

consultation with the Executive Director. The Chair shall also consult with the Executive Director regarding the time and location of meetings of the President's Board of Advisors, which shall take place not less frequently than once every 6 months. Members of the President's Board of Advisors shall serve without compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law. Insofar as the Federal Advisory Committee Act (5 U.S.C. App.) may apply to the Board, any functions of the President under such Act, except for those of reporting to the Congress, shall be performed by the Chair, in accordance with guidelines issued by the Administrator of General Services.

(c) MISSION AND FUNCTIONS.—The President's Board of Advisors shall advise the President, through the White House Initiative, on all matters pertaining to strengthening the educational capacity of HBCUs. In particular, the President's Board of Advisors shall advise the President in the following areas:

(1) Improving the identity, visibility, distinctive capabilities, and overall competitiveness of HBCUs.

(2) Engaging the philanthropic, business, government, military, homeland-security, and education communities in a national dialogue regarding new HBCU programs and initiatives.

(3) Improving the ability of HBCUs to remain fiscally secure institutions that can assist the Nation in achieving its educational goals and in advancing the interests of all Americans.

(4) Elevating the public awareness of, and fostering appreciation of, HBCUs.

(5) Encouraging public-private investments in HBCUs.

(6) Improving government-wide strategic planning related to HBCU competitiveness to align Federal resources and provide the context for decisions about HBCU partnerships, investments, performance goals, priorities, human capital development and budget planning.

(d) REPORT.—The President's Board of Advisors shall report annually to the President on the Board's progress in carrying out its duties under this section.

By Mr. CARDIN (for himself, Mr. LEAHY, Mr. JONES, Ms. BALDWIN, Mr. KAINE, Mrs. FEINSTEIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. DURBIN, Mrs. SHAHEEN, Ms. CORTEZ MASTO, Ms. HASSAN, and Mr. VAN HOLLEN):

S. 464. A bill to require the treatment of a lapse in appropriations as a mitigating condition when assessing financial considerations for security clearances, and for other purposes; read the first time.

Mr. CARDIN. Mr. President, I rise today to introduce the Protecting Employees Security Clearances Act of 2019 (PESCA). I am pleased to have Senators LEAHY, JONES, BALDWIN, KAINE, FEINSTEIN, HIRONO, KLOBUCHAR, DURBIN, SHAHEEN, CORTEZ MASTO, HASSAN, and VAN HOLLEN as cosponsors. Our measure would protect federal employees and contractors from losing their security clearances due to financial reasons, such as poor credit scores, that are attributable to a lapse in federal appropriations. The bill directs the Security Executive Agent to ensure that a lapse in appropriations (including the one that ended last month) is

considered as a mitigating factor for initial or continued security clearance eligibility during the adjudication process. More specifically, the bill states that "No head of any agency may revoke the national security eligibility of a covered employee because of a reduction in the credit score or negative information in a consumer credit file of the covered employee that is attributable to disrupted income payments as a result of a lapse in appropriations."

Nearly 80 percent of Americans live from one paycheck to the next. They cannot afford to miss even a single paycheck. Federal workers and contractors are no different. "Excepted" employees—those individuals who are compelled to work without pay during a shutdown—are guaranteed retroactive pay. The Government Employee Fair Treatment Act (Public Law 116-1), which I authored, now guarantees retroactive pay for furloughed federal workers. I have co-sponsored S. 162, Senator SMITH's bill to provide retroactive pay for lower wage contractor employees. Currently, there is no guarantee that contractor employees will be paid after a shutdown ends.

Many federal workers and contractors are subject to high security standards that include rigorous and routine financial background checks. Missing payments on debts could create delays in securing or renewing security clearances. We shouldn't punish these hard-working, patriotic Americans because they are forced to go without pay during a shutdown they bear no responsibility for causing. Providing retroactive pay is the right and fair thing to do, but forcing these individuals to miss one or more paychecks causes real financial harm. At a minimum, their security clearances shouldn't be jeopardized as a result.

Last month, the Federal Bureau of Investigation Agents Association (FBIAA) published a report entitled, "Voices From The Field: FBI Agent Accounts of the Real Consequences of the Government Shutdown." The report warned of the dire national security consequences of the shutdown. It also documented the financial hardships FBIAA members were facing. Two comments from the FBIAA's Central Region summed up the situation. One Agent wrote, "My wife and I are both FBI employees who were recently transferred to a new city and finally bought our first home. Now we can't pay the mortgage for it. We contacted our lender, and they are refusing to work with us. They don't want our 'Hardship Letter', they want money, period." Another wrote, "There have been several employees who have gotten zero assistance from their mortgage lenders and banks regarding home and car loans and still have to make payments on time or get penalized. They are truly struggling to make ends meet."

Last December, when President Trump met with Leader SCHUMER and

soon-to-be Speaker PELOSI, he boasted about shutting the government down, saying, "I will take the mantle. I will be the one to shut it down." While President Trump was proud "to take the mantle," innocent victims were taking it on the chin. Here we are, less than five days away from another potential shutdown. I earnestly hope we can avoid another shutdown. But in the interim, we urgently need to mitigate the real harm federal workers and contractor employees suffer when they are forced to go without their pay. Passing PESCA is one way to do that. Just 13 days elapsed between the time I introduced the Government Employee Fair Treatment Act and President Trump signed it into law. I hope we can act with the same alacrity with respect to PESCA.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 67—EX-PRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE AND VITALITY OF THE UNITED STATES ALLIANCES WITH JAPAN AND THE REPUBLIC OF KOREA, AND OUR TRILATERAL CO-OPERATION IN THE PURSUIT OF SHARED INTERESTS

Mr. MENENDEZ (for himself, Mr. GARDNER, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 67

Whereas the governments and the people of the United States, Japan, and the Republic of Korea share comprehensive and dynamic partnerships and personal friendships rooted in shared interests and the common values of freedom, democracy, and free market economies;

Whereas the United States, Japan, and the Republic of Korea are all free societies committed to the principles of inclusive democracy, respect for human potential, and the belief that the peaceful spread of these principles will result in a safer and brighter future for all of mankind;

Whereas the United States, Japan, and the Republic of Korea are indispensable partners in tackling global challenges and have pledged significant support for efforts to counter violent extremism, combat the proliferation of weapons of mass destruction, prevent piracy, improve global health and energy security, promote human rights, address climate change, contribute to economic development around the world, and assist the victims of conflict and disaster worldwide;

Whereas the governments and the people of the United States, Japan, and the Republic of Korea all share a commitment to free and open markets, high standards for the free flow of commerce and trade, and the establishment of an inclusive, transparent, and sustainable architecture for regional and global trade and development;

Whereas the United States-Japan and the United States-Republic of Korea alliances are the foundation of regional stability in Asia, including against the threat posed by the regime in Pyongyang;

Whereas cooperation between and among our nations spans economic, energy, diplomatic, security, and cultural spheres;

Whereas the United States and Japan established diplomatic relations on March 31, 1854, with the signing of the Treaty of Peace and Amity;

Whereas the relationship between the peoples of the United States and the Republic of Korea stretches back to Korea's Chosun Dynasty, when the United States and Korea established diplomatic relations under the 1882 Treaty of Peace, Amity, Commerce, and Navigation;

Whereas 2019 marks the 74th anniversary of the end of World War II, a conflict in which the United States and Japan were enemies, and the strength of the United States-Japan alliance is a testament to the ability of great countries to overcome the past and to work together to create a more secure and prosperous future;

Whereas the United States-Korea alliance was forged in blood, with United States military casualties during the Korean War of approximately 36,574 killed and more than 103,284 wounded, and with Republic of Korea casualties of more than 217,000 soldiers killed, more than 291,000 soldiers missing, and over 1,000,000 civilians killed or missing;

Whereas, for the past 70 years, the partnership between the United States and Japan has played a vital role, both in Asia and globally, in ensuring peace, stability, and economic development;

Whereas, approximately 50,000 United States military personnel serve in Japan, along with some of the United States' most advanced defense assets, including the 7th Fleet and the USS Ronald Reagan, the only United States aircraft carrier to be homeported outside the United States;

Whereas, since the Mutual Defense Treaty Between the United States and the Republic of Korea, signed in Washington on October 1, 1953, and ratified by the Senate on January 26, 1954, United States military personnel have maintained a continuous presence on the Korean Peninsula, and approximately 28,500 United States troops are stationed in the Republic of Korea in 2019;

Whereas the United States and the Republic of Korea have stood alongside each other in the four major wars the United States has fought outside Korea since World War II—in Vietnam, the Persian Gulf, Afghanistan, and Iraq;

Whereas Japan is the fourth-largest United States trading partner and together with the United States represents 30 percent of global Gross Domestic Product, and Japanese firms have invested \$469,000,000,000 in the United States;

Whereas, the economic relationship between the United States and its sixth-largest trading partner, the Republic of Korea, has been facilitated by the United States-Korea Free Trade Agreement (KORUS), which entered into force on March 15, 2012, and was amended as of January 1, 2019, includes 358,000 jobs in the United States that are directly related to exports to the Republic of Korea, and has resulted in more than \$40,000,000,000 in investments by Korean firms in the United States;

Whereas Japan and the Republic of Korea stand as strong partners of the United States in efforts to ensure maritime security and freedom of navigation, commerce, and overflight and to uphold respect for the rule of law and to oppose the use of coercion, intimidation, or force to change the regional or global status quo, including in the maritime domains of the Indo-Pacific, which are among the busiest waterways in the world;

Whereas the United States, Japan, and the Republic of Korea are committed to working together towards a world where the Democratic People's Republic of Korea (in this preamble referred to as the "DPRK") does not threaten global peace and security with

its weapons of mass destruction, missile proliferation, and illicit activities, and where the DPRK respects human rights and its people can live in freedom;

Whereas section 211 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9231; Public Law 114-122) expresses the sense of Congress that the President "should seek to strengthen high-level trilateral mechanisms for discussion and coordination of policy toward North Korea between the Government of the United States, the Government of South Korea, and the Government of Japan";

Whereas the Asia Reassurance Initiative Act of 2018 (Public Law 115-409) underscores the importance of trilateral defense cooperation and enforcement of multilateral sanctions against North Korea and calls for regular consultation with Congress on the status of such efforts;

Whereas the United States, Japan, and the Republic of Korea have made great strides in promoting trilateral cooperation and defense partnership, including ministerial meetings, information sharing, and cooperation on ballistic missile defense exercises to counter North Korean provocations;

Whereas Japanese Americans and Korean Americans have made invaluable contributions to the security, prosperity, and diversity of our Nation, including service as our elected representatives in the Senate and in the House of Representatives; and

Whereas the United States Government looks forward to continuing to deepen our enduring partnerships with Japan and the Republic of Korea on economic, security, and cultural issues, as well as embracing new opportunities for bilateral and trilateral partnerships and cooperation on emerging regional and global challenges: Now, therefore, be it

*Resolved*, That the Senate reaffirms the importance of—

(1) the vital role of the alliances between the United States and Japan and the United States and the Republic of Korea in promoting peace, stability, and security in the Indo-Pacific region, including through United States extended deterrence, and reaffirms the commitment of the United States to defend Japan, including all areas under the administration of Japan, under Article V of the Treaty of Mutual Cooperation and Security Between the United States of America and Japan, and to defend the Republic of Korea under Article III of the Mutual Defense Treaty Between the United States and the Republic of Korea;

(2) a constructive and forward-looking relationship between Japan and the Republic of Korea for United States diplomatic, economic, and security interests and for open and inclusive architecture to support the development of a secure, stable, and prosperous Indo-Pacific region;

(3) strengthening and broadening diplomatic, economic, security, and people-to-people ties between and among the United States, Japan, and the Republic of Korea;

(4) developing and implementing a strategy to deepen the trilateral diplomatic and security cooperation between the United States, Japan, and the Republic of Korea, including through diplomatic engagement, regional development, energy security, scientific and health partnerships, educational and cultural exchanges, missile defense, intelligence-sharing, space, cyber, and other diplomatic and defense-related initiatives;

(5) trilateral cooperation with members of the United Nations Security Council and other Member States to fully and effectively enforce sanctions against the Democratic People's Republic of Korea (in this resolution referred to as the "DPRK") and evaluate additional and meaningful new measures

toward the DPRK under Article 41 of the United Nations Charter;

(6) trilateral cooperation to support and uphold a rules-based trade and economic order in the Indo-Pacific region, including the empowerment of women, which is vital for the prosperity of all our nations;

(7) supporting the expansion of academic and cultural exchanges among the three nations, especially efforts to encourage Japanese and Korean students to study at universities in the United States, and vice versa, to deepen people-to-people ties; and

(8) continued cooperation among the governments of the United States, Japan, and the Republic of Korea to promote human rights.

SENATE CONCURRENT RESOLUTION 2—EXPRESSING THE SENSE OF CONGRESS THAT ANY UNITED STATES-SAUDI ARABIA CIVILIAN NUCLEAR COOPERATION AGREEMENT MUST PROHIBIT THE KINGDOM OF SAUDI ARABIA FROM ENRICHING URANIUM OR SEPARATING PLUTONIUM ON ITS OWN TERRITORY, IN KEEPING WITH THE STRONGEST POSSIBLE NONPROLIFERATION "GOLD STANDARD"

Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MARKEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 2

Whereas, on May 21, 2009, the United States and the United Arab Emirates signed a bilateral agreement pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), establishing cooperation on civilian nuclear programs in which the United Arab Emirates agreed that it "shall not possess sensitive nuclear facilities within its territory or otherwise engage in activities within its territory for, or relating to, the enrichment or reprocessing of material, or for the alternation in form or content (except by irradiation or further irradiation or, if agreed by the Parties, post-irradiation examination) of plutonium, uranium 233, high enriched uranium, or irradiated source or special fissionable material";

Whereas the civil nuclear cooperation agreement between the United States and the United Arab Emirates further obligates the United Arab Emirates to bring into force its Additional Protocol to its IAEA Safeguards Agreement before the United States licenses "exports of nuclear material, equipment, components, or technology" pursuant to the agreement; and

Whereas this agreement became known as the first "gold standard" civil nuclear agreement and was lauded as a step toward establishing a precedent for strong nonproliferation standards on the Arabian Peninsula: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that any United States-Saudi Arabia civilian nuclear cooperation agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), commonly known as a "123 Agreement", concluded in the future should prohibit the Kingdom of Saudi Arabia from enriching uranium or separating plutonium on Saudi Arabian territory in keeping with the strongest possible nonproliferation "gold standard" as well as require the Kingdom of Saudi Arabia to bring into force the Additional Protocol with the International Atomic Energy Agency.