calendar days after the Senate reconvenes to report the nomination.

“(3) If, upon the expiration of the period of sequential referral described in paragraphs (1) and (2), the committee to which the nomination was sequentially referred has not reported the nomination, the nomination shall be automatically discharged from that committee and placed on the Executive Calendar.”

#### APPENDIX B

INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

#### TITLE III—COMMITTEE STATUS

Sec. 301(b) Intelligence.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

#### TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

Sec. 401. Subcommittee Related to Intelligence Oversight.

(a) Establishment.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) Responsibility.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

Sec. 402. Subcommittee Related to Intelligence Appropriations.

(a) Establishment.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) Jurisdiction.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

#### APPENDIX C

#### RULE 26.5(B) OF THE STANDING RULES OF THE SENATE

(REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen 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) would require the meeting 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 meetings—

(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 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.

#### TRIBUTE TO DR. CHI WANG

Mr. RISCH. Madam President, today I wish to honor the long and distinguished career of Chi Wang, Ph.D. The year 2018 marked the 90th anniversary of the creation of the Chinese Section at the U.S. Library of Congress in 1928. Dr. Wang spent nearly 50 years working at the Library of Congress, ultimately serving as the head of the Chinese and Korean section until his retirement in 2004.

Dr. Chi Wang came to the United States from China as a high school student in 1949. He completed his undergraduate and graduate degrees in the Washington, DC, area, ultimately earning a Ph.D. in American diplomatic history from Georgetown University in

1969. He also began pursuing his own American dream by becoming a U.S. citizen, getting married, starting a family and starting a career at the Library of Congress.

Dr. Wang worked for 3 years at the State Department's Foreign Service Institute before starting at the U.S. Library of Congress. He served in several positions during his 47-year career at the Library and reached the position of head of the Chinese and Korean section in 1975, which he held until he retired. During his tenure, he expanded the library's Chinese collection from 300,000 volumes to more than 1 million. Under his guidance, the Library of Congress became a top resource for the study of China in the United States. Dr. Wang met with countless U.S. Representatives, Senators, officials, and academics to help them effectively use the Library resources.

After President Nixon traveled to China in 1972, Dr. Wang embarked on a trip to China in his role at the Library of Congress to promote library and educational exchanges. The trip was a great success, leading to future exchanges, large book acquisitions, and an increase in mutual understanding between the U.S. and China during a very delicate time when the two countries were only just beginning to establish ties.

Although the Library of Congress Chinese section was abolished and its collection integrated into the larger Asian division, the legacy of the Chinese collection and the contributions Dr. Wang made to develop this important resource still remains. His efforts over the years have helped deepen the U.S. understanding of China, something that is especially necessary today. Professor Wang continues to dedicate his time to improving U.S.-China mutual understanding as the co-founder and president of the Washington, DC-based nonprofit, the U.S.-China Policy Foundation. He also contributes his own scholarship in the field, having published multiple books and articles on U.S.-China relations.

Dr. Wang still remembers fondly his decades working at the Library of Congress. What started simply as a job turned into a career and lifelong passion. He especially enjoyed the times he met with various Members of Congress.

As we, again, face a challenging time in U.S.-China relations, the resources and information available in the Library of Congress can help in providing increasingly useful information in understanding the complex and ever-changing U.S.-China relationship.

#### TRIBUTE TO PATRICK NEWBOLD

Mr. BOOZMAN. Madam President, today I wish to pay tribute to Mr. Patrick Newbold for his exemplary dedication to duty and service as an Army Congressional Fellow and Congressional Budget Liaison for the Assistant Secretary of the Army, Financial Man-

agement and Comptroller. Mr. Newbold is transitioning from his present assignment to continue his selfless service with the U.S. Corps of Engineers.

A native of Florida, Mr. Newbold joined the Department of Army in 2004 as an Army Materiel Command Fellow upon graduation from Bethune-Cookman University with a bachelor's degree in computer information systems. He also holds a masters of business administration from Texas A&M- Texarkana and a master's of professional studies in legislative affairs from the George Washington University.

Mr. Newbold has served in a broad range of assignments during his 15-year Army career. His assignments took him to the most strategic locations responsible for modernizing, equipping, and empowering our Army soldiers to fight and win wars; Red River Army Depot, Texarkana, TX; Redstone Arsenal, AL; the Pentagon; and the headquarters of the United States Corps of Engineers, Washington, DC. He has held many positions, thriving in supervisory positions hallmarked by his servant leadership.

In 2018, I had the privilege of working with Mr. Newbold in my capacity as the chairman of the Senate Appropriations Committee Subcommittee on Military Construction, Veterans Affairs, and Related Agencies. Mr. Newbold worked tirelessly with Members of Congress and their staffs to articulate the Army's budget positions to the appropriations committees. His professionalism, diligence and commitment to the mission are unmatched, and his work both as a fellow for Congressman SANFORD BISHOP and as a budget liaison effectively represented the U.S. Army and the Department of Defense to the U.S. Congress.

Throughout his career, Mr. Newbold has made positive impacts on the lives of soldiers, peers, and superiors. Our country has benefited tremendously from his extraordinary leadership, judgment, and passion. I join my colleagues today in honoring his dedication to our Nation and invaluable service to the U.S. Congress as an Army Congressional Liaison.

It was a genuine pleasure to have worked with Mr. Patrick Newbold over the last year. On behalf of a grateful nation, I join my colleagues today in recognizing and commending Patrick for his service to our country, and we wish him all the best as he continues his service in the U.S. Army.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JEFFREY WILEY

• Mr. CASSIDY. Madam President, today I wish to congratulate Ascension Parish Sheriff Jeffrey Wiley on an exceptional career and to thank him for his service to the people of Louisiana. Sheriff Wiley has served Louisiana honorably, putting his life on the line

for the protection and safety of his community for many years.

Sheriff Wiley is a Marine Corps veteran and began his law enforcement career while attending advanced military police training at Fort Gordon in Georgia. He joined the Ascension Parish Sheriff's Department in 1974 as a patrol officer and was quickly promoted to the detective division in 1975, where he specialized in juvenile justice.

It was during this time that Sheriff Wiley helped organize several initiatives, including the Junior Deputy Program and the Sheriffs Young Adult League. He would later go on to serve on the Ascension Parish School Board, where he helped establish numerous programs, such as the Substance Abuse Education Program and the placement of substance abuse counselors in the schools.

In 1988, he returned to the Ascension Parish Sheriff's Department and was appointed chief criminal deputy. He spearheaded the department's first full-time narcotics division and the implementation of the D.A.R.E. program. After being elected sheriff, he grew the patrol/traffic force by 40 percent, increased police salaries, and put more officers on the street. His first term was so successful that he became the first sheriff in the history of Ascension Parish to be reelected without opposition. In 2009, he was inducted into the Louisiana Justice Hall of Fame.

It is because of his long list of accomplishments and good deeds that we honor Sheriff Wiley. We thank him for his commitment to the people of Ascension Parish and to the people of our State. Our communities are safer because of his dedication to the rule of law. Thank you, Sheriff Wiley, for 22 years in office and for a lifetime of service to Ascension Parish and to Louisiana.●

#### TRIBUTE TO SUSAN McVEY

• Mr. INHOFE. Madam President, I would like to offer my congratulations to Susan McVey, a fellow Oklahoman, on her exemplary service to the State of Oklahoma as a dedicated librarian for the past 32 years.

Ms. McVey's distinguished and honorable record of leadership within the Oklahoma Department of Libraries is a model for future generations. Her effort to bring access to online reference and information resources for all Oklahoma libraries and schools continues to impress. Additionally, thousands of Oklahomans have been granted access to library services through her work to reform the administration of State aid grants to public libraries. I am confident these efforts will reap benefits for generations.

Ms. McVey's legacy will be an inspiration for many in the years ahead, and I am proud to call her a fellow Oklahoman. Again, congratulations to her on her well-deserved retirement, and I thank her for her commitment to the people of Oklahoma.●

## TRIBUTE TO AL HODGE

• Mr. ISAKSON. Madam President, today I am honored to recognize in the RECORD Albert M. Hodge, Jr., of Rome, GA.

Al Hodge is an economic development leader whom I have known for more than three decades, dating back to his work as chief executive officer of the Charleston Metro Chamber of Commerce in South Carolina in the 1980s. We have worked together in business, when I was in the State legislature and chairman of the State board of education, and still today in our current roles.

Al is a fellow University of Georgia bulldog, who led the Charleston chamber for 8 years, the Augusta chamber in Georgia for 8 years, and now the Rome Floyd Chamber of Commerce in north-west Georgia for what will be 21 years when he retires from the chamber business this April.

Al is not one to take credit, but his professional accomplishments tell a lot of his story not only in these communities, but also across multiple States and even internationally.

Al is the current vice chair of the Japan America Society of Georgia and, along with me, a member of the Society of International Business Fellows. He graduated from Leadership Georgia a few years after me, and he has always remained active with the organization. Al also served as a member and as vice chair of the Georgia Board of Education and multiple other education-focused boards. He is a past chairman and a current board member of the Georgia Department of Community Affairs. Al has also served as chair of Georgia's economic development professional association, the State's chamber of commerce professional association, and he has taught economic development at the U.S. Army War College, internationally with our alma mater, and other organizations.

Al is an expert in his field. He understands the countless factors that play into successful economic development, he builds coalitions to mount successful campaigns, and his work has paid off time and again.

Rome is a great community, with many leaders and good friends of mine, but in large part thanks to Al's personal investment of time and energy into his role, the community has gained more than \$1.2 billion in direct investments by primary employers and the creation and retention of over 7,000 new primary jobs, not counting commercial, service, and other jobs, during his time there.

Al was an instrumental member of the coalition that built State Mutual Stadium and brought the Braves organization's Class-A ball club to the community in 2003, the Rome Braves. Thanks to his leadership, the community passed not only the Special Purpose Local Option Sales Tax—SPLOST—but also more of these initiatives over the years to benefit the community's schools, roads, airport and

countless other services. Most recently, he guided development of the Rome Tennis Center at Berry College, the Nation's largest single-surface facility, with 60 courts across 30 acres.

While Al has led the chamber, the community has seen the location of major headquarters and manufacturing investments, including Pirelli Tire North America, Suzuki Manufacturing of America, Neaton Auto Products Manufacturing, and a major Lowe's distribution center.

In addition to my visits to Rome and seeing him in the State, I have spent time with Al and the Rome chamber at least once a year in Washington, and I have spent the last 15 years working with his daughter as a member of my staff. Of all his professional accomplishments, it is Al's family, friends, and colleagues whom he truly cherishes and champions.

Al is a great guy, and I want to wish Al and his talented wife Cheryl Riner Hodge—who has been a true partner to Al, in addition to her own career as an artist—the very best as he retires from the chamber. I also look forward to the Hodges' continued success in economic development as they go on to launch the next phase of their lives and careers. Many more will benefit from their continued efforts in this field.●

## TRIBUTE TO TED AMES

• Mr. KING. Madam President, today I wish to recognize Mr. Ted Ames, of Stonington, ME, as he retires from the board of directors for Maine Center for Coastal Fisheries, MCCF. Ted has been a lifelong member of the Maine fishing community, and his knowledge and expertise will be missed by the board of MCCF. Maine fishing communities and our entire State are proud of Ted's work and we wish him all the best in his retirement.

Ted was born and raised on Vinalhaven, one of the many vibrant island communities off the coast of Maine. Like so many before him, Ted has the ocean in his blood; he spent more than three decades as the captain of two boats, the F/V *Mary Elizabeth* and F/V *Dorothy M.*, fishing for groundfish, scallops, and lobster. Ted was an early member of the Stonington Fisheries Alliance and then founded and served on the board of the Penobscot East Resource Center in Stonington, which is now the Maine Center for Coastal Fisheries. Ted also founded and directed the Zone C Lobster Hatchery in Stonington. He is the former executive director of the Maine Gillnetters Association and a member of the Maine Marine Resources Committee to Establish a Lobster Zone Management Plan.

Not only did Ted have a long career as a fisherman, but he also taught at the University of Maine and Mt. Desert Island High School, educating the next generation about chemistry, biochemistry, and environmental science. Ted has a M.S. in biochemistry with a specialty in tissue culture and 6 years

of research experience; he has won numerous recognitions including the 2005 MacArthur Foundation's Genius Award, Monmouth University's 2007 "Champion of the Oceans" Award, and was named a visiting coastal studies scholar at Bowdoin College in 2010. In 2007, he was the Geddes W. Simpson Distinguished Lecturer at the University of Maine for his work at the intersection of science and history.

Ted's career clearly shows his passion for ensuring that the tradition of fishing is preserved for generations to come. Ted has worked to restore cod, haddock, and flounder in the eastern Gulf of Maine, working with the Maine Department of Marine Resources to conduct interviews with retired fishermen, map historical stock distributions, and publish a paper that helped provide the scientific evidence that would explain the depletion of the fish in the area.

Ted has served his community and the State of Maine for many years in so many ways, and we are lucky to call him one of our own. While we will miss Ted's wisdom, knowledge, and work ethic at MCCF, we wish him and his wife Robin Alden nothing but the best in this new chapter.●

REMEMBERING BARNEY  
GOTTSTEIN

• Ms. MURKOWSKI. Madam President, I speak in loving memory of Barney Gottstein, a patriarch of Alaska's Jewish community, who passed away on October 21 at the age of 91. He was buried in the Anchorage Cemetery on October 22, in accordance with Jewish burial traditions.

I suspect that my colleagues might not be aware that Alaska is home to a thriving Jewish community or that the origins of that community preceded statehood by generations. One might be even more surprised to know that Barney was not the first generation of Gottsteins to occupy a leadership role in prestatehood Alaska, but the second generation. The Gottstein family is up to four generations of leadership, with a fifth—the great-grandchildren—now in place.

The first generation, Barney's father, Jacob B. Gottstein, originally of Des Moines, IA, came to Anchorage in 1915, selling cigars and confections out of the tent city established to construct the Alaska railroad. Jake, as he was known, then opened a wholesale grocery and dry goods business, known as J.B. Gottstein & Co., which made sales calls by dog sled. You can't get more Alaskan than that. Jake passed away in 1963.

Barney was born in Des Moines in 1925, but soon moved to Anchorage, population 2,500, where he was raised. He enlisted in the Army and served in the Army Air Corps. After the war, Barney went to the University of Washington, studying to be an aeronautical engineer. That didn't work out so well. He was told by a counselor

that anti-Semitism would likely prevent Barney from getting a job in his chosen field, so he switched to business and economics and came home to work in the family business, but he didn't abandon his love for flying. Barney was a licensed private pilot who loved to fly around Alaska and beyond.

By the time Barney returned home, the family business was growing as fast as the State. The focus had changed from dry goods to wholesale groceries. Barney took it the next step. One of J.B. Gottstein's customers was the Carr Brothers Grocery. The rest is history.

Barney partnered with Larry Carr to grow the retail grocery business and pursue real estate ventures. Carr's Quality Centers sprung up throughout Alaska, along with an associated chain of Eagle markets. By the late 1980s, the Carr-Gottstein group of companies was the largest Alaska-owned business in the State. Barney and Larry sold the grocery side of the business in 1990 but remained in the real estate business. Today the Carr's name remains on grocery stores in Anchorage, Eagle River, and the Mat-Su Valley.

In 1989, Barney was inducted into the Alaska Business Hall of Fame, and in 1991, he was awarded an honorary doctor of laws degree by the University of Alaska Fairbanks.

Barney's business success in Alaska was deeply respected, but his community engagement even more so. He was chair of the Alaska Board of Education and provided financial assistance that enabled hundreds of Alaska Natives to pursue schooling. He was an inaugural member of the Alaska State Commission on Human Rights as well.

Barney was active in Alaska's political life as well. He was chairman of the Alaska Democratic Party, Alaska's Democratic National Committeeman, and an Alaska delegate to the Democratic National Conventions.

I mentioned that Barney was one of the patriarchs of Alaska's Jewish community. An early supporter of the State of Israel, he was the face of the American Israel Public Affairs Committee, AIPAC, in Alaska for many years. Today, Barney's son David leads the AIPAC group in Alaska and, in that capacity, is a frequent visitor to my office. He provided financial support to enable young Jewish Alaskans to participate in the "March of the Living," so that they might better understand the legacy of the Holocaust. He visited Israel on many occasions and took on the cause of supporting Ethiopian Jews who had made Aliyah to Israel integrate into society and pursue advanced degrees.

Barney was not only a father figure to the Alaska Jewish community. He was the patriarch of a large family himself. Barney is survived by Rachel, his second wife, of 32 years, who not surprisingly he met on a trip to Israel. Barney was father to seven children. Some of Barney's children have followed in their father's footsteps to

achieve positions of great respect and prominence in Alaska. I am proud to count David, Jim, Robert, and Sandy among my friends. A fourth generation of the Gottstein family, the grandchildren, are just beginning to make their mark, and there are great-grandchildren behind them.

On behalf of my Senate colleagues, I proudly pay my respects to Barney Gottstein and his wonderful family. May his memory be a blessing. ●

#### 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

As 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 committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 10:08 a.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 116. An act to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency, and for other purposes.

H.R. 206. An act to amend the small business laws to create certain requirements with respect to the SBIR and STRR program, and for other purposes.

H.R. 246. An act to amend the Small Business Act to require senior procurement executives, procurement center representatives, and the Office of Small and Disadvantaged Business Utilization to assist small business concerns participating in the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

H.R. 430. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through June 30, 2019.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 116. An act to amend the Small Business Investment Act of 1958 to increase the amount that certain banks and savings associations may invest in small business investment companies, subject to the approval of the appropriate Federal banking agency, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 206. An act to amend the small business laws to create certain requirements

with respect to the SBIR and STTR program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

H.R. 246. An act to amend the Small Business Act to require senior procurement executives, procurement center representatives, and the Office of Small and Disadvantaged Business Utilization to assist small business concerns participating in the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

#### MEASURES DISCHARGED

The following joint resolution was discharged from the Committee on Banking, Housing, and Urban Affairs, pursuant to section 216(c)(5)B) of Public Law 115-44, and placed on the calendar:

S.J. Res. 2. Joint resolution disapproving the President's proposal to take an action relating to the application of certain sanctions with respect to the Russian Federation.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-72. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Nuclear Classification and Declassification" ((RINI1992-AA49) (10 CFR Part 1045)) received in the Office of the President of the Senate on January 3, 2019; to the Committee on Energy and Natural Resources.

EC-73. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-478, "Neighborhood Safety and Engagement Fund Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-74. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-499, "Access to Public Benefits Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-75. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-502, "Parent-led Play Cooperative Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-76. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-503, "Revised Synthesis Abatement and Full Enforcement Drug Control Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-77. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-519, "Fiscal Year 2019 Budget Support Clarification Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-78. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 22-532, "Prevention of Child Abuse and Neglect Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-79. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-533, "Clarification of Hospital Closure Procedure Temporary Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-80. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-492, "Rental Housing Commission Independence Clarification Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-81. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-500, "Advisory Neighborhood Commissions Debit Cards Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-82. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-501, "Rental Housing Affordability Re-establishment Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-83. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-504, "Elections Modernization Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-84. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-505, "At-Risk Tenant Protection Clarifying Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-85. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-506, "Access to Treatment for Anaphylaxis Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-86. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-507, "Rebate Reform Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-87. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-508, "Extension of Time to Dispose of 8th & O Streets N.W., Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-88. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-511, "Ensuring Community Access to Recreational Spaces Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-89. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-512, "Pathways to District Government Careers Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-90. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-513, "Save Good Food Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-91. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-514, "Interstate Insurance Product Regulation Compact Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-92. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-515, "Trafficking Survivors Relief Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-93. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-516, "Teachers, Police, and Firefighters Retirement Benefits Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-94. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-517, "Service Contract Regulation Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-95. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-518, "Bruce Robey Court Designation Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-96. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-534, "Salary Adjustment Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-97. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-535, "Closing of a Public Alley in Square 653, S.O. 15-26384, Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-98. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-536, "Vacancy Increase Reform Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-99. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-537, "Omnibus Department of For-Hire Vehicles Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-100. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-538, "Leaf Blower Regulation Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-101. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-539, "Daytime School Parking Zone Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-102. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-540, "Vulnerable Population and Employer Protection Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-103. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 22-541, "Boxing and Wrestling Commission Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-104. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-542, "Parcel 42 Surplus Property Declaration and Disposition Approval Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-105. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-543, "Approval of the Comcast of the District, LLC Cable Television System Franchise Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-106. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-544, "Approval of the Starpower Communications Open Video System Franchise Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-107. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-545, "Relocation of a Passage-way Easement in Square 696 Authorization Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-108. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-546, "Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-109. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-547, "Fiscal Year 2019 Budget Support Clarification Amendment Act of 2018"; to the Committee on Homeland Security and Governmental Affairs.

EC-110. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (RIN3064-AE76) received in the Office of the President of the Senate on January 10, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-111. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (RIN7100-AF25) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-112. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Consumer Leasing (Regulation M)" (RIN7100-AF24) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-113. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Appraisals for Higher-Priced Mortgage Loans Exemption" (RIN7100-AF26) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-114. A communication from the Assistant to the Board of Governors of the Federal

Reserve System, transmitting, pursuant to law, the report of a rule entitled “Federal Reserve Bank Capital Stock” (RIN7100-AF27) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-115. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks” (RIN7100-AF09) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-116. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Application of the RFI(C/D) Rating System to Savings and Loan Holding Companies” (Docket No. OP-1631) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-117. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Large Financial Institution Rating System; Regulations K and LL” (RIN7100-AE82) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-118. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Community Reinvestment Act Regulations” (RIN7100-AF32) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-119. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Liquidity Coverage Ratio Rule: Treatment of Certain Municipal Obligations as High-Quality Liquid Assets” (RIN7100-AF10) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-120. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled “Margin and Capital Requirements for Covered Swap Entities; Final Rule” (RIN7100-AE96) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-121. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Extension of Import Restrictions Imposed on Certain Archaeological and Ecclesiastical Ethnological Material from Bulgaria” (RIN1515-AE41) (CBP Dec. 19-01) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Finance.

EC-122. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Extension of Import Restrictions Imposed on Certain Archaeological Material from Bulgaria” (RIN1515-AE42) (CBP Dec. 19-02) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Finance.

EC-123. A communication from the Chief of Negotiations and Restructuring, Pension

Benefit Guaranty Corporation, transmitting, pursuant to law, a notification that the Corporation has issued an order partitioning the Plasterers and Cement Masons Local No. 94 Pension Plan pursuant to section 4233 of the Employee Retirement Income Security Act of 1974, as amended; to the Committees on Health, Education, Labor, and Pensions; and Finance.

EC-124. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Fiscal Year 2015 Report to Congress on Community Services Block Grant Discretionary Activities—Community Economic Development and Rural Community Development Programs”; to the Committee on Health, Education, Labor, and Pensions.

EC-125. A communication from the Director, White House Liaison, Department of Education, transmitting, pursuant to law, a report relative to a vacancy in the position of Chief Financial Officer of the Department of Education, received in the Office of the President of the Senate on January 10, 2019; to the Committee on Health, Education, Labor, and Pensions.

EC-126. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Adjustment of Civil Penalties for Inflation” ((RIN1212-AB45) (29 CFR Parts 4071 and 4302)) received in the Office of the President of the Senate on January 10, 2019; to the Committee on Health, Education, Labor, and Pensions.

EC-127. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, an annual report on crime victims’ rights; to the Committee on the Judiciary.

EC-128. A communication from the Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Per Diem Paid to States for Care of Eligible Veterans in State Homes” (RIN2900-A088) received in the Office of the President of the Senate on January 2, 2019; to the Committee on Veterans’ Affairs.

EC-129. A communication from the Assistant Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Veterans’ Group Life Insurance Increased Coverage” (RIN2900-AQ12) received in the Office of the President of the Senate on January 11, 2019; to the Committee on Veterans’ Affairs.

EC-130. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska” (RIN0648-XF900) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-131. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area” (RIN0648-XF925) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-132. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

“Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfers” (RIN0648-XF937) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-133. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2018 River Herring and Shad Catch Cap Reached for Midwater Trawl Vessels in the Mid-Atlantic/Southern New England Catch Cap Area” (RIN0648-XG087) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-134. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish; 2018 River Herring and Shad Catch Cap Reached for the Directed Atlantic Mackerel Commercial Fishery” (RIN0648-XG054) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-135. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Highly Migratory Species; Commercial Blacktip Sharks, Aggregated Large Coastal Sharks, and Hammerhead Sharks in the Western Gulf of Mexico Sub-Region; Closure” (RIN0648-XG021) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-136. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “2017 Reapportionment Between Tribal and Non-tribal Sectors; Widow Rockfish Reapportionment in the Pacific Whiting Fishery” (RIN0648-BH38) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

EC-137. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Closure of the Penaeid Shrimp Fishery Off Georgia” (RIN0648-XF965) received in the Office of the President of the Senate on January 9, 2019; to the Committee on Commerce, Science, and Transportation.

#### 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. SCHUMER:

S. 115. A bill for the relief of Alemseghed Mussie Tesfamica; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Mr. BOOKER, and Ms. HARRIS):

S. 116. A bill to address maternal mortality and morbidity; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. GARDNER, Ms. BALDWIN, Mr. BENNET,

Mr. BLUMENTHAL, Ms. CANTWELL, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. JONES, Mr. LEAHY, Mr. MARKEY, Mrs. MURRAY, Mr. VAN HOLLEN, Ms. WARREN, Mr. TESTER, Mr. SANDERS, Mr. DURBIN, Mr. BOOKER, Mr. MERKLEY, and Ms. SMITH):

S. 117. A bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself and Mr. YOUNG):

S. 118. A bill to require the Director of the National Science Foundation to develop an I-Corps course to support commercialization-ready innovation companies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself, Mr. BLUNT, Mrs. HYDE-SMITH, Mr. RISCH, Mr. HAWLEY, Mr. INHOFE, Mr. LANKFORD, Mr. ROBERTS, Mr. ENZI, Ms. ERNST, Mrs. FISCHER, Mr. CRAMER, Mr. ROUNDS, Mr. CRUZ, Mr. CASSIDY, Mr. SCOTT of South Carolina, and Mr. PERDUE):

S. 119. 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; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Ms. HIRONO, Mrs. FEINSTEIN, Ms. HARRIS, Mr. CASEY, Mr. BLUMENTHAL, Mr. DURBIN, Mr. WYDEN, Mr. REED, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. MARKEY, Mr. UDALL, Mr. MURPHY, Mr. TESTER, Mr. MERKLEY, Mr. COONS, Ms. SMITH, Mr. CARPER, Ms. WARREN, Mr. BOOKER, Ms. STABENOW, Mr. JONES, Mr. BENNETT, Mr. PETERS, Mrs. SHAHEEN, Mr. BROWN, Mr. SANDERS, Mr. MENENDEZ, and Mr. CARDIN):

S. 120. A bill to protect victims of stalking from gun violence; to the Committee on the Judiciary.

By Mr. JONES (for himself, Mr. ALEXANDER, and Mrs. BLACKBURN):

S. 121. A bill to require a study of the well-being of the United States automotive industry and to stay the investigation into the national security effects of automotive imports until the study is completed, and for other purposes; to the Committee on Finance.

By Mr. PERDUE (for himself, Mr. LEAHY, Mrs. CAPITO, Ms. COLLINS, and Mr. UDALL):

S. 122. A bill to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces; to the Committee on the Judiciary.

By Ms. ERNST (for herself, Mr. COONS, Mr. GRASSLEY, and Mr. BOOZMAN):

S. 123. A bill to require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and to provide individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO:

S. 124. A bill to amend the Fair Labor Standards Act of 1938 to prevent employers from using non-compete agreements in employment contracts for certain non-exempt

employees; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CORTEZ MASTO (for herself and Mr. LEE):

S. 125. A bill to amend the Agricultural Act of 2014 to repeal the forfeiture rule for peanuts under the nonrecourse marketing assistance loan program, prohibit the use of Federal funds for certain activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI (for herself and Mr. SCHATZ):

S. 126. A bill to direct the Secretary of the Interior to establish a demonstration program to adapt the successful practices of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to Native communities in similarly situated remote areas in the United States, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself, Ms. HARRIS, Ms. WARREN, Mr. MENENDEZ, and Mr. MARKEY):

S. 127. A bill to direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TESTER (for himself, Mr. WYDEN, Mrs. SHAHEEN, Ms. HASSAN, and Mr. MERKLEY):

S. 128. A bill to regulate certain State impositions on interstate commerce; to the Committee on Finance.

By Ms. HARRIS (for herself and Mrs. FEINSTEIN):

S. 129. A bill to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SASSE (for himself, Mr. BARRASSO, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BRAUN, Mr. BURR, Mr. CASSIDY, Mr. CORNYN, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. ERNST, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAWLEY, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. LANKFORD, Mr. MCCONNELL, Mr. MORAN, Mr. PERDUE, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. THUNE, Mr. TILLIS, Mr. YOUNG, Mr. GRAHAM, Mr. WICKER, and Mr. ENZI):

S. 130. 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; to the Committee on the Judiciary.

By Mr. CASSIDY (for himself, Mr. INHOFE, Mr. BARRASSO, Mrs. HYDE-SMITH, Mr. WICKER, Mrs. BLACKBURN, and Mr. PERDUE):

S. 131. A bill to amend title XIX of the Social Security Act to prohibit Federal Medicaid funding for the administrative costs of providing health benefits to individuals who are unauthorized immigrants; to the Committee on Finance.

By Mr. GARDNER:

S. 132. A bill to establish the Commission on the State of U.S. Olympics and Paralympics; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself, Mr. KING, Mr. SULLIVAN, Ms. CANTWELL, and Mr. WHITEHOUSE):

S. 133. A bill to award a Congressional Gold Medal, collectively, to the United States

merchant mariners of World War II, in recognition of their dedicated and vital service during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. 134. A bill to amend title 18, United States Code, with regard to stalking; to the Committee on the Judiciary.

By Mr. THUNE:

S. 135. A bill to prioritize the allocation of H-2B visas for States with low unemployment rates; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. CASEY, Mr. BLUMENTHAL, Mr. VAN HOLLEN, and Mr. JONES):

S. 136. A bill to amend the Social Security Act to establish a new employment, training, and supportive services program for the long-term unemployed and individuals with barriers to employment, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MANCHIN (for himself, Ms. ROSEN, Mr. CASEY, Mr. TESTER, Mr. BROWN, Ms. CORTEZ MASTO, Mr. WARNER, Mr. VAN HOLLEN, Ms. BALDWIN, Ms. CANTWELL, Mr. WHITEHOUSE, Mr. REED, Ms. HARRIS, Ms. HIRONO, Ms. DUCKWORTH, Mr. WYDEN, Ms. HASSAN, Mr. KING, Mr. MARKEY, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. UDALL, Mr. DURBIN, Ms. SMITH, Mr. BOOKER, Mr. BLUMENTHAL, Mr. BENNETT, Ms. KLOBUCHAR, Mr. COONS, Mr. SCHATZ, Mr. MENENDEZ, Mr. JONES, Mr. HEINRICH, Ms. STABENOW, Ms. WARREN, Mr. MURPHY, Mr. KAINE, Mr. SANDERS, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. MERKLEY, Mr. PETERS, Mr. CARDIN, Mrs. FEINSTEIN, Ms. SINEMA, and Mr. CARPER):

S. Res. 18. A resolution authorizing the Senate Legal Counsel to represent the Senate in Texas v. United States No. 4:18-cv-00167-O (N.D. Tex.); to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. THUNE, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. MURPHY) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 21, a bill making continuing appropriations for Coast Guard pay in the event an appropriations act expires prior to the enactment of a new appropriations act.

S. 34

At the request of Mr. CRUZ, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 34, a bill to require a report on the continuing participation of Cambodia in the Generalized System of Preferences.

S. 39

At the request of Mr. BRAUN, the names of the Senator from Nevada (Ms. ROSEN), the Senator from North Carolina (Mr. TILLIS) and the Senator from

South Dakota (Mr. ROUNDS) were added as cosponsors of S. 39, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 72

At the request of Mr. SCHATZ, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from New York (Mrs. GILLIBRAND), the Senator from Minnesota (Ms. SMITH), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Massachusetts (Ms. WARREN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Alabama (Mr. JONES), the Senator from California (Mrs. FEINSTEIN), the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 72, a bill to suspend the enforcement of certain civil liabilities of Federal employees and contractors during a lapse in appropriations, and for other purposes.

S. 94

At the request of Mrs. CAPITO, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 94, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 104

At the request of Mr. PORTMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 104, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 105

At the request of Mrs. BLACKBURN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 105, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 109

At the request of Mr. WICKER, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Nebraska (Mrs. FISCHER), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. CRAMER) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 109, a bill to prohibit taxpayer funded abortions.

S. 113

At the request of Mr. JOHNSON, the names of the Senator from Missouri (Mr. HAWLEY), the Senator from North Carolina (Mr. TILLIS), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 113, a bill to appropriate funds for pay and allowances of excepted Federal employees, and for other purposes.

S.J. RES. 3

At the request of Mrs. HYDE-SMITH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from North Dakota (Mr. HOEVEN), the Senator from South Dakota (Mr. ROUNDS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER:

S. 115. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

Mr. SCHUMER. 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. 115

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PERMANENT RESIDENT STATUS FOR ALEMSEGHED MUSSIE TESFAMICAL.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) and section 240 of such Act (8 U.S.C. 1229a), Alemseghed Mussie Tesfamical shall be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alemseghed Mussie Tesfamical enters the United States before the filing deadline specified in subsection (c), Alemseghed Mussie Tesfamical shall be considered to have entered into and remained lawfully in the United States and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or for adjustment of status is filed by Alemseghed Mussie Tesfamical with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Alemseghed Mussie Tesfamical, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of Alemseghed Mussie Tesfamical's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of such country under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) BUDGETARY EFFECTS.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139), shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for

printing in the Congressional Record by the Chairman of the Committee on the Budget of the Senate, provided that such statement has been submitted prior to the vote on passage.

By Mr. SCHUMER (for himself, Mr. GARDNER, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. CASEY, Mr. COONS, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. JONES, Mr. LEAHY, Mr. MARKEY, Mrs. MURRAY, Mr. VAN HOLLEN, Ms. WARREN, Mr. TESTER, Mr. SANDERS, Mr. DURBIN, Mr. BOOKER, Mr. MERKLEY, and Ms. SMITH):

S. 117. A bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. 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. 117

*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 "Disability Integration Act of 2019".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) In enacting the Americans with Disabilities Act of 1990 (referred to in this Act as the "ADA"), Congress—

(A) recognized that "historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem"; and

(B) intended that the ADA assure "full participation" and "independent living" for individuals with disabilities by addressing "discrimination against individuals with disabilities [that] persists in critical areas", including institutionalization.

(2) While Congress expected that the ADA's integration mandate would be interpreted in a manner that ensures that individuals who are eligible for institutional placement are able to exercise a right to community-based long-term services and supports, that expectation has not been fulfilled.

(3) The holdings of the Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), and companion cases, have clearly articulated that individuals with disabilities have a civil right under the ADA to participate in society as equal citizens. However, many States still do not provide sufficient community-based long-term services and supports to individuals with disabilities to end segregation in institutions.

(4) The right to live in the community is necessary for the exercise of the civil rights that the ADA was intended to secure for all individuals with disabilities. The lack of adequate community-based services and supports has imperiled the civil rights of all individuals with disabilities, and has undermined the very promise of the ADA. It is, therefore, necessary to recognize in statute a robust and fully articulated right to community living.

(5) States, with a few exceptions, continue to approach decisions regarding long-term services and supports from social welfare and budgetary perspectives, but for the promise of the ADA to be fully realized, States must approach these decisions from a civil rights perspective.

(6) States have not consistently planned to ensure sufficient services and supports for individuals with disabilities, including those with the most significant disabilities, to enable individuals with disabilities to live in the most integrated setting. As a result, many individuals with disabilities who reside in institutions are prevented from residing in the community and individuals with disabilities who are not in institutions find themselves at risk of institutional placement.

(7) The continuing existence of unfair and unnecessary institutionalization denies individuals with disabilities the opportunity to live and participate on an equal basis in the community and costs the United States billions of dollars in unnecessary spending related to perpetuating dependency and unnecessary confinement.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify and strengthen the ADA's integration mandate in a manner that accelerates State compliance;

(2) to clarify that every individual who is eligible for long-term services and supports has a federally protected right to be meaningfully integrated into that individual's community and receive community-based long-term services and supports;

(3) to ensure that States provide long-term services and supports to individuals with disabilities in a manner that allows individuals with disabilities to live in the most integrated setting, including the individual's own home, have maximum control over their services and supports, and ensure that long-term services and supports are provided in a manner that allows individuals with disabilities to lead an independent life;

(4) to establish a comprehensive State planning requirement that includes enforceable, measurable objectives that are designed to transition individuals with all types of disabilities at all ages out of institutions and into the most integrated setting; and

(5) to establish a requirement for clear and uniform annual public reporting by States that includes reporting about—

(A) the number of individuals with disabilities who are served in the community and the number who are served in institutions; and

(B) the number of individuals with disabilities who have transitioned from an institution to a community-based living situation, and the type of community-based living situation into which those individuals have transitioned.

### SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—In this Act:

(1) ACTIVITIES OF DAILY LIVING.—The term “activities of daily living” has the meaning given the term in section 441.505 of title 42, Code of Federal Regulations (or a successor regulation).

(2) ADMINISTRATOR.—The term “Administrator” means—

(A) the Administrator of the Administration for Community Living; or

(B) another designee of the Secretary of Health and Human Services.

(3) COMMUNITY-BASED.—The term “community-based”, when used in reference to services or supports, means services or supports that are provided to an individual with an LTSS disability to enable that individual to live in the community and lead an inde-

pendent life, and that are delivered in which ever setting the individual with an LTSS disability has chosen out of the following settings with the following qualities:

(A) In the case of a dwelling or a nonresidential setting (such as a setting in which an individual with an LTSS disability receives day services and supported employment), a dwelling or setting—

(i) that, as a matter of infrastructure, environment, amenities, location, services, and features, is integrated into the greater community and supports, for each individual with an LTSS disability who receives services or supports at the setting—

(I) full access to the greater community (including access to opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community); and

(II) access to the greater community to the same extent as access to the community is enjoyed by an individual who is not receiving long-term services or supports;

(ii) that the individual has selected as a meaningful choice from among nonresidential setting options, including nondisability-specific settings;

(iii) in which an individual has rights to privacy, dignity, and respect, and freedom from coercion and restraint;

(iv) that, as a matter of infrastructure, environment, amenities, location, services, and features, optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including choices about daily activities, physical environment, and persons with whom the individual interacts; and

(v) that, as a matter of infrastructure, environment, amenities, location, services, and features, facilitates individual choice regarding the provision of services and supports, and who provides those services and supports.

(B) In the case of a dwelling, a dwelling—

(i) that is owned by an individual with an LTSS disability or the individual's family member;

(ii) that is leased to the individual with an LTSS disability under an individual lease, that has lockable access and egress, and that includes living, sleeping, bathing, and cooking areas over which an individual with an LTSS disability or the individual's family member has domain and control; or

(iii) that is a group or shared residence—

(I) in which no more than 4 unrelated individuals with an LTSS disability reside;

(II) for which each individual with an LTSS disability living at the residence owns, rents, or occupies the residence under a legally enforceable agreement under which the individual has, at a minimum, the same responsibilities and protections as tenants have under applicable landlord-tenant law;

(III) in which each individual with an LTSS disability living at the residence—

(aa) has privacy in the individual's sleeping unit, including a lockable entrance door controlled by the individual;

(bb) shares a sleeping unit only if such individual and the individual sharing the unit choose to do so, and if individuals in the residence so choose, they also have a choice of roommates within the residence;

(cc) has the freedom to furnish and decorate the individual's sleeping or living unit as permitted under the lease or other agreement;

(dd) has the freedom and support to control the individual's own schedules and activities; and

(ee) is able to have visitors of the individual's choosing at any time; and

(IV) that is physically accessible to the individual with an LTSS disability living at the residence.

(4) DWELLING.—The term “dwelling” has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602).

(5) HEALTH-RELATED TASKS.—The term “health-related tasks” means specific nonacute tasks, typically regulated by States as medical or nursing tasks that an individual with a disability may require to live in the community, including—

(A) administration of medication;

(B) assistance with use, operation, and maintenance of a ventilator; and

(C) maintenance and use of a gastrostomy tube, a catheter, or a stable ostomy.

(6) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” means an individual who is a person with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(7) INDIVIDUAL WITH AN LTSS DISABILITY.—The term “individual with an LTSS disability” means an individual with a disability who—

(A) in order to live in the community and lead an independent life requires assistance in accomplishing—

(i) activities of daily living;

(ii) instrumental activities of daily living;

(iii) health-related tasks; or

(iv) other functions, tasks, or activities related to an activity or task described in clause (i), (ii), or (iii); and

(B)(i) is currently in an institutional placement; or

(ii) is at risk of institutionalization if the individual does not receive community-based long-term services and supports.

(8) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—

(A) IN GENERAL.—The term “instrumental activities of daily living” means one or more activities related to living independently in the community, including activities related to—

(i) nutrition, such as preparing meals or special diets, monitoring to prevent choking or aspiration, or assisting with special utensils;

(ii) household chores and environmental maintenance tasks;

(iii) communication and interpersonal skills, such as—

(I) using the telephone or other communications devices;

(II) forming and maintaining interpersonal relationships; or

(III) securing opportunities to participate in group support or peer-to-peer support arrangements;

(iv) travel and community participation, such as shopping, arranging appointments, or moving around the community;

(v) care of others, such as raising children, taking care of pets, or selecting caregivers; or

(vi) management of personal property and personal safety, such as—

(I) taking medication;

(II) handling or managing money; or

(III) responding to emergent situations or unscheduled needs requiring an immediate response.

(B) ASSISTANCE.—The term “assistance” used with respect to instrumental activities of daily living, includes support provided to an individual by another person due to confusion, dementia, behavioral symptoms, or cognitive, intellectual, mental, or emotional disabilities, including support to—

(i) help the individual identify and set goals, overcome fears, and manage transitions;

(ii) help the individual with executive functioning, decisionmaking, and problem solving;

(iii) provide reassurance to the individual; and

(iv) help the individual with orientation, memory, and other activities related to independent living.

(9) **LONG-TERM SERVICE OR SUPPORT.**—The terms “long-term service or support” and “LTSS” mean the assistance provided to an individual with a disability in accomplishing, acquiring the means or ability to accomplish, maintaining, or enhancing—

- (A) activities of daily living;
- (B) instrumental activities of daily living;
- (C) health-related tasks; or
- (D) other functions, tasks, or activities related to an activity or task described in subparagraph (A), (B), or (C).

(10) **LTSS INSURANCE PROVIDER.**—The term “LTSS insurance provider” means a public or private entity that—

(A) provides funds for long-term services and supports; and

(B) is engaged in commerce or in an industry or activity affecting commerce.

(11) **PUBLIC ENTITY.**—

(A) **IN GENERAL.**—The term “public entity” means an entity that—

(i) provides or funds institutional placements for individuals with LTSS disabilities; and

(ii) is—

- (I) a State or local government; or
- (II) any department, agency, entity administering a special purpose district, or other instrumentality, of a State or local government.

(B) **INTERSTATE COMMERCE.**—For purposes of subparagraph (A), a public entity shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(b) **RULE OF CONSTRUCTION.**—Nothing in subsection (a)(2) or any other provision of this section shall be construed to preclude an individual with a disability from receiving community-based services and supports in an integrated community setting such as a grocery store, retail establishment, restaurant, bank, park, concert venue, theater, or workplace.

#### SEC. 4. DISCRIMINATION.

(a) **IN GENERAL.**—No public entity or LTSS insurance provider shall deny an individual with an LTSS disability who is eligible for institutional placement, or otherwise discriminate against that individual in the provision of, community-based long-term services and supports that enable the individual to live in the community and lead an independent life.

(b) **SPECIFIC PROHIBITIONS.**—For purposes of this Act, discrimination by a public entity or LTSS insurance provider includes—

(1) the imposition or application of eligibility criteria or another policy that prevents or tends to prevent an individual with an LTSS disability, or any class of individuals with LTSS disabilities, from receiving a community-based long-term service or support;

(2) the imposition or application of a policy or other mechanism, such as a service or cost cap, that prevent or tends to prevent an individual with an LTSS disability, or any class of individuals with LTSS disabilities, from receiving a community-based long-term service or support;

(3) a failure to provide a specific community-based long-term service or support or a type of community-based long-term service or support needed for an individual with an LTSS disability, or any class of individuals with LTSS disabilities;

(4) the imposition or application of a policy, rule, regulation, or restriction that interferes with the opportunity for an individual with an LTSS disability, or any class

of individuals with LTSS disabilities, to live in the community and lead an independent life, which may include a requirement that an individual with an LTSS disability receive a service or support (such as day services or employment services) in a congregate or disability-specific setting;

(5) the imposition or application of a waiting list or other mechanism that delays or restricts access of an individual with an LTSS disability to a community-based long-term service or support;

(6) a failure to establish an adequate rate or other payment structure that is necessary to ensure the availability of a workforce sufficient to support an individual with an LTSS disability in living in the community and leading an independent life;

(7) a failure to provide community-based services and supports, on an intermittent, short-term, or emergent basis, that assist an individual with an LTSS disability to live in the community and lead an independent life;

(8) the imposition or application of a policy, such as a requirement that an individual utilize informal support, that restricts, limits, or delays the ability of an individual with an LTSS disability to secure a community-based long-term service or support to live in the community or lead an independent life;

(9) a failure to implement a formal procedure and a mechanism to ensure that—

(A) individuals with LTSS disabilities are offered the alternative of community-based long-term services and supports prior to institutionalization; and

(B) if selected by an individual with an LTSS disability, the community-based long-term services and supports described in subparagraph (A) are provided;

(10) a failure to ensure that each institutionalized individual with an LTSS disability is regularly notified of the alternative of community-based long-term services and supports and that those community-based long-term services and supports are provided if the individual with an LTSS disability selects such services and supports; and

(11) a failure to make a reasonable modification in a policy, practice, or procedure, when such modification is necessary to allow an individual with an LTSS disability to receive a community-based long-term service or support.

(c) **ADDITIONAL PROHIBITION.**—For purposes of this Act, discrimination by a public entity also includes a failure to ensure that there is sufficient availability of affordable, accessible, and integrated housing to allow an individual with an LTSS disability to choose to live in the community and lead an independent life, including the availability of an option to live in housing where the receipt of LTSS is not tied to tenancy.

(d) **CONSTRUCTION.**—Nothing in this section—

(1) shall be construed—

(A) to prevent a public entity or LTSS insurance provider from providing community-based long-term services and supports at a level that is greater than the level that is required by this section; or

(B) to limit the rights of an individual with a disability under any provision of law other than this section;

(2) shall be construed to affect the scope of obligations imposed by any other provision of law; or

(3) shall be construed to prohibit a public entity or LTSS insurance provider from using managed care techniques, as long as the use of such techniques does not have the effect of discriminating against an individual in the provision of community-based long-term services and supports, as prohibited by this Act.

#### SEC. 5. ADMINISTRATION.

(a) **AUTHORITY AND RESPONSIBILITY.**—

(1) **DEPARTMENT OF JUSTICE.**—The Attorney General shall—

(A) investigate and take enforcement action for violations of this Act; and

(B) enforce section 6(c).

(2) **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**—The Secretary of Health and Human Services, through the Administrator, shall—

(A) conduct studies regarding the nature and extent of institutionalization of individuals with LTSS disabilities in representative communities, including urban, suburban, and rural communities, throughout the United States;

(B) publish and disseminate reports, recommendations, and information derived from such studies, including an annual report to Congress, specifying—

(i) the nature and extent of progress in the United States in eliminating institutionalization for individuals with LTSS disabilities in violation of this Act and furthering the purposes of this Act;

(ii) obstacles that remain in the effort to achieve the provision of community-based long-term services and supports for all individuals with LTSS disabilities; and

(iii) recommendations for further legislative or executive action;

(C) cooperate with, and provide grants for technical assistance to, Federal, State, and local public or private agencies and organizations that are formulating or carrying out programs to prevent or eliminate institutionalization of individuals with LTSS disabilities or to promote the provision of community-based long-term services and supports;

(D) implement educational and conciliatory activities to further the purposes of this Act; and

(E) refer information on violations of this Act to the Attorney General for investigation and enforcement action under this Act.

(b) **COOPERATION OF EXECUTIVE DEPARTMENTS AND AGENCIES.**—Each Federal agency and, in particular, each Federal agency covered by Executive Order 13217 (66 Fed. Reg. 33155; relating to community-based alternatives for individuals with disabilities), shall carry out programs and activities relating to the institutionalization of individuals with LTSS disabilities and the provision of community-based long-term services and supports for individuals with LTSS disabilities in accordance with this Act and shall cooperate with the Attorney General and the Administrator to further the purposes of this Act.

#### SEC. 6. REGULATIONS.

(a) **ISSUANCE OF REGULATIONS.**—Not later than 24 months after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall issue, in accordance with section 553 of title 5, United States Code, final regulations to carry out this Act, which shall include the regulations described in subsection (b).

(b) **REQUIRED CONTENTS OF REGULATIONS.**—

(1) **ELIGIBLE RECIPIENTS OF SERVICE.**—The regulations shall require each public entity and LTSS insurance provider to offer, and, if accepted, provide community-based long-term services and supports as required under this Act to any individual with an LTSS disability who would otherwise qualify for institutional placement provided or funded by the public entity or LTSS insurance provider.

(2) **SERVICES TO BE PROVIDED.**—The regulations issued under this section shall require each public entity and LTSS insurance provider to provide the Attorney General and the Administrator with an assurance that

the public entity or LTSS insurance provider—

(A) ensures that individuals with LTSS disabilities receive assistance through hands-on assistance, training, cueing, and safety monitoring, including access to backup systems, with—

- (i) activities of daily living;
- (ii) instrumental activities of daily living;
- (iii) health-related tasks; or
- (iv) other functions, tasks, or activities related to an activity or task described in clause (i), (ii), or (iii);

(B) coordinates, conducts, performs, provides, or funds discharge planning from acute, rehabilitation, and long-term facilities to promote individuals with LTSS disabilities living in the most integrated setting chosen by the individuals;

(C) issues, conducts, performs, provides, or funds policies and programs to promote self-direction and the provision of consumer-directed services and supports for all populations of individuals with LTSS disabilities served;

(D) issues, conducts, performs, provides, or funds policies and programs to support informal caregivers who provide services for individuals with LTSS disabilities; and

(E) ensures that individuals with all types of LTSS disabilities are able to live in the community and lead an independent life, including ensuring that the individuals have maximum control over the services and supports that the individuals receive, choose the setting in which the individuals receive those services and supports, and exercise control and direction over their own lives.

**(3) PUBLIC PARTICIPATION.—**

(A) PUBLIC ENTITY.—The regulations issued under this section shall require each public entity to carry out an extensive public participation process in preparing the public entity's self-evaluation under paragraph (5) and transition plan under paragraph (10).

(B) LTSS INSURANCE PROVIDER.—The regulations issued under this section shall require each LTSS insurance provider to carry out a public participation process that involves holding a public hearing, providing an opportunity for public comment, and consulting with individuals with LTSS disabilities, in preparing the LTSS insurance provider's self-evaluation under paragraph (5).

(C) PROCESS.—In carrying out a public participation process under subparagraph (A) or (B), a public entity or LTSS insurance provider shall ensure that the process meets the requirements of subparagraphs (A) and (C) of section 1115(d)(2) of the Social Security Act (42 U.S.C. 1315(d)(2)), except that—

(i) the reference to “at the State level” shall be disregarded; and

(ii) the reference to an application shall be considered to be a reference to the self-evaluation or plan involved.

(4) ADDITIONAL SERVICES AND SUPPORTS.—The regulations issued under this section shall establish circumstances under which a public entity shall provide community-based long-term services and supports under this section beyond the level of community-based long-term services and supports which would otherwise be required under this subsection.

**(5) SELF-EVALUATION.—**

(A) IN GENERAL.—The regulations issued under this section shall require each public entity and each LTSS insurance provider, not later than 30 months after the date of enactment of this Act, to evaluate current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this Act and, to the extent modification of any such services, policies, and practices is required to meet the requirements of this Act, make the necessary modifications. The self-evaluation shall include—

(i) collection of baseline information, including the numbers of individuals with LTSS disabilities in various institutional and community-based settings served by the public entity or LTSS insurance provider;

(ii) a review of community capacity, in communities served by the entity or provider, in providing community-based long-term services and supports;

(iii) identification of improvements needed to ensure that all community-based long-term services and supports provided by the public entity or LTSS insurance provider to individuals with LTSS disabilities are comprehensive, are accessible, are not duplicative of existing (as of the date of the identification) services and supports, meet the needs of persons who are likely to require assistance in order to live, or lead a life, as described in section 4(a), and are high-quality services and supports, which may include identifying system improvements that create an option to self-direct receipt of such services and supports for all populations of such individuals served; and

(iv) a review of funding sources for community-based long-term services and supports and an analysis of how those funding sources could be organized into a fair, coherent system that affords individuals reasonable and timely access to community-based long-term services and supports.

(B) PUBLIC ENTITY.—A public entity, including an LTSS insurance provider that is a public entity, shall—

(i) include in the self-evaluation described in subparagraph (A)—

(I) an assessment of the availability of accessible, affordable transportation across the State involved and whether transportation barriers prevent individuals from receiving long-term services and supports in the most integrated setting; and

(II) an assessment of the availability of integrated employment opportunities in the jurisdiction served by the public entity for individuals with LTSS disabilities; and

(ii) provide the self-evaluation described in subparagraph (A) to the Attorney General and the Administrator.

(C) LTSS INSURANCE PROVIDER.—An LTSS insurance provider shall keep the self-evaluation described in subparagraph (A) on file, and may be required to produce such self-evaluation in the event of a review, investigation, or action described in section 8.

(6) ADDITIONAL REQUIREMENT FOR PUBLIC ENTITIES.—The regulations issued under this section shall require a public entity, in conjunction with the housing agencies serving the jurisdiction served by the public entity, to review and improve community capacity, in all communities throughout the entirety of that jurisdiction, in providing affordable, accessible, and integrated housing, including an evaluation of available units, unmet need, and other identifiable barriers to the provision of that housing. In carrying out that improvement, the public entity, in conjunction with such housing agencies, shall—

(A) ensure, and assure the Administrator and the Attorney General that there is, sufficient availability of affordable, accessible, and integrated housing in a setting that is not a disability-specific residential setting or a setting where services are tied to tenancy, in order to provide individuals with LTSS disabilities a meaningful choice in their housing;

(B) in order to address the need for affordable, accessible, and integrated housing—

(i) in the case of such a housing agency, establish relationships with State and local housing authorities; and

(ii) in the case of the public entity, establish relationships with State and local housing agencies, including housing authorities;

(C) establish, where needed, necessary preferences and set-asides in housing programs for individuals with LTSS disabilities who are transitioning from or avoiding institutional placement;

(D) establish a process to fund necessary home modifications so that individuals with LTSS disabilities can live independently; and

(E) ensure, and assure the Administrator and the Attorney General, that funds and programs implemented or overseen by the public entity or in the public entity's jurisdiction are targeted toward affordable, accessible, integrated housing for individuals with an LTSS disability who have the lowest income levels in the jurisdiction as a priority over any other development until capacity barriers for such housing are removed or unmet needs for such housing have been met.

(7) DESIGNATION OF RESPONSIBLE EMPLOYEE.—The regulations issued under this section shall require each public entity and LTSS insurance provider to designate at least one employee to coordinate the entity's or provider's efforts to comply with and carry out the entity or provider's responsibilities under this Act, including the investigation of any complaint communicated to the entity or provider that alleges a violation of this Act. Each public entity and LTSS insurance provider shall make available to all interested individuals the name, office address, and telephone number of the employee designated pursuant to this paragraph.

(8) GRIEVANCE PROCEDURES.—The regulations issued under this section shall require public entities and LTSS insurance providers to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging a violation of this Act.

(9) PROVISION OF SERVICE BY OTHERS.—The regulations issued under this section shall require each public entity submitting a self-evaluation under paragraph (5) to identify, as part of the transition plan described in paragraph (10), any other entity that is, or acts as, an agent, subcontractor, or other instrumentality of the public entity with regards to a service, support, policy, or practice described in such plan or self-evaluation.

(10) TRANSITION PLANS.—The regulations issued under this section shall require each public entity, not later than 42 months after the date of enactment of this Act, to submit to the Administrator, and begin implementing, a transition plan for carrying out this Act that establishes the achievement of the requirements of this Act, as soon as practicable, but in no event later than 12 years after the date of enactment of this Act. The transition plan shall—

(A) establish measurable objectives to address the barriers to community living identified in the self-evaluation under paragraph (5);

(B) establish specific annual targets for the transition of individuals with LTSS disabilities, and shifts in funding, from institutional settings to integrated community-based services and supports, and related programs;

(C) describe specific efforts to support individuals with LTSS disabilities to avoid unwanted institutionalization through the provision of LTSS; and

(D) describe the manner in which the public entity has obtained or plans to obtain necessary funding and resources needed for implementation of the plan (regardless of whether the entity began carrying out the objectives of this Act prior to the date of enactment of this Act).

(11) ANNUAL REPORTING.—

(A) IN GENERAL.—The regulations issued under this section shall establish annual reporting requirements for each public entity covered by this section.

(B) PROGRESS ON OBJECTIVES, TARGETS, AND EFFORTS.—The regulations issued under this section shall require each public entity that has submitted a transition plan to submit to the Administrator an annual report on the progress the public entity has made during the previous year in meeting the measurable objectives, specific annual targets, and specific efforts described in paragraph (10).

(12) OTHER PROVISIONS.—The regulations issued under this section shall include such other provisions and requirements as the Attorney General and the Secretary of Health and Human Services determine are necessary to carry out the objectives of this Act.

(C) REVIEW OF TRANSITION PLANS.—

(1) GENERAL RULE.—The Administrator shall review a transition plan submitted in accordance with subsection (b)(10) for the purpose of determining whether such plan meets the requirements of this Act, including the regulations issued under this section.

(2) DISAPPROVAL.—If the Administrator determines that a transition plan reviewed under this subsection fails to meet the requirements of this Act, the Administrator shall disapprove the transition plan and notify the public entity that submitted the transition plan of, and the reasons for, such disapproval.

(3) MODIFICATION OF DISAPPROVED PLAN.—Not later than 90 days after the date of disapproval of a transition plan under this subsection, the public entity that submitted the transition plan shall modify the transition plan to meet the requirements of this section and shall submit to the Administrator, and commence implementation of, such modified transition plan.

(4) INCENTIVES.—

(A) DETERMINATION.—For 10 years after the issuance of the regulations described in subsection (a), the Secretary of Health and Human Services shall annually determine whether each State, or each other public entity in the State, is complying with the transition plan or modified transition plan the State or other public entity submitted, and obtained approval for, under this section. Notwithstanding any other provision of law, if the Secretary of Health and Human Services determines under this subparagraph that the State or other public entity is complying with the corresponding transition plan, the Secretary shall make the increase described in subparagraph (B).

(B) INCREASE IN FMAP.—On making the determination described in subparagraph (A) for a public entity (including a State), the Secretary of Health and Human Services shall, as described in subparagraph (C), increase by 5 percentage points the FMAP (but shall in no event increase the FMAP above 100 percent) for the State in which the public entity is located for amounts expended by the State for medical assistance consisting of home and community-based services furnished under the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or a waiver of such plan—

(i) that—

(I) are identified by a public entity or LTSS insurance provider under subsection (b)(5)(A)(iii);

(II) resulted from shifts in funding identified by a public entity under subsection (b)(10)(B); or

(III) are environmental modifications to achieve the affordable, accessible, integrated housing identified by a public entity under subsection (b)(6)(E); and

(ii) are described by the State in a request to the Secretary of Health and Human Services for the increase.

(C) PERIOD OF INCREASE.—The Secretary of Health and Human Services shall increase the FMAP described in subparagraph (B)—

(i) beginning with the first quarter that begins after the date of the determination; and

(ii) ending with the quarter in which the next annual determination under subparagraph (A) occurs.

(D) ADDITIONAL CONDITION FOR PAYMENT.—

(i) STATE REPORT.—As a condition for the receipt of a payment based on an increase described in subparagraph (B) with respect to amounts to be expended by the State for medical assistance consisting of home and community-based services described in subparagraph (B), the State shall report to the Secretary, for the reporting year, the amount of funds expended by the State for home and community-based services (as defined in subparagraph (E)(ii)) in that year. The State shall make the report in a format developed or approved by the Secretary.

(ii) REDUCTION IN PAYMENT IF FAILURE TO MAINTAIN EFFORT.—If the amount reported under clause (i) by a State with respect to a reporting year is less than the amount reported under clause (i) with respect to the previous fiscal year or fiscal year 2019, whichever was the greater reported amount, the Secretary shall provide for a reduction in the payment to the State based on the increase.

(E) DEFINITIONS.—In this paragraph:

(i) FMAP.—The term “FMAP” means the Federal medical assistance percentage for a State determined under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) without regard to any increases in that percentage applicable under other subsections of that section or any other provision of law, including this section.

(ii) HOME AND COMMUNITY-BASED SERVICES DEFINED.—The term “home and community-based services” means any of the following services provided under a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or a waiver of such plan:

(I) Home and community-based services provided under subsection (c), (d), or (i) of section 1915 of the Social Security Act (42 U.S.C. 1396n).

(II) Home health care services.

(III) Personal care services.

(IV) Services described in section 1905(a)(26) of the Social Security Act (42 U.S.C. 1396d(a)(26)) (relating to PACE program services).

(V) Self-directed personal assistance services provided in accordance with section 1915(j) of the Social Security Act (42 U.S.C. 1396n(j)).

(VI) Community-based attendant services and supports provided in accordance with section 1915(k) of the Social Security Act (42 U.S.C. 1396n(k)).

(VII) Rehabilitative services, within the meaning of section 1905(a)(13) of the Social Security Act (42 U.S.C. 1396d(a)(13)).

(iii) REPORTING YEAR.—The term “reporting year” means the most recent fiscal year preceding the date of a report under subparagraph (D)(i).

(d) RULE OF CONSTRUCTION.—Nothing in subsection (b)(10) or (c) or any other provision of this Act shall be construed to limit the rights, protections, or requirements of any other Federal law, relating to integration of individuals with disabilities into the community and enabling those individuals to live in the most integrated setting.

**SEC. 7. EXEMPTIONS FOR RELIGIOUS ORGANIZATIONS.**

This Act shall not prohibit a religious organization, association, or society from giving preference in providing community-based long-term services and supports to individuals of a particular religion connected with

the beliefs of such organization, association, or society.

**SEC. 8. ENFORCEMENT.**

(a) CIVIL ACTION.—

(1) IN GENERAL.—A civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by an individual described in paragraph (2) in an appropriate Federal district court.

(2) AGGRIEVED INDIVIDUAL.—

(A) IN GENERAL.—The remedies and procedures set forth in this section are the remedies and procedures this Act provides to a violation of this Act, or who has reasonable grounds for believing that such individual is about to be subjected to such a violation.

(B) STANDING.—An individual with a disability shall have standing to institute a civil action under this subsection if the individual makes a prima facie showing that the individual—

(i) is an individual with an LTSS disability; and

(ii) is being subjected to, or about to be subjected to, such a violation (including a violation of section 4(b)(11)).

(3) APPOINTMENT OF ATTORNEY; NO FEES, COSTS, OR SECURITY.—Upon application by the complainant described in paragraph (2) and in such circumstances as the court may determine to be just, the court may appoint an attorney for the complainant and may authorize the commencement of such civil action without the payment of fees, costs, or security.

(4) FUTILE GESTURE NOT REQUIRED.—Nothing in this section shall require an individual with an LTSS disability to engage in a futile gesture if such person has actual notice that a public entity or LTSS insurance provider does not intend to comply with the provisions of this Act.

(b) DAMAGES AND INJUNCTIVE RELIEF.—If the court finds that a violation of this Act has occurred or is about to occur, the court may award to the complainant—

(1) actual and punitive damages;

(2) immediate injunctive relief to prevent institutionalization;

(3) as the court determines to be appropriate, any permanent or temporary injunction (including an order to immediately provide or maintain community-based long-term services or supports for an individual to prevent institutionalization or further institutionalization), temporary restraining order, or other order (including an order enjoining the defendant from engaging in a practice that violates this Act or ordering such affirmative action as may be appropriate); and

(4) in an appropriate case, injunctive relief to require the modification of a policy, practice, or procedure, or the provision of an alternative method of providing LTSS, to the extent required by this Act.

(c) ATTORNEY'S FEES; LIABILITY OF UNITED STATES FOR COSTS.—In any action commenced pursuant to this Act, the court, in its discretion, may allow the party bringing a claim or counterclaim under this Act, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

(d) ENFORCEMENT BY ATTORNEY GENERAL.—

(1) DENIAL OF RIGHTS.—

(A) DUTY TO INVESTIGATE.—The Attorney General shall investigate alleged violations of this Act, and shall undertake periodic reviews of the compliance of public entities and LTSS insurance providers under this Act.

(B) POTENTIAL VIOLATION.—The Attorney General may commence a civil action in any

appropriate Federal district court if the Attorney General has reasonable cause to believe that—

(i) any public entity or LTSS insurance provider, including a group of public entities or LTSS insurance providers, is engaged in a pattern or practice of violations of this Act; or

(ii) any individual, including a group, has been subjected to a violation of this Act and the violation raises an issue of general public importance.

(2) **AUTHORITY OF COURT.**—In a civil action under paragraph (1)(B), the court—

(A) may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this Act—

(i) granting temporary, preliminary, or permanent relief; and

(ii) requiring the modification of a policy, practice, or procedure, or the provision of an alternative method of providing LTSS;

(B) may award such other relief as the court considers to be appropriate, including damages to individuals described in subsection (a)(2), when requested by the Attorney General; and

(C) may, to vindicate the public interest, assess a civil penalty against the public entity or LTSS insurance provider in an amount—

(i) not exceeding \$100,000 for a first violation; and

(ii) not exceeding \$200,000 for any subsequent violation.

(3) **SINGLE VIOLATION.**—For purposes of paragraph (2)(C), in determining whether a first or subsequent violation has occurred, a determination in a single action, by judgment or settlement, that the public entity or LTSS insurance provider has engaged in more than one violation of this Act shall be counted as a single violation.

#### SEC. 9. CONSTRUCTION.

For purposes of construing this Act—

(1) section 4(b)(11) shall be construed in a manner that takes into account its similarities with section 302(b)(2)(A)(ii) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12182(b)(2)(A)(ii));

(2) the first sentence of section 6(b)(5)(A) shall be construed in a manner that takes into account its similarities with section 35.105(a) of title 28, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act);

(3) section 7 shall be construed in a manner that takes into account its similarities with section 807(a) of the Civil Rights Act of 1968 (42 U.S.C. 3607(a));

(4) section 8(a)(2) shall be construed in a manner that takes into account its similarities with section 308(a)(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12188(a)(1)); and

(5) section 8(d)(1)(B) shall be construed in a manner that takes into account its similarities with section 308(b)(1)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12188(b)(1)(B)).

By Mrs. FEINSTEIN (for herself, Ms. HARRIS, Ms. WARREN, Mr. MENENDEZ, and Mr. MARKEY):

S. 127. A bill to direct the Secretary of Veterans Affairs to seek to enter into an agreement with the city of Vallejo, California, for the transfer of Mare Island Naval Cemetery in Vallejo, California, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, today I am proud to reintroduce the Mare Island Naval Cemetery Transfer Act, which would transfer control of the Mare Island Naval Cemetery from

the City of Vallejo in California to the Department of Veterans Affairs (VA) where it belongs.

The Mare Island Naval Cemetery is the oldest military cemetery on the West Coast. Opened in 1856, it was originally part of Mare Island Naval Shipyard, the first U.S. naval base established on the Pacific Ocean. The historic cemetery is the final resting place for 860 veterans and their loved ones, including three Medal of Honor recipients. Anna Arnold Key, the daughter of Francis Scott Key, is also buried there, next to her husband who fought in the War of 1812. After the base closed in 1996, the nearby City of Vallejo assumed control of the naval property and cemetery.

Unfortunately, the city doesn't have the necessary funds to properly care for the cemetery. The city is also ineligible for VA support since it's not part of the State or Federal government. The maintenance, therefore, is left to volunteers with limited resources who lack the expertise necessary to maintain this historic cemetery.

The cemetery has fallen into disrepair and is no longer a fitting tribute to the brave men and women buried there. Gravestones are toppled over, broken, or sinking into the ground. Plants and weeds are overgrown, and water is pooling due to the lack of proper drainage. The cemetery's current condition requires urgent action to restore the gravestones and grounds to a respectable condition. Our bill would accomplish this by transferring control to the VA's National Cemetery Administration.

The transfer would not only allow the VA to restore the cemetery, but also ensure it's maintained for future generations to pay their respects to the heroes buried there. I want to thank Congressman MIKE THOMPSON (D-CA) for leading this effort in the House. Passing this bill would be a small, but important, token of our gratitude to the veterans to whom we owe so much.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 18—AUTHORIZING THE SENATE LEGAL COUNSEL TO REPRESENT THE SENATE IN TEXAS V. UNITED STATES NO. 4:18-CV-00167-O (N.D. TEX.)

Mr. MANCHIN (for himself, Ms. ROSEN, Mr. CASEY, Mr. TESTER, Mr. BROWN, Ms. CORTEZ MASTO, Mr. WARNER, Mr. VAN HOLLEN, Ms. BALDWIN, Ms. CANTWELL, Mr. WHITEHOUSE, Mr. REED, Ms. HARRIS, Ms. HIRONO, Ms. DUCKWORTH, Mr. WYDEN, Ms. HASSAN, Mr. KING, Mr. MARKEY, Mr. SCHUMER, Mr. LEAHY, Mrs. MURRAY, Mr. UDALL, Mr. DURBIN, Ms. SMITH, Mr. BOOKER, Mr. BLUMENTHAL, Mr. BENNET, Ms. KLOBUCHAR, Mr. COONS, Mr. SCHATZ, Mr. MENENDEZ, Mr. JONES, Mr. HEINRICH, Ms. STABENOW, Ms. WARREN, Mr. MURPHY, Mr. KAINE, Mr. SANDERS, Mrs.

GILLIBRAND, Mrs. SHAHEEN, Mr. MERKLEY, Mr. PETERS, Mr. CARDIN, Mrs. FEINSTEIN, Ms. SINEMA, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 18

Whereas Texas, Wisconsin, Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Paul LePage (Governor of Maine), Mississippi (by and through Governor Phil Bryant), Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, West Virginia, and individual plaintiffs have filed suit in the United States District Court for the Northern District of Texas, arguing that the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152; 124 Stat. 1029) are unconstitutional and should be enjoined, by asserting that the requirement under those Acts to maintain minimum essential coverage (commonly known as the "individual responsibility provision") in section 5000A of the Internal Revenue Code of 1986 is unconstitutional following the amendment of that provision by the Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Public Law 115-97; 131 Stat. 2054) (commonly known as the "Tax Cuts and Jobs Act");

Whereas these State and individual plaintiffs also seek to strike down the entire Patient Protection and Affordable Care Act as not severable from the individual responsibility provision;

Whereas, on June 7, 2018, the Department of Justice refused to defend the constitutionality of the amended individual responsibility provision, despite the well-established duty of the Department to defend Federal statutes where reasonable arguments can be made in their defense;

Whereas the Department of Justice not only refused to defend the amended individual responsibility provision, but it affirmatively argued that this provision is unconstitutional and that the provisions of the Patient Protection and Affordable Care Act guaranteeing issuance of insurance coverage regardless of health status or pre-existing conditions (commonly known as the "guaranteed issue provision"), sections 2702, 2704, and 2705(a) of the Public Health Service Act (42 U.S.C. 300gg-1, 300gg-3, 300gg-4(a)), and prohibiting discriminatory premium rates (commonly known as the "community rating provision"), sections 2701 and 2705(b) of the Public Health Service Act (42 U.S.C. 300gg(a)(1), 300gg-4(b)), must now be struck down as not severable from the individual responsibility provision; and

Whereas the district court in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.) issued an order on December 14, 2018 declaring that the individual responsibility provision in section 5000A of the Internal Revenue Code of 1986 is unconstitutional and that all the provisions of the Patient Protection and Affordable Care Act are not severable and therefore are invalid: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the Senate in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter and any appellate or related proceedings; and

(2) defend all provisions of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, the amendments made by those Acts to other provisions of law, and any amendments to such provisions, including

the provisions ensuring affordable health coverage for those with pre-existing conditions.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 2 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 THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, January 15, 2019, at 9:30 a.m., to conduct a hearing on the nomination of William Pelham Barr, of Virginia, to be Attorney General, Department of Justice.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, January 15, 2019, at 2:30 p.m., to conduct a closed hearing.

#### PRIVILEGES OF THE FLOOR

Mr. CASEY. I ask unanimous consent that Rahmon Ross of my staff be granted floor privileges for today's proceedings.

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

#### ORDERS FOR WEDNESDAY, JANUARY 16, 2019

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, January 16; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of S.J. Res. 2, with the time until 12:30 p.m. equally divided between the two leaders or their designees; finally, notwithstanding the provisions of rule XXII, the cloture vote with respect to S.J. Res. 2 occur at 12:30 p.m., tomorrow, and if cloture is not invoked, S.J. Res. 2 be returned to the calendar.

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

#### ORDER FOR ADJOURNMENT

Mr. McCONNELL. 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 our Democratic colleagues.

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### MEDICARE

Mr. CASEY. Madam President, I rise to talk about the Medicare Program and in particular a news story that came to our attention this past week-end.

This is the headline from a story dated January 11, late in the day, and it is by The Hill newspaper. You will not be able to see it from a distance, but the headline reads: "Trump officials consider allowing Medicaid block grants for states."

Here is what just the first two short paragraphs outline. The story begins as follows:

The Trump administration is considering moving forward with a major conservative change to Medicaid by allowing States to get block grants for the program, sources say.

Capping the amount of money that the federal government spends on the health insurance program for the poor through a block grant has long been a conservative goal. It was a controversial part of the ObamaCare repeal debate in 2017, with much of the public rallying against cuts to Medicaid.

After the failure of that repeal effort, the Trump administration is now considering issuing guidance to states encouraging them to apply for caps on federal Medicaid spending in exchange for additional flexibility on how they run the program, according to people familiar with the discussions.

I will not read the rest of the story, and I will not enter the whole story into the RECORD because folks can look it up, and there are other stories as well that cover this same news. So, in a sense, it is a big new development, but it is an old story.

It is an old story of Members of Congress and the administration coming together to try to make changes to the Medicaid Program. In this case, it differs only slightly in that, so far at least, this seems to be an initiative that is an administration-led initiative. We are not aware of any—as far as I know—congressional involvement, but it is not all that much different, right? It is the same thing.

We had a long debate in 2017 about whether we should not only repeal the Affordable Care Act but thereby do two things to Medicaid—one is to end over time Medicaid expansion, and second would be to have cuts to Medicaid that would result from this same idea, the so-called block granting of Medicaid.

I believe we litigated—if we can use that word in a legislative sense—that in 2017. The repeal bill did not pass the Senate in the summer of 2017. There were other attempts that didn't come to a vote on full repeal. Then we had an election in 2018. Healthcare was a major part of that debate, most of it centering on protections for pre-existing conditions and other consumer protections in the law.

If you look at the last 2 years, we had one-party rule in Washington—Republican President, House, and Senate. There were major efforts by the admin-

istration and by both majorities in the Houses of Congress to make substantial changes to Medicaid, and it did not happen. So failing all those attempts, now the administration, I would assume, is trying to do it secretly but, now exposed, wants to make changes to Medicaid by way of granting waivers and inviting States to, in essence, change Medicaid at the State level.

This initiative will not affect Pennsylvania—or it is highly unlikely to affect Pennsylvania in the near term. So this is about major parts of the country but not every State. It is a bad idea, in short order, because what this block granting means is benefits get cut.

It is very simple. When you cut a program that is focused on healthcare for low-income children, healthcare coverage for those with disabilities, children and adults, and helping seniors have the benefit of skilled care in a nursing home—that is another benefit of Medicaid—you are talking about benefits being cut over time. Maybe there will be more cuts in one State versus the other, depending upon the nature of the waiver and the particulars of the program in that State, but it is going to be cutting Medicaid. It is a bad idea, and I think the American people understand that, especially after the debate in 2017. It is a bad idea, and I think the American people understand that.

Maybe there are some folks who didn't really appreciate Medicaid; probably a lot of them in Washington didn't appreciate Medicaid before the 2017 and 2018 debates. Maybe there are folks who weren't paying attention for a lot of years and didn't realize the scope of Medicaid, didn't realize it covers 70 million Americans. I know that is why some Republican-elected officials in the Congress are very hostile to it; they think it covers too many people. But after 2017, those who were misinformed or had forgotten or just were never aware of the benefits of Medicaid got a real good reminder because of the debate we had. That was one positive outgrowth of that long and difficult debate on healthcare generally—the Affordable Care Act specifically—but also, by extension, Medicaid.

A proposal like this to block-grant Medicaid, which was proposed numerous times here in the Congress over the last couple of years, hurts basically those three groups of Americans. It hurts kids, hurts people with disabilities, and hurts our seniors.

I think the part of it that people tend to forget is that this program helps middle-class families as well. If you have a disability, your income might be higher than low income, but you get the benefit of Medicaid. A lot of middle-class families have a loved one in a nursing home who would not be able to afford that kind of long-term care without the benefit of Medicaid. A lot of those families are middle class.

When it comes to children, of course, it is for children from low-income families, but those children are getting

what many believe to be the gold standard for children's healthcare.

I like to say that in Pennsylvania, Medicaid is a 40-50-60 program. It is real simple: 40 percent of the kids in our State, thankfully, have the benefit of Medicaid; 50 percent of people with disabilities—roughly, about half of the people in our State with disabilities get the benefit of Medicaid. Thank goodness they do. Thirdly, 60 percent of people getting long-term care in Pennsylvania could not get it without the benefit of Medicaid.

In some States, the percentages might be higher or lower than that, but when you have a program that covers 40 percent of your children, 50 percent of your population with disabilities, and 60 percent of your seniors could get long-term care, which they need—those folks who have long-term care need it and have to have it. When you have that kind of program, which covers roughly 2 million people in Pennsylvania and 70 million nationwide, you are going to get the attention of a lot of people when you are messing with it. That is a technical term, “messing with it.” By saying, to some degree, under the cover of darkness—not having a debate on the floor of the House or the Senate but sending guidance to States, inviting them to apply for a waiver, and it takes a while to approve the waiver, then all of a sudden it comes out, and the waiver is granted—guess what. If you live in a State where that happens and you are on Medicaid, you might not have Medicaid a year from the waiver being granted—or 2 years or 5 years. At some point, you may be adversely affected by that. This is very serious business when it comes to those very vulnerable Americans.

In so many ways, Medicaid, like a lot of things we debate here—not only Medicaid, but Medicaid is one of many examples we could cite—tells us who we are as a nation. People around the world don't respect America simply because America has the strongest, best military. We have the best fighting men and women in the world; no one is even close. But there are a lot of nations that spend a lot on their military and have strong, fighting men and women; they have a strong military, and they are not respected like we are. Thank God we have a strong military and the strongest economy in the world. We are blessed by that.

But one of the other ways the world respects us is that they often conclude that we treat our own people better than some other places do. Medicaid, which is a 50-year-old program, is a program that tells us who we are as a nation, whom we value, and whom we are willing to fight on behalf of. It tells us a lot about who we are. America is great because we care deeply about those 70 million people who get the benefit of that program, just as we care deeply about other Americans who benefit or have a connection to our government.

Before any administration or any part of our government takes an action

that will lead to the cutting back of a program like Medicaid—whether it is by way of legislation or by way of waiver or regulation—they need to hear from us.

I, for one, am willing to fight on this for a long time. If I do nothing else but fight this battle, sign me up because we are going to fight hard. I am not certain we will win, but I think we will win this battle. Medicaid tells us who we are. Why do I say that? Well, because we hear from families all the time.

I got a letter at the beginning of the debate in 2017 from a mom. Like a lot of Members of the Senate, you get a letter from a mom or a dad or a family member who sits down to put pen to paper—in a sense, to write you a letter or send you an email or to express what their lives will be like without a program, what their lives will be like if a change goes forward.

In this case it was Pam, a mom talking about her son Rowan. Rowan is on the autism spectrum. This mom talks about the prospect of not just learning that and what that meant to her and her family and the challenge of it, obviously, but also the benefits she received because of Medicaid—in Pennsylvania we call it Medical Assistance, or by the shorthand, MA.

I will not read the whole letter, but Pam talks about, in just one example of what Medicaid means, the wrap-around services—all of the services that a child who has a disability gets, maybe on either the autism spectrum or a physical disability or maybe a child who has Down syndrome.

In this case, Rowan is on the autism spectrum. She talks about the behavioral specialist consultant and the therapeutic staff support work that helps her and the benefits of that and what that means to Pam, as a mom, and to her family—but also what it means to her son Rowan. She talks about Rowan benefiting “immensely from a program called the Child Guidance Resource Center,” which recently started a new program called the CREATE Program. It is a social skills program specifically for autistic children ages 3 to 21. She enrolled Rowan in that so-called CREATE Program.

She goes on to say: “I am thrilled by Rowan's daily progress. I cannot say enough great things about this program.”

That program would not be part of the life of that family, absent Medicaid. That program would not be part of the life of that family in the instance where that family was living in a State that had been granted a waiver that allowed block grants that, thereby, allowed cuts that resulted in that family not getting that kind of service.

Thankfully, she is in a State where the Medicaid Program is strong and will be defended aggressively. But I don't want a Rowan in another State or a Pam—a mom in another State—not having the benefit that Rowan in Pennsylvania has and that Pam in Pennsylvania has.

Pam goes on to say: “Without medical assistance, our family would be bankrupt or my son would go without the therapies he sincerely needs.”

At the end of the letter, she concludes by asking me, as her representative, to think about her family when we are debating these issues. She talks about her husband and her son Rowan first, and then she concludes the letter this way:

Please think of my 9-month-old daughter, Luna, who smiles and laughs at her brother daily; she will have to care for Rowan late in her life after we are gone. Overall, we are desperately in need of Rowan's Medical Assistance and would be devastated if we lost these benefits.

That is what one mom said about the importance of Medicaid to that family.

My point in raising this issue—even though, thankfully, we have beaten back an effort to legislatively change the Medicaid Program for the worse, and we now have an administrative effort to undermine the program, but I raise this simply to say that family in America should not have to worry for 10 minutes about whether their government is going to continue those important benefits to their son or to their daughter, whatever the case may be. Maybe their mom is in a nursing home or maybe a neighbor has a son or a daughter who, because of income levels, is getting Medicaid. They shouldn't have to worry for 10 or 15 minutes about that because we are America. We made the decision 50 years ago—and it was a good decision—to take care of those families and to do everything we could.

Some days we will not get it right; some days we will make mistakes. But on most days, a program like that is helping lots of families, tens of millions of them, and the bureaucrats or the elected officials or the administration officials in Washington who seek to make changes that will adversely affect even one of those families has to look those families in the eye—or should look them in the eye—and tell them why that is good, not just for that family but why that is good for America. How is that going to help us?

I know what the argument will be. I hear it over and over again. They say that the program is unsustainable, right? We are not going to be able to afford this much Medicaid 10 years from now, 15 years from now, 25 years from now. Well, when they say “unsustainable” around here, I want to translate for you. That means they are not willing to make people of means pay for it. Let me say it bluntly: If we have to charge someone else who has a high income to preserve Medicaid, sign me up for that too.

Let's be very clear about this. This program is that important. I believe there are a lot of Americans of means—of high incomes—who would want to make sure this program is preserved. I know there are some politicians around here who are always talking about how you have to make sure that they have

low tax rates, but I think a lot of those Americans want to preserve the Medicaid Program, want to strengthen it, want to make changes that are appropriate, want to make it more efficient where we can, but there are a lot of Americans out there of great means who want this program preserved. So we have a lot of work to do to make sure we move in the right direction.

Let me make one or two more final points, and I will conclude.

One of the other questions is, What happens if a block grant proposal goes through nationwide but even in more limited instances?

Way back in November of 2016, one of the many organizations that track this kind of a program over time—the Medicaid Program or healthcare programs—issued a report. It has issued many of these reports, but here is just one for your consideration. The name of the organization is Center on Budget and Policy Priorities. It is here in Washington and has been around a long time. It was very helpful in the debate on healthcare and about the impact of various proposals.

Here is what the Center on Budget and Policy Priorities said in November of 2016. The date was November 30, 2016. In order to save some space, I will not read the whole report, and I will not enter it into the RECORD. People can look it up, right?

Here is the headline: “Medicaid Block Grant Would Slash Federal Funding, Shift Costs to States, and Leave Millions More Uninsured.”

Here is what some of the headlines say in the report. The first one reads “A block grant would cap Federal Medicaid funding in order to achieve savings for the Federal Government.” That is what the proposal is intended to do.

No. 2, “The likely magnitude of the Federal funding cuts and resulting cost-shift to States would be very large.”

No. 3, “Such a block grant would push states to cut their Medicaid programs deeply.”

The last two are as follows: “Medicaid is already efficient and innovative.” That is true. We don’t talk about that enough, but it is true.

The last headline is “A Medicaid block grant would lead to draconian cuts to eligibility, benefits, and provider payment rates.” What they didn’t mention there is that cuts to Medicaid would also hurt a lot of hospitals, especially rural hospitals.

Here is the number from the House Republican budget plan for fiscal year 2017. We are going back now to the latter part of 2016. Here is what the report concludes, and this is in the instance of being implemented as law: “It would have cut federal Medicaid funding by \$1 trillion—or nearly 25 percent—over ten years, relative to current law, on top of the cuts the plan would secure from repealing the ACA’s Medicaid expansion.”

I realize that number is bigger than what we are talking about here because

we are talking about a number of States changing their Medicaid Programs because of a block granting waiver that was granted to that particular State, but I am not too concerned about the overall number because that is impossible to predict.

Even if just one State were to be granted this kind of a waiver in implemented block grants, a lot of people in that State would lose their Medicaid. I think we should be concerned if it were one person losing Medicaid because of that, let alone thousands or tens of thousands or hundreds of thousands or, in fact, millions. If block granting were to be granted for the whole country, you would be talking about double-figure millions losing that kind of coverage. Even if it were to be a much smaller number, we should be very concerned about this.

Here is another reason not to mess around with Medicaid in a way that adversely impacts people or undermines the program. I hear from a lot of politicians in Washington from both Houses and both parties. I think, in almost every instance—and there is probably an exception to this—they speak from their hearts and do truly care about what is happening in their communities and in their States because of the opioid crisis. It is everywhere. It is urban, rural, and suburban. It is everywhere, and it is devastating. We have never seen a public health problem like it in probably 100 years or at least not anything worse than it. It is a problem in Pennsylvania, and it is a problem in every State, as I am sure the Presiding Officer would agree. Yet here is the part they don’t talk about. Sometimes the same people say, “I really am worried about the opioid crisis, and I want to do the following to help people who are in the grip of that addiction, and I want to institute a program or provide funding or otherwise,” and that is wonderful when they have that initiative. Yet sometimes those same Members of Congress, in the next breath, will say, “But I want to block grant Medicaid” or “I want to cut or cap Medicaid” or “We need to cut back on what we spend on Medicaid,” and they vote for budget after budget after budget and bill after bill to cut Medicaid.

What do you think is the No. 1 payer when it comes to the opioid crisis, the primary payer for opioid treatment and recovery? You guessed it—Medicaid.

If you are going to go down this road and talk about this program as if it were some far-off program for them, for someone else, you should look in the mirror because Medicaid is an “us” program, not a “them” program and not a program for someone far away. It is for our neighbors. It is for our friends if they have opioid addictions and can only get treatment and services mostly because of Medicaid expansion—actually, as part of the Affordable Care Act.

Medicaid itself, the core program, of course, is a program that makes sure that a child has healthcare. Even if he

is of low income and his mom or his dad or the person taking care of him is not working and doesn’t have employer coverage, he gets the benefit of Medicaid. Guess what. When that low-income child gets Medicaid, we all benefit. That child is more likely to grow up healthy, and he or she will be more productive and will be a stronger part of our economy. So Medicaid for low-income children or children from low-income families helps all of us. It doesn’t just help that child. It is not just a nice thing to do. It is the right thing to do, but it is also very practical.

Medicaid helps people with disabilities whether they have profound disabilities or otherwise. They have to be eligible for it based upon their disabilities, but we have made a decision that that is a good thing to do for that individual and for society. The same is true of people making decisions about a loved one’s going into long-term care and one’s spending down one’s assets, and there is usually a big gap after one spends down. Middle-class families—sometimes people above middle class—spend down. They can’t afford the cost of nursing home care, and the State says and the Federal Government says: We want to help you.

That is why Medicaid is so critical to nursing homes. If you look at the dollars spent, it would not be entirely inaccurate to say that Medicaid is a nursing home program with help for children and people with disabilities as well.

I am just putting the administration on notice that if it wants to continue to pursue this, we are going to have a big fight about it, and it is a fight that will go on for a long time. It will go on in the courts. We will litigate it on this floor. We will litigate it in committees and fight about it in the House and in the Senate. We will fight in the streets of our States, and we will fight about it for a long time until we win because we have other things to do to lift people up around here. We have to do more on healthcare—lower the cost of healthcare, lower the cost of prescription drugs—and make sure that these programs work well. We don’t have time for throwing millions of people off of healthcare or tens of millions off of healthcare. There is a broad, bipartisan consensus on a whole range of things we could do on healthcare. That is what we should work on.

The administration, if it is doing the right thing, would abandon these reckless, extreme ideas on Medicaid and join us—join both parties in both Houses—in trying to do something positive and constructive and American on healthcare. I don’t think it is American to say to a child, “Yes, you had Medicaid before, but we couldn’t afford it. You are not going to have healthcare any longer” or to say that to someone with a disability or to a senior.

If the administration wants to fight, we are going to be ready to fight, and

we will punch hard in that fight—figuratively speaking, of course. We will fight every minute of every day against this.

I yield the floor.

### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:10 p.m., adjourned until Wednesday, January 16, 2019, at 10 a.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be brigadier general*

COL. FRANK A. RODMAN

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be brigadier general*

COL. EDWARD S. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. ROBERT D. HARTER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be brigadier general*

COL. CHARLES M. SCHOENING

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. DAVID W. LING

#### *To be brigadier general*

COL. JOSEPH F. DZIEZYNSKI  
COL. RODNEY J. FISCHER

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER ARTICLE II, SECTION 2, CLAUSE 2, OF THE UNITED STATES CONSTITUTION:

#### *To be rear admiral*

REAR ADM. (LH) RONNY L. JACKSON

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be brigadier general*

COL. DAVID NATHANSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. LEONARD F. ANDERSON IV  
COL. WILLIAM E. SOUZA III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major general*

BRIG. GEN. JULIAN D. ALFORD  
BRIG. GEN. MICHAEL S. CEDERHOLM  
BRIG. GEN. DENNIS A. CRALL  
BRIG. GEN. KARSTEN S. HECKL  
BRIG. GEN. WILLIAM M. JURNEY  
BRIG. GEN. TRACY W. KING  
BRIG. GEN. CHRISTOPHER J. MAHONEY  
BRIG. GEN. GREGORY L. MASIELLO  
BRIG. GEN. STEPHEN M. NEARY  
BRIG. GEN. AUSTIN E. RENFORTH

BRIG. GEN. PAUL J. ROCK, JR.  
BRIG. GEN. JOSEPH F. SHRADER  
BRIG. GEN. STEPHEN D. SKLENKA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be brigadier general*

COL. MARCUS B. ANNIBALE  
COL. MELVIN G. CARTER  
COL. ROBERT C. FULFORD  
COL. DANIEL Q. GREENWOOD  
COL. JOSEPH A. MATOS III  
COL. JASON L. MORRIS  
COL. THOMAS B. SAVAGE  
COL. DANIEL L. SHIPLEY  
COL. JAMES B. WELLONS  
COL. BRIAN N. WOLFORD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

SALEH P. DAGHER  
JAMAHL K. EVANS  
JOSE N. MIRELES  
NEVILLE A. WELCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be lieutenant colonel*

RICO ACOSTA  
AGUR S. ADAMS  
BRIAN A. ADAMS  
MICHAEL M. AHLSTROM  
CLINT W. ALANIS  
ANDREW J. ALISSANDRATOS  
CHRISTOPHER D. ALVINO  
MARY C. ANDERLONIS  
KYLE J. ANDREWS  
CHARLES E. ANKLAM III  
PETER E. ANKNEY  
ANDREW R. APEZ  
WELLINGTON C. AQUINO  
ROBERT C. ARBEGAST  
RICHARD M. ARBOGAST  
JAMES C. ARGENTINA, JR.  
PHILIP T. ASH  
KELLY R. ATTWOOD  
MICHAEL J. AUBRY  
AARON M. AWTRY  
DOUGLAS F. BARRNS  
GLENN P. BAKER  
LUCAS A. BALLENGER  
JOHN R. BALLENGER  
JOSEPH N. BARKER  
JONATHAN F. BARR  
PAUL R. BARRON  
MATTHEW D. BARTELS  
ROBERT I. BARKINS  
MATTHEW J. BAUMANN  
ELDON W. BECK  
MATTHEW J. BECK  
JOSEPH C. BEGLEY  
BEAU B. BELL  
BRIDGET N. BEMIS  
CASEY BENEFIELD  
ERIN K. BERARD  
JOHN T. BIDWELL  
BENJAMIN L. BLANTON  
MICHAEL A. BLEJSKI  
STEPHEN J. BOADA  
JONATHAN C. BODWELL  
MATTHEW D. BOHMAN  
THOMAS E. BOLDEN, JR.  
AUSTIN C. BONNER  
ANNE M. BRADEN  
BARRIE F. BRADSTREET  
JONATHAN H. BRANDT  
JOSHUA A. BRINDEL  
JOSHUA H. BRINGHURST  
MATTHEW D. BRONSON  
CHAD C. BROOKS  
BRANDON D. BROWN  
JOSEPH T. BUFFAMANTE  
JOHN A. CACIOPPO  
JEFFREY J. CAHILL  
BRENT J. CANTRELL  
JARRAD S. CAROLA  
THOMAS W. CAREY  
WAYNE A. CARR, JR.  
BENJAMIN C. CARRUTHERS  
ERIC A. CATTO  
RYAN M. CAULDER  
JONATHAN I. CHAIKEN  
ROCKY L. CHECCA  
NEAL J. CHERAMIE, JR.  
RYAN E. CHRIST

MICHAEL E. CLARK  
VANESSA E. CLARK  
COLE M. CLEMENTS  
JOSEPH E. CLEMMEY, JR.  
RICHARD M. CLONINGER  
THOMAS E. COGAN IV  
JOSE F. COLINGA  
JASON M. CONDON  
JONATHAN R. COOK  
MATTHEW P. COOK  
DAVID N. CORKILL  
STEPHANIE L. COTHERN  
ERIC P. CRECELIUS  
PAUL L. CROOM II  
NELS C. DAHLGARD  
JOHN A. DALBY

ANDREW D. DAMBROGI  
ROBERT G. DANIELS  
BRAD A. DANKS  
DANA M. DARNELL  
PHILLIP A. DEEBLE  
ANTHONY C. DELLACOSTA III  
SUZANNE M. DEMPSEY  
STEPHEN E. DETRINIS  
CHRISTOPHER J. DETTLE  
SETH E. DEWEY  
PHILLIP D. DIBELLA  
JOHN B. DICKENS  
MICHAEL J. DONALDSON  
ALEXANDER G. DOUVAS  
MATTHEW A. DOWDEN  
THADDEUS V. DRAKE, JR.  
CHARLES R. DRENNAN  
DOUGLAS I. DUFFIN  
THOMAS J. DUNN  
JOSEPH C. ELSEBROAD  
HAROLD J. EVERHART  
NATASHA M. EVERLY  
PATRICK J. FAHEY  
ROBERT A. FAIRLEY  
TIMOTHY J. FARAG  
SCOTT C. FARRAR  
THOMAS C. FARRINGTON II  
JOHN L. FERRITER  
BENJAMIN J. FIALA  
DEREK A. FILIPE  
CAMERON A. FITZSIMMONS  
NATHAN A. FLEISCHAKER  
JASON T. FORD  
CHRISTOPHER J. FORSYTHE  
LUCAS S. FRANK  
MAX D. FRANK  
GEOFFREY J. FRANKS  
RYAN J. FRANZEN  
TYLER A. FREEBURG  
DUNCAN A. FRENCH  
JAMES R. FRIEDLEIN  
KENDRICK L. GAINES  
CLAYTON D. GARD III  
JASON M. GARZ  
ERIC P. GENTRUP  
BRIAN D. GERSCHUTZ  
ROBERT A. GIBSON  
LYLE L. GILBERT  
AARON J. GLOVER  
ANDREA L. GOERMAN  
RYAN R. GORDNIER  
BRIAN P. GRAY  
JEROME C. GRECO  
JOSHUA A. GREGORY  
GIDEON F. GRISETT  
JUSTIN C. GRISSOM  
CLARKE P. GROEFSEMA  
KYLE D. HAIRE  
RHETT A. HANSEN  
JOHN P. HARLEY  
TODD E. HARRISON  
TYLER J. HARRISON  
MARYKITT B. HAUGEN  
JEREMY C. HAWKINS  
BENJAMIN J. HAWTHORNE  
ALEX D. HEDMAN  
MATTHEW C. HEMPHILL  
CHRISTINA R. HENRY  
ERIC J. HENZLER  
BENJAMIN R. HEREDIA  
KEVIN R. HERRMANN  
RONALD A. HESS  
DAVID R. HILL  
ROBERT J. HILLERY  
ALDEN E. HINGLE III  
DANIEL J. HIPOL  
TYLER J. HOLT  
EDWARD V. HOLTON  
JOHN A. HOOKS, JR.  
HENRY J. HORTENSTINE  
BROCK A. HOUGHTON  
TIMOTHY G. HUDSON  
JAMES R. HUEFNER  
RYAN M. HUNT  
JAMES HUTCHINS  
JONATHAN A. HUTCHISON  
JASON A. HVIZDAK  
JOSEPH F. IRWIN  
LEIGH G. IRWIN  
BELINDA L. JAROLIMEK  
RICHARD A. JENNINGS  
KIRK A. JOHNSON  
CHARLES R. JOHNSTON  
LAWRENCE O. JONES  
MICHAEL L. JONES  
ROBERT M. JONES, JR.  
DANIEL W. KAISES  
VERONICA L. KALTDRIDER  
CHRISTOPHER M. KAPRIELIAN  
DENNIS W. KATOLIN  
KEVIN M. KEENE  
ERIK A. KEIM  
MICHAEL R. KEMPF  
SUNG G. KIM  
KURTIS C. KJOBECH  
SCOTT G. KLEINMAN  
THOMAS D. KLINE  
BRADFORD L. KLUSMANN  
BRET J. KNICKERBOCKER  
ZACHARY M. KNIGHT  
JOEL P. KNUTSON  
ROMAN V. KOSHKIN  
MARK A. KOVAL  
KEVIN D. KRATZER  
AARON R. KRUKOW  
CHRISTOPHER J. KUPKA  
MICHAEL P. KUSNERAK

ANDREW D. DAMBROGI  
ROBERT G. DANIELS  
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JOHN L. FERRITER  
BENJAMIN J. FIALA  
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CAMERON A. FITZSIMMONS  
NATHAN A. FLEISCHAKER  
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