United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, FIRST SESSION

Vol. 165 WASHINGTON, MONDAY, FEBRUARY 25, 2019 No. 34

Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

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

Let us pray.

Our Father in Heaven, we honor Your Name. Strengthen our lawmakers so that they will not become weary in doing what is right. Continue to use them to accomplish Your purposes on Earth. Give them the wisdom to help lift burdens and to bring hope to those on life's margins.

Lord, renew the strength of our Senators, inspiring them to bring light to darkness and hope to despair. Lengthen their vision that they may see beyond today and make decisions that will have an impact for eternity.

And Lord, today, we remember the life and legacy of our first President, George Washington.

We pray in Your sacred 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAWLEY). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDING OFFICER. Pursuant to the order of the Senate of January 24, 1901, as amended by the order of February 6, 2019, the Senator from Nebraska, Mrs. FISCHER, will now read Washington's Farewell Address.

Mrs. FISCHER, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW-CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself, and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and

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

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persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts—of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The *South* in the same intercourse, benefitting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by *geographical discriminations—northern and southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local

interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of government better calculated than your former for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and the duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the

exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rival-ship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements (I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy)—I repeat it therefore, let those engagements be observed in their genuine sense. But in my opinion it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take—and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverence, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES, *19th September 1796*.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

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

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

FLOODING IN KENTUCKY

Mr. MCCONNELL. Mr. President, first, today I would like to turn attention to the severe weather that is afflicting communities throughout my home State.

Nearly 20 counties from one end of the State to the other have declared states of emergency in response to historically high water levels. Just moments ago, Governor Matt Bevin put

the entire Commonwealth under a state of emergency to mobilize resources where they are needed most. Many families are evacuating toward safety. Approximately 2,400 people in eastern and southern Kentucky are still without power. Mudslides have closed roads. Bridges are flooded, and emergency personnel have been deployed to rescue stranded drivers and others in danger.

I want to express my gratitude to the first responders working around the clock to keep their communities safe. It may be a difficult road to recovery, but Kentuckians are already pitching in to help their neighbors in need.

My staff and I are ready to work with emergency management officials and will continue to monitor the situation closely.

BUSINESS BEFORE THE SENATE

Mr. MCCONNELL. Mr. President, on an entirely different matter, this week the Senate will resume our work in the personnel business by considering yet another of President Trump's qualified judicial nominees.

Eric Miller has been chosen to sit on the Ninth Circuit Court of Appeals, and one look at his legal career to this point says he is well prepared to do so.

Mr. Miller is a graduate of Harvard and the University of Chicago, where he served on the Law Review editorial staff. He has held prominent clerkships on both the DC Circuit Court of Appeals and the U.S. Supreme Court. His record of public service at the Justice Department and in private practice reflects a legal mind of the highest caliber.

I hope each of my colleagues will join me in voting to advance the first circuit court nominee of this new Congress. That will be 31 since President Trump took office. But first, in just a few hours, the Senate will vote on advancing a straightforward piece of legislation to protect newborn babies. This legislation is simple. It would simply require that medical professionals give the same standard of care and medical treatment to newborn babies who have survived an attempted abortion as any other newborn baby would receive in any other circumstance. It isn't about new restrictions on abortion. It isn't about changing the options available to women. It is just about recognizing that a newborn baby is a newborn baby, period.

This bill would make clear that in the year 2019, in the United States of America, medical professionals on hand when a baby is born alive need to maintain their basic ethical and professional responsibilities to that newborn. It would make sure our laws reflect the fact that the human rights of newborn boys and girls are innate; they don't come and go based on the circumstances of birth. Whatever the circumstances, if that medical professional comes face-to-face with a baby who has been born alive, they are looking at a human being with human rights, period.

To be frank, it makes me uneasy that such a basic statement seems to be generating actual disagreement. Can the extreme, far-left politics surrounding abortion really have come this far? Are we really supposed to think that it is normal that there are now two sides debating whether newborn, living babies deserve medical attention?

We already know that many of our Democratic colleagues want the United States to remain one of seven nations in the world that permit elective abortions after 20 weeks—seven countries, including North Korea, China, and the United States of America. But now it seems the far left wants to push the envelope even further. Apart from the entire abortion debate, they now seem to be suggesting that newborn babies' right to life may be contingent—contingent—on the circumstances surrounding their birth. Well, evidently, the far left is no longer convinced that all babies are created equal, but the rest of us are still pretty fond of that principle.

My colleagues across the aisle need to decide where they will take their cues on these moral questions. On the one hand, there are a few extreme voices who have decided that some newborn lives are more disposable than others. On the other side is the entire rest of the country.

I would urge my colleagues: Let's listen to the voices of the American people. Let's reaffirm that when we say every life is created equal, we actually mean it. Let's vote to advance the Born-Alive Abortion Survivors Protection Act later today.

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 (Ms. ERNST). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DECLARATION OF NATIONAL EMERGENCY

Mr. SCHUMER. Madam President, before Congress went out of session 2 weeks ago, President Trump announced that he was declaring a national emergency to redirect funds to the construction of a border wall. It was a lawless act, a gross abuse of power, and an attempt by the President to distract from the fact that he broke his core promise to have Mexico pay for the wall.

Let me give a few reasons why the President's emergency is so wrong.

First, there is no evidence of an emergency at the border. Illegal border crossings have been declining for 20 years. Just this morning, a group of 58 former senior national security figures, including Chuck Hagel and Madeleine Albright, released a statement saying: ''Under no plausible assessment of the evidence is there a national emergency today that entitles the president to tap into funds appropriated for other purposes to build a wall at the southern border.''

I ask unanimous consent that the full statement be printed in the RECORD.

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

JOINT DECLARATION OF FORMER UNITED STATES GOVERNMENT OFFICIALS

We, the undersigned, declare as follows:

1. We are former officials in the U.S. government who have worked on national security and homeland security issues from the White House as well as agencies across the Executive Branch. We have served in senior leadership roles in administrations of both major political parties, and collectively we have devoted a great many decades to protecting the security interests of the United States. We have held the highest security clearances, and we have participated in the highest levels of policy deliberations on a broad range of issues. These include: immigration, border security, counterterrorism, military operations, and our nation's relationship with other countries, including those south of our border.

a. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee and naturalized American citizen, she served as U.S. Permanent Representative to the United Nations from 1993 to 1997. She has also been a member of the Central Intelligence Agency External Advisory Board since 2009 and of the Defense Policy Board since 2011, in which capacities she has received assessments of threats facing the United States.

b. Jeremy B. Bash served as Chief of Staff of the U.S. Department of Defense from 2011 to 2013, and as Chief of Staff of the Central Intelligence Agency from 2009 to 2011.

c. John B. Bellinger III served as the Legal Adviser to the U.S. Department of State from 2005 to 2009. He previously served as Senior Associate Counsel to the President and Legal Adviser to the National Security Council from 2001 to 2005.

d. Daniel Benjamin served as Ambassador-at-Large for Counterterrorism at the U.S. Department of State from 2009 to 2012.

e. Antony Blinken served as Deputy Secretary of State from 2015 to 2017. He previously served as Deputy National Security Advisor to the President from 2013 to 2015.

f. John 0. Brennan served as Director of the Central Intelligence Agency from 2013 to 2017. He previously served as Deputy National Security Advisor for Homeland Security and Counterterrorism and Assistant to the President from 2009 to 2013.

g. R. Nicholas Burns served as Under Secretary of State for Political Affairs from 2005 to 2008. He previously served as U.S. Ambassador to NATO and as U.S. Ambassador to Greece.

h. William J. Burns served as Deputy Secretary of State from 2011 to 2014. He previously served as Under Secretary of State for Political Affairs from 2008 to 2011, as U.S. Ambassador to Russia from 2005 to 2008, as Assistant Secretary of State for Near Eastern Affairs from 2001 to 2005, and as U.S. Ambassador to Jordan from 1998 to 2001.

i. Johnnie Carson served as Assistant Secretary of State for African Affairs from 2009 to 2013. He previously served as the U.S. Ambassador to Kenya from 1999 to 2003, to Zimbabwe from 1995 to 1997, and to Uganda from 1991 to 1994.

j. James Clapper served as U.S. Director of National Intelligence from 2010 to 2017.

k. David S. Cohen served as Under Secretary of the Treasury for Terrorism and Financial Intelligence from 2011 to 2015 and as Deputy Director of the Central Intelligence Agency from 2015 to 2017.

l. Eliot A. Cohen served as Counselor of the U.S. Department of State from 2007 to 2009.

m. Ryan Crocker served as U.S. Ambassador to Afghanistan from 2011 to 2012, as U.S. Ambassador to Iraq from 2007 to 2009, as U.S. Ambassador to Pakistan from 2004 to 2007, as U.S. Ambassador to Syria from 1998 to 2001, as U.S. Ambassador to Kuwait from 1994 to 1997, and U.S. Ambassador to Lebanon from 1990 to 1993.

n. Thomas Donilon served as National Security Advisor to the President from 2010 to 2013.

o. Jen Easterly served as Special Assistant to the President and Senior Director for Counterterrorism from 2013 to 2016.

p. Nancy Ely-Raphel served as Senior Adviser to the Secretary of State and Director of the Office to Monitor and Combat Trafficking in Persons from 2001 to 2003. She previously served as the U.S. Ambassador to Slovenia from 1998 to 2001.

q. Daniel P. Erikson served as Special Advisor for Western Hemisphere Affairs to the Vice President from 2015 to 2017, and as Senior Advisor for Western Hemisphere Affairs at the U.S. Department of State from 2010 to 2015.

r. John D. Feeley served as U.S. Ambassador to Panama from 2015 to 2018. He served as Principal Deputy Assistant Secretary for Western Hemisphere Affairs at the U.S. Department of State from 2012 to 2015.

s. Daniel F. Feldman served as Special Representative for Afghanistan and Pakistan at the U.S. Department of State from 2014 to 2015.

t. Jonathan Finer served as Chief of Staff to the Secretary of State from 2015 to 2017, and Director of the Policy Planning Staff at the U.S. Department of State from 2016 to 2017.

u. Jendayi Frazer served as Assistant Secretary of State for African Affairs from 2005 to 2009. She served as U.S. Ambassador to South Africa from 2004 to 2005.

v. Suzy George served as Executive Secretary and Chief of Staff of the National Security Council from 2014 to 2017.

w. Phil Gordon served as Special Assistant to the President and White House Coordinator for the Middle East, North Africa and the Gulf from 2013 to 2015, and Assistant Secretary of State for European and Eurasian Affairs from 2009 to 2013.

x. Chuck Hagel served as Secretary of Defense from 2013 to 2015, and previously served as Co-Chair of the President's Intelligence Advisory Board. From 1997 to 2009, he served as U.S. Senator for Nebraska, and as a senior member of the Senate Foreign Relations and Intelligence Committees.

y. Avril D. Haines served as Deputy National Security Advisor to the President from 2015 to 2017. From 2013 to 2015, she served as Deputy Director of the Central Intelligence Agency.

z. Luke Hartig served as Senior Director for Counterterrorism at the National Security Council from 2014 to 2016.

aa. Heather A. Higginbottom served as Deputy Secretary of State for Management and Resources from 2013 to 2017.

bb. Roberta Jacobson served as U.S. Ambassador to Mexico from 2016 to 2018. She previously served as Assistant Secretary of State for Western Hemisphere Affairs from 2011 to 2016.

cc. Gil Kerlikowske served as Commissioner of Customs and Border Protection from2014 to 2017. He previously served as Director of the Office of National Drug Control Policy from 2009 to 2014.

dd. John F. Kerry served as Secretary of State from 2013 to 2017.

ee. Prem Kumar served as Senior Director for the Middle East and North Africa at the National Security Council from 2013 to 2015.

ff. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency from 2000 to 2004 and as Acting Director in 2004. His duties included briefing President-elect Bill Clinton and President George W. Bush.

gg. Lisa O. Monaco served as Assistant to the President for Homeland Security and Counterterrorism and Deputy National Security Advisor from 2013 to 2017. Previously, she served as Assistant Attorney General for National Security from 2011 to 2013.

hh. Janet Napolitano served as Secretary of Homeland Security from 2009 to 2013. She served as the Governor of Arizona from 2003 to 2009.

ii. James D. Nealon served as Assistant Secretary for International Engagement at the U.S. Department of Homeland Security from 2017 to 2018. He served as U.S. Ambassador to Honduras from 2014 to 2017.

jj. James C. O'Brien served as Special Presidential Envoy for Hostage Affairs from 2015 to 2017. He served in the U.S. Department of State from 1989 to 2001, including as Principal Deputy Director of Policy Planning and as Special Presidential Envoy for the Balkans.

kk. Matthew G. Olsen served as Director of the National Counterterrorism Center from 2011 to 2014.

ll. Leon E. Panetta served as Secretary of Defense from 2011 to 2013. From 2009 to 2011, he served as Director of the Central Intelligence Agency.

mm. Anne W. Patterson served as Assistant Secretary of State for Near Eastern Affairs from 2013 to 2017. Previously, she served as the U.S. Ambassador to Egypt from 2011 to 2013, to Pakistan from 2007 to 2010, to Colombia from 2000 to 2003, and to El Salvador from 1997 to 2000.

nn. Thomas R. Pickering served as Under Secretary of State for Political Affairs from 1997 to 2000. He served as U.S. Permanent Representative to the United Nations from 1989 to 1992.

oo. Amy Pope served as Deputy Homeland Security Advisor and Deputy Assistant to the President from 2015 to 2017.

pp. Samantha J. Power served as U.S. Permanent Representative to the United Nations from 2013 to 2017. From 2009 to 2013, she served as Senior Director for Multilateral and Human Rights at the National Security Council.

qq. Jeffrey Prescott served as Deputy National Security Advisor to the Vice President from 2013 to 2015, and as Special Assistant to the President and Senior Director for Iran, Iraq, Syria and the Gulf States from 2015 to 2017.

rr. Nicholas Rasmussen served as Director of the National Counterterrorism Center from 2014 to 2017.

ss. Alan Charles Raul served as Vice Chairman of the Privacy and Civil Liberties Oversight Board from 2006 to 2008. He previously served as General Counsel of the U.S. Department of Agriculture from 1989 to 1993, General Counsel of the Office of Management and Budget in the Executive Office of the President from 1988 to 1989, and Associate Counsel to the President from 1986 to 1989.

tt. Dan Restrepo served as Special Assistant to the President and Senior Director for Western Hemisphere Affairs at the National Security Council from 2009 to 2012.

uu. Susan E. Rice served as U.S. Permanent Representative to the United Nations from 2009 to 2013 and as National Security Advisor to the President from 2013 to 2017.

vv. Anne C. Richard served as Assistant Secretary of State for Population, Refugees, and Migration from 2012 to 2017.

ww. Eric P. Schwartz served as Assistant Secretary of State for Population, Refugees, and Migration from 2009 to 2011. From 1993 to 2001, he was responsible for refugee and humanitarian issues at the National Security Council, ultimately serving as Special Assistant to the President for National Security Affairs and Senior Director for Multilateral and Humanitarian Affairs.

xx. Andrew J. Shapiro served as Assistant Secretary of State for Political-Military Affairs from 2009 to 2013.

yy. Wendy R. Sherman served as Under Secretary of State for Political Affairs from 2011 to 2015.

zz. Vikram Singh served as Deputy Special Representative for Afghanistan and Pakistan from 2010 to 2011 and as Deputy Assistant Secretary of Defense for Southeast Asia from 2012 to 2014.

aaa. Dana Shell Smith served as U.S. Ambassador to Qatar from 2014 to 2017. Previously, she served as Principal Deputy Assistant Secretary of Public Affairs.

bbb. Jeffrey H. Smith served as General Counsel of the Central Intelligence Agency from 1995 to 1996. He previously served as General Counsel of the Senate Armed Services Committee.

ccc. Jake Sullivan served as National Security Advisor to the Vice President from 2013 to 2014. He previously served as Director of Policy Planning at the U.S. Department of State from 2011 to 2013.

ddd. Strobe Talbott served as Deputy Secretary of State from 1994 to 2001.

eee. Linda Thomas-Greenfield served as Assistant Secretary for the Bureau of African Affairs from 2013 to 2017. She previously served as U.S. Ambassador to Liberia and Deputy Assistant Secretary for the Bureau of Population, Refugees, and Migration from 2004 to 2006.

fff. Arturo A. Valenzuela served as Assistant Secretary of State for Western Hemisphere Affairs from 2009 to 2011. He previously served as Special Assistant to the President and Senior Director for Inter-American Affairs at the National Security Council from 1999 to 2000, and as Deputy Assistant Secretary of State for Mexican Affairs from 1994 to 1996.

2. On February 15, 2019, the President declared a ''national emergency'' for the purpose of diverting appropriated funds from previously designated uses to build a wall along the southern border. We are aware of no emergency that remotely justifies such a step. The President's actions are at odds with the overwhelming evidence in the public record, including the administration's own data and estimates. We have lived and worked through national emergencies, and we support the President's power to mobilize the Executive Branch to respond quickly in genuine national emergencies. But under no plausible assessment of the evidence is there a national emergency today that entitles the President to tap into funds appropriated for other purposes to build a wall at the southern border. To our knowledge, the President's assertion of a national emergency here is unprecedented, in that he seeks to address a situation: (1) that has been enduring, rather than one that has arisen suddenly; (2) that in fact has improved over time rather than deteriorated; (3) by reprogramming billions of dollars in funds in the face of clear congressional intent to the contrary; and (4)

with assertions that are rebutted not just by the public record, but by his agencies' own official data, documents, and statements.

3. *Illegal border crossings are near forty-year lows.* At the outset, there is no evidence of a sudden or emergency increase in the number of people seeking to cross the southern border. According to the administration's own data, the numbers of apprehensions and undetected illegal border crossings at the southern border are near forty-year lows. Although there was a modest increase in apprehensions in 2018, that figure is in keeping with the number of apprehensions only two years earlier, and the overall trend indicates a dramatic decline over the last fifteen years in particular. The administration also estimates that ''undetected unlawful entries'' at the southern border ''fell from approximately 851,000 to nearly 62,000'' between fiscal years 2006 to 2016, the most recent years for which data are available. The United States currently hosts what is estimated to be the smallest number of undocumented immigrants since 2004. And in fact, in recent years, the majority of currently undocumented immigrants entered the United States legally, but overstayed their visas, a problem that will not be addressed by the declaration of an emergency along the southern border.

4. *There is no documented terrorist or national security emergency at the southern border.* There is no reason to believe that there is a terrorist or national security emergency at the southern border that could justify the President's proclamation.

a. This administration's own most recent Country Report on Terrorism, released only five months ago, found that ''there was no credible evidence indicating that international terrorist groups have established bases in Mexico, worked with Mexican drug cartels, or sent operatives via Mexico into the United States.'' Since 1975, there has been only one reported incident in which immigrants who had crossed the southern border illegally attempted to commit a terrorist act. That incident occurred more than twelve years ago, and involved three brothers from Macedonia who had been brought into the United States as children more than twenty years earlier.

b. Although the White House has claimed, as an argument favoring a wall at the southern border, that almost 4,000 known or suspected terrorists were intercepted at the southern border in a single year, this assertion has since been widely and consistently repudiated, including by this administration's own Department of Homeland Security. The overwhelming majority of individuals on terrorism watchlists who were intercepted by U.S. Customs and Border Patrol were attempting to travel to the United States by air; of the individuals on the terrorist watchlist who were encountered while entering the United States during fiscal year 2017, only 13 percent traveled by land. And for those who have attempted to enter by land, only a small fraction do so at the southern border. Between October 2017 and March 2018, forty-one foreign immigrants on the terrorist watchlist were intercepted at the northern border. Only six such immigrants were intercepted at the southern border.

5. *There is no emergency related to violent crime at the southern border.* Nor can the administration justify its actions on the grounds that the incidence of violent crime on the southern border constitutes a national emergency. Factual evidence consistently shows that unauthorized immigrants have no special proclivity to engage in criminal or violent behavior. According to a Cato Institute analysis of criminological data, undocumented immigrants are 44 percent *less likely* to be incarcerated nationwide than are native-born citizens. And in Texas, undocumented immigrants were found to have a first-time conviction rate 32 percent below that of native-born Americans; the conviction rates of unauthorized immigrants for violent crimes such as homicide and sex offenses were also below those of native-born Americans. Meanwhile, overall rates of violent crime in the United States have declined significantly over the past 25 years, falling 49 percent from 1993 to 2017. And violent crime rates in the country's 30 largest cities have decreased on average by 2.7 percent in 2018 alone, further undermining any suggestion that recent crime trends currently warrant the declaration of a national emergency.

6. *There is no human or drug trafficking emergency that can be addressed by a wall at the southern border.* The administration has claimed that the presence of human and drug trafficking at the border justifies its emergency declaration. But there is no evidence of any such sudden crisis at the southern border that necessitates a reprogramming of appropriations to build a border wall.

a. The overwhelming majority of opioids that enter the United States across a land border are carried through legal ports of entry in personal or commercial vehicles, not smuggled through unauthorized border crossings. A border wall would not stop these drugs from entering the United States. Nor would a wall stop drugs from entering via other routes, including smuggling tunnels, which circumvent such physical barriers as fences and walls, and international mail (which is how high-purity fentanyl, for example, is usually shipped from China directly to the United States).

b. Likewise, illegal crossings at the southern border are not the principal source of human trafficking victims. About two-thirds of human trafficking victims served by nonprofit organizations that receive funding from the relevant Department of Justice office are U.S. citizens, and even among noncitizens, most trafficking victims usually arrive in the country on valid visas. None of these instances of trafficking could be addressed by a border wall. And the three states with the highest per capita trafficking reporting rates are not even located along the southern border.

7. *This proclamation will only exacerbate the humanitarian concerns that do exist at the southern border.* There are real humanitarian concerns at the border, but they largely result from the current administration's own deliberate policies towards migrants. For example, the administration has used a ''metering'' policy to turn away families fleeing extreme violence and persecution in their home countries, forcing them to wait indefinitely at the border to present their asylum cases, and has adopted a number of other punitive steps to restrict those seeking asylum at the southern border. These actions have forced asylum-seekers to live on the streets or in makeshift shelters and tent cities with abysmal living conditions, and limited access to basic sanitation has caused outbreaks of disease and death. This state of affairs is a consequence of choices this administration has made, and erecting a wall will do nothing to ease the suffering of these people.

8. *Redirecting funds for the claimed ''national emergency'' will undermine U.S. national security and foreign policy interests.* In the face of a nonexistent threat, redirecting funds for the construction of a wall along the southern border will *undermine* national security by needlessly pulling resources from Department of Defense programs that are responsible for keeping our troops and our country safe and running effectively.

a. Repurposing funds from the defense construction budget will drain money from critical defense infrastructure projects, possibly including improvement of military hospitals, construction of roads, and renovation of on-base housing. And the proclamation will likely continue to divert those armed forces already deployed at the southern border from their usual training activities or missions, affecting troop readiness.

b. In addition, the administration's unilateral, provocative actions are heightening tensions with our neighbors to the south, at a moment when we need their help to address a range of Western Hemisphere concerns. These actions are placing friendly governments to the south under impossible pressures and driving partners away. They have especially strained our diplomatic relationship with Mexico, a relationship that is vital to regional efforts ranging from critical intelligence and law enforcement partnerships to cooperative efforts to address the growing tensions with Venezuela. Additionally, the proclamation could well lead to the degradation of the natural environment in a manner that could only contribute to long-term socioeconomic and security challenges.

c. Finally, by declaring a national emergency for domestic political reasons with no compelling reason or justification from his senior intelligence and law enforcement officials, the President has further eroded his credibility with foreign leaders, both friend and foe. Should a genuine foreign crisis erupt, this lack of credibility will materially weaken this administration's ability to marshal allies to support the United States, and will embolden adversaries to oppose us.

9. *The situation at the border does not require the use of the armed forces, and a wall is unnecessary to support the use of the armed forces.* We understand that the administration is also claiming that the situation at the southern border ''requires use of the armed forces,'' and that a wall is ''necessary to support such use'' of the armed forces. These claims are implausible.

a. Historically, our country has deployed National Guard troops at the border solely to assist the Border Patrol when there was an extremely high number of apprehensions, together with a particularly low number of Border Patrol agents. But currently, even with retention and recruitment challenges, the Border Patrol is at historically high staffing and funding levels, and apprehensions—measured in both absolute and per-agent terms—are near historic lows.

b. Furthermore, the composition of southern border crossings has shifted such that families and unaccompanied minors now account for the majority of immigrants seeking entry at the southern border; these individuals do not present a threat that would need to be countered with military force.

c. Just last month, when asked what the military is doing at the border that couldn't be done by the Department of Homeland Security if it had the funding for it, a top-level defense official responded, ''[n]one of the capabilities that we are providing [at the southern border] are combat capabilities. It's not a war zone along the border.'' Finally, it is implausible that hundreds of miles of wall across the southern border are somehow necessary to support the use of armed forces. We are aware of no military- or security-related rationale that could remotely justify such an endeavor.

10. *There is no basis for circumventing the appropriations process with a declaration of a national emergency at the southern border.* We do not deny that our nation faces real immigration and national security challenges. But as the foregoing demonstrates, these challenges demand a thoughtful, evidence-based strategy, not a manufactured crisis that rests on falsehoods and fearmongering. In a briefing before the Senate Intelligence Committee on

January 29, 2019, less than one month before the Presidential Proclamation, the Directors of the CIA, DNI, FBI, and NSA testified about numerous serious current threats to U.S. national security, but none of the officials identified a security crisis at the U.S.-Mexico border. In a briefing before the House Armed Services Committee the next day, Pentagon officials acknowledged that the 2018 National Defense Strategy does not identify the southern border as a security threat. Leading legislators with access to classified information and the President's own statements have strongly suggested, if not confirmed, that there is no evidence supporting the administration's claims of an emergency. And it is reported that the President made the decision to circumvent the appropriations process and reprogram money without the Acting Secretary of Defense having even started to consider where the funds might come from, suggesting an absence of consultation and internal deliberations that in our experience are necessary and expected before taking a decision of this magnitude.

11. For all of the foregoing reasons, in our professional opinion, there is no factual basis for the declaration of a national emergency for the purpose of circumventing the appropriations process and reprogramming billions of dollars in funding to construct a wall at the southern border, as directed by the Presidential Proclamation of February 15, 2019.

Respectfully submitted,

*Signed/**

Madeleine K. Albright, Jeremy B. Bash, John B. Bellinger III, Daniel Benjamin, Antony Blinken, John O. Brennan, R. Nicholas Burns, William J. Burns, Johnnie Carson, James Clapper.

David S. Cohen, Eliot A. Cohen, Ryan Crocker, Thomas Donilon, Jen Easterly, Nancy Ely-Raphel, Daniel P. Erikson, John D. Feeley, Daniel F. Feldman, Jonathan Finer.

Jendayi Frazer, Suzy George, Phil Gordon, Chuck Hagel, Avril D. Haines, Luke Hartig, Heather A. Higginbottom, Roberta Jacobson, Gil Kerlikowske, John F. Kerry.

Prem Kumar, John E. McLaughlin, Lisa O. Monaco, Janet Napolitano, James D. Nealon, James C. O'Brien, Matthew G. Olsen, Leon E. Panetta, Anne W. Patterson, Thomas R. Pickering.

Amy Pope, Samantha J. Power, Jeffrey Prescott, Nicholas Rasmussen, Alan Charles Raul, Dan Restrepo, Susan E. Rice, Anne C. Richard, Eric P. Schwartz, Andrew J. Shapiro.

Wendy R. Sherman, Vikram Singh, Dana Shell Smith, Jeffrey H. Smith, Jake Sullivan, Strobe Talbott, Linda Thomas-Greenfield, Arturo A. Valenzuela.

Mr. SCHUMER. Even the President himself, who is now declaring an emergency, halfway through his meandering speech proclaiming the emergency, said: ''I didn't need to do this . . . but I'd rather do it [build the wall] much faster.''

If there was ever a statement that says this is not an emergency, that is it. He said he didn't need to do this. So, my colleagues, my dear colleagues, if we are going to let the President, any President, on a whim, declare emergencies just because he or she can't get their way in the Congress, we have fundamentally changed the building blocks, these strong, proud building blocks that the Founding Fathers put into place.

Second, the President's emergency declaration could cannibalize funding from worthy projects all over the country. We don't even know yet which projects he is planning to take the funds from. I ask my colleagues to think about that—what important initiatives in your State are on the Trump chopping block? What military project will the President cancel to fund the border wall Congress rejected?

Third, and I made this point a little bit at the beginning, but it bears repeating. Far and away most importantly, the President's emergency declaration is a fundamental distortion of our constitutional order. The Constitution gives Congress the power of the purse, not the President, and congressional intent on the border wall is clear. The President's wall has been before Congress several times, and not once has it garnered enough votes to merit consideration. In some cases it was with Republican votes. The President said that it was just the Democrats who blocked it. That is not true. There were Republican votes when the wall was on the floor for voting as well.

As the great New Yorker, Justice Jackson from Jamestown, NY, observed, the President's legal authority in the realm of emergencies is at its very weakest when it goes against the expressed will of Congress. In case the will of Congress was not already clear, soon it will be made so. The obvious remedy for President Trump's outrageous and lawless declaration is for Congress to vote to terminate the state of emergency. The House will vote on such a resolution tomorrow, and the Senate will soon follow suit.

I know my friends on the other side of the aisle fashion themselves supporters of the military, defenders of property rights, and stewards of the Constitution, as do Democrats. This vote on the resolution to terminate the state of emergency will test our fidelity to those principles.

Congress should come together to reject in a bipartisan fashion—we have come together before in bipartisan ways. If ever there were one moment that cries out for bipartisan rejection of an overreach of power, this is it. We should reject this naked power grab, this defacement of our constitutional balance of powers, for what seem to be largely political purposes.

NORTH KOREA

Mr. SCHUMER. Madam President, the President is on his way to Thailand for a second summit with Chairman Kim of North Korea. It is in all of our interests for the President to achieve a diplomatic resolution with North Korea that achieves a stable peace and the complete, verifiable, and irreversible denuclearization of the Korean Peninsula. Failing that, the Congress must continue to pressure a regime that permits gross humanitarian abuses and remains one of the most repressive governments on the globe.

We cannot tolerate the President making concessions without, in exchange, receiving verifiable, enduring, and concrete commitments from North Korea to denuclearize.

President Trump's first summit with Chairman Kim granted his regime the international legitimacy and acceptance that Kim has long craved while undermining our policy of maximum pressure and sanctions, seemingly so the President could have a photo op and make a speech.

Unsurprisingly, the results of that meeting were disappointing. The President claimed, bizarrely and wildly, that North Korea is ''no longer a nuclear threat'' right after the meeting, while the U.S. intelligence community has continually testified before Congress that North Korea has not been denuclearizing and appears unlikely to give up its nuclear weapons. So how can the President say it is no longer a nuclear threat when the same threat existed when he threatened North Korea earlier and after, when he seemed to make nice to President Kim? Meanwhile, the President suspended joint military readiness drills with the South Koreans—drills we have been conducting for 60 years for the safety of East Asia.

No one wants to see a repeat of the same movie. No one wants another summit that is more about photo ops and optics than progress. We are all rooting for diplomacy to succeed, but the President can't be too naive or too eager to reach a deal that gives him the photo op again but that doesn't achieve the complete denuclearization of the Korean Peninsula.

CHINA

Mr. SCHUMER. Madam President, in a similar vein, on China, President Trump announced he would be delaying the imposition of higher tariffs on March 1, in the hopes of coming to a larger trade agreement. This is all well and good if the Trump administration ultimately achieves a strong deal that makes progress on China's rapacious trade policies. But we are not there yet, and my message to President Trump is don't back down.

The President has shown the right instincts on China many times. I give him credit for that. I have praised him publicly for that, but at other times, I believe his eagerness for the appearance of accomplishment gets the best of him. Recent history has taught us that when President Trump makes unilateral concessions to China—as he did when he interfered in the sanctions against ZTE—China does very little for us in return.

President Trump must not make the same mistake again, whether by interfering in the U.S. criminal charges brought against Huawei or otherwise decreasing our leverage, until and unless China makes meaningful, enforceable, and verifiable agreements to end its theft of American intellectual property and other trade abuses.

Hopefully, that is where the negotiations are headed. If the President does

a good job, I will be the first to praise him. If he backs off or takes some temporary measure in decreasing the balance of trade but doesn't change China's structural rapaciousness against the United States and our intellectual property and our industrial know-how, he will be criticized by me and many others on both sides of the aisle.

S. 311

Mr. SCHUMER. Madam President, a word on today's vote on women's reproductive rights: The bill the Senate will vote on shortly is carefully crafted to target, intimidate, and shut down reproductive healthcare providers. Doctors across this country—Democratic doctors, Republican doctors—are lining up against the bill because it would impose requirements on what type of care doctors must provide in certain circumstances, even if that care is ineffective, contradictory to medical evidence, and against the family's wishes.

My Republican colleagues have said some incendiary things about opposing this bill. Let me be very clear. Many of these claims are false. It has always been illegal to harm a newborn infant. This vote has nothing—nothing—to do with that. Read the language. We are talking about situations when expectant parents tragically learn their pregnancy is no longer viable, and there is a fatal diagnosis. What happens in those circumstances should be decided between a woman, her family, her minister, priest, rabbi, imam, and her doctor.

It makes no sense for Washington politicians who know nothing about individual circumstances to say they know better than the doctors or the patients and their families. The bill is solely meant to intimidate doctors and restrict patients' access to care and has nothing—nothing, nothing—to do with protecting children.

Last Friday, the administration announced it was imposing a gag rule on U.S. reproductive healthcare providers and trying to restrict access to healthcare clinics that provide reproductive care. So this vote doesn't occur in a vacuum. It is part of a pattern of actions taken by President Trump and congressional Republicans to limit, deny, or circumscribe a woman's right to healthcare.

I urge the American people to do their own research, read the bill, and see what it says. Most of you will agree with it. Pay attention to the facts and not the false rhetoric. This bill is Washington politics at its worst. I will vote no.

VICTIMS OF 9/11 COMPENSATION FUND

Mr. SCHUMER. Finally—and this time it is finally, I say to my good friend from Nebraska—I turn the attention of my colleagues to a harrowing fact: We are vastly approaching the point where more people will have died from exposure to toxic chemicals on 9/11 than were killed on 9/11 itself. These are the first responders, firefighters, police, and FBI agents who rushed to the towers that fateful day, ran into the fire, smoke, and twisted steel, risking their lives and, later, we learned, risking their health to get people out. These are the union members and construction workers who worked at the pile, breathing in a toxic blend of ash and dust in the days and weeks and months that followed. These are the people, the innocents, who lived downtown when the United States was attacked in the most dastardly attack on American soil.

Right now we have a problem. While these folks are heroes and, sadly, many are suffering—because of the alarming number who are suffering from 9/11-related illnesses, the victim compensation fund is running out of money earlier than expected. The Justice Department recently announced that it might have to cut compensation awards between 50 and 70 percent.

So today I was proud to join Senators GILLIBRAND and GARDNER, as well as a group of our colleagues in the House, to introduce legislation to fix the shortfall of funding and put the victims' compensation fund on sure footing for the foreseeable future.

I urge all of my colleagues, Democrat and Republican alike, to sign on and help us pass this bill and give some hope to the thousands who were brave on 9/11 and who are suffering now.

I yield the floor.

BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 311, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to S. 311, 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.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Madam President, I ask unanimous consent that the time until 5:30 p.m. today, including quorum calls, be equally divided between the two leaders or their designees.

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

Mr. SASSE. Madam President, I just listened to the senior Senator from New York—my friend from the gym and the minority leader—deliver some summaries of what he said was in the bill before us, and he implored this body and implored the people watching on C–SPAN to read the bill, stating they would find that all of these terrible things are in the bill.

I see the minority leader has to leave the floor now, but, humbly, I would urge him to come back and show us where any of what he just said is in this bill. What he said wasn't true.

I rise today for a simple purpose. I want to ask each and every one of our colleagues whether we are OK with infanticide. This language is blunt. I recognize that, and it is too blunt for many people in this body, but, frankly, that is what we are talking about here today.

Infanticide is what the abortion survivors—Born-Alive Abortion Survivors Protection Act is actually about.

Are we a country that protects babies who are alive, born outside the womb after having survived a botched abortion? That is what this is about.

Are we a country that says it is OK to actively allow that baby to die, which is the current position of Federal law? That is the question before us, plain and simple.

Here are the facts. We know that some babies, especially late in gestation, survive attempted abortions. We know, too, that some of these babies are left to die—left to die. No further protections exist today to shield them from this ugly fate, and only some States have protections on their books. We have seen in our national discourse over the last month and a half a few States moving in different ways to undo protections that some of these babies have had at the State level.

The Born-Alive Abortion Survivors Protection Act is trying to right this obvious wrong. The bill's terms are simple: A child born alive during a botched abortion would be given the same level of care that would be provided to any other baby born at that same gestational age. That is it.

This bill isn't about abortion. I am pro-life—unapologetically pro-life—but this bill is not about anything that limits abortion. This bill doesn't have anything to do with Roe v. Wade. This bill is about something else. What this bill does is try to secure basic rights, equal rights for babies who are born and are outside the womb. That is what we are talking about.

Over the course of the next hour, as this is debated on the floor, people are going to say a whole bunch of other things. I would ask them to please bring the text of the bill to the floor when they do it and show us whether there is anything about limiting abortion in this bill.

This bill is exclusively about protecting babies who have already been born and are outside of the womb. Every baby deserves a fighting chance, whether that 24-week old baby, fighting for air and fighting for life, having just taken her first breaths, is at an abortion clinic where she survived a botched abortion or she is in a delivery room at the local hospital. Both of those babies are equally deserving of care, protection, and humane treatment, and our laws should treat both of these human beings as babies because they are babies. They have been born, and they are outside of the womb.

This really should not be controversial. In fact, my colleagues actually talk this way all of the time. This place feels like about one-third of the people here are currently running for President, so I would like to quote a few of them over the course of the last couple months.

We ought to ''build a country where no one is forgotten, and no one is left behind.'' Amen to that. Amen to that.

''The people in our society who are most often targeted by predators are also often the voiceless and the vulnerable.''

That is true.

Another offered a promise to ''fight for other people's kids as hard as I fight for my own kids.''

Last week, our colleague from Vermont announced his campaign by saying: ''The mark of a great Nation is . . . how it treats its most vulnerable people.'' BERNIE SANDERS was right.

Now is the chance, in this body, to make good on that promise. Now is the chance to protect one of the most vulnerable populations on the land imaginable—tiny, defenseless, little babies, just having taken their first breath—or was that claptrap for the campaign trail or sound-bites? Or do people mean the stuff they say around here?

Let's put it another way. Today's vote asks whether or not you want to take the side of people like Virginia's disgraced Governor Ralph Northam?

Last month, before the news of his hideous yearbook broke, Governor Northam made clear that a baby born alive during an abortion could and maybe ought to be killed if that is what the parents and doctors decided they wanted to do after a debate. That was his position: You should make the baby ''comfortable,'' and then there could be a discussion about whether or not you throw that little baby into the trash can. That is what he actually talked about on the radio for a day and a half last month.

Governor Northam is disgraceful for a whole host of reasons, but unlike some other people, he actually told the truth about what he wants. He wants a society where some people count more than others, and other people are worth less than others. He wants a society where some people can be pushed aside if they are inconvenient. In reality, that is what we are voting on today.

Some of my colleagues want to write into our law a kind of permanent exception: ''Every human being should be protected from cruel and inhuman treatment—unless that human being came into the world through a botched abortion.'' Then, you can decide later if you want to kill them.

Tonight, what we are going to vote on in the Born-Alive Abortion Survivors Protection Act is a chance to see whether we are serious when people around here say they want to protect the innocent, speak up for the voiceless, and defend the defenseless. Tonight, we are going to have the opportunity to do exactly that. We can come to the aid of innocent, voiceless, defenseless little babies who have just taken their first breaths by protecting him and her from mistreatment and neglect.

This should be, frankly, the easiest vote we ever cast in this body, but the prospect of what we are voting on here is threatening to one of the most powerful interest groups in America. The abortion industry has taken to attacking this bill wildly over the course of the last 2 weeks, even though, as we made clear repeatedly and as the text of this bill makes indisputably clear, this bill has nothing to do with abortion itself. Nothing in this bill changes the slightest letter of Roe v. Wade. Nothing touches abortion access in this bill.

This bill is about living and breathing babies who are alive outside the womb. That is all that the text of this bill does, but Planned Parenthood and NARAL and their allies feel threatened by a bill to protect alive, out-of-the-womb babies. In other words, unlike this legislation, Planned Parenthood and others refuse to draw any line between abortion and infanticide. That is what their lobbying the last week has shown. That should tell us something about what these groups are really about. What they are about is a society built on power—the power of some people to decide whether other people get to live or die.

This bill is a stumbling block to anyone who thinks that some lives are less valuable than others. This bill is a stumbling block to anyone who thinks that certain human beings should be disposable. This bill is a stumbling block to anyone who thinks that we should be able to quietly rid ourselves of little people who were ''inconvenient'' or supposedly ''unwanted.''

They are not unwanted. There are lots of people in every single State in this Union lined up waiting to adopt, including kids who have lots of hard life circumstances. In every State there are waiting lists of people who will take so-called unwanted babies.

America is a country built on a different principle. Ours is a country dedicated to the proposition that all men and women—all boys and girls—are created equal, even the littlest—even if they happen to come into the world under the most horrible circumstances, even if they are crippled or inconvenient, or, apparently, for a moment, unwanted. Ours is a country that recognizes the fundamental indistinguishable dignity of every human being, regardless of race, or sex, or creed, or ability. As a country, we have struggled for 2 centuries—sometimes at enormous cost—to extend those basic human rights to more and more of our fellow citizens. Today's vote is simply an opportunity to continue that work.

Let me say by way of closing that despite oppositions and setbacks and despite some strange rhetoric about this bill over the course of the last week, I am hopeful in the long term. Deep down, each of us knows that every member of our human family ought to be protected and deserves to be cherished and loved. The love we see every day in the eyes of moms and dads for their newborn babies is an inescapable reminder of that fundamental truth. Love is stronger than power.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

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

BLACK HISTORY MONTH

Mr. CASEY. Madam President, I rise today, in commemoration of Black History Month, to recognize, honor, and pay tribute to five Pennsylvanians who have committed themselves to creating innovative solutions to our Nation's most pressing problems.

For 13 years, I have stood on this floor on this Monday, every year, to pay tribute to Pennsylvanians. Sometimes it has been one individual, and sometimes it has been more than one, but today we have five honorees.

While these innovators hail from different backgrounds and have each mastered a different craft, they share one thing in common, and that is a commitment to their communities and to improving the lives of others in groundbreaking ways.

Today, we will honor the individual work of the following people. I will list them for you first and then talk about each of them in succession: first, the Reverend Dr. Lorina Marshall-Blake; second, Joan Myers Brown; third, Sulaiman Rahman; fourth, Rakia Reynolds; and fifth, Omar Woodward. You will hear more about each of them in a moment. There is no one way, of course, to make a difference in our society. I hope the stories of today's honorees will help to inspire the next generation of leaders. These honorees are with us here in Washington today, and we are grateful to have the chance to spend a couple of minutes talking about each of them.

Let me start with the Reverend Dr. Lorina Marshall-Blake, someone I have known for a long time. This is the story of a woman who has spent her life working to build healthier communities by advancing the conversation on issues like the opioid crisis and health disparities in our Nation, just to mention two things.

Lorina Marshall-Blake's life began in West Philadelphia, alongside her sister and three brothers. She excelled in her education, earning degrees from Antioch College and the University of Pennsylvania.

Today, Lorina is vice president of community affairs for Independence Blue Cross and also president of the Independence Blue Cross Foundation. Lorina has spent the better part of 30 years working to improve access and healthcare outcomes for those across

the region of Southeastern Pennsylvania, which is Philadelphia and the counties and communities around the city of Philadelphia. Her faith-driven work continues outside of the office, where she serves as an associate minister at the Vine Memorial Baptist Church.

Lorina is affiliated with over 30 professional and civic organizations. I will just mention a few: The United Negro College Fund, the Greater Philadelphia Chamber of Commerce, and the Urban Affairs Coalition. While the health and well-being of our Nation is not perfect, it is in great part thanks to women like Lorina Marshall-Blake that the future of healthcare and the future of access to healthcare is only brighter.

The second individual we are honoring is Joan Myers Brown. We all know that art itself has the power to enrich lives and inspire change. At the age of 17, Joan Myers Brown decided she was going to be a professional ballerina. She refused to let pervasive racism and segregation stop her from touring as a member of dance revues for Cab Calloway, Pearl Bailey, and Sammy Davis, Jr.

After excelling in her own right, she decided she wanted to give opportunity to others. To that end, in 1960, Joan Myers Brown started her own dance school in West Philadelphia called the Philadelphia School of Dance Arts. Building on that work, she founded the Philadelphia Dance Company in 1970. This dance company was created to provide opportunities for Black dancers who were systemically denied entrance to local schools. The company continues to be recognized across the world for its dancers and for its performances.

Personally, Joan is an industry icon in both the national and international art communities. For example, in 2005, the Kennedy Center honored her as a master of African-American choreography, and in 2009, she received the prestigious Philadelphia Award. In 2012, she received the National Medal of the Arts, the Nation's highest civic honor for excellence in the arts. The arts have benefited greatly from Joan Myers Brown.

Third is Sulaiman Rahman. No individual's success is achieved alone. We know that, and many in Philadelphia and beyond owe some of their success to Mr. Rahman. He has dedicated his life to empowering young professionals to personal and professional success.

After graduating from the University of Pennsylvania, Sulaiman started his career as an entrepreneur. He founded a platform for urban professionals to find local social, civic, and business events, and he successfully built an international marketing and distributing business.

With the goal of ending the opportunity gap for people of color, Sulaiman created the Urban Philly Professional Network and, later, DiverseForce, and the DiverseForce on Boards program. Every day he works to empower and connect the diverse leaders from multiple sectors and communities. He creates high-tech solutions to impact a more diverse business culture.

When he is not running DiverseForce, he is serving on a number of boards, including the Community College of Philadelphia Foundation, TeenSHARP, and the Year Up Greater Philadelphia Chapter.

Rakia Reynolds. We know that some of our Nation's greatest successes have been born out of interdisciplinary collaboration. Few in the Commonwealth of Pennsylvania know how to bring people together for new opportunities like Rakia Reynolds. From her earliest days as a child reading the book ''A Wrinkle in Time,'' she has always been committed to making things happen.

She is a New Jersey native. She moved to Philadelphia to pursue a degree at Temple University. After working as a television and magazine producer, she started her own company, Skai Blue Media.

Among other ventures, she helped to craft Philadelphia's Amazon bid and continues to advise and grow small businesses of all types. She gives back to her community as the copresident of the Philadelphia chapter of Women in Film & Television and serves as a board advisor for Fashion Group International and the National Association for Multi-Ethnicity in Communications.

In addition to her full-time work in multimedia communications, Rakia is a wife to her best friend, her husband Bram, and mother to her three amazing children.

Finally, our fifth honoree is Omar Woodward. Like many of today's successful leaders, Omar Woodward understands the importance of social enterprises and knows how to look beyond what meets the eye.

Omar is a Southeastern Pennsylvania native. He is the executive director of the Philadelphia branch of the GreenLight Fund, a nonprofit venture capital firm that invests in evidence-based social innovations focused on ending poverty.

At the GreenLight Fund, Omar is investing millions of dollars to address the needs of many Philadelphians, including bringing formerly incarcerated individuals back into the job market, helping low-income children receive quality care, and ensuring that those who were eligible have access to public assistance programs.

Widely recognized for his expertise in nonprofit board governance, Omar is also a board member of the Philanthropy Network Greater Philadelphia, the Global Philadelphia Association, the Maternity Care Coalition, and the Girard College Foundation, and he holds multiple degrees from George Washington University.

In closing, these five individuals have overcome significant barriers to become pioneers in their fields and leaders in their communities. Throughout their careers, these innovators have recognized gaps within communities, developed creative ideas, and brought these ideas to life by using their determination, their passion, and their talent. We celebrate Black History Month to commemorate the great leaders of the past but also to celebrate the leaders of today and the leaders of tomorrow—the future.

It is my honor to recognize and to pay tribute to the Rev. Dr. Lorina Marshall-Blake, Joan Myers Brown, Sulaiman Rahman, Rakia Reynolds, and Omar Woodard for their work in creating a stronger, more innovative Philadelphia. I look forward to the work these leaders will continue to do and the impact their work will have on the city of Philadelphia, our Commonwealth, and our Nation.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

S. 311

Mrs. FISCHER. Madam President, I rise to voice my full support for the Born-Alive Abortion Survivors Protection Act, offered by my colleague from Nebraska.

Today's vote on this important bill is going to give every Member of the Senate a chance to show America where one stands on the basic right of care for newborn babies.

Throughout my career in public service, I have been a strong supporter of pro-life policies that show compassion to women and children. During my time in the Nebraska Legislature, we passed the first statewide ban on abortion procedures after 20 weeks. Members from all points of the political spectrum—Republican, Democratic, pro-life, and pro-choice—came together to support that bill. We have the opportunity today to come together—Republicans and Democrats—to stand up for the lives of newborn infants in the U.S. Senate.

The Born-Alive Abortion Survivors Protection Act protects the lives of children who survive attempted abortions. Simply put, if a baby survives an abortion, he or she deserves the same medical care as any other child who is born prematurely. Without question, newborns deserve care, attention, and love. This should not be a divisive issue. This is an issue that is fundamental to what it means to be an American citizen and, more so, what it means to be a human being. Our Founding Fathers believed, unequivocally, that every person born in the United States has a right to life, liberty, and the pursuit of happiness. The Born-Alive Abortion Survivors Protection Act should be, without any doubt, a measure that is passed in the Senate.

Like most Nebraskans, I have been deeply disturbed by the actions in Virginia, New York, and the new extremes that have been pushed in the ensuing national debate that it is OK to deny newborn abortion survivors medical

care. As we all know, a bill was introduced in the Virginia House of Delegates that would make it easier to get a third-term abortion. When discussing this legislation, the Governor of Virginia recently made extremely disturbing comments in defending the bill and promoting infanticide when he described the process of an abortion procedure taking place while a mother was in labor. These policies and lines of thought fly in the face of our core values, and they have to end.

In leading up to the vote today, critics across the aisle have mounted a campaign of misinformation to try to knock this bill off course. To be clear, this legislation does not set any limits on the rights of one to obtain an abortion or abortion procedures or methods. The Born-Alive Abortion Survivors Protection Act would ensure that if newborns survive abortions, then they would receive the same care and the same attention to their health as would any other newborn. Newborn children should never be treated without basic human rights or the full protection of our laws because they are not wanted, especially when reports have estimated that nearly 2 million couples in the United States are currently waiting to adopt children—2 million.

There is simply no excuse for an infant not to receive lifesaving care. We live in a nation that was founded upon the basic rights of dignity, self-worth, and equality for every human being. In 2002, the Born-Alive Infants Protection Act passed the House of Representatives by a voice vote; it passed the Senate by unanimous consent; and it was signed into law by President Bush. We have the chance right now to build upon that 2002 consensus that those who survive abortions are, in fact, people and to clarify that they deserve medical care. We can come together today to support this sound policy once more. We can clarify, in light of the extremism we have seen displayed recently, that newborn abortion survivors deserve medical care.

I thank my fellow Nebraskan for his good work on this bill, and I will be voting to affirm that children deserve protection at every stage of life.

I ask all of my colleagues in the Senate to support this measure and to vote in favor of this important bill that is before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. SMITH. Madam President, I rise to join Senator MURRAY and my colleagues in standing up for doctors and patients in my home State of Minnesota and across the country.

S. 311 puts Congress in the middle of the important medical decisions that patients and doctors should make together without having political interference. It would compel physicians to provide unnecessary medical care. It would override physicians' professional judgments about what is best for their patients, and it would put physicians in the position of facing criminal penalties if their judgments about what is best for their patients are contrary to what is described in this bill.

Colleagues, let me be clear. For women, this is a healthcare issue, not a political issue, and this bill, I fear, interferes with the doctor-patient relationship, which should worry us all. We can all agree that people deserve the best medical care based on their individual needs and their doctors' best medical advice. This is how our medical system is supposed to work—physicians and patients making decisions together that are based on patients' individual needs.

Everybody is different. For example, any oncologist will tell you that each cancer patient's treatment is different. Treatment plans depend on the type of cancer and how advanced the cancer is. Decisions about cancer treatments also depend on each person's age and lifestyle and individual circumstances. The same is true when it comes to pregnancy. Any obstetrician will tell you that every pregnancy is different and that when complications arise, they can completely change the course of treatment. In that moment, women and their families and their doctors are the only ones who are able to make decisions about what is best for a woman and her pregnancy.

Think about what this means in real life. In August of 2016, Tippy, who is from Minnesota and has agreed for me to share her story, was pregnant and, with her husband, went to their 20-week ultrasound appointment. They were excited because they thought they were about to find out the gender of their new baby, and they had already bought decorations for the gender reveal party. Instead, Tippy and her husband got devastating news from that ultrasound. Their baby, a boy, had stopped developing properly and would not survive. They would never get to meet him and never get to hold him. The ultrasound revealed not only the tragic news about this much wanted child but also showed a dangerous condition that threatened Tippy's own health. Tippy's placenta was enlarged, and to continue her pregnancy would risk the health of her reproductive system and her ability to have future children of her own.

Tippy, with her family and her doctor, made the difficult decision to have an abortion in order to save her reproductive system. Because she was able to make that medical decision, she was able to have another baby a year later. Tippy and her husband are today the proud parents of an 18-month-old child. When Tippy and her husband made their decision, it was based on guidance from her doctor and what was right for them and the family they hoped to have in the future.

They didn't need politicians to be looking over their shoulders in the doctor's office and telling them what to do. None of us in this body should be in the business of interfering in that doctor-patient relationship. We don't tell oncologists how to treat their patients; we don't tell emergency room doctors how to save lives; and we shouldn't tell women's doctors how to take care of their patients.

Colleagues, that is what this bill does. It would give politicians in this room the power to make medical decisions for women and their families. This bill intimidates providers and forces physicians to provide inappropriate medical treatment even when it is not in the best interests of their patients or their families.

Colleagues, we should treat women with respect. Decisions about women's healthcare aren't different from decisions about men's healthcare, so why are we treating women differently? This legislation, if it were to become law, would put doctors in an untenable position: Do they follow the law or do they follow their code of professional ethics?

Colleagues, let's get out of the business of dictating medical care for women. Let's continue to trust women and their doctors. I urge my colleagues to oppose this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Iowa.

Ms. ERNST. Mr. President, this evening, as we debate this very important bill, I am hearing two different strategies, two different discussions, about what is actually on the floor in front of us. You see, my colleagues across the aisle are debating a bill that is not in front of us. They are talking about healthcare for women, which is abortion. That is what they are talking about.

This bill does not address abortion. It does not address women's healthcare issues. What this bill does is address the healthcare of a baby who is born alive after a botched abortion. We are not talking about abortion, folks. We are talking about the life of a child who is born. So, while my colleagues across the aisle are saying this is about abortion, that this is about a mother's healthcare, that is absolutely incorrect. We are talking about a human life.

In recent weeks, we have witnessed the ugly truth about the far-reaching grasp of the abortion industry and its ever-increasingly radicalized political agenda. Some politicians have not only defended aborting a child while a woman is in labor but have gone so far as to support the termination of a child after his birth. This assault on human dignity cannot stand. We can and must do better, and we can as a nation do better to defend and uphold the basic values of compassion and decency that define our very society.

I thank the junior Senator from Nebraska for offering this commonsense legislation that addresses this issue in a compassionate manner and provides critical protections for children who are born alive after surviving abortions.

Although previous laws were passed that recognize infants born alive during abortion proceedings as legal persons, there still exists a critical loophole that prevents abortionists from being held accountable for failing to follow these very laws.

This legislation closes the gap and ensures that there are concrete enforcement measures to protect children who survive abortion attempts.

We can all agree that any child who is born alive, whether through a natural birth or a botched abortion, is a living person, a person who is worthy of the utmost dignity, compassion, and respect. This legislation ensures just that by simply requiring healthcare practitioners to treat those babies who survive an abortion attempt with the same degree of care any other baby born at the same gestational age would receive.

This legislation is not meant to punish women or mothers during an often heart-wrenching and difficult experience. In fact, this legislation specifically prohibits mothers from being prosecuted. Instead, this bill quite simply imposes penalties for the intentional killing of a baby who has been born alive.

Today, we have an opportunity to categorically reject infanticide by ensuring that the laws we have on the books preventing this abhorrent practice are meaningfully enforced and that those who fail to follow such laws can be held accountable.

I urge my colleagues to set aside partisanship and support this much needed, compassionate solution. We as a nation can do better. We must protect those babies who are born alive.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I rise today in strong opposition to the legislation that the Presiding Officer has authored. It would significantly interfere with the doctor-patient relationship, and it would pose new obstacles to a woman's constitutionally protected right to make her own decisions about her reproductive health.

Regardless of what the intent of the legislation is, the fact is, the way it is written, it intimidates doctors with the threat of criminal liability for performing safe and legal abortions. It will have a chilling effect on the ability of women to access the services they need in the United States.

We must always remember that abortions that are performed later in pregnancy are most often done as the result of severe fetal diagnoses and the serious risks that pregnancy poses to the life of the mother.

And let's be very clear: This isn't a decision that any women or family wants to be in a position to make. It is tragic and it is heartbreaking, and efforts to politicize the trauma of women and families who have been forced to make this decision are really shameful, and it sets a dangerous precedent for women's comprehensive healthcare.

By installing new uncertainty and risk of criminal liability into the process for late-term abortions, this legislation increases the risk that women will not be able to get the medical care they need when their pregnancy poses a risk to their lives. This bill ignores those important realities in what appears to be an attempt to score political points with anti-choice groups.

Again and again, at every turn, we have seen this administration and our Republican colleagues push forward policies intended to threaten access to abortion care. Just last week, the Trump administration cut off critical family planning resources for family planning clinics that offer information and referrals for women seeking to obtain legal abortions. If you want to prevent abortions, you want to make sure families have access to family planning. We know that is an important way to reduce the number of abortions in this country.

So we are seeing that this bill is just another line of attack in the ongoing war on women's health. Now more than ever, we need to stand up and help protect women's healthcare and make certain that abortions remain safe and legal.

I urge my colleagues to oppose this legislation and its consideration on the Senate floor.

I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Hawaii.

Ms. HIRONO. Mr. President, I would like to first thank Senator MURRAY for her steadfast leadership in the fight to protect women's healthcare and for arranging this time for us to speak this afternoon.

The legislation we are debating today is just the latest salvo in the far-right wing assault on a woman's constitutionally protected right to an abortion.

With all due respect to my colleague from Nebraska who introduced this legislation, this bill is a solution in search of a problem. Contrary to what the proponents of this bill argue, it is and has always been a crime to harm or kill newborn babies. People guilty of this crime can already be charged and prosecuted to the full extent of the law.

Let's be clear. The Senate isn't debating this legislation today because there is an epidemic of infanticide in this country. There is not one. There isn't one. I can hardly say it because it is really not happening; therefore, this bill is a solution in search of a problem. Instead, we are indulging the majority's use of a false premise to inflame the public, shame women, and intimidate healthcare providers.

When you strip away the ultraconservative rhetoric, you are left with a very simple argument from supporters of this legislation—that the moral judgment of rightwing politicians in Washington, DC, should supersede a medical professional's judgment and a woman's decision. Conservative politicians should not be telling doctors how they should care for their patients. Instead, women, in consultation with their families and doctors, are in the best position to determine their best course of care.

In talking to healthcare providers in Hawaii, I have heard how this legislation and other bills like it in States across the country could force them to provide care that is unnecessary or even harmful to patients. The Hawaii Section of the College of Obstetricians and Gynecologists made this point persuasively in testimony recently submitted to our State legislature's house committee on health earlier this month. In opposing similar so-called born-alive abortion legislation heard in Hawaii's State Legislature—which didn't make it out of committee, by the way—the group of doctors wrote:

> We are physicians who provide compassionate, evidence-based care. By criminalizing healthcare providers, this law may actually reduce the number of healthcare providers (not just the surgeons, but anesthesiologists, nurses, midwives, office staff) willing to provide this care. But again, that is the actual intent of this bill. Reducing access to safe abortion care would threaten the health of women in Hawaii.
>
> We are the physicians who care for patients when they find out their very wanted, very loved baby has severe fetal anomalies. Families sometimes choose to end the pregnancy and provide their baby with palliative care rather than subject their baby to any suffering or futile efforts at resuscitation. These families face very difficult decisions about what their values are and what is best for their family; decisions that none of us has a right to make for them or judge them for. What they need in these moments is compassion and medically accurate information from healthcare providers free of judgment or politics.

I couldn't agree more, and that is why I urge my colleagues to oppose this legislation.

In just a few minutes, I expect the Senate will defeat this bill because it will fail to win the required 60 votes. Nevertheless, the threat to women's reproductive rights is intensifying in States and courtrooms all across the country. Over the past few years, States have enacted hundreds—hundreds—of laws that harm women's health and violate their constitutional right to an abortion.

Mississippi enacted a prohibition on abortion after 15 weeks of pregnancy.

Texas, Alabama, Arkansas, Kentucky, and Ohio have passed laws banning dilation and evacuation—D&E—an abortion procedure used usually during the second trimester.

Indiana enacted a bevy of new abortion restrictions, including a law requiring every woman seeking an abortion to have an ultrasound—talk about invasive—and mandated she wait 18 hours after the ultrasound to have an abortion.

Louisiana passed legislation requiring abortion providers to have admitting privileges at local hospitals. This law would result in only one abortion provider in a State of 4.7 million people.

Advocates have recognized the harm these laws would have on women and

have filed suits to block their implementation. Several lower courts have ruled these restrictions unconstitutional, and the cases are moving steadily through the courts of appeals en route to the Supreme Court.

The Fifth Circuit, for example, will hear an appeal of a lower court's decision to block Mississippi's 15-week abortion ban, as well as an appeal from Texas to allow its ban on D&E procedures to go into effect.

The Seventh Circuit upheld a lower court ruling striking down parts of Indiana's mandatory ultrasound and waiting period law. The Indiana attorney general has requested the Supreme Court to review this case.

The Supreme Court temporarily stopped Louisiana's so-called admitting privileges law from taking effect on a 5-to-4 vote. This is the law I talked about before. This law would result in one abortion provider in a State of 4.7 million people.

The Fifth Circuit will now hear an appeal on the merits of the law, which is virtually identical to a Texas law the Supreme Court struck down in 2016—that was only a few short years ago—in the landmark Whole Women's Health v. Hellerstedt decision.

The stakes in these court battles and the more than 20 other abortion-related cases making their way through the Federal court are incredibly high. Any one of them would provide the opening for the U.S. Supreme Court to finally fulfill the rightwing goal of overturning Roe v. Wade.

It is with this central goal in mind that Donald Trump, Majority Leader MCCONNELL, and complicit Republicans of Congress have been working to pack our Federal courts with ideologically driven judges groomed and handpicked by ultraconservative organizations like the Federalist Society and the Heritage Foundation.

Donald Trump has already confirmed 85 judges, including 30 to circuit courts and 2 to the U.S. Supreme Court. These judges comprise one-tenth of the Federal judiciary, with many more to come.

In fact, a few weeks ago, the Senate Judiciary Committee voted 42—42—judicial nominees out of committee in one markup. Those 42 comprise an additional 5 percent of the Federal judiciary.

Less than 2 weeks ago, Justice Kavanaugh issued a strong dissent in the earlier mentioned Supreme Court's 5-to-4 decision to block Louisiana's anti-choice law from taking effect. Using tortured reasoning, Justice Kavanaugh essentially argued that the Supreme Court should disregard its own precedent from only 2 years ago—that is the Whole Women's case I referred to—to allow the Louisiana law to take effect. His dissent signaled his strong antipathy to a woman's right to choose, just as his dissent in Garza v. Hargan did when he was on the DC Circuit. His dissent as a Justice this time demonstrated the emptiness of his promises to uphold Supreme Court precedent during his confirmation hearing.

Justice Kavanaugh's promises then to follow precedent is like that of other Federalist Society-picked Trump nominees now packing our courts, offering little reassurance that nominees in fact will set aside their strongly held ideological views to be objective and fair as judges.

Another case likely to make its way through Federal courts in the months and years ahead is a challenge to the Trump administration's new gag rule. This rule prohibits doctors and other clinicians participating in title X family planning programs from referring patients for, or even speaking about, abortions, even if their patients request such information.

Nearly 20,000 Hawaii residents receive reproductive healthcare through title X. That is roughly the population of the city of Kapolei on Oahu. This attack on title X-funded agencies like Planned Parenthood is an end-run around Congress after Republicans have tried and failed dozens of times to end funding for Planned Parenthood.

Planned Parenthood provides healthcare for millions—millions—of low-income women, men, and young people under title X. Why then do Republicans persist in trying to cut funding for Planned Parenthood?

The constitutional rights of millions of women across the country are under serious and sustained attack, but even in these not normal times, I do see some hope. As State after State passes laws to limit access for a woman's right to choose, communities like Hawaii's are coming together to protect such access.

Last week, I joined activists and staff from Planned Parenthood of the Great Northwest and the Hawaiian Islands as they opened their new medical center and administrative hub in downtown Honolulu. I was particularly energized to see how many young people, women and men, were there and engaged in the fight to protect our right to choice.

I have learned over the years that battles we fought so hard to win never stay won. It is up to all of us to stay engaged and keep fighting for our constitutionally protected rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I want to be very clear about the matter that is before the U.S. Senate today. We are not here to debate abortion. That is not what this bill is about that Senator SASSE has introduced. We are here to decide whether it should be legal in the United States of America to kill or neglect an infant who has been born alive after a botched abortion.

This was made very real for me just minutes ago. In fact, Melissa Odom is standing just off the floor of the U.S. Senate, just outside here probably 50 feet from where I am standing. She survived a botched saline-infused abortion in 1977. She was left to die, literally put in the medical waste heap, but thanks to the grace of God and a nurse who saw Melissa, they were able to revive her, and she is a beautiful 41-year-old mom with two children, one being Olivia who was born in the same hospital where the botched abortion took place. She is from Kansas City, married to Ryan.

We are here to vote on the Born-Alive Abortion Survivors Protection Act. By now, we have all heard the disturbing defense of infanticide offered by the disgraced Governor Northam of Virginia. These babies' only crime was to survive the abortionists' attempts to poison, starve, or tear them apart limb from limb while in utero.

What this bill is about is when the abortionist wants to ''finish the job'' as the baby lies helpless on the table of an abortion clinic. Currently, children born alive who survive an abortion attempt are recognized as persons under the Born-Alive Infants Protection Act of 2002, but that law is merely definitional because not one person to date has been charged or convicted under it. There is no nationwide Federal law criminalizing the actions of killers, like Dr. Kermit Gosnell, who kill or deny care to babies who survive abortions. Current Federal murder statutes have limited jurisdiction, and the States have a patchwork of different laws for born-alive infants.

The bill we are voting on today would give Federal enforcement teeth nationwide to the 2002 Born-Alive law, so that whether an infant is born alive in Montana or in Massachusetts, whether in a hospital or an abortion clinic, they would be guaranteed the same protection and level of care. Is that asking too much?

By contrast, consider that Federal law provides criminal penalties of thousands of dollars in fines and even imprisonment if you ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect'' any baby marine turtle, baby bald eagle, or any other baby of an endangered species.

It is absolutely absurd that we are having to decide whether we give human babies the level of protection under Federal law that we give to animals. This is truly an absurd moment on the floor of the U.S. Senate. Have we become so numb as a nation that we cannot realize we are talking about a baby?

Cindy and I became grandparents for the first time on January 23, little Emma Rae Daines, born in Denver. She is now a living, breathing member of the human family. That is what we are talking about here, a living, breathing member of the human family. Is it the position of the Democratic Party that a border wall is immoral but not infanticide?

The phenomenon of infants surviving attempted abortions is very real. These infants are not just statistics. Their lives matter, and their stories deserve to be told, just like the story of Melissa Odom. That is why I am proud of

and grateful to my Senate colleague BEN SASSE, who has introduced the Born-Alive Abortion Survivors Protection Act.

Infanticide is not and should not be a partisan issue. It is an issue in which there should be no middle ground or compromise. A ''yes'' vote today is to uphold the bare minimum of any civilized society. A ''no'' vote is to deny protection from barbaric violence to the most vulnerable among us, an innocent, little baby.

You can either stand with Governor Northam for infanticide or you can protect the most vulnerable among us.

I yield back my time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, I first thank my colleague from Montana for his powerful message. I can assure him that I believe strongly in the same approach as he does with regard to life.

I rise to discuss an issue of vital importance to our society, and that is the intrinsic value of human life. Very shortly, every Senator will have an opportunity to stand up for human dignity and condemn infanticide when we vote on the Born-Alive Abortion Survivors Protection Act. This should not be a difficult vote for any of us.

I believe in the value of every innocent human life, beginning at the moment of conception to natural death. Life is a gift from God that should be respected and treated with dignity from the very beginning to the very end.

I have worked to enact pro-life policies throughout my time in public service based upon this principle. While working as Governor, I signed legislation to ban abortions in South Dakota, except when necessary to save a mother's life.

''Humanae Vitae,'' written by Pope Paul IV and later expanded upon in ''Evangelium Vitae,'' written by Saint Pope John Paul II the Great, teaches that there can be no true democracy without a recognition of the dignity of every person. It goes on to teach that respect and dignity must be given to each human life for true peace and freedom to exist.

We must demand respect for the rights of all. This includes those in the womb, as well as mothers carrying a child who are facing difficult challenges. Both deserve our utmost compassion and care. While this should be common sense to everyone, we recognize that in this country there are individuals who are pro-life and individuals who are pro-choice.

While I and millions of other pro-life Americans continue to work to end all abortions and support measures that strengthen the dignity of life, recent actions at the State level have been deeply troubling. Pro-choice individuals are actually now supporting measures that will allow doctors to commit infanticide even after a baby has been born alive. For example, last month, the State of New York repealed section 4164 of the State's public health law which provided protections for an infant born alive after a failed abortion. Subsequently, in Virginia, legislation has been introduced that would legalize abortion up to term and even after the birth has begun. In Rhode Island, the Governor has vowed to sign legislation legalizing abortion even after the child is viable.

These examples of abortion extremism at its worst—radical, abhorrent acts of infanticide—should horrify all of us. While I am troubled by the thought of any baby being killed at any stage, at a bare minimum every one of us should be able to agree that infanticide—or the killing of a baby after it has been born alive—is unacceptable. This is a separate issue from abortion, which is abhorrent in itself.

In the history of the world, the true test of a society is how well we treat the most vulnerable among us. That is why we must pass this legislation, the Born-Alive Abortion Survivors Protection Act, of which I am an original cosponsor, and I would like to thank Senator SASSE for bringing this legislation forward.

The Born-Alive Abortion Survivors Protection Act simply protects newborns who survive abortions by requiring appropriate care and admission to a hospital. When a failed abortion results in the live birth of an infant, our legislation makes clear that healthcare providers must exercise the same degree of professional skill to protect the newborn child as would be offered to any other child born alive at the same gestational age. A baby who survives an abortion deserves the same rights under the law as any other newborn baby and should receive proper medical care, not to be left to die or be killed.

It is also worth mentioning that President Trump stood up for life during the State of the Union Address earlier this month, calling on Congress to pass legislation to prohibit late-term abortions of children who feel pain in the mother's womb. President Trump urged:

> Let us work together to build a culture that cherishes innocent life. And let us reaffirm a fundamental truth: All children—born and unborn—are made in the holy image of God.

I couldn't agree more. All life is sacred. We must seek to protect and save lives whenever possible, however possible. I urge my colleagues to support the Born-Alive Abortion Survivors Protection Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent to address the floor for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. DUCKWORTH. Mr. President, imagine the joy, the emotion, and the anticipation that comes with being in the third trimester of your pregnancy. Imagine choosing the crib and the mobiles that will hang above it. Imagine telling your toddler that he was getting a little sister to play with. Then, imagine the heartbreak of going to the doctor one day and learning that there is no chance your baby will survive, that there is no hope your baby girl will ever speak her first word or take her first step, or that delivering her would put your own life at risk, leaving your firstborn to grow up without a mother. These are the types of scenarios that lead to the heart-wrenching decision to terminate a pregnancy later on.

As the mom of two little girls—one, age 4, and one, 10 months old—I can't begin to fathom that kind of pain. Yet today some on the other side of the aisle are trying to use those parents' suffering for political advantage, making worst-case scenarios like these all the more difficult by pushing a bill aimed to criminalize reproductive care no matter the cost.

If it becomes law, this bill would force doctors to perform ineffective, invasive procedures on fetuses born with fatal abnormalities, even if it is against the best interests of the child, even if it goes against recommended standards of care and they know that it wouldn't extend or improve the baby's life, and even if it would prolong the suffering of the families, forcing women to endure added lasting trauma, making one of the worst moments of their lives somehow even more painful. If physicians refuse, they would be punished and could be sentenced up to 5 years in prison.

We have seen this kind of political stunt before. We know the partisan extremist playbook it comes out of—one based not in fact but in fiction, steeped in ignorance and misogyny. The goal here is obvious: to bully doctors out of giving reproductive care, to scare them out of business—one potential lawsuit or jail sentence at a time—making it even harder for women to get the care they need when they need it most, as the number of physicians available shrinks.

This is just the latest step in the far right's long march to strip away women's rights—a march whose pace has now quickened under our current President, a man who once argued that women should be punished for taking up their right to choose, who has taken pride in trying to put the government between women and their doctors, and who just 72 hours ago issued a gag rule that could gut family planning clinics.

I have said this a thousand times before, and I will keep saying it until I go hoarse: A woman's medical decisions should be between her and her physician and her family and not dictated by some politician in Washington, DC. When lives are on the line, the folks with MDs are the ones who should be deciding what care is appropriate, not those with partisan agendas.

Mothers and doctors know that every pregnancy is different—both of mine

certainly were—and physicians are trained with exactly this in mind.

It is offensive and just plain ignorant for my colleagues to claim they know better than a doctor or an expectant mom. It shows an alarming disrespect for a woman's moral compass and her ability to make sound decisions.

I can't begin to conceive of the pain of the mom-to-be who learns that the baby she already loves isn't viable and that the child whose name she has already chosen and whose life she has already imagined will never open their eyes. All this bill would do is to sharpen that family's suffering. All it would do is to make it harder for the next woman to get the care that could save her life. How dare we think of passing legislation like that. How dare we put extremist politics over empathy, over science, and over women's health and families' pain.

I strongly urge my colleagues to vote against S. 311—a bill that is as heartless as it is dangerous.

Thank you.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. LANKFORD. Mr. President, I ask unanimous consent to speak on the floor for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LANKFORD. Mr. President, it has been interesting to hear the debate today about how heartless it would be to protect the life of a child. The debate from the other side has come out fast and furious, saying that S. 311 is about a child who is not viable and that somehow we are going to put a mom through more torment with a child that is not viable.

The plain text of this bill could not be clearer. This is not about abortion. This is about a child who has been born alive and who is a viable child.

Here is the interesting conversation. Many people in this country argue about abortion—rightfully so. We are talking about the life of a child. This, in particular, though, has a clear argument. What if an abortion is botched, and instead of the child being killed in the womb, they are actually delivered? Now a child is on the table who is crying, with pink skin, 10 fingers and toes wiggling, and is reaching out. What happens now? That is the question with this bill.

Interestingly enough, it is not the first time it has come before the Senate. In 2002, this same issue came before the Senate. The Senate, the House, and the President all agreed that if an abortion was botched and the child was delivered, that child is a child. By definition, that is a child. In 2002, what that bill did not do is define what happens next if the life of that child is then taken after they are born.

This wouldn't be an issue because it is clearly defined in law except for the fact that a few weeks ago, the Governor of Virginia made a public statement saying that we need to have a law to say that we could deliver a child, make it comfortable, and then decide what to do with that baby. Suddenly, this becomes a national conversation.

We thought this was a resolved issue in 2002, but it is not. There is still debate from the other side saying: Deliver the child and then decide what to do with the life of that child.

This is not just an issue that has no consequence as well. After that bill was passed in 2002, the CDC started analyzing birth certificates to determine if this happens and how often it happens.

It doesn't happen often, but in a few number of States where the CDC gathered information from, it determined there were 143 babies who were born alive after an attempted abortion and who then died with no record of how it happened.

Just in 5 months in 2017, the State of Arizona reported that 10 babies were born alive after an attempted abortion. This doesn't happen often, but it does happen, and the question is, Who are we as a nation and what are we going to do with a child who is in front of us who is alive?

Medical professionals are called to do no harm—the Hippocratic Oath. It is interesting to see medical professionals provide care to every person everywhere they go. If there is a car accident, it doesn't matter if it is their patient. They pull over and help. Interestingly enough, at the State of the Union Address, just a couple of weeks ago, we had a staff member in the back who passed out, and Members of Congress who are also physicians, who were in their seats, jumped out of their seats to go provide care because that is what physicians do. But in the case of a botched abortion, the child is delivered and then everyone who is a medical professional just steps back and watches the child die and doesn't provide care. It is the reverse of the Hippocratic Oath. We need to resolve this in our law.

If I can even make a comparison. We as people, and even soldiers in the field, honor life. Soldiers who were trained to take life still are also trained to honor life.

Article 12 of the Geneva Convention, which we support, says this: ''Members of the armed forces and other persons . . . who were wounded, sick . . . shall be respected and protected in all circumstances.'' Literally, if you are in the fight of your life on the field, as our Armed Forces are, and you run across a wounded individual in that fight from the other side, we give care to that person, even though they are our enemy on the battlefield. But in an abortion clinic, that child is not given the same care that we are demanded to give on the battlefield.

This is a fascinating dialogue that I have had with a lot of my colleagues. For a lot of my colleagues who are pro-abortion and who don't see that as a life, I will often ask this simple question: When is a life a life? What is your redline? I think that is a fair conversation.

For myself, it is conception. When that child is conceived and they are developing, they have unique DNA. That is a different person. For others, they will say it is when the child is viable. For others, they will say when the child is born.

I just ask a simple question. When the child is born, is that a child? Is your redline birth? This bill affirms that when a child is born, we should at least acknowledge that that is a person.

I am a dad who has cut the umbilical cord of my own daughter before. I would be terrified to say that the child was not a child until I, as the dad, cut the cord—that I could take that life at any moment before that. That is not who we are as Americans.

Let's pass this. Let's protect living children.

With that, I yield the floor.

Ms. CANTWELL. Mr. President, I rise in strong opposition to tonight's vote to advance S. 311. This legislation would reduce families' access to reproductive healthcare, interfere in personal medical decisions that should be left between families and doctors, and criminalize doctors and health professionals.

Tonight's vote is part of a broader strategy by this administration and some in Congress to take away women's access to reproductive healthcare, including the constitutional right to an abortion affirmed in Roe v. Wade.

For instance, the administration has already installed two Supreme Court Justices who threaten Roe v. Wade, repeatedly tried to de-fund Planned Parenthood and cut off family planning grants, and given employers the green light to take away birth control coverage from their employees. In the last Congress alone there were 14 anti-women's health votes and 34 anti-women's health bills introduced.

Reproductive health choices are highly personal and deeply sensitive, and they should be left between families and their doctor. S. 311 would effectively overrule these personal decisions by imposing arbitrary standards—based on political ideology, not medical appropriateness—on health professionals.

This bill would effectively criminalize doctors and healthcare clinicians for providing the best plan of care to their patients. It would impose civil and criminal penalties including up to 5 years in prison onto providers if they don't comply with the bill's mandates. These mandates could scare medical professionals away from helping women and families obtain reproductive care, including an abortion, further reducing families' access to care.

More than 17 of the Nation's leading medical, public health, and civil rights organizations oppose this bill. The American College of Nurse-Midwives, the American College of Obstetricians

and Gynecologists, and the American Public Health Association state that the bill ''. . . injects politicians into the patient-provider relationship, disregarding providers' training and clinical judgement and undermining their ability to determine the best course of action with their patients.'' The American Civil Liberties Union states that the bill ''. . . shows a callous disregard for patients in need of compassionate, evidence-based care when they face difficult decisions.''

The majority of Americans want more access to reproductive healthcare, not less. More than 7 in 10 Americans do not want women to lose access to safe, legal abortion. In 1991, a majority of voters in the State of Washington passed the Washington Abortion Rights Initiative, declaring that a woman has a right to an abortion.

S. 311 is another misguided attempt to reduce women and families' access to reproductive healthcare. I strongly oppose S. 311 and urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. SASSE. Mr. President, I ask unanimous consent to speak for less than 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSE. Mr. President, over the course of this afternoon, we have heard a whole bunch of things about what is supposedly in this bill. I know that a lot of people who are opposed to this bill, the Born-Alive Abortion Survivors Protection Act, sincerely believe the talking points that they read from their staffs, but, humbly, we have heard speech after speech after speech about things that have absolutely nothing to do with what is actually in this bill.

So as you get ready to cast this vote, I urge my colleagues to picture a baby who has already been born, who is outside the womb, and who is gasping for air. That is the only thing that today's vote is actually about. We are talking about babies who have already been born. Nothing in this bill touches abortion access.

Thank you.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 17, S. 311, 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.

Mitch McConnell, David Perdue, Mike Crapo, Pat Roberts, John Cornyn, Johnny Isakson, James M. Inhofe, Thom Tillis, Roger F. Wicker, Lindsey Graham, Ben Sasse, Roy Blunt, John Thune, John Boozman, John Barrasso, Joni Ernst, James E. Risch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum calls have been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 311, 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from South Carolina (Mr. SCOTT).

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

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—53

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoeven	Romney
Burr	Hyde-Smith	Rounds
Capito	Inhofe	Rubio
Casey	Isakson	Sasse
Cassidy	Johnson	Scott (FL)
Collins	Jones	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McConnell	Wicker
Enzi	McSally	Young
Ernst	Moran	

NAYS—44

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

NOT VOTING—3

Cramer	Murkowski	Scott (SC)

The PRESIDING OFFICER. As a reminder, expressions of approval or disapproval are not in order.

On this vote, the yeas are 53, the nays are 44.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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, do hereby move to bring to a close debate on the nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit.

Mitch McConnell, David Perdue, Mike Crapo, Johnny Isakson, John Cornyn, Pat Roberts, James M. Inhofe, Thom Tillis, Roger F. Wicker, Lindsey Graham, Roy Blunt, John Thune, John Boozman, John Barrasso, James E. Risch, Richard Burr, John Hoeven.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Dakota (Mr. CRAMER) and the Senator from Alaska (Ms. MURKOWSKI).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—51

Alexander	Fischer	Perdue
Barrasso	Gardner	Portman
Blackburn	Graham	Risch
Blunt	Grassley	Roberts
Boozman	Hawley	Romney
Braun	Hoeven	Rounds
Burr	Hyde-Smith	Rubio
Capito	Inhofe	Sasse
Cassidy	Isakson	Scott (FL)
Collins	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Crapo	Lee	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Paul	Young

NAYS—46

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

NOT VOTING—3

Cramer	Murkowski	Sanders

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Eric D. Miller, of Washington, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

S. 311

Mrs. MURRAY. Mr. President, I am on the floor to talk about a vote that simply should not have taken place this evening. It was a vote on yet another attack from our Republican colleagues on women's health and their right to access safe, legal abortions—this time in the form of an anti-doctor, anti-woman, anti-family piece of legislation that medical experts strongly oppose. Republicans have spread a lot of misinformation about this bill, so let's be clear what it is not about and what it is actually about.

This bill is not about protecting infants, as Republicans have claimed, because that is not up for debate, and it is already the law. This bill is also not at all about ensuring that appropriate medical care is delivered, because it would make it harder for healthcare providers to provide high-quality medical care that their patients need and deserve.

The leading nonpartisan organization of OB/GYNs in our country has said this bill should never become law. It calls it ''gross legislative interference into the practice of medicine'' and ''part of a larger attempt to deny women access to safe, legal, evidence-based abortion care.'' In fact, 17 top health and medical organizations wrote to Congress to insist that Democrats and Republicans vote this bill down.

Since this bill is not about infants or appropriate medical care, I am sure many people are wondering what exactly it is about. What would this bill really mean for women and families and healthcare providers?

If you are a woman, this bill would mean, if you were one of the very, very few women who needed an abortion late in your pregnancy, you could be legally required to accept inappropriate, medically unnecessary care—care that may directly conflict with your wishes at a deeply personal, often incredibly painful moment in your life—because politicians in Washington decided their beliefs mattered more than yours.

If you are a medical provider, this bill would supersede your years of medical training and your oath to deliver the best possible medical treatment to your patients. It would apply a one-size-fits-all set of requirements that does not reflect the reality that every pregnancy is different, and it would subject you to criminal penalties if you were to choose to let medical standards, not politics, drive the care you offer to your patients.

For families who struggle with the painful reality that the children they had hoped for could not survive, as is tragically the case in many of the cases we are discussing, this legislation would take precedence over families' wishes as they grieve.

This bill is government interference in women's healthcare, in families' lives, and in medicine on steroids. As I said, it is anti-doctor, anti-woman, and anti-family. It has no place in becoming law. Its proponents claim it would make something illegal that is already illegal. So why are we debating this legislation that would take women backward when there are so many ways we should be advancing medicine, improving women's healthcare, and supporting families? As far as I can tell, it is because this bill is about something that Republicans care about more than almost any other priority; that, unfortunately, is the rolling back of women's constitutionally protected rights and trying to take us back in time before the Roe v. Wade decision.

Since day No. 1 of the Trump-Pence administration, this party has pulled every possible stop to appeal to its extreme anti-abortion base. Just last week, the Trump-Pence administration put forward a rule that would prevent healthcare providers at clinics that are funded through the title X family planning program from so much as informing patients about where to get an abortion even if that patient directly asks them for advice. This rule means trusted medical providers across the country may not be able to serve women and men who rely on them for contraception, cancer screenings, and more—all because Republicans are determined to make abortion impossible in the United States. That is just one of many examples.

To recap, this bill is completely unnecessary. It is harmful to women and families, and it would criminalize doctors. It is intended to do nothing except to help Republicans advance their goal of denying women their constitutionally protected rights. I am against it in the strongest terms. Everybody who cares about women, families, and doctors and about upholding the Constitution should be too, so I am glad the Senate voted tonight to stop this anti-doctor, anti-woman, anti-family bill from going a single step further.

The next time Republicans want to have a conversation about protecting infants and children, I am happy to talk about the babies and children who have been separated from their parents at the border or about improving access to early childhood education or about making sure coverage for maternal healthcare and preexisting conditions is not taken away. These are problems that do exist and that do need to be solved, and we are just as ready and willing to work on those as we are to stand up and say ''absolutely not'' to this harmful bill.

NOMINATION OF ERIC D. MILLER

Mr. President, in the very near future, my Senate colleagues will be asked to take an unprecedented vote—a vote that never should have been scheduled here in the first place.

Republican leaders are demanding that we move ahead and vote on President Trump's nominee to serve on the Ninth Circuit Court despite the fact that I and my colleague Senator CANTWELL have not returned our blue slips on behalf of our constituents in Washington State and despite the fact that the hearing for the nominee was a total sham. This is wrong, and it is a dangerous road for the Senate to go down. Not only did Republicans schedule this nominee's confirmation hearing during a recess period when just two Senators—both Republicans—were able to attend, but the hearing included less than 5 minutes of questioning—less questioning for a lifetime appointment than most students face for a book report in school.

Confirming this Ninth Circuit Court nominee without the consent or true input of both home State Senators and after a sham hearing would be a dangerous first for this Senate.

This is not a partisan issue. This is a question of the Senate's ability and commitment to properly review nominees. Yet, here we are on the Senate floor, barreling toward a vote to confirm a flawed nominee, who came to us following a flawed nomination process—all because a handful of my Republican colleagues will apparently stop at nothing to jam President Trump's extreme conservatives onto our courts, even if that means trampling all over precedent, all over process, or any semblance of our institutional norms.

Maybe Republican leaders are hoping most Americans aren't paying attention to what is happening right now in the Senate—that somehow tossing out Senate norms in order to move our country's courts to the far right will go unnoticed.

Well, I am standing here right now to make sure everyone knows because I, for one, fear the short- and long-term consequences of letting any President steamroll the Senate on something as critical as our judicial nominees—the very men and women who are tasked with interpreting our Nation's laws and making sure they serve justice for all Americans.

I fear the consequences of abandoning the blue-slip process and, instead, bending to the will of a President who has demonstrated time and again his ignorance and disdain for the Constitution and the rule of law.

At a time when we have a President whose policies keep testing the limits of law—from a ban on Muslims entering the United States to a family separation policy at our southern border—it is very important, more than ever, that we have well-qualified, consensus judges on the bench.

Let's be very clear. Trump cannot steamroll the Senate by himself. But in

the Republican leadership, he has found Members willing to throw out every rule, every tradition, every safeguard in the book to give him what he wants.

So this vote, which is happening soon, and this new precedent of turning a blind eye to the blue slip should stop every one of my colleagues—Republicans and Democrats—in their tracks because, today, the two home Senators still holding their blue slips are my colleague Senator CANTWELL and me, but in the future, it could be any Member of this body.

I am doing this for very good reasons—reasons very much in line with why the blue-slip process exists in the first place. I am doing this because I don't believe Mr. Miller has received the necessary scrutiny and vetting to serve on the bench—a lifetime appointment. I believe the people I represent would not want him there, plain and simple.

I want to briefly go into one area that causes particular and very serious concern, and that is what I have heard from my constituents about Mr. Miller's misunderstanding of Tribal sovereignty and his ability to be impartial and fair-minded when hearing cases involving Tribal rights.

As one Tribal leader from my home State put it, Mr. Miller has built a career out of mounting challenges against Tribes, including their sovereignty, their lands, their religious freedom, and even the core attributes of Federal recognition.

I want to be very clear because I do not believe that it is wise for Senators to support or oppose nominees only because of their past clients. Our legal system requires talented lawyers on both sides of every case, and sometimes lawyers represent clients who are politically unpopular.

But making a career decision to be one of the top attorneys, in case after case, attacking Tribal sovereignty—that is more than a choice of a client. That is a choice about values, and it is something my colleagues should consider.

There are more than 400 federally recognized Tribes in the Western United States, including Alaska. Every single one could find themselves before the Ninth Circuit and before a judge who spent years fighting for an extreme position directly opposed to their own sovereignty and whose advocacy repeatedly attempted to undermine the rights of Tribal nations everywhere. Particularly at a time when the Supreme Court may demolish important protections for subsistence rights, a circuit nominee opposed to Tribal sovereignty should not be confirmed.

This is a serious matter worthy of true examination. Yet Mr. Miller's nomination process was inadequate from the start.

Today it is Washington State families who are getting cut out from this important process. Tomorrow, it can be the concerns of any of your constituents and any of your home States that get tossed aside for a President's crusade to reshape our courts and satisfy a political base—and Senate leaders unwilling to stand up for our norms and our precedents and our constitutional duty.

I urge my colleagues to truly think about what moving ahead with this nomination means and to ask themselves: Are we still able to work together in a bipartisan way and find common ground for the good of the country and the people we serve? Can we still engage in a bipartisan process to find consensus candidates to serve on our courts? Or will our work here in the U.S. Senate be reduced to partisan extremes and political gamesmanship?

Will Republicans accept simply being a rubberstamp for their leader in the White House, and will my colleagues be complicit in allowing our courts to be taken over by ideology alone, abandoning pragmatism and a commitment to justice for all?

That is the choice every Senator will make with this vote, and I sincerely hope a choice for which every Senator will be held accountable.

To vote yes will be a vote in favor of further eroding the Senate's commitment to examining nominees for lifetime appointments and its ability to serve as a check on the Executive. To vote yes is to toss away each Senator's ability to provide guidance on judicial nominees for their State and the families they represent.

To vote no will be a vote to stand up for the Senate's role in our democracy and to stand up for a process that helps the Senate ensure qualified judges who play such a critically important role in our democracy. To me, the choice is pretty clear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

S. 311

Mr. BOOZMAN. Mr. President, I rise today to join many of my colleagues in raising our voices on behalf of some of the most vulnerable members of our society.

Recently, a very disturbing and revealing discussion has been taking place in our country that raises serious questions about how much value and worth we ascribe to babies in the womb, especially those who are born despite an attempted abortion procedure.

Before I go any further, let me say this clearly and unequivocally: If we as a nation are to hold any claim to a moral character that deserves to be admired and emulated, then we must be willing to say that the lives of newborn children have inherent value and are worthy of protection. There is simply no way to credibly claim otherwise.

Whether it be legislation introduced or enacted by State legislatures or comments made by public officials, such as the Governor of Virginia, our country has begun to entertain the idea that the rights and privileges newborn babies possess is an open-ended question.

This is alarming, and the U.S. Senate should go on the record in defense of their right to live instead of being callously discarded or worse—intentionally killed in the name of reproductive freedom. There is no middle ground here.

It is concerning to me that in some corners of this country, and even within this Congress, there is an utter failure to recognize and affirm the right to life, especially after an infant has already been born.

Throughout my time in elected office, I have found that giving those who disagree with me on any given issue the benefit of the doubt as it relates to their motivations has allowed me to consistently find commonality and reach compromise, even with incredibly unlikely allies and partners. But in this instance, there can be no mistake or ambiguity. The common ground that we all must occupy should be a shared commitment to uphold the basic, fundamental right to protect the life of every child, no matter the circumstances of his or her birth, which brings me to the legislation before the Senate today.

I am a cosponsor of the Born-Alive Abortion Survivors Protection Act, and I am grateful to each of my colleagues who supported the bill tonight. This legislation would create criminal penalties for doctors who allow infants to die rather than provide medical care after an attempted abortion.

It would also require that born-alive abortion survivors be transported to a hospital for care and treatment rather than being left to languish on the counter of an abortion clinic or—as one former nurse and pro-life activist has shockingly recounted—be discarded along with the biohazard materials.

Even in situations where comfort care is rendered to these little ones, that sometimes amounts to nothing more than keeping a baby warm until it passes away alone. No child should suffer this way.

Under this bill, abortionists who defy these mandates to render care to born-alive survivors would face the justice that they are due instead of being ignored or permitted to continue committing infanticide.

It is time for our country to demand that the victims of this abhorrent, inhumane treatment be afforded their rights and the perpetrators be held accountable.

Speaking with one clear voice, we must say that every human being is made in the image of God and is therefore in possession of dignity and worth that cannot be displaced or dispossessed. Anything short of this unambiguous declaration would be a tremendous disservice to our children and fatally undermine the values of our society that we claim to uphold.

While the debate surrounding abortion has engulfed this country for decades, the goalposts are now being shifted. Reproductive autonomy, we are now told, must include the ability and choice to end the life of a baby who survives an attempted abortion.

As a former medical provider, I believe that to end a newborn's life either by refusing to provide lifesaving care or actively taking that child's life—as in the case of the infamous abortionist Dr. Kermit Gosnell and others—violates the oath every medical provider takes to do no harm.

As a dad and a grandfather, I know from my own experience just how precious each life is. My daughters and grandchildren are treasured gifts that bring my family and me immeasurable joy. To think that they or any other child might be treated with anything other than the dignity and respect they are entitled to is tragic, heartbreaking, and outrageous.

Providing necessary medical attention to save the lives of infants who survive an abortion is an imperative that we as a society must embrace if we are to be faithful to the promise our Founders made to the generations of Americans who would succeed them. In declaring the self-evident truth that all men are created equal, surely they intended to extend the same rights and liberties that their countrymen fought and died for to newborn babies who survive abortions.

I am proud to have stood with my colleagues today in support of this legislation that seeks to protect these precious, vulnerable lives. We can and should do this as a reflection of the country we want to be.

Our abortion laws in the United States already situate us among some of the world's worst human rights abusers, including North Korea and China.

Now a national conversation about whether to provide children who survive abortions medical attention and care has ensued. It is my hope and prayer that the final word in this discussion will end with a resounding commitment to protect and preserve life.

I would like to thank the junior Senator from Nebraska, Mr. SASSE, for leading on this critical issue and pushing to bring this measure to the floor today.

I would also like to thank the President for his vocal commitment to defending life and protecting the most vulnerable among us.

I feel blessed to stand alongside so many others to raise our voices on behalf of the voiceless.

While I am disappointed with the result of today's vote, I remain committed to fighting for those who are unable to fight for themselves and will continue working to protect and uphold the sanctity of life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NORTH KOREA

Mr. REED. Mr. President, I want to offer some thoughts regarding the ongoing negotiations with North Korea that began with the Singapore summit between President Trump and Kim Jong Un and will continue in a few days when the two leaders meet again in Vietnam.

I join the chorus of my colleagues on both sides of the aisle who have expressed concern regarding the outcome of the last summit and the subsequent negotiations. This is not meant as a criticism of the diplomatic process itself. Clearly, we are in a much better place now than 2 years ago, when the President was promising fire and fury for the Korean Peninsula, terrifying our South Korean allies, who stand to lose millions of their citizens in any confrontation with North Korea. Furthermore, if the Singapore summit had resulted in a clear path toward denuclearization, I would be standing here right now commending these diplomatic efforts.

The maximum pressure campaign, significantly enhanced by this body's sanctions regime and the United Nations Security Council's resolutions, brought North Korea to the negotiating table. It was a golden opportunity and, unfortunately, it was squandered by this ill-prepared administration, which seems more concerned with photo ops than with the substance of the negotiation.

The Singapore summit was a loss for the United States and our alliances and a great publicity win for North Korea. The 2005 six-party joint statement contained significantly more commitments from North Korea than the joint statement of the Singapore summit. Given President Trump's bluster and renouncement of the JCPOA, one would have thought that he would leave Singapore with an ironclad commitment and schedule for denuclearization. Instead, he got less than in any past negotiation with North Korea.

Most concerning to me is that without obtaining a single concrete concession from North Korea, President Trump undermined our alliance with the Republic of Korea by characterizing our joint exercises as provocative war games. It was a huge propaganda win for North Korea and a huge loss to the United States and to the readiness of the joint force. The regularly scheduled exercises are very important to troop readiness and our regional security. While I understand the need to create diplomatic space for these negotiations to proceed, we must ensure that we do not sacrifice readiness for empty promises.

While I am pleased with the agreement on the return of prisoners of war and missing-in-action personnel remains, which rightfully continue to be important issues for U.S. families, the Singapore summit was mostly pomp and circumstance that did not advance our national security interests. In fact, it could be said that we are in a worse position than we were before the summit. President Trump undeservedly transformed Kim Jong Un from a ruthless dictator to a world statesman in short order. He has since used his stature from the summit to make closed-door deals with China and Russia that will be used as leverage against the United States.

The President also conferred legitimacy on a corrupt and morally bankrupt dictator who has imprisoned hundreds of thousands of men, women, and children in political camps under brutal conditions and has committed horrendous crimes against his neighbors and own people. Human rights did not play a prominent role at the summit, and the joint declaration does not include one single reference. If we want to continue to serve as a beacon for human rights, this issue will have to be on the agenda for these negotiations. There are a number of U.S. sanctions against North Korea because of its human rights record, and this body will not loosen those sanctions until and unless we see progress on the issue. As such, I was dismayed that the President in his State of the Union Address did not call out the North Korean regime's callous disregard for human rights.

Since the summit, we have seen just how problematic the joint declaration has been as a foundational document for the negotiations. While Secretary Pompeo characterized the first meeting with North Korean negotiators at the summit as ''productive,'' the North Koreans criticized Secretary Pompeo's gangster-like demand for denuclearization. The chasm between the two sides was created by the ambiguity of the summit itself and its failure to create an agreed-upon path for both parties. We have not seen a substantial dismantlement of nuclear or missile sites over the last year, and independent news reporting reflects that North Korea continues to develop its nuclear and missile arsenals despite the self-imposed ban on testing.

What should we have gotten from the summit? Since we played our biggest card and gave Kim Jong Un a meeting with the President of the United States, the answer is a lot more than what we did get. First and foremost, we should have gotten a joint declaration that North Korea agrees to complete, verifiable, and irreversible denuclearization. If we were not going to get that commitment, then we should have at least gotten a specific commitment similar to the September 19, 2005, joint statement, where North Korea committed to ''abandoning all nuclear weapons and existing nuclear programs and returning at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.'' Instead, we got a vague statement that North Korea will ''work toward complete denuclearization of the Korean Peninsula.''

Despite the administration's protestations to the contrary, it is not at all clear that North Korea actually agreed to complete, verifiable, and irreversible denuclearization, generally referred to as CVID. I am concerned, as are others, that the words ''complete denuclearization'' were used because the North Koreans would not agree to CVID. If that is the case, then, we are starting in a worse place than we were during the 2005 talks.

Why do these words matter? They matter because of the historical context of these negotiations. Without the word ''verifiable,'' North Korea has not agreed to inspections, and, without inspections, we cannot be sure that North Korea will take the steps necessary to denuclearize. The regime does not have a good track record of living up to its agreements. Without a verification process that includes a robust inspection and verification regime, we will never be sure that North Korea is not reverting to its past tactics and cheating on its commitments.

Even more alarming to those who follow past negotiations is that the commitment that did come out of the summit sounds suspiciously like the tack North Korea has taken in past negotiations—that denuclearization of the peninsula will require the United States to remove its nuclear umbrella from its ally, the Republic of Korea, and remove its troops from the peninsula. North Korea has peddled this tit-for-tat denuclearization narrative for years, and this administration must ensure that it does not become the narrative of the upcoming negotiations. These competing narratives should have been reconciled at the summit by the leaders but instead were left for future negotiations.

The administration now has another opportunity in Vietnam to establish some credibility for these negotiations and demand a set of concrete deliverables. We should all recognize that CVID will take years to accomplish. Despite President Trump's patently false claim that he has solved the North Korean nuclear threat, that threat is still very real and very dangerous. There are commitments that we need from the other side to gauge whether North Korea is sincere in its intent to denuclearize. We already know that the intelligence community has made the determination that North Korea does not intend to denuclearize. Therefore, the concessions we seek from North Korea need to include a verification and inspection scheme that includes a reasonable timeline and is comprehensive enough to include all of its weapons of mass destruction programs and facilities and focuses on engagement instead of punishment. We should not use inspections as ''aha'' moments to catch the North Koreans in intentional or unintentional mistakes. Instead, they should be used as the foundation to develop a comprehensive picture of all of North Korea's weapons programs and as the basis for future negotiations.

What would a successful summit in Vietnam look like? We need a declaration from North Korea of all of its nuclear weapons and programs and facilities. Ideally, it would also include a catalog of all of its missiles and missile facilities. This declaration of all of its sites and programs needs to be provided to the United States in short order to allow the International Atomic Energy Agency, or the IAEA, inspectors to start the inspections process, which will take years.

Second, we need North Korea to agree to verifiable denuclearization with IAEA inspections, and that agreement should include a concrete timeline with a step-by-step process. If we are going to continue to scope down our joint exercises for the sake of these negotiations, then, we need to see concrete actions by North Korea in the next few months. It has been almost a year since the last summit, and we have not seen any concrete irreversible actions taken by North Korea on its nuclear program that signify an intent by the regime to give up or significantly curtail its programs.

I wanted to speak on this issue today before the second summit because I am concerned that the President will fall prey to North Korean manipulation and accept an agreement that does not include significant concessions by the regime. Kim Jong Un's ploy is to make commitments for the future that can easily be forgotten or to offer up facilities or sites that are obsolete.

For example, if the President gets assurances for the dismantling of the Sohae launch facility and the closure and inspections of the Yongbyon nuclear facility, he may think that North Korea has moved the needle on denuclearization, but as the experts will tell you, the real jewels are other nuclear sites that are more critical for the regime's programs. As recent reports by the Center for Strategic and International Studies have shown, there are many missile sites that have not been declared and that are critical to the nuclear program. This is why a full declaration is so critical—so that we finally have a comprehensive accounting of the nuclear and missile programs that exist.

In the meantime, the administration also needs to be vigilant that China and other countries continue to enforce sanctions. President Trump's assertions that the problem is solved will significantly undercut our ability to keep the pressure on. We need consistent messaging from the White House and the rest of the administration that the Singapore summit was the first step, and until we see concrete results, there will be no abeyance of the sanctions regime. Keeping China in line on that front will be a significant challenge, especially given the isolationist bent of this President, who has managed to alienate the very partners we need to cooperate on the sanctions regime.

China does not need to state publicly that it will stop enforcing sanctions. Even low-level cross-border trade can allow the North Korean economy to hobble along for years, and all it will take is an indication from Beijing that sanctions enforcement is no longer a priority.

Let me be clear. One of the most important outcomes of this process is also the preservation of our alliances with South Korea and Japan. Even if we were to somehow achieve a CVID deal with North Korea but lose our special relationships with these two nations, we will come out the other side less secure than we are today. While North Korea poses a significant threat to the United States, peace on the peninsula cannot come at the cost of a diminished U.S. presence in Asia. Our alliances and partners in the region are the bulwark of our strength in the region.

Both South Korea and Japan have significant national security interests that will be adjudicated during these negotiations. Neither is at the negotiating table. I am very concerned that Japan in particular is dismayed that there has not been any substantive progress in the negotiations. It is critical that the administration continue to raise issues that are critical to Japan, especially the Japanese citizens who were abducted by North Korea. It is up to this administration to ensure that their interests are voiced and that their security needs are met. That means not only addressing North Korea's intercontinental ballistic missile program but also its short- and intermediate-range missiles. It means consulting with our allies before significant decisions that affect their security are taken, and it means not publicly lamenting about the costs associated with these historic and strategic alliances. We cannot simply put a price tag on our regional security. Losing these alliances will cost us far more in the long run and leave us far less secure than we are today.

We also need to be concerned about the recent deterioration of the relationship between our two critical allies. Trilateral cooperation is only effective if South Korea and Japan can overcome their historical animosities to present a united front against North Korea.

I know there is a lot of discussion today about the possibility of a peace agreement to end the 65-year-old armistice. I fear that many see a peace agreement as the precursor for a removal of U.S. forces from the Korean Peninsula. I am concerned that our President does not understand the critical importance of the deployment of U.S. Forces Korea on the peninsula.

Let me be clear. The withdrawal of troops from the peninsula would significantly undermine our ability to fulfill our treaty obligations to South Korea. It should not be a subject of these negotiations or any future negotiations with North Korea. The presence of our troops is the cornerstone of our military alliance with South

Korea, and they must remain present and ready to ''Fight Tonight'' for the benefit of the alliance and regional security.

Looming over all of this is our long-term strategic competition with China. I find it telling that China was one of the first countries to announce the cancellation of our joint exercises with the Republic of Korea.

What are China's ambitions for this negotiation process? While China is certainly concerned about the nuclear arsenal its southern neighbor has amassed, denuclearization may not be China's highest national security concern during these negotiations. In the long run, China recognizes that its near-peer competition with the United States complicates its interests in these negotiations. China's highest priority is likely to ensure that it does not end up with a U.S.-allied reunified Korea on its southern border. Another goal is driving a wedge between the United States and its allies in order to promote itself as a regional hegemon.

We all recognize that Russia has similar ambitions—separate us from our allies, establish themselves as regional hegemons, and coerce and bully their smaller neighbors on issues of defense, trade, and economics. We cannot allow that to happen.

We already see attempts by China to relax sanctions enforcement. This trade spat is just one of the wedges North Korea will be able to leverage between China and the United States. We need a coordinated strategy that keeps our long-term interests in Asia focused while resolving the North Korean crisis. To date, we have not seen any indication that such a strategy exists.

Peace on the Korean Peninsula has eluded us for decades. There is an opportunity now to force Kim Jong Un's hand, through skillful negotiation and a coordinated sanctions regime, to take concrete steps toward denuclearization.

I hope this administration will use the Vietnam summit to negotiate a substantive agreement that keeps America and its allies safe, strong, and secure.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

S. 311

Mr. MORAN. Mr. President, I am here to take the opportunity to join my colleagues to speak in support of the Born-Alive Abortion Survivors Protection Act. I thank Senator SASSE for his continued leadership on this issue. I supported the bill when Senator SASSE introduced it last Congress, and I was glad to see Senator MCCONNELL, our leader, bring this bill to the floor for a vote.

I am astonished—astonished—that we are debating whether it is appropriate to leave born children to die. Today, now, in the year of 2019, how can this be? Science demonstrates that human life begins at conception, and our understanding of neonatal development is increasing every day.

I am a member of the Senate Appropriations Subcommittee on Labor, Health and Human Services. The National Institutes of Health is one of my top priorities for funding. At the NIH, the National Institute of Child Health and Human Development has advanced our knowledge of pregnancy and development in the womb. Under this Institute, the Neonatal Research Network has pioneered research that has led to techniques that saved the lives of children in their earliest stages, when these children are at their most vulnerable.

The Congressional Budget Office estimates that more than 10,000 babies are aborted each year after 20 weeks of conception, when science—science—tells us that an unborn child can feel pain inside the womb. That number will increase as a result of recent State-level efforts to end virtually any restriction on abortion when a child could viably live outside the womb. These efforts are extreme and fall far beyond the mainstream of American opinion.

This legislation does nothing to limit prenatal abortion. While we must address that issue—the root causes of abortion and the ways to curb this heartbreaking trend—that is not the issue at hand today in this legislation. The question before us is this: When a child survives an abortion and is born, does the U.S. Senate believe the child can still be eliminated, or should the baby be protected and given all possible care to survive? This act requires healthcare practitioners to ''exercise the same degree of professional skill, care, and diligence to preserve the life and health of a child as a reasonably diligent and conscientious healthcare practitioner would render to any other child born alive at the same gestational age.'' Any negligence in this regard is subject to criminal and civil punishment, which at present does not exist.

Should anyone think this is some made-up issue—despite the Virginia Governor's shocking comments revealing an openness to infanticide and New York's expansion of abortion well beyond the age of viability that makes born-alive abortion survivors more likely—we have concrete evidence that this grotesque act happens. Notorious abortion provider Kermit Gosnell is serving life in prison for these very acts.

Closing our eyes to what is obscene does not make it any less real. That it is allegedly ''rare'' doesn't make it any less real or abhorrent. One child purposefully deprived of healthcare and allowed to die is one too many. It is infanticide, which brings us to the crux of this issue. We need to think carefully about the long-term impacts to the definition of ''healthcare'' if Congress refuses to act positively on this measure. Do the guardrails of neonatal health succumb to the belief that infants don't really count as one of us?

Our society is not one of the ancient Romans or the Aztecs. We don't sacrifice our children to please an unknown god. In the progress of human history, principles of the enlightenment—also known as the Age of Reason—declared self-evident truths that all humans are created equal and endowed with the unalienable right to life. Although undoubtedly we have our flaws, these enlightenment principles enshrined in our founding documents remain true to who we are as a nation and who we are as human beings. We recoil when we hear of children who are harmed in any manner. Yet today we are faced with a reality where the ability to terminate an unborn child's life when it is viable outside of the womb is something that is not only tolerated but is passionately defended by the left.

That is bad enough, but to see legislation ensuring that the medical care of born children gets blocked is incomprehensible. The immutable march of progress in human history has met a roadblock today in the U.S. Senate. The Age of Reason seems to have escaped us.

Tonight, the Senate had an opportunity to send a message showing who we are as leaders and as a society as a whole—one that protects the weak and the voiceless instead of one that permits their destruction. I regret and I am saddened that the Senate failed this fundamental test.

I am eager to do more to protect innocent life, including the unborn, but the Born-Alive Abortion Survivors Act provided us an opportunity to affirm the most basic need for healthcare for a vulnerable child who has already beaten the odds to survive. Let's hope we have another opportunity to give these children the chance at life they so deserve.

I thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

NOMINATION OF JOHN L. RYDER

Mr. ALEXANDER. Mr. President, this week, the Senate may see an extreme example of how the minority can abuse its rights in a way that provokes the majority into an excessive use of its power. I come to the floor to offer my Democratic colleagues a way to avoid both mistakes.

Here is the abuse of minority rights: More than a year ago, President Trump nominated John Ryder of Memphis to serve on the board of directors of the Tennessee Valley Authority based on the recommendation that Senator Bob Corker and I made. Finally, this week, the Senate is likely to vote on Mr. Ryder's nomination.

You might say: Well, there must really be something wrong with Mr. Ryder.

Well, if there is, then all the people who are supposed to find out what is wrong with Mr. Ryder have not found it out. Senator Corker and I know him very well as one of Tennessee's finest

attorneys. Senator BLACKBURN agrees. After a hearing at which Mr. Ryder answered questions, Republican and Democratic members of the Environment and Public Works Committee unanimously approved his nomination. No, there is no problem with Mr. Ryder.

You might say: This must be a position of overwhelming complexity and importance that requires a year for all of us to think about it.

TVA is the Nation's largest public utility, and it is important to the millions of us in the seven-State region for whom it provides electricity. But this is not a lifetime appointment. It is not a Cabinet position. It is not even a full-time position. This is one of nine part-time board positions whose nominees are usually approved in the Senate by a voice vote.

The problem is not with Mr. Ryder. It is not because of the unusual importance of the position. The problem is with the determination of the Democratic minority to make it nearly impossible for President Trump to fill the 1,200 Federal Government positions that require confirmation by the U.S. Senate as part of our constitutional duty to provide advice and consent.

This is where we are: Democrats have objected to the majority leader's request to vote on Mr. Ryder's nomination. As I mentioned, these are nominations normally approved by a voice vote. So in order to have a vote, the majority leader, Senator MCCONNELL, has filed a cloture petition to cut off debate on Mr. Ryder's nomination.

The cloture process takes at least 3 days. Here is how it works: The first day, you file cloture. That is what Senator MCCONNELL did. The second day is a so-called intervening day when no action can be taken, so nothing is happening. On the third day, the Senate votes to invoke cloture, and then there is up to 30 more hours for postcloture debate before the Senate can finally vote on whether to confirm Mr. Ryder.

Unfortunately, Mr. Ryder is not the only victim of such obstructionism. During the last 2 years, Democrats have done what I just described 128 times. One hundred and twenty-eight times they have required the majority leader to consume up to 3 days to force a vote on a Presidential nominee. By comparison, requiring a cloture vote to advance a nomination happened 12 times during the first 2 years of President Obama's term, compared to President Trump's 128 times; 4 times during the first 2 years of George W. Bush's term, compared to President Trump's 128 times; 12 times during Bill Clinton's first 2 years, compared to President Trump's 128 times. Not once during George H. W. Bush's first 2 years in office was it necessary for the majority leader to file cloture to cut off debate to advance a Presidential nomination—not once—but it had to be done 128 times in the first 2 years of President Trump's time.

This unnecessary obstruction has to change. The result of this extraordinary delay in considering nominees creates a government filled with acting appointees who, never having gone through the Senate confirmation process, are less accountable to Congress and therefore less accountable to the American people. So at a time when many complain that the Executive has become too powerful, the Senate is deliberately making itself weaker by diminishing our constitutional duty to advise and consent to individuals nominated to fill important positions—perhaps the Senate's best known role.

This abuse of power by the minority is about to produce an excessive reaction by the majority—something that I think at least nine Democratic Senators who can see 2 years ahead would want to avoid. At least nine Democratic Senators hope to be the next President of the United States. Do they not know that some Republicans will do to the next Democratic President's nominees what Democrats have done to President Trump's nominees? Let me ask that again. Do the nine Democratic Senators who want to be the next President of the United States—that election is about 20 months away—not know that if they are elected, some Republicans will do to them what Democrats have done to President Trump's nominees?

The Senate is a body of precedent. What goes around comes around. All it takes will be one Republican Senator objecting to a unanimous consent request to make it difficult for the next Democratic President to form a government, and this will continue the diminishment of the U.S. Senate.

Can Republican Senators, by majority vote, change Senate rules to stop this obstruction? Yes, we can, and we will, if necessary. There are several ways to change the rules of the Senate. We can amend the standing rules of the Senate. We can adopt a standing order. We can pass a law. We can set a new precedent. We can change the rules by unanimous consent. All of these are rules of the Senate.

The written rules of the Senate say it requires 67 votes to amend a standing rule and 60 votes to amend a standing order. There is recent precedent to change the Senate rules by a majority vote.

In 2013, the Democratic leader, Harry Reid, used a procedural maneuver—let's call it the Harry Reid precedent—that allowed the Democratic Senate majority to overrule the Chair and say, in effect, that a written Senate rule does not mean what its words say.

Now, this is as if a referee in a football game were to say the following: The rule book says that a first down is 10 yards, but I am the referee, and I am ruling that a first down is 9 yards.

Well, that is what happened in 2013. So, in 2017, what goes around comes around. The Republican majority followed this Harry Reid precedent in order to make cloture on all nominations a majority vote, and now Republicans are on the verge again of following the Harry Reid precedent.

Should Republicans do this, change a rule by majority vote, even though our written rules say it should be done by 60 or 67 votes? The answer is, no, we shouldn't, not if we can avoid it.

As Senator Carl Levin said in 2013, when he opposed the Harry Reid precedent—Senator Levin is a Democrat, and he said: A Senate in which a majority can change its rule at any time is a Senate without any rules.

Thomas Jefferson, who wrote our first rules, said: It didn't make much difference what the rules are. It just matters that there are some rules.

So it is at least awkward for Members of the country's chief rule-writing body, the U.S. Senate, to expect Americans to follow the rules we write for them when we don't follow our own written rules.

I have heard many Democrats privately say to me, they express their regret that they ever established the Harry Reid precedent in 2013. They didn't look ahead and see that what goes around comes around and that this is a body of precedent.

So what would be the right thing for us to do—something that avoided both the minority's abuse of its rights and the majority's excessive response. We should do what the Senate did in 2011, in 2012, and in 2013, when Republicans and Democrats worked together to make it easier for President Obama and his successors to gain confirmation of Presidential nominees.

As a Republican Senator, I spent dozens of hours on this bipartisan project to make it easier for a Democratic President with a Democratic Senate majority to form a government. I thought that was the right thing to do, and we changed the rules in the right way.

The Senate passed standing orders with bipartisan support and a new law, the Presidential Appointment Efficiency and Streamlining Act, which eliminated confirmation for several positions. That bipartisan working group of Senators accomplished a lot in 2011, 2012, and 2013.

We eliminated secret holds. After over 25 years of bipartisan effort, led by Senator GRASSLEY and Senator WYDEN, we eliminated delays caused by the reading of amendments. We eliminated Senate confirmation of 163 major positions.

Now, remember what we were doing was working in a bipartisan way to try to make it easier for President Obama and a Democratic majority in the Senate to confirm the 1,200 Presidential nominees that every President has to send over here for advice and consent. We did it for President Obama. We intended to do it for his successors as well.

We eliminated 3,163 minor career positions. We made 272 positions so-called privileged nominations, which means these nominations can move faster through the Senate. We sped up motions to proceed to legislation. We made it easier to go to conference. We

limited postcloture debate on sub-Cabinet positions to 8 hours and on Federal district judges to 2 hours for the 113th Congress. All of these changes took effect immediately over these 60 days.

Let me underscore what I am about to say. Republicans did not insist, in 2011, 2012, and 2013, when Barack Obama was President, that these new rules should be delayed until after the next Presidential election when there might be a Republican President. Republicans supported these changes for the benefit of this institution, even though they would immediately benefit a Democratic President and a Democratic Senate majority.

I propose that we do that again. I invite my Democratic colleagues to join me in demonstrating the same sort of bipartisan respect for the Senate as an institution that Senators Reid and MCCONNELL—the two Senate leaders at that time—Senators SCHUMER, BARRASSO, LEVIN, McCain, Kyl, CARDIN, COLLINS, Lieberman, and I did in 2011, 2012, and 2013, when we worked to change the Senate rules the right way.

Now, 2 weeks ago, the Rules Committee gave us an opportunity to do things again in the right way by reporting to the Senate a resolution by Senator LANKFORD and Senator BLUNT, the chairman of the Rules Committee. This resolution, which is similar to the standing order that 78 Senators voted for on January 14, 2013, would reduce postcloture debate time for nominations. Remember, that is after day one, the majority leader files cloture; day two, nothing happens; day three, we have a vote on cloture that is by 51 votes, and we would reduce the time for debate on day three. District judges would be debated for 2 hours, the same as the 2013 standing order that 78 Senators voted for. Other sub-Cabinet positions would be subject to 2 hours of postcloture debate as well.

The proposal offered by Senator LANKFORD and Senator BLUNT would not reduce the postcloture debate time for Supreme Court Justices, for Cabinet members, for circuit court or certain Board nominations, like the National Labor Relations Board, but would divide the 30 hours of postcloture debate equally between Republicans and Democrats.

The Lankford-Blunt proposal would put the Senate back where it has historically been on nominations. With rare exceptions, Senate nominations have always been decided by majority vote. Let me say that again. With rare exceptions, Senate nominations have always been decided by majority vote.

President Johnson's nomination of Abe Fortas as Chief Justice of the Supreme Court was the only example of a Supreme Court nominee who was blocked by requiring more than 51 votes.

There has never been, in the history of the Senate, a Cabinet nominee who was blocked by requiring more than 51 votes. There has never been, in the history of the Senate, a Federal district judge whose nomination was blocked by requiring more than 51 votes.

Since 1949, Senate rules have allowed one Senator to insist on a cloture vote; that is, 60 votes, which requires more than a majority to end debate. Even though it was allowed, it just wasn't done. Even the vote on the acrimonious nomination of Clarence Thomas to the Supreme Court was decided by a majority vote of 52 to 48. Not one Senator tried to block the nomination by requiring 60 votes on a cloture motion, even though one Senator could have done that.

Only when Democrats began, in 2003, to block President George W. Bush's nominees by insisting on a 60-vote cloture vote did that tradition change. Then, in 2017, using the Harry Reid precedent, Republicans restored the tradition of requiring a majority vote to approve all Presidential nominees, which, as I have said, has been the tradition throughout the history of the Senate.

Also, until recently, with rare exceptions, nominations have been considered promptly. After all, there are 1,200 of them, and the Senate has other things to do besides just being in the personnel business.

For example, last month, I was in Memphis for the investiture of Mark Norris, whose nomination languished for 10 months on the Senate calendar. The evening before, I had dinner with 94-year-old Harry W. Wellford. In November of 1970, Senator Howard Baker of Tennessee had recommended Harry Wellford to serve as a district court judge on the same court where Mark Norris now serves.

By December 11, 1970, 1 month later, President Nixon had nominated Harry Wellford, and the Senate had confirmed him. All this happened in 1 month. Not all nominations have moved that fast. In 1991, a Democratic Senator, using a secret hold, blocked President George H. W. Bush's nomination of me as U.S. Education Secretary. I waited on the calendar for 6 weeks. Those 6 weeks seemed like an awfully long time to me, and that was for a Cabinet position. It was not 10 months for a part-time position for the Tennessee Valley Authority.

Two weeks ago, I voted to report Senator LANKFORD and Senator BLUNT's resolution to the full Senate, even though no Democrat voted for it. I will vote for it again on the floor, even if no Democrat will join us. I will also join my fellow Republicans, if we are forced to change the rules by majority vote. I do not like the Harry Reid precedent, but I like even less the debasement of the Senate's constitutional power to provide advice and consent to 1,200 Presidential nominees.

My preference is to adopt the Lankford-Blunt resolution, which is very similar to the 2013 resolution that 78 Senators voted for, and to do it in a bipartisan way, according to the written Senate rules as we did in 2013.

I believe most Democrats privately agree that the resolution offered by Senators LANKFORD and BLUNT is reasonable, and they will be grateful that it is in place when there is a Democratic majority and one Republican Senator can block a Democratic President's nominees.

The only objection Democrats seem to have to the Lankford-Blunt resolution is that it would apply to President Trump. Their other major objection, which is truly puzzling, is that the proposed change is permanent, and the change we made in 2013 was temporary. Well, I wonder if Democrats would like it better if we made this change in the Senate temporary, only applying to the remainder of President Trump's term.

This is my invitation to my Democratic colleagues. Join me and Senators LANKFORD and BLUNT in supporting their resolution, or modifying it if you believe there is a way to improve it, and working in a bipartisan way, exactly as we did in 2011, 2012, and 2013.

A year or so ago, one of the Supreme Court Justices was asked: How do you Justices get along so well when you have such different opinions? This Justice's reply was this: We try to remember that the institution is more important than any of our opinions.

We Senators would do well to emulate the Supreme Court Justices in respecting and strengthening this institution in which we are privileged to serve. One way to do that is to join together to restore the prompt consideration of any President's 1,200 nominees and do it in a bipartisan way that shows the American people our written rules mean what they say.

The PRESIDING OFFICER. The Senator from Tennessee.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

TRIBUTE TO ERNEST MATT HOUSE

Mr. MCCONNELL. Mr. President, later this week, Leadership Tri-County from Knox, Whitley, and Laurel Counties in my home State will present one of its highest honors: the Leader of the Year award. I was delighted to learn this year's title will be given to Ernest Matt House, a lifelong resident of London, KY, and a remarkable example of entrepreneurship. I would like to take a few moments today to pay tribute to Ernest Matt and his many accomplishments in Kentucky.

From an early age, Ernest Matt's talents were on full display. In high

school, he excelled both in the classroom and on the field, earning 14 varsity letters and a place in the Kentucky High School Athletic Association's Hall of Fame, but these achievements, of course, were just the beginning. Ernest Matt received a full scholarship to play football at Eastern Kentucky University. There, he was EKU's starting quarterback for 3 years and lettered all 4. His notable time in the Colonel's uniform merited inclusion into the school's athletic hall of fame, and he still ranks among the best quarterbacks in its history.

After his graduation, Ernest Matt returned to Laurel County and began working at his family's grocery store. Named for both of his grandfathers, he had big shoes to fill in the family business, but it didn't take long for Ernest Matt to learn the competitive business and set his sights on the future. Although a lot has changed in the grocery business and in the community, Ernest Matt holds onto the tradition of personal service that keeps bringing loyal customers back to the store. Over the next years, his continued entrepreneurial success earned him distinction both in the local community and across the Nation.

Leadership Tri-County was established more than three decades ago to foster and develop emerging local leaders. Its programs in Kentucky invest in the men and women who have spent their lives making their communities a better place to live. This award is given each year to an individual who has contributed to the area's growth and development, and Ernest Matt clearly fits the bill. Through his business success and service on local, regional, and State board and commissions, Ernest Matt has quite a legacy of achievement.

A man of deep faith, Ernest Matt credits his good works both to Christ and to his loving family, especially his wife Kim. I am sure she, along with his children and grandchildren, are quite proud of him. Kentucky has been made better because of Ernest Matt's many contributions, and I would like to congratulate him for being named the 2019 Leader of the Year. I encourage my Senate colleagues to join me in recognizing his work.

SENATE COMMITTEE ON APPROPRIATIONS RULES OF PROCEDURE

Mr. SHELBY. Mr. President, consistent with Standing Rule XXVI, I ask unanimous consent that the rules of procedure of the Committee on Appropriations be printed in the RECORD.

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

SENATE COMMITTEE ON APPROPRIATIONS

COMMITTEE RULES—116TH CONGRESS

I. MEETINGS

The Committee will meet at the call of the Chairman.

II. QUORUMS

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. PROXIES

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. ATTENDANCE OF STAFF MEMBERS AT CLOSED SESSIONS

Attendance of staff members at closed sessions of the Committee shall be limited to those members of the Committee staff who have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the full Committee for its decision.

VI. AVAILABILITY OF SUBCOMMITTEE REPORTS

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. AMENDMENTS AND REPORT LANGUAGE

To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. POINTS OF ORDER

Any member of the Committee who is floor manager of an appropriations bill is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriations bill.

IX. EX OFFICIO MEMBERSHIP

The Chairman and Ranking Minority Member of the full Committee are ex officio members of all subcommittees of which they are not regular members but shall have no vote in the subcommittee and shall not be counted for purposes of determining a quorum.

SENATE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS RULES OF PROCEDURE

Mr. CRAPO. Mr. President, the Committee on Banking, Housing, and Urban Affairs has adopted rules governing its procedures for the 116th Congress. Pursuant to rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BROWN, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

[Amended February 24, 2009]

RULE 1. REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2. COMMITTEE

[a] Investigations. No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Member have specifically authorized such investigation.

[b] Hearings. No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[c] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Member of the Committee or by a majority vote of the Committee.

[d] Interrogation of witnesses. Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Member of the Committee.

[e] Prior notice of markup sessions. No session of the Committee or a Subcommittee for marking up any measure shall be held unless [1] each member of the Committee or the Subcommittee, as the case may be, has been notified in writing via electronic mail or paper mail of the date, time, and place of such session and has been furnished a copy of the measure to be considered, in a searchable electronic format, at least 3 business days prior to the commencement of such session, or [2] the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

[f] Prior notice of first degree amendments. It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Member. This subsection shall apply only when the conditions of subsection [e][1] have been met.

[g] Cordon rule. Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3. SUBCOMMITTEES

[a] Authorization for. A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

[b] Membership. No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

[c] Investigations. No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

[d] Hearings. No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Member of the Subcommittee or by a majority vote of the Subcommittee.

[e] Confidential testimony. No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Member of the Subcommittee, or by a majority vote of the Subcommittee.

[f] Interrogation of witnesses. Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Member of the Subcommittee.

[g] Special meetings. If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

[h] Voting. No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4. WITNESSES

[a] Filing of statements. Any witness appearing before the Committee or Subcommittee [including any witness representing a Government agency] must file with the Committee or Subcommittee [24 hours preceding his or her appearance] 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

[b] Length of statements. Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

[c] Ten-minute duration. Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

[d] Subpoena of witnesses. Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

[e] Counsel permitted. Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

[f] Expenses of witnesses. No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Member of the Committee.

[g] Limits of questions. Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5. VOTING

[a] Vote to report a measure or matter. No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

[b] Vote on matters other than to report a measure or matter. On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6. QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7. STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires

a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8. COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

[d][1] Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8 Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

DECLARATION OF NATIONAL EMERGENCY

Mr. COONS. Mr. President, I ask by unanimous consent that the attached letter signed by 58 former national security officials, who served under Republican and Democratic administrations, criticizing President Trump's declaration of a national emergency to build a wall on our southern border be printed in the RECORD.

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

JOINT DECLARATION OF FORMER UNITED STATES GOVERNMENT OFFICIALS

We, the undersigned, declare as follows.

1. We are former officials in the U.S. government who have worked on national security and homeland security issues from the White House as well as agencies across the Executive Branch. We have served in senior leadership roles in administrations of both major political parties, and collectively we have devoted a great many decades to protecting the security interests of the United States. We have held the highest security clearances, and we have participated in the highest levels of policy deliberations on a broad range of issues. These include: immigration, border security, counterterrorism, military operations, and our nation's relationship with other countries, including those south of our border.

a. Madeleine K. Albright served as Secretary of State from 1997 to 2001. A refugee and naturalized American citizen, she served as U.S. Permanent Representative to the United Nations from 1993 to 1997. She has also been a member of the Central Intelligence Agency External Advisory Board since 2009 and of the Defense Policy Board since 2011, in which capacities she has received assessments of threats facing the United States.

b. Jeremy B. Bash served as Chief of Staff of the U.S. Department of Defense from 2011 to 2013, and as Chief of Staff of the Central Intelligence Agency from 2009 to 2011.

c. John B. Bellinger III served as the Legal Adviser to the U.S. Department of State from 2005 to 2009. He previously served as Senior Associate Counsel to the President and Legal Adviser to the National Security Council from 2001 to 2005.

d. Daniel Benjamin served as Ambassador-at-Large for Counterterrorism at the U.S. Department of State from 2009 to 2012.

e. Antony Blinken served as Deputy Secretary of State from 2015 to 2017. He previously served as Deputy National Security Advisor to the President from 2013 to 2015.

f. John O. Brennan served as Director of the Central Intelligence Agency from 2013 to 2017. He previously served as Deputy National Security Advisor for Homeland Security and Counterterrorism and Assistant to the President from 2009 to 2013.

g. R. Nicholas Burns served as Under Secretary of State for Political Affairs from 2005 to 2008. He previously served as U.S. Ambassador to NATO and as U.S. Ambassador to Greece.

h. William J. Burns served as Deputy Secretary of State from 2011 to 2014 He previously served as Under Secretary of State for Political Affairs from 2008 to 2011, as U.S. Ambassador to Russia from 2005 to 2008, as Assistant Secretary of State for Near Eastern Affairs from 2001 to 2005, and as U.S. Ambassador to Jordan from 1998 to 2001.

i. Johnnie Carson served as Assistant Secretary of State for African Affairs from 2009 to 2013. He previously served as the U.S. Ambassador to Kenya from 1999 to 2003, to Zimbabwe from 1995 to 1997, and to Uganda from 1991 to 1994.

j. James Clapper served as U.S. Director of National Intelligence from 2010 to 2017.

k. David S. Cohen served as Under Secretary of the Treasury for Terrorism and Financial Intelligence from 2011 to 2015 and as Deputy Director of the Central Intelligence Agency from 2015 to 2017.

l. Eliot A. Cohen served as Counselor of the U.S. Department of State from 2007 to 2009.

m. Ryan Crocker served as U.S. Ambassador to Afghanistan from 2011 to 2012, as U.S. Ambassador to Iraq from 2007 to 2009, as U.S. Ambassador to Pakistan from 2004 to 2007, as U.S. Ambassador to Syria from 1998 to 2001, as U.S. Ambassador to Kuwait from 1994 to 1997, and U.S. Ambassador to Lebanon from 1990 to 1993.

n. Thomas Donilon served as National Security Advisor to the President from 2010 to 2013.

o. Jen Easterly served as Special Assistant to the President and Senior Director for Counterterrorism from 2013 to 2016.

p. Nancy Ely-Raphel served as Senior Adviser to the Secretary of State and Director of the Office to Monitor and Combat Trafficking in Persons from 2001 to 2003. She previously served as the U.S. Ambassador to Slovenia from 1998 to 2001.

q. Daniel P. Erikson served as Special Advisor for Western Hemisphere Affairs to the Vice President from 2015 to 2017, and as Senior Advisor for Western Hemisphere Affairs at the U.S. Department of State from 2010 to 2015.

r. John D. Feeley served as U.S. Ambassador to Panama from 2015 to 2018. He served as Principal Deputy Assistant Secretary for Western Hemisphere Affairs at the U.S. Department of State from 2012 to 2015.

s. Daniel F. Feldman served as Special Representative for Afghanistan and Pakistan at the U.S. Department of State from 2014 to 2015.

t. Jonathan Finer served as Chief of Staff to the Secretary of State from 2015 to 2017, and Director of the Policy Planning Staff at the U.S. Department of State from 2016 to 2017.

u. Jendayi Frazer served as Assistant Secretary of State for African Affairs from 2005 to 2009. She served as U.S. Ambassador to South Africa from 2004 to 2005.

v. Suzy George served as Executive Secretary and Chief of Staff of the National Security Council from 2014 to 2017.

w. Phil Gordon served as Special Assistant to the President and White House Coordinator for the Middle East, North Africa and the Gulf from 2013 to 2015, and Assistant Secretary of State for European and Eurasian Affairs from 2009 to 2013.

x. Chuck Hagel served as Secretary of Defense from 2013 to 2015, and previously served as Co-Chair of the President's Intelligence Advisory Board. From 1997 to 2009, he served as U.S. Senator for Nebraska, and as a senior member of the Senate Foreign Relations and Intelligence Committees.

y. Avril D. Haines served as Deputy National Security Advisor to the President from 2015 to 2017. From 2013 to 2015, she served as Deputy Director of the Central Intelligence Agency.

z. Luke Hartig served as Senior Director for Counterterrorism at the National Security Council from 2014 to 2016.

aa. Heather A. Higginbottom served as Deputy Secretary of State for Management and Resources from 2013 to 2017.

bb. Roberta Jacobson served as U.S. Ambassador to Mexico from 2016 to 2018. She previously served as Assistant Secretary of State for Western Hemisphere Affairs from 2011 to 2016.

cc. Gil Kerlikowske served as Commissioner of Customs and Border Protection from 2014 to 2017. He previously served as Director of the Office of National Drug Control Policy from 2009 to 2014.

dd. John F. Kerry served as Secretary of State from 2013 to 2017.

ee. Prem Kumar served as Senior Director for the Middle East and North Africa at the National Security Council from 2013 to 2015.

ff. John E. McLaughlin served as Deputy Director of the Central Intelligence Agency from 2000 to 2004 and as Acting Director in 2004. His duties included briefing President-elect Bill Clinton and President George W. Bush.

gg. Lisa O. Monaco served as Assistant to the President for Homeland Security and Counterterrorism and Deputy National Security Advisor from 2013 to 2017. Previously, she served as Assistant Attorney General for National Security from 2011 to 2013.

hh. Janet Napolitano served as Secretary of Homeland Security from 2009 to 2013. She served as the Governor of Arizona from 2003 to 2009.

ii. James D. Nealon served as Assistant Secretary for International Engagement at the U.S. Department of Homeland Security from 2017 to 2018. He served as U.S. Ambassador to Honduras from 2014 to 2017.

jj. James C. O'Brien served as Special Presidential Envoy for Hostage Affairs from 2015 to 2017. He served in the U.S. Department of State from 1989 to 2001, including as Principal Deputy Director of Policy Planning and as Special Presidential Envoy for the Balkans.

kk. Matthew G. Olsen served as Director of the National Counterterrorism Center from 2011 to 2014.

ll. Leon E. Panetta served as Secretary of Defense from 2011 to 2013. From 2009 to 2011, he served as Director of the Central Intelligence Agency.

mm. Anne W. Patterson served as Assistant Secretary of State for Near Eastern Affairs from 2013 to 2017. Previously, she served as the U.S. Ambassador to Egypt from 2011 to 2013, to Pakistan from 2007 to 2010, to Colombia from 2000 to 2003, and to El Salvador from 1997 to 2000.

nn. Thomas R. Pickering served as Under Secretary of State for Political Affairs from 1997 to 2000. He served as U.S. Permanent Representative to the United Nations from 1989 to 1992.

oo. Amy Pope served as Deputy Homeland Security Advisor and Deputy Assistant to the President from 2015 to 2017.

pp. Samantha J. Power served as U.S. Permanent Representative to the United Nations from 2013 to 2017. From 2009 to 2013, she served as Senior Director for Multilateral and Human Rights at the National Security Council.

qq. Jeffrey Prescott served as Deputy National Security Advisor to the Vice President from 2013 to 2015, and as Special Assistant to the President and Senior Director for Iran, Iraq, Syria and the Gulf States from 2015 to 2017.

rr. Nicholas Rasmussen served as Director of the National Counterterrorism Center from 2014 to 2017.

ss. Alan Charles Raul served as Vice Chairman of the Privacy and Civil Liberties Oversight Board from 2006 to 2008. He previously served as General Counsel of the U.S. Department of Agriculture from 1989 to 1993, General Counsel of the Office of Management and Budget in the Executive Office of the President from 1988 to 1989, and Associate Counsel to the President from 1986 to 1989.

tt. Dan Restrepo served as Special Assistant to the President and Senior Director for Western Hemisphere Affairs at the National Security Council from 2009 to 2012.

uu. Susan E. Rice served as U.S. Permanent Representative to the United Nations from 2009 to 2013 and as National Security Advisor to the President from 2013 to 2017.

vv. Anne C. Richard served as Assistant Secretary of State for Population, Refugees, and Migration from 2012 to 2017.

ww. Eric P. Schwartz served as Assistant Secretary of State for Population, Refugees, and Migration from 2009 to 2011. From 1993 to 2001, he was responsible for refugee and humanitarian issues at the National Security Council, ultimately serving as Special Assistant to the President for National Security Affairs and Senior Director for Multilateral and Humanitarian Affairs.

xx. Andrew J. Shapiro served as Assistant Secretary of State for Political-Military Affairs from 2009 to 2013.

yy. Wendy R. Sherman served as Under Secretary of State for Political Affairs from 2011 to 2015.

zz. Vikram Singh served as Deputy Special Representative for Afghanistan and Pakistan from 2010 to 2011 and as Deputy Assistant Secretary of Defense for Southeast Asia from 2012 to 2014.

aaa. Dana Shell Smith served as U.S. Ambassador to Qatar from 2014 to 2017. Previously, she served as Principal Deputy Assistant Secretary of Public Affairs.

bbb. Jeffrey H. Smith served as General Counsel of the Central Intelligence Agency from 1995 to 1996. He previously served as General Counsel of the Senate Armed Services Committee.

ccc. Jake Sullivan served as National Security Advisor to the Vice President from 2013 to 2014. He previously served as Director of Policy Planning at the U.S. Department of State from 2011 to 2013.

ddd. Strobe Talbott served as Deputy Secretary of State from 1994 to 2001.

eee. Linda Thomas-Greenfield served as Assistant Secretary for the Bureau of African Affairs from 2013 to 2017. She previously served as U.S. Ambassador to Liberia and Deputy Assistant Secretary for the Bureau of Population, Refugees, and Migration from 2004 to 2006.

fff. Arturo A. Valenzuela served as Assistant Secretary of State for Western Hemisphere Affairs from 2009 to 2011. He previously served as Special Assistant to the President and Senior Director for Inter-American Affairs at the National Security Council from 1999 to 2000, and as Deputy Assistant Secretary of State for Mexican Affairs from 1994 to 1996.

2. On February 15, 2019, the President declared a "national emergency" for the purpose of diverting appropriated funds from previously designated uses to build a wall along the southern border. We are aware of no emergency that remotely justifies such a step. The President's actions are at odds with the overwhelming evidence in the public record, including the administration's own data and estimates. We have lived and worked through national emergencies, and we support the President's power to mobilize the Executive Branch to respond quickly in genuine national emergencies. But under no plausible assessment of the evidence is there a national emergency today that entitles the President to tap into funds appropriated for other purposes to build a wall at the southern border. To our knowledge, the President's assertion of a national emergency here is unprecedented, in that he seeks to address a situation: (1) that has been enduring, rather than one that has arisen suddenly; (2) that in fact has improved over time rather than deteriorated; (3) by reprogramming billions of dollars in funds in the face of clear congressional intent to the contrary; and (4) with assertions that are rebutted not just by the public record, but by his agencies' own official data, documents, and statements.

3. *Illegal border crossings are near forty-year lows*. At the outset, there is no evidence of a sudden or emergency increase in the number of people seeking to cross the southern border. According to the administration's own data, the numbers of apprehensions and undetected illegal border crossings at the southern border are near forty-year lows. Although there was a modest increase in apprehensions in 2018, that figure is in keeping with the number of apprehensions only two years earlier, and the overall trend indicates a dramatic decline over the last fifteen years in particular. The administration also estimates that "undetected unlawful entries" at the southern border "fell from approximately 851,000 to nearly 62,000" between fiscal years 2006 to 2016, the most recent years for which data are available. The United States currently hosts what is estimated to be the smallest number of undocumented immigrants since 2004. And in fact, in recent years, the majority of currently undocumented immigrants entered the United States legally, but overstayed their visas, a problem that will not be addressed by the declaration of an emergency along the southern border.

4. *There is no documented terrorist or national security emergency at the southern border*. There is no reason to believe that there is a terrorist or national security emergency at the southern border that could justify the President's proclamation.

a. This administration's own most recent Country Report on Terrorism, released only five months ago, found that "there was no credible evidence indicating that international terrorist groups have established bases in Mexico, worked with Mexican drug cartels, or sent operatives via Mexico into the United States." Since 1975, there has been only one reported incident in which immigrants who had crossed the southern border illegally attempted to commit a terrorist act That incident occurred more than twelve years ago, and involved three brothers from Macedonia who had been brought into the United States as children more than twenty years earlier.

b. Although the White House has claimed, as an argument favoring a wall at the southern border, that almost 4,000 known or suspected terrorists were intercepted at the southern border in a single year, this assertion has since been widely and consistently repudiated, including by this administration's own Department of Homeland Security. The overwhelming majority of individuals on terrorism watchlists who were intercepted by U.S. Customs and Border Patrol were attempting to travel to the United States by air; of the individuals on the terrorist watchlist who were encountered while entering the United States during fiscal year 2017, only 13 percent traveled by land. And for those who have attempted to enter by land, only a small fraction do so at the southern border. Between October 2017 and March 2018, forty-one foreign immigrants on the terrorist watchlist were intercepted at the northern border. Only six such immigrants were intercepted at the southern border.

5. *There is no emergency related to violent crime at the southern border*. Nor can the administration justify its actions on the grounds that the incidence of violent crime on the southern border constitutes a national emergency. Factual evidence consistently shows that unauthorized immigrants have no special proclivity to engage in criminal or violent behavior. According to a Cato Institute analysis of criminological data, undocumented immigrants are 44 percent *less likely* to be incarcerated nationwide than are native-born citizens. And in Texas, undocumented immigrants were found to have a first-time conviction rate 32 percent below that of native-born Americans; the conviction rates of unauthorized immigrants for violent crimes such as homicide and sex offenses were also below those of native-born

Americans. Meanwhile, overall rates of violent crime in the United States have declined significantly over the past 25 years, falling 49 percent from 1993 to 2017. And violent crime rates in the country's 30 largest cities have decreased on average by 2.7 percent in 2018 alone, further undermining any suggestion that recent crime trends currently warrant the declaration of a national emergency.

6. *There is no human or drug trafficking emergency that can be addressed by a wall at the southern border*. The administration has claimed that the presence of human and drug trafficking at the border justifies its emergency declaration. But there is no evidence of any such sudden crisis at the southern border that necessitates a reprogramming of appropriations to build a border wall.

a. The overwhelming majority of opioids that enter the United States across a land border are carried through legal ports of entry in personal or commercial vehicles, not smuggled through unauthorized border crossings. A border wall would not stop these drugs from entering the United States. Nor would a wall stop drugs from entering via other routes, including smuggling tunnels, which circumvent such physical barriers as fences and walls, and international mail (which is how high-purity fentanyl, for example, is usually shipped from China directly to the United States).

b. Likewise, illegal crossings at the southern border are not the principal source of human trafficking victims. About two-thirds of human trafficking victims served by nonprofit organizations that receive funding from the relevant Department of Justice office are U.S. citizens, and even among noncitizens, most trafficking victims usually arrive in the country on valid visas. None of these instances of trafficking could be addressed by a border wall. And the three states with the highest per capita trafficking reporting rates are not even located along the southern border.

7. *This proclamation will only exacerbate the humanitarian concerns that do exist at the southern border*. There are real humanitarian concerns at the border, but they largely result from the current administration's own deliberate policies towards migrants. For example, the administration has used a ''metering'' policy to turn away families fleeing extreme violence and persecution in their home countries, forcing them to wait indefinitely at the border to present their asylum cases, and has adopted a number of other punitive steps to restrict those seeking asylum at the southern border. These actions have forced asylum-seekers to live on the streets or in makeshift shelters and tent cities with abysmal living conditions, and limited access to basic sanitation has caused outbreaks of disease and death. This state of affairs is a consequence of choices this administration has made, and erecting a wall will do nothing to ease the suffering of these people.

8. *Redirecting funds for the claimed ''national emergency'' will undermine U.S. national security and foreign policy interests*. In the face of a nonexistent threat, redirecting funds for the construction of a wall along the southern border will *undermine* national security by needlessly pulling resources from Department of Defense programs that are responsible for keeping our troops and our country safe and running effectively.

a. Repurposing funds from the defense construction budget will drain money from critical defense infrastructure projects, possibly including improvement of military hospitals, construction of roads, and renovation of onbase housing. And the proclamation will likely continue to divert those armed forces already deployed at the southern border from their usual training activities or missions, affecting troop readiness.

b. In addition, the administration's unilateral, provocative actions are heightening tensions with our neighbors to the south, at a moment when we need their help to address a range of Western Hemisphere concerns. These actions are placing friendly governments to the south under impossible pressures and driving partners away. They have especially strained our diplomatic relationship with Mexico, a relationship that is vital to regional efforts ranging from critical intelligence and law enforcement partnerships to cooperative efforts to address the growing tensions with Venezuela. Additionally, the proclamation could well lead to the degradation of the natural environment in a manner that could only contribute to long-term socioeconomic and security challenges.

c. Finally, by declaring a national emergency for domestic political reasons with no compelling reason or justification from his senior intelligence and law enforcement officials, the President has further eroded his credibility with foreign leaders, both friend and foe. Should a genuine foreign crisis erupt, this lack of credibility will materially weaken this administration's ability to marshal allies to support the United States, and will embolden adversaries to oppose us.

9. *The situation at the border does not require the use of the armed forces, and a wall is unnecessary to support the use of the armed forces*. We understand that the administration is also claiming that the situation at the southern border ''requires use of the armed forces,'' and that a wall is ''necessary to support such use'' of the armed forces. These claims are implausible

a. Historically, our country has deployed National Guard troops at the border solely to assist the Border Patrol when there was an extremely high number of apprehensions, together with a particularly low number of Border Patrol agents. But currently, even with retention and recruitment challenges, the Border Patrol is at historically high staffing and funding levels, and apprehensions—measured in both absolute and per-agent terms—are near historic lows.

b. Furthermore, the composition of southern border crossings has shifted such that families and unaccompanied minors now account for the majority of immigrants seeking entry at the southern border; these individuals do not present a threat that would need to be countered with military force.

c. Just last month, when asked what the military is doing at the border that couldn't be done by the Department of Homeland Security if it had the funding for it, a top-level defense official responded, ''[n]one of the capabilities that we are providing [at the southern border] are combat capabilities. It's not a war zone along the border.'' Finally, it is implausible that hundreds of miles of wall across the southern border are somehow necessary to support the use of armed forces. We are aware of no military- or security-related rationale that could remotely justify such an endeavor.

10. *There is no basis for circumventing the appropriations process with a declaration of a national emergency at the southern border*. We do not deny that our nation faces real immigration and national security challenges. But as the foregoing demonstrates, these challenges demand a thoughtful, evidence-based strategy, not a manufactured crisis that rests on falsehoods and fearmongering. In a briefing before the Senate Intelligence Committee on January 29, 2019, less than one month before the Presidential Proclamation, the Directors of the CIA, DNI, FBI, and NSA testified about numerous serious current threats to U.S. national security, but none of the officials identified a security crisis at the U.S.-Mexico border. In a briefing before the House Armed Services Committee the next day, Pentagon officials acknowledged that the 2018 National Defense Strategy does not identify the southern border as a security threat. Leading legislators with access to classified information and the President's own statements have strongly suggested, if not confirmed, that there is no evidence supporting the administration's claims of an emergency. And it is reported that the President made the decision to circumvent the appropriations process and reprogram money without the Acting Secretary of Defense having even started to consider where the funds might come from, suggesting an absence of consultation and internal deliberations that in our experience are necessary and expected before taking a decision of this magnitude.

11. For all of the foregoing reasons, in our professional opinion, there is no factual basis for the declaration of a national emergency for the purpose of circumventing the appropriations process and reprogramming billions of dollars in funding to construct a wall at the southern border, as directed by the Presidential Proclamation of February 15, 2019.

Respectfully submitted,

Signed,

Madeleine K. Albright, Jeremy B. Bash, John B. Bellinger III, Daniel Benjamin, Antony Blinken, John O. Brennan, R. Nicholas Burns, William J. Burns, Johnnie Carson, James Clapper.

David S. Cohen, Eliot A. Cohen, Ryan Crocker, Thomas Donilon, Jen Easterly, Nancy Ely-Raphel, Daniel P. Erikson, John D. Feeley, Daniel F. Feldman, Jonathan Finer.

Jendayi Frazer, Suzy George, Phil Gordon, Chuck Hagel, Avril D. Haines, Luke Hartig, Heather A. Higginbottom, Roberta Jacobson, Gil Kerlikowske, John F. Kerry.

Prem Kumar, John E. McLaughlin, Lisa O. Monaco, Janet Napolitano, James D. Nealon, James C. O'Brien, Matthew G. Olsen, Leon E. Panetta, Anne W. Patterson, Thomas R. Pickering.

Amy Pope, Samantha J. Power, Jeffrey Prescott, Nicholas Rasmussen, Alan Charles Raul, Dan Restrepo, Susan E. Rice, Anne C. Richard, Eric P. Schwartz, Andrew J. Shapiro.

Wendy R. Sherman, Vikram Singh, Dana Shell Smith, Jeffrey H. Smith, Jake Sullivan, Strobe Talbott, Linda Thomas-Greenfield, Arturo A. Valenzuela.

TRIBUTE TO TOM FONTANA

Mr. INHOFE. Mr. President, I would like to offer my congratulations to Tom Fontana, special assistant to the CEO for the U.S. Capitol Visitor Center, CVC, on his retirement after 30 years of Federal service.

Tom began his career at the U.S. Army Corps of Engineers in 1988. He was responsible for communications for one of the Corps' largest projects, the renovation of the Pentagon in the 1990s. He eventually joined the U.S. Department of Defense, where he continued working to successfully completing the project. Tom was at the Pentagon on September 11, 2001, when a plane hijacked by terrorist crashed into the building.

While Tom had just accepted a position with the Architect of the Capitol, AOC, to manage communications for the construction phase of the U.S. Capitol Visitor Center, due to the tragedy, he remained in his position at the Pentagon to lend assistance before assuming his role with the CVC in 2001.

Throughout the construction of the CVC, Tom provided countless tours and briefings to Members of Congress, including leadership and their staff. Given his depth of knowledge, responsiveness, and evenhandedness through that challenging time, Tom earned great respect from the Members of Congress and the media in Washington.

In 2008, Tom subsequently assumed the role of director of communications and marketing for the U.S. Capitol Visitor Center. Under Tom's leadership, the CVC communications division expanded from providing the basics of a startup operation, to providing a wide range of communications to help visitors learn about the Capitol and workings of Congress. He has always looked for ways to take advantage of new technologies to engage visitors, students in particular, about Congress's history. Under his leadership, the first AOC apps were developed, and one of them received a national award for its innovation.

For many Members of Congress, dignitaries, AOC, and CVC staff, Tom is the authoritative voice on the Capitol Visitor Center. He is widely respected for his unique knowledge about the Capitol building and grounds. From presenting inspiring tours to engaging visitors who are simply seeking directions, he personifies an experience all visitors expect when they come to the U.S. Capitol. Tom is an ambassador for the CVC, the Capitol, and Congress without equal.

Tom has also been an incredible asset to me and my office throughout his leadership at the CVC. Every year, I host a unique dinner on Capitol Hill for governmental leaders from all over the continent of Africa, including heads of state, legislators, and cabinet members. Ambassadors and guests who are key leaders in Africa also attend, along with several U.S. legislators. Prior to the dinner, we provide the guests with a tour of the Capitol to learn more about our Capitol building and the workings of Congress. Throughout all of the years I have held the tour and dinner, Tom has gone above and beyond what was required to make our guests feel welcome and to ensure that everything runs smoothly. His role in the success of our event has become so essential that, several years ago, we began inviting Tom to the dinner not only to support it, but to take part in it.

Tom leaves big shoes to fill. My Senate colleagues and I appreciate Tom's hard work and commitment to our Capitol and country. He will be missed, but I wish him all the best in his retirement.

ADDITIONAL STATEMENTS

REMEMBERING SERGEANT RAMBO

• Mr. BLUMENTHAL. Mr. President, today, with a heavy heart, I wish to pay tribute to Sergeant Rambo N557, a medically retired military working dog—MWD—who dedicated his life to the Marine Corps and raising awareness for his fellow retired working dogs. Sadly, Sergeant Rambo passed away earlier this month. He will be remembered for his loving spirit and lifetime of service.

Sergeant Rambo served as an explosive detection MWD based out of MCCS Cherry Point, NC, from January 6, 2011, to April 11, 2012. Throughout his Active Duty, Sergeant Rambo completed 620 stateside searches, two official stateside missions, and about 1,000 hours of training. Unfortunately, a left shoulder injury prevented him from deploying. Nonetheless, he served valiantly alongside his handler, protecting their base and the community until retirement.

Connecticut native Lisa Phillips, who served in the U.S. Army as a veterinary technician, adopted Sergeant Rambo after his retirement. Despite needing an amputation because of his earlier injury, he remained committed to serving his Nation.

Well loved by people of all ages and capacities, Sergeant Rambo visited summer youth groups and local nursing homes, connecting with and bringing hope to children with special needs and elderly people suffering from dementia. His joyful and empathetic personality allowed him to bond with people across the Nation.

Sergeant Rambo also used his experiences to highlight animal welfare, military, and veteran issues. He became the mascot for Alamo Honor Flight, accompanying World War II veterans to Washington, DC, and for Gizmo's Gift, a nonprofit that supports people who have adopted retired working dogs by offering free medical care and other necessary financial support. He and Lisa attended press events with me, helping gain backing for the Canine Members of the Armed Forces Act, which sought to improve care for MWDs once their Active Duty ends by streamlining the adoption process and establishing a national non-profit to cover the veterinary costs associated with retired working dogs. Several provisions of that act have become law.

In 2015, the American Humane Association named Sergeant Rambo the Military Dog of the Year. He and Lisa used this platform to give a TEDx Talk the next year about MWDs and Gizmo's Gift. Then, in March 2017, they testified before the Connecticut General Assembly about a bill to establish K–9 Veterans Day in our State.

My wife Cynthia and I extend our deepest sympathies to Lisa during this difficult time. We know without a doubt that Sergeant Rambo's legacy will leave a positive impact on the lives he touched and causes he championed for years to come.•

RECOGNIZING MAGELLAN TRANSPORT LOGISTICS

• Mr. RUBIO. Mr. President, I wish to honor and commend one of the dedicated and hard-working small businesses that does so much for the State of Florida. As chairman of the Committee on Small Business and Entrepreneurship, each week I recognize a small business that exemplifies the unique American entrepreneurial spirit. Today, it is my distinct pleasure to name Magellan Transport Logistics, of Jacksonville, FL, as the Senate Small Business of the Week.

Founded in 2006, Magellan Transport Logistics is a Service-Disabled Veteran-Owned Small Business dedicated to providing its customers with a wide range of transportation needs. Tom Piatak founded Magellan Transport Logistics based on many of the same qualities that he learned while serving in the U.S. Army. A graduate of the U.S. Military Academy, Tom instills into the company the values he learned from West Point, as well as from his service as a combat engineer during Operation Desert Storm.

Today, Tom serves as chief executive officer and chairman of Magellan. Under his guidance, the company has quickly become a leader in supporting the vast transportation needs of its clients. Tom and his team have gained much of their success by recruiting some of the most talented leaders and logistics professionals in the industry. By instituting four core values of entrepreneurship, ownership mentality, innovation, and transparency within the company, Magellan has created a positive culture that has translated into rapid growth and success. In March of 2018, Magellan announced the acquisition of a 47,000-square-foot warehouse and the hiring of 100 employees over the next 5 years, furthering its investment in the Jacksonville community.

Magellan is known for its dedication to its employees and as a pillar of the Jacksonville community. The company offers complete logistics and transportation services, both local and international, by truck or airplane, while also providing warehousing services and supply chain management. Magellan has built strong relationships with its clients by embracing the ''no man left behind'' principle that Tom learned during his time serving our country in the U.S. Army.

As a Service-Disabled Veteran-Owned Small Business, Magellan is committed to hiring veterans and participating in community service events to benefit America's veterans. This past December, Magellan sponsored 20 wreaths for National Wreaths Across America Day, as well as assisted with unloading and placing the memorial wreaths on the graves of fallen servicemembers. Magellan actively supports the Wounded Warrior Project, and their commitment to veterans in their community is a testament to the company's values.

In addition to their continued service to our Nation's veterans, Magellan has also aided the community in disaster relief efforts. Following Hurricane Michael in the fall of 2018, Magellan

worked directly with FEMA, providing 40 trucks and three staff members as part of the disaster recovery effort. They also partnered with Operation BBQ Relief, a nonprofit organization, to deliver meals and supplies to families throughout impacted areas.

Tom Piatak and Magellan are regularly honored for their success and dedication to the Jacksonville community. During the 2017–2018 NFL football season, the Jacksonville Jaguars honored Magellan as their Veteran Business Owner of the Week. The Jacksonville Business Journal recognized Tom and the team at Magellan for their efforts to hire veterans, and the Wounded Warrior Project awarded the company with the Wounded Warrior Certificate of Recognition in 2017.

Tom Piatak's work to grow Magellan Transport Logistics while staying committed to his community and veterans represents the dedication to service for which Florida entrepreneurs are well known. Through hard work, Tom and his team at Magellan Transport Logistics have built a successful business grounded in strong values, while serving as an example of superior corporate citizenship. I would like to congratulate Tom and the entire team at Magellan Transport Logistics for being named the Senate Small Business of the Week. I wish them good luck and look forward to watching their continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, 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 RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 2019, the Secretary of the Senate, on February 15, 2019, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the following concurrent resolution:

S. Con. Res. 4. Concurrent resolution providing for a correction in the enrollment of H.J. Res. 31.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H.J. Res. 31) making further continuing appropriations for the Department of Homeland Security for fiscal year 2019, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2019, the Secretary of the Senate, on February 15, 2019, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 31. Joint resolution making consolidated appropriations for the fiscal year ending September 30, 2019, and for other purposes.

Under the authority of the order of the Senate of January 3, 2019, the enrolled joint resolution was signed on February 15, 2019, during the adjournment of the Senate, by the Acting President pro tempore (Mrs. FISCHER).

MESSAGE FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43), and the order of the House of January 3, 2019, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Regents of the Smithsonian Institution: Ms. MATSUI of California and Ms. ROYBAL-ALLARD of California.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 3, 2019, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. KENNEDY of Massachusetts and Mrs. BEATTY of Ohio.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 3, 2019, the Speaker appoints the following Members on the part of the House of Representatives to the Joint Economic Committee: Mr. BEYER of Virginia, Mr. HECK of Washington, Mr. TRONE of Maryland, Mrs. BEATTY of Ohio, and Ms. FRANKEL of Florida.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 3, 2019, the Speaker appoints the following Member on the part of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. VELA of Texas.

The message also announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 3, 2019, the Speaker appoints the following Members on the part of the House of Representatives to the United States Holocaust Memorial Council: Mr. DEUTCH of Florida, Mr. SCHNEIDER of Illinois, and Mr. LEWIS of Georgia.

The message further announced that pursuant to section 4 of the United States Semiquincentennial Commission Act of 2016 (Public Law 114–196), and the order of the House of January 3, 2019, the Speaker appoints the following Member on the part of the House of Representatives to the United States Semiquincentennial Commission to fill the existing vacancy thereon: Mrs. WATSON COLEMAN of New Jersey.

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–344. A communication from the Executive Director, Office of Congressional Workplace Rights, transmitting, pursuant to Section 201(b) of the Congressional Accountability Act of 1995 Reform Act, a biennial report entitled ''Recommendations for Improvements to the Congressional Accountability Act,'' received in the office of the President pro tempore of the Senate; to the Committee on Rules and Administration.

EC–345. A message from the President of the United States, transmitting, pursuant to law, a report relative to the issuance of an Executive Order declaring a national emergency in order to address the border security and humanitarian crisis that is threatening the United States; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works:

Report to accompany S. 163, A bill to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes (Rept. No. 116–2).

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. TILLIS (for himself and Mr. VAN HOLLEN):

S. 536. A bill to amend the Securities Act of 1933 to expand the ability to use testing the waters and confidential draft registration submissions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. ROSEN (for herself, Mr. MORAN, Ms. STABENOW, Mr. GARDNER, Mr. CRAMER, and Ms. BALDWIN):

S. 537. A bill to amend the Internal Revenue Code of 1986 to provide the work opportunity tax credit with respect to hiring veterans who are receiving educational assistance under laws administered by the Secretary of Veterans Affairs or Defense; to the Committee on Finance.

By Mr. WARNER (for himself, Ms. STABENOW, and Mr. CASEY):

S. 538. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided worker training; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. COONS):

S. 539. A bill to amend the Internal Revenue Code of 1986 to establish Lifelong Learning and Training Account programs; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. ROUNDS, and Mr. BOOKER):

S. 540. A bill to provide minimum standards for transactions secured by a dwelling, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. YOUNG, Mr. HOEVEN, Mr. SASSE, Mr. BENNET, and Mr. KING):

S. 541. A bill to require the Secretary of Labor to establish a pilot program for providing portable benefits to eligible workers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. WYDEN, Mr. RISCH, Mr. HEINRICH, Mr. CRAPO, Mr. MERKLEY, and Mr. MANCHIN):

S. 542. A bill to protect the right of law-abiding citizens to transport knives interstate, notwithstanding a patchwork of local and State prohibitions; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself and Mr. MARKEY):

S. 543. A bill to require the Secretary of Transportation to finalize rules to protect consumers from the risks of carbon monoxide poisoning and rollaways from motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself, Mr. HEINRICH, Mr. REED, Ms. HARRIS, and Mr. COONS):

S. 544. A bill to require the Director of National Intelligence to submit to Congress a report on the death of Jamal Khashoggi, and for other purposes; to the Select Committee on Intelligence.

By Ms. CORTEZ MASTO (for herself and Mr. CORNYN):

S. 545. A bill to amend the Higher Education Act of 1965 to direct the Secretary of Education to award institutions of higher education grants for teaching English learners; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Mr. GARDNER, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. WHITEHOUSE, Mr. MARKEY, Mr. BOOKER, Mr. SCHUMER, Mr. SANDERS, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. BLUMENTHAL, Mr. MERKLEY, Ms. DUCKWORTH, Mr. BENNET, Ms. WARREN, Mr. CASEY, Ms. KLOBUCHAR, Mr. MURPHY, Mr. COONS, and Ms. HARRIS):

S. 546. A bill to extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 547. A bill to amend the Federal Election Campaign Act of 1971 to require certain reports filed under such Act to include the disclosure of persons who are registered lobbyists under the Lobbying Disclosure Act of 1995, and for other purposes; to the Committee on Rules and Administration .

By Mr. PORTMAN (for himself and Ms. CANTWELL):

S. 548. A bill to reauthorize the Money Follows the Person Demonstration Program; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself, Ms. DUCKWORTH, Ms. HARRIS, Mr. SANDERS, Mr. BLUMENTHAL, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MARKEY, and Mr. CARDIN):

S. 549. A bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR:

S. 550. A bill to require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself and Mr. PORTMAN):

S. 551. A bill to amend title XVIII of the Social Security Act to require manufacturers of certain single-dose vial drugs payable under part B of the Medicare program to provide rebates with respect to amounts of such drugs discarded, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 73

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 73, a bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription drugs.

S. 92

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 92, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 164

At the request of Mr. DAINES, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 164, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 172

At the request of Mr. GARDNER, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Louisiana (Mr. KENNEDY) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 172, a bill to delay the reimposition of the annual fee on health insurance providers until after 2021.

S. 191

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 191, a bill to direct the Secretary of Defense to include in periodic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, and for other purposes.

S. 203

At the request of Mr. CRAPO, the names of the Senator from Montana (Mr. DAINES), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 203, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit, and for other purposes.

S. 215

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 239

At the request of Mrs. SHAHEEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 239, a bill to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

S. 266

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 266, a bill to provide for the long-term improvement of public school facilities, and for other purposes.

S. 270

At the request of Mrs. MURRAY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 270, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 286

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 286, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 296

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 296, a bill to amend XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

At the request of Ms. COLLINS, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 296, supra.

S. 311

At the request of Mr. SASSE, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 311, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 317

At the request of Mr. BENNET, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 317, a bill to amend title XIX of the Social Security Act to provide States with the option of providing coordinated care for children with complex medical conditions through a health home.

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 317, supra.

S. 320

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 320, a bill to amend title 18, United States Code, to require federally licensed firearms importers, manufacturers, and dealers to meet certain requirements with respect to securing their firearms inventory, business records, and business premises.

S. 323

At the request of Mrs. MURRAY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Ms. HASSAN) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 323, a bill to direct the Secretary of Education to establish the Recognition Inspiring School Employees (RISE) Program recognizing excellence exhibited by classified school employees providing services to students in prekindergarten through high school.

S. 362

At the request of Mr. WYDEN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 362, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 383

At the request of Mr. BARRASSO, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 383, a bill to support carbon dioxide utilization and direct air capture research, to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, and for other purposes.

S. 386

At the request of Mr. LEE, the names of the Senator from Ohio (Mr. PORTMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Ms. MCSALLY) were added as cosponsors of S. 386, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 479

At the request of Mr. TOOMEY, the names of the Senator from New Hampshire (Ms. HASSAN), the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. MURPHY), the Senator from California (Ms. HARRIS), the Senator from Ohio (Mr. PORTMAN), the Senator from Vermont (Mr. SANDERS), the Senator from New Jersey (Mr. BOOKER), the Senator from Delaware (Mr. COONS), the Senator from Maine (Ms. COLLINS), the Senator from New Mexico (Mr. UDALL), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Arizona (Ms. MCSALLY) were added as cosponsors of S. 479, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 488

At the request of Ms. HARRIS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 488, a bill to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

S. 496

At the request of Mr. SULLIVAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 496, a bill to preserve United States fishing heritage through a national program dedicated to training and assisting the next generation of commercial fishermen, and for other purposes.

S. 500

At the request of Mr. PORTMAN, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 500, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 506

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 506, a bill to support State, Tribal, and local efforts to remove access to firearms from individuals who are a danger to themselves or others pursuant to court orders for this purpose.

S. 507

At the request of Ms. KLOBUCHAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 507, a bill to amend the National Voter Registration Act of 1993 to clarify that a State may not use an individual's failure to vote as the basis for initiating the procedures provided under such Act for the removal of the individual from the official list of registered voters in the State on the grounds that the individual has changed residence, and for other purposes.

S. 513

At the request of Ms. HARRIS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 513, a bill to amend title 18, United States Code, with respect to civil forfeitures relating to certain seized animals, and for other purposes.

S. 514

At the request of Mr. TESTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 514, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 521

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 521, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 524

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 524, a bill to establish the Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes.

S. 525

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. LEE), the Senator from Iowa (Ms. ERNST), the Senator from Florida (Mr. RUBIO) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 525, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S.J. RES. 6

At the request of Mr. CARDIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Maine (Mr. KING) were added as cosponsors of S.J. Res. 6, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 73

At the request of Mr. RUBIO, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Res. 73, a resolution calling on the Kingdom of Saudi Arabia to immediately release Saudi Women's Rights activists and respect the fundamental rights of all Saudi citizens.

S. RES. 74

At the request of Mr. PORTMAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. Res. 74, a resolution marking the fifth anniversary of Ukraine's Revolution of Dignity by honoring the bravery, determination, and sacrifice of the people of Ukraine during and since the Revolution, and condemning continued Russian aggression against Ukraine.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. PORTMAN):

S. 551. A bill to amend title XVIII of the Social Security Act to require manufacturers of certain single-dose vial drugs payable under part B of the Medicare program to provide rebates with respect to amounts of such drugs discarded, and for other purposes; to the Committee on Finance.

Mr. DURBIN. 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. 551

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 ''Recovering Excessive Funds for Unused and Needless Drugs Act of 2019'' or the ''REFUND Act of 2019''.

SEC. 2. REQUIRING MANUFACTURERS OF CERTAIN SINGLE-DOSE VIAL DRUGS PAYABLE UNDER PART B OF THE MEDICARE PROGRAM TO PROVIDE REBATES WITH RESPECT TO DISCARDED AMOUNTS OF SUCH DRUGS.

(a) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(w) REBATE FOR CERTAIN DISCARDED SINGLE-DOSE VIAL DRUGS.—

''(1) IN GENERAL.—The manufacturer (as defined in section 1847A(c)(6)(A)) of a rebatable single-dose vial drug furnished in a calendar quarter shall, not later than 30 days after the date of receipt of information described in paragraph (2)(A)(iii) with respect to such quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such quarter.

''(2) SECRETARIAL DUTIES.—

''(A) IN GENERAL.—For each calendar quarter, the Secretary shall, with respect to a rebatable single-dose vial drug of a manufacturer furnished during such quarter—

''(i) require, through use of a modifier such as the JW modifier used as of the date of enactment of this subsection (or any such successor code that includes such data as determined appropriate by the Secretary), an indication on a claim for such drug of the amount of such drug that was discarded after such drug was furnished, if any;

''(ii) determine the rebatable amount (as defined in subparagraph (B)) with respect to such drug; and

''(iii) not later than 60 days after the end of such quarter, provide to such manufacturer notice of—

''(I) the total number of units of such drug discarded during such quarter (as determined by the Secretary based on the aggregate rebatable amount (as so defined) with respect to such drug for such quarter), if any; and

''(II) the rebate amount specified in paragraph (3) for such drug and such quarter.

''(B) REBATABLE AMOUNT.—The term 'rebatable amount' means, with respect to a rebatable single-dose vial drug of a manufacturer furnished during a quarter, 90 percent of the amount (if any) of such drug that was discarded as indicated pursuant to subparagraph (A)(i).

''(3) REBATE AMOUNT.—The amount of the rebate specified in this paragraph is, with respect to a rebatable single-dose vial drug of a manufacturer furnished in a calendar quarter, an amount equal to the product of—

''(A) the total number of units of such drug discarded during such quarter as determined under paragraph (2)(A)(iii)(I); and

''(B) the lesser of—

''(i) the average sales price (as defined in section 1847A(c)(1)) for a unit of such drug for such quarter (or, in the case of a drug subject to an agreement with such manufacturer under section 340B of the Public Health Service Act, the price for a unit of such drug for such quarter under such agreement); or

''(ii) the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) for a unit of such drug.

''(4) REBATE DEPOSITS.—Amounts paid as rebates pursuant to paragraph (1) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''(5) ENFORCEMENT.—

''(A) AUDITS.—Each manufacturer of a rebatable single dose-vial drug that is required to provide a rebate under this subsection shall be subject to periodic audit with respect to such drug and such rebates by the Secretary.

''(B) CIVIL MONEY PENALTY.—

''(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer of a rebatable single dose-vial drug who has failed to comply with the requirement under paragraph (1) for such drug for a calendar quarter in an amount the Secretary determines is commensurate with the sum of—

''(I) the amount that the manufacturer would have paid under such paragraph with respect to such drug for such quarter; and

''(II) 25 percent of such amount.

''(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(6) DEFINITIONS.—In this subsection:

''(A) REBATABLE SINGLE-DOSE VIAL DRUG.—The term 'rebatable single-dose vial drug' means a single source drug or biological (as defined in section 1847A(c)(6)(D)) paid for under this part and furnished on or after January 1, 2020, from a single-dose vial.

''(B) UNIT.—The term 'unit' has the meaning given such term in section 1847A(b)(2)(B).''.

(b) COLLECTION OF COINSURANCE ONLY FOR PORTION OF REBATABLE SINGLE-DOSE VIAL DRUG ADMINISTERED.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) in subsection (a)(1)(S), by inserting subject to subsection (cc), before with respect to; and

(2) by adding at the end the following new subsection:

''(cc) COLLECTION OF COINSURANCE ONLY FOR PORTION OF REBATABLE SINGLE-DOSE VIAL DRUG ADMINISTERED.—When processing a claim for a rebatable single-dose vial drug (as defined in section 1834(w)(6)), the Secretary, acting through the relevant medicare administrative contractor with respect to such claim, shall only collect coinsurance from a beneficiary, taking into account any coverage under a Medicare supplemental policy certified under section 1882 or any other supplemental insurance coverage of the beneficiary, with respect to the portion of the drug administered (as indicated by the J-portion of the claim for the drug used as of the date of enactment of this subsection, or any successor code that includes such data as determined appropriate by the Secretary), in an amount equal to 20 percent of the amount of payment that would be made if payment for the claim was based only on the portion of the drug administered (as so indicated). Nothing in the preceding sentence shall affect the amount paid to the provider of services or supplier with respect to the drug under this part (as determined based on the total amount of the drug for which the claim was submitted, including the portion of the drug administered and the portion discarded, as indicated by the J-portion of the claim and the JW modifier, respectively, used as of such date of enactment or any successor codes that include such data as determined appropriate by the Secretary).''.

AUTHORITY FOR COMMITTEES TO MEET

Mrs. FISCHER. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Monday, February 25, 2019, at 5 p.m., to conduct a closed hearing.

BIENNIAL REPORT OF BOARD OF DIRECTORS OF CONGRESSIONAL WORKPLACE RIGHTS

U.S. CONGRESS, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC, February 25, 2019.

Hon. CHARLES GRASSLEY,
President Pro Tempore, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) requires the Board of Directors of the Office of Congressional Workplace Rights (OCWR) to biennially submit a report containing recommendations regarding Federal workplace rights, safety and health, and public access laws and regulations that should be made applicable to Congress and its agencies. The purpose of this report is to ensure that the rights afforded by the CAA to legislative branch employees and visitors to Capitol Hill and district offices remain equivalent to those in the private sector and the executive branch of the Federal government. As such, these recommendations support the intent of Congress to keep pace with advances in workplace rights and public access laws.

Accompanying this letter is a copy of our section 102(b) report—titled ''Recommendations for Improvements to the Congressional Accountability Act''—for consideration by the 116th Congress. We welcome discussion on these issues and urge that Congress act on these important recommendations.

Your office is receiving this initial copy prior to it being uploaded to our public website. On March 4, 2019, this report will be disseminated to the larger Congressional community and available on www.ocwr.gov. As required by the Congressional Accountability Act, 2 U.S.C. §1302(b), I request that this publication be printed in the Congressional Record, and referred to the committees of the House of Representatives and Senate with jurisdiction.

Sincerely,

SUSAN TSUI GRUNDMANN,
Executive Director.

116TH CONGRESS—RECOMMENDATIONS FOR IMPROVEMENTS TO THE CONGRESSIONAL ACCOUNTABILITY ACT

Office of Congressional Workplace Rights—Board of Directors' Biennial Report required by § 102(b) of the Congressional Accountability Act issued at the conclusion of the 115th Congress (2017–2018) for consideration by the 116th Congress

Statement From the Board of Directors

The Congressional Accountability Act of 1995 (CAA) embodies a promise by Congress to the American public that it will hold itself accountable to the same federal workplace and accessibility laws that it applies to private sector employers and executive branch agencies. This landmark legislation was also crafted to provide for ongoing review of the workplace and accessibility laws that apply to Congress. Section 102(b) of the CAA thus tasks the Board of Directors of the Office of Congressional Workplace Rights (OCWR)—formerly the Office of Compliance—to review legislation and regulations to ensure that workplace protections in the legislative branch are on par with private sector and executive branch agencies. Accordingly, every Congress, the Board reports on: whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations] . . . are applicable or inapplicable to the legislative branch, and . . . with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch. This section of the CAA also requires that the presiding officers of the House of Representatives and the Senate cause our report to be printed in the Congressional Record and refer the report to committees of the House and Senate with jurisdiction.

On December 21, 2018, as we were in the process of finalizing our Section 102(b) Report for the 115th Congress, the Congressional Accountability Act of 1995 Reform Act, S. 3749, was signed into law. Not since the passage of the CAA in 1995 has there been a more significant moment in the evolution of legislative branch workplace rights. The new law focuses on protecting victims, strengthening transparency, holding violators accountable for their personal conduct, and improving the adjudication process. Some of the changes in the CAA Reform Act are effective immediately, such as the name change of our Office, but most will be effective 180 days from enactment, i.e., on June 19, 2019. The CAA Reform Act incorporates several of the recommendations that the OCWR has made to Congress in past Section 102(b) Reports and in other contexts, such as in testimony before the Committee on House Administration (CHA) as part of that committee's comprehensive review in 2018 of the protections that the CAA offers legislative branch employees against harassment and discrimination in the congressional workplace. These changes include the following:

Mandatory Anti-Discrimination, Anti-Harassment, and Anti-Retaliation Training

The Board has consistently recommended in its past biennial Section 102(b) Reports and in testimony before Congress that anti-discrimination, anti-harassment, and anti-reprisal training should be mandatory for all Members, officers, employees and staff of Congress and the other employing offices in the legislative branch. Last year, the House and the Senate adopted resolutions (S. Res 330 and H. Res. 630) that require all of its Members, Officers and employees, as well as interns, detailees, and fellows, to complete an anti-harassment and anti-discrimination training program. We are pleased that the CAA Reform Act includes these broader mandates for the congressional workforce at large. Under the new law, employing offices (other than the House of Representatives and the Senate) are also required to develop and implement a program to train and educate covered employees on the rights and protections provided under the CAA, including the procedures available under CAA title IV, which describes the OCWR administrative and judicial dispute resolution procedures. 509(a), 2 U.S.C. § 1438(a). Employing offices must submit a report on the implementation of their CAA-required training and education programs to the CHA and the Committee on Rules and Administration of the Senate no later than 45 days after the beginning of each Congress, beginning with the 117th Congress. For the 116th Congress, this report is due no later than 180 days after the enactment of the CAA Reform Act, which is June 19, 2019. 509(b)(1), (b)(2), 2 U.S.C. § 1438(b)(1), (b)(2)

The OCWR stands ready to assist employing offices in developing their anti-discrimination, anti-harassment, and anti-reprisal programs by providing training opportunities and materials that are easily understood, practical rather than legalistic, proven effective, and which emphasize the change of culture on Capitol Hill. Through these programs, we can achieve the goal of a legislative branch that is free from discrimination, harassment and reprisal.

Adopt All Notice-Posting Requirements that Exist Under the Federal Anti-Discrimination, Anti-Harassment, and Other Workplace Rights Laws Covered Under the CAA

The Board has long been concerned that employees who experience harassment or discrimination in the legislative branch may be deterred from taking action simply due to a lack of awareness of their rights under the CAA. The Board has therefore consistently recommended in its Section 102(b) reports that Congress adopt all notice-posting requirements that exist under the Federal antidiscrimination, anti-harassment, and other workplace rights laws covered under the CAA. Through permanent postings, current and new employees remain informed about their rights regardless of their location, employee turnover, or other changes in the workplace. The notices also serve as a reminder to employers about their workplace responsibilities and the legal ramifications of violating the law. They are also a visible commitment by Congress to the workplace protections embodied in the CAA. The CAA Reform Act now requires that employing offices post and keep posted in conspicuous places on their premises the notices provided by the OCWR, which must contain information about employees' rights and the OCWR's Administrative Dispute Resolution (ADR) process, along with OCWR contact information. 2 U.S.C. § 1362.

Name Change

As the Board advised Congress in 2014, changing the name of the office to ''Office of Congressional Workplace Rights'' would better reflect our mission, raise our public profile in connection with our mandate to educate the legislative branch, and make it easier for employees to identify us when they need assistance. Effective December 21, 2018, the Reform Act renamed the ''Office of Compliance'' as the ''Office of Congressional Workplace Rights.'' This name change notifies legislative branch employees that the Office is tasked with protecting their workplace rights through its programs of dispute resolution, education, and enforcement. As the Office embraces its new name, it remains committed to the mission of advancing workplace rights, safety and health, and accessibility for workers and visitors on Capitol Hill, as envisioned in the CAA and the CAA Reform Act.

Extending Coverage to Interns, Fellows, and Detailees

The Board also has consistently recommended in its Section 102(b) Reports that Congress extend the coverage and protections of the anti-discrimination, anti-harassment, and anti-reprisal provisions of the CAA to all staff, including interns, fellows, and detailees working in any employing office in the legislative branch, regardless of how or whether they are paid. The CAA Reform Act amends section 201 of the CAA—which applies title VII of the Civil Rights Act of 1964 (outlawing discrimination based on race, color, religion, sex, or national origin), the Age Discrimination in Employment Act, the Rehabilitation Act, and title I of the Americans with Disabilities Act (ADA)—to apply the protections and remedies of those laws to current and former ''unpaid staff.'' ''Unpaid staff'' is defined in the Reform Act as ''any staff member of an employing office who carries out official duties of the employing office but who is not paid by the employing office for carrying out such duties . . . including an intern, an individual detailed to an employing office, and an individual participating in a fellowship program[.]'' These laws apply to unpaid staff ''in the same manner and to the same extent as such subsections apply with respect to a covered employee[.]'' 201(d), 2 U.S.C. § 1311(d). The Reform Act thus ensures that unpaid interns, fellows, and detailees are covered by the CAA.

Extending Coverage to Library of Congress Employees

Prior to 2018, only certain provisions of the CAA applied to employees of the Library of Congress (LOC), and the Board expressed its support for proposals to amend the CAA to include the LOC within the definition of ''employing office,'' thereby extending CAA protections to LOC employees for most purposes. The 2018 omnibus spending bill amended the CAA to bring the LOC and its employees within the OCWR's (then OOC's) jurisdiction. That bill amended the definition of ''covered employee'' under the CAA to include employees of the LOC, and it added the LOC as an ''employing office'' for all purposes except the CAA's labor-management relations provisions. Among other changes, the bill gave to LOC employees a choice on how to pursue complaints of employment discrimination—allowing them to pursue a complaint either with the LOC's Office of Equal Employment Opportunity and Diversity Programs or with the OCWR. The Reform Act incorporates these statutory changes and further clarifies the rights of LOC employees in this regard as well as others. Its provisions are effective retroactive to March 23, 2018. 2 U.S.C. § 1401(d)(5).

Changes to the Dispute Resolution Procedures Under the CAA

In testimony before the CHA as part of that committee's comprehensive review of the CAA and the protections that law offers legislative branch employees against harassment and discrimination in the congressional workplace, OCWR Executive Director Susan Tsui Grundmann conveyed the Board of Directors' considered recommendations for changes to the ADR procedures set forth in the Act, discussed below.

Pre-Reform Act Procedures Under the CAA

As stated above, the effective date for the new ADR procedures under the Reform Act is June 19, 2019. Currently, prior to filing a complaint with the OCWR pursuant to section 405 of the Act or in the U.S. District Court, the CAA requires that an employee satisfy two jurisdictional prerequisites: mandatory counseling and mandatory mediation. If a claim is not resolved during the counseling phase and the employee wishes to pursue the matter, the CAA currently requires the employee to file a request for mediation with the OCWR. When a case proceeds to mediation, the employing office is notified about the claim and the parties attempt to settle the matter with the assistance of a trained neutral mediator appointed by the OCWR.

If the parties fail to resolve their dispute in mediation, a covered employee may elect to proceed directly to the third step in the process, either by filing an administrative complaint with the OCWR, in which case the complaint would be decided by an OCWR Hearing Officer in a confidential setting, or by filing a lawsuit in a U.S. District Court, in which case the proceedings would be a matter of public record. By statute, this election—which is the employee's alone—must occur not later than 90 days, but not sooner than 30 days, after the end of the period of mediation. This statutory timing requirement creates a 30-day period—sometimes referred to as a ''cooling off period''—before the employee can proceed. A party dissatisfied with the decision of the Hearing Officer may file a petition for review with the OCWR Board of Directors, and any decision of the Board may be appealed to the U.S. Court of Appeals for the Federal Circuit. If, instead of filing a request for an administrative hearing, the employee files a civil suit in Federal district court, an appeal of that decision would proceed under the rules of the appropriate U.S. Court of Appeals. As is discussed below, the Board has advocated in the legislative process for several procedural changes now provided for in the Reform Act, which potentially shorten the case handling process without compromising its effectiveness in resolving disputes under the CAA.

Counseling and Mediation Changes

In testimony before the CHA, Executive Director Grundmann explained that counselors often provide covered employees with their first opportunity to discuss their workplace concerns and to learn about their statutory protections under the CAA. She conveyed the Board's view that, although counseling need not remain mandatory under the CAA, the CAA should not be amended in such a manner as to eliminate the availability of an opportunity for employees to voluntarily seek confidential assistance from our office. Under the new procedures set forth in the CAA Reform Act, counseling will no longer be mandatory. Rather, the CAA Reform Act provides for the optional services of a confidential advisor—an attorney who can, among other things, provide information to covered employees, on a privileged and confidential basis, about their rights under the CAA. 2 U.S.C. §1402(a)(3).

As with counseling, the Executive Director also conveyed to the CHA the Board's view supporting the elimination of mediation as a mandatory jurisdictional prerequisite to asserting claims under the CAA. The Board nonetheless recommended that mediation be maintained as a valuable option available to those parties who mutually seek to settle their dispute. The OCWR's experience over many years has been that a large percentage of controversies were successfully resolved without formal adversarial proceedings, due in large part to its mediation processes. Mediation can save the parties from burdensome litigation, which can be expensive, time consuming, and a drain on resources and workplace productivity. Mediation also gives the parties an opportunity to explore resolving the dispute themselves without having a result imposed upon them. Furthermore, OCWR mediators are highly skilled professionals who have the sensitivity, expertise, and flexibility to customize the mediation process to meet the concerns of the parties. In short, the effectiveness of mediation as a tool to resolve workplace disputes cannot be understated. Under the CAA Reform Act, mediation still remains available, but it is optional. It is no longer a jurisdictional prerequisite to asserting claims under the CAA, and it will take place only if requested and only if both parties agree.

"Cooling Off" Period

As stated above, the CAA presently requires an employee to wait 30 days after mediation ends to pursue a formal administrative complaint or a lawsuit in a U.S. District Court. In her testimony before the CHA, Executive Director Grundmann conveyed the Board's recommendation that this period be eliminated from the statute. The Reform Act amendments do so.

As the changes set forth in the Reform Act take effect, the Board will carefully monitor their effectiveness and advise Congress of its findings in this regard. In this Report, we also highlight key recommendations that the Board has made in past Section 102(b) Reports that have not yet been implemented. (see note 1.) We continue to believe that the adoption of these recommendations, discussed below, will best promote a model workplace in the legislative branch. The Board welcomes an opportunity to further discuss these recommendations and asks for careful consideration of the requests by the 116th Congress.

Sincerely,

BARBARA CHILDS WALLACE,
Chair, Board of Directors.
BARBARA L. CAMENS.
ALAN V. FRIEDMAN.
ROBERTA L. HOLZWARTH.
SUSAN S. ROBFOGEL.

Recommendations for the 116th Congress

Apply the Wounded Warrior Federal Leave Act of 2015 to the Legislative Branch (Public Law 114–75)

The Wounded Warrior Federal Leave Act, enacted in 2015, affords wounded warriors the flexibility to receive medical care as they transition to serving the nation in a new capacity. Specifically, new federal employees who are also disabled veterans with a 30% or more disability may receive 104 hours of ''wounded warrior leave'' during their first year in the federal workforce so that they may seek medical treatment for their service-connected disabilities without being forced to take unpaid leave or forego their medical appointments. The Act was passed as a way to show gratitude and deep appreciation for the hardship and sacrifices of veterans and, in particular wounded warriors, in service to the United States. Although some employing offices in the legislative branch offer Wounded Warrior Federal Leave, the Board reiterates the recommendation made in its 2016 Section 102(b) Report to extend the benefits of that Act to the legislative branch with enforcement and implementation under the provisions of the CAA.

Approve the Board's Pending Regulations

The CAA directs the OCWR to promulgate regulations implementing the CAA to keep Congress current and accountable to the workplace laws that apply to private and public employers. The Board is required to amend its regulations to achieve parity, unless there is good cause shown to deviate from the private sector or executive branch regulations. The Board recommended in its 2016 section 102(b) Report to the 115th Congress that it approve its pending regulations that would implement the Family and Medical Leave Act (FMLA), ADA titles II and III, and the Uniformed Services Employment and Reemployment Act (USERRA) in the legislative branch. The Board-adopted regulations ensure that same-sex spouses are recognized under the FMLA, in accordance with Supreme Court rulings, and further extend important protections for military caregivers and service members. The Board's adopted ADA regulations will avoid costly construction and contracting errors that result when there is uncertainty or ambiguity regarding what standards apply, and will improve access to Capitol Hill for visitors and employees with disabilities. The Board of Directors also transmitted to Congress its adopted USERRA regulations on December 3, 2008 and identified ''good cause'' to modify the executive branch regulations to implement more effectively the rights and protections for veterans as applied to the Senate, the House of Representatives, and the other employing offices. These rules are necessary to fulfill the commitments set forth in USERRA to our nation's veterans in the legislative branch.

Analysis of Pending FMLA Regulations:

On June 22, 2016, the Board of Directors adopted and transmitted to Congress for approval its regulations necessary for implementing the FMLA in the legislative branch. In accordance with the CAA, those regulations are the same as the substantive regulations adopted by the Secretary of Labor, 2 U.S.C. §1312(d)(2), except where good cause was shown that a modification would be more effective in implementing FMLA rights under the CAA. We seek congressional approval of these important FMLA regulations. The FMLA regulations provide needed clarity on important aspects of the law, including essential requirements for certifying leave and documentation, defining ''spouse'' to include same-sex spouses as required by the Supreme Court precedent, and adding military caregiver leave. Adoption of these regulations will reduce uncertainty for both employing offices and employees and provide greater predictability in the congressional workplace. First, these FMLA regulations add the military leave provisions of the FMLA, enacted under the National Defense Authorization Acts (NDAA) for Fiscal Years 2008 and 2010 (see note 2), that extend the availability of FMLA leave to family members of the Regular Armed Forces for qualifying exigencies arising out of a service member's deployment. They also define those deployments covered under these provisions, extend FMLA military caregiver leave for family members of current service members to include an injury or illness that existed prior to service and was aggravated in the line of duty on active duty, and extend FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. As noted, the FMLA amendments providing additional rights and protections for service members and their families were enacted into law by the NDAA for Fiscal Years 2008 and 2010. The congressional committee reports that accompany the NDAA for Fiscal Years 2008 and 2010 and the amended FMLA provisions do not ''describe the manner in which the provision of the bill [relating to terms and conditions of employment]... apply to the legislative branch'' or ''include a statement of the reasons the provision does not apply [to the legislative branch]'' (in the case of a provision

not applicable to the legislative branch), as required by section 102(b)(3) of the CAA. (see note 3)

Consequently, when the FMLA was amended to add these additional rights and protections, it was not clear whether Congress intended that these additional rights and protections apply in the legislative branch. To the extent that there may be an ambiguity regarding the applicability to the legislative branch of the 2008 and 2010 FMLA amendments, the Board makes clear through these regulations that the rights and protections for military servicemembers apply in the legislative branch, and that protections under the CAA are in line with existing public and private sector protections under the FMLA. The Board-adopted FMLA regulations implement leave protections of significant importance to legislative branch employees and employing offices. Accordingly, the Board recommends that Congress approve the Board's adopted FMLA regulations. Second, these regulations set forth the revised definition of ''spouse'' under the FMLA in light of the DOL's February 25, 2015 Final Rule on the definition of spouse, and the United States Supreme Court's decision in Obergefell v. Hodges (see note 4), which requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state.

Analysis of Pending ADA Regulations:

Public access to Capitol Hill and constituent access to district and state offices has been a hallmark of many congresses. The Board recommends that Congress approve its adopted regulations implementing titles II and III of the ADA to Capitol Hill and the district offices. First, the Board's ADA regulations clarify which title II and title III regulations apply to the legislative branch. This knowledge will undoubtedly save taxpayers money by ensuring pre-construction review of construction projects for ADA compliance—rather than providing for only post-construction inspections and costly redos when the access is not adequate. Second, under the regulations adopted by the Board, all leased spaces must meet some basic accessibility requirements that apply to all federal facilities that are leased or constructed. In this way, Congress will remain a model for ADA compliance and public access. Under the authority of the landmark CAA, the OOC has made significant progress towards making Capitol Hill more accessible for persons with disabilities. Our efforts to improve access to the buildings and facilities on the campus are consistent with the priority guidance in the Board's ADA regulations, which it adopted in February 2016. Congressional approval of those regulations would reaffirm its commitment to provide barrier-free access to the visiting public to the Capitol Hill complex.

Analysis of Pending USERRA Regulations:

On December 3, 2008, the Board of Directors adopted USERRA regulations to apply to the legislative branch. Those regulations, transmitted to Congress over 10 years ago, should be immediately approved. They support our nation's veterans by requiring continuous health care insurance and job protections for the men and women of the service who have supported our country's freedoms. The 114th Congress was particularly focused on issues concerning veterans' health, welfare, access, and employment status. Approving the USERRA regulations will assist service members in attaining and retaining a job despite the call to duty. The regulations commit to anti-discrimination, anti-retaliation, and job protection under USERRA. Approving USERRA regulations would signal congressional encouragement to veterans to seek work in the legislative branch where veteran employment levels have historically been well below the percentage in the executive branch, or even in the private sector, which is not under a mandate to provide a preference in hiring to veterans. Indeed, many reports have put the level of veteran employees on congressional staffs at two to three percent or less. The Veterans Congressional Fellowship Caucus, started in 2014, has supported efforts to bridge the gap between military service and legislative work. In addition, the Wounded Warrior Fellowship Program exists in the House Chief Administrative Officer (CAO) where Members can hire veteran fellows for 2-year terms. In the Senate, the Armed Forces Internship Program exists to provide on-the-job training for returning veterans with disabilities. An extension of these laudable efforts should include the long-delayed passage of the Board's adopted USERRA regulations which implement protections for initial hiring and protect against discrimination based on military service. Congress can lead by example by applying the USERRA law encompassed in the CAA.

Approving the three sets of Board-adopted regulations outlined above would not only signify a commitment to the laws of the CAA—which passed in 1995 with nearly unanimous, bi-cameral, and bipartisan support—but would further help legislative branch managers effectively implement the laws' protections and benefits on behalf of the workforce.

Protect Employees and Applicants Who Are or Have Been in Bankruptcy (11 U.S.C. § 525)

Section 525(a) of title 11 of the U.S. Code provides that ''a governmental unit'' may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person because that person is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. Reiterating the recommendations made in the 1996, 1998, 2000 and 2006 Section 102(b) reports, the Board advises that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Prohibit Discharge of Employees Who Are or Have Been Subject to Garnishment (15 U.S.C. § 1674(A))

Section 1674(a) of title 15 of the U.S. Code prohibits discharge of any employee because his or her earnings ''have been subject to garnishment for any one indebtedness.'' This section is limited to private employers, so it currently has no application to the legislative branch. For the reasons set forth in the 1996, 1998, 2000 and 2006 Section 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

Provide Whistleblower Protections to the Legislative Branch

Civil service law provides broad protection to whistleblowers in the executive branch to safeguard workers against reprisal for reporting violations of laws, rules, or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. In the private sector, whistleblowers also are often protected by provisions of specific federal laws. However, these provisions do not apply to the legislative branch. The OCWR has received a number of inquiries from congressional employees concerned about the lack of whistleblower protections. The absence of specific statutory protection such as that provided under 5 U.S.C. § 2302(b)(8) chills the disclosure of such information. Granting whistleblower protection could significantly improve the rights and protections afforded to legislative branch employees in an area fundamental to the institutional integrity of the legislative branch by uncovering waste and fraud and safeguarding the budget.

The Board has recommended in its previous Section 102(b) reports and continues to recommend that Congress provide whistleblower reprisal protections to legislative branch employees comparable to that provided to executive branch employees under 5 U.S.C. § 2302(b)(8), and 5 U.S.C. § 1221. Additionally, as discussed below, the Board recommends that the Office also be granted investigatory and prosecutorial authority over whistleblower reprisal complaints, by incorporating into the CAA the authority granted to the Office of Special Counsel, which investigates and prosecutes claims of whistleblower reprisal in the executive branch.

Provide Subpoena Authority to Obtain Information Needed for Safety & Health Investigations and Require Records To Be Kept of Workplace Injuries and Illnesses

The CAA applies the broad protections of section 5 of the Occupational Safety and Health Act (OSHAct) to the congressional workplace. The OCWR enforces the OSHAct in the legislative branch much in the same way the Secretary of Labor enforces the OSHAct in the private sector. Under the CAA, the OCWR is required to conduct safety and health inspections of covered employing offices at least once each Congress and in response to any request, and to provide employing offices with technical assistance to comply with the OSHAct's requirements. But Congress and its agencies are still exempt from critical OSHAct requirements imposed upon American businesses. Under the CAA, employing offices in the legislative branch are not subject to investigative subpoenas to aid in inspections as are private sector employers under the OSHAct. Similarly, Congress exempted itself from the OSHAct's recordkeeping requirements pertaining to workplace injuries and illnesses that apply to the private sector. The Board recommends that legislative branch employing offices be subject to the investigatory subpoena provisions contained in OSHAct § 8(b) and that legislative branch employing offices be required to keep records of workplace injuries and illnesses under OSHAct § 8(c), 29 U.S.C. § 657(c).

Adopt Recordkeeping Requirements Under Federal Workplace Rights Laws

The Board, in several Section 102(b) reports, has recommended and continues to recommend that Congress adopt all recordkeeping requirements under Federal workplace rights laws, including title VII. Although some employing offices in the legislative branch keep personnel records, there are no legal requirements under the CAA to do so.

ENDNOTES

1. The Board has long advocated for legislation granting the OCWR General Counsel the authority to investigate and prosecute complaints of discrimination, harassment and reprisal in order to assist victims and to improve the adjudicatory process under the CAA. As discussed in this Report, the Reform Act establishes new procedures that are also clearly intended to further these policy goals. Under these circumstances, the Board believes that the best course of action is to evaluate the efficacy of the new Reform Act procedures once they have been implemented before revisiting the issue of whether the OCRW General Counsel should be granted such investigatory and prosecutorial authority. Accordingly, this recommendation is not discussed further below.

2. Pub. L. 110–181, Div. A, Title V § 585(a)(2), (3)(A)–(D) and Pub. L. 111–84, Div. A, Title V § 565(a)(1)(B) and (4).

3. U.S.C. §1302(3); House Committee on Armed Services, H. Rpt. 110–146 (May 11, 2007), H. Rpt. 111–166 (June 18, 2009)

4. Obergefell v. Hodges, 135 S. Ct. 2584 (2015).

ORDERS FOR TUESDAY, FEBRUARY 26, 2018

Mr. ALEXANDER. There appears to be no one on the floor who wants to speak. I could go another 4 or 5 hours if the Senate would like to stay in session.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, February 26; further, that following the prayer and pledge, the morning hour be deemed expired and 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; that the Senate proceed to executive session and resume consideration of the Miller nomination; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Miller nomination.

Is there objection?

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ALEXANDER. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

Thereupon, the Senate, at 7:46 p.m., adjourned until Tuesday, February 26, 2019, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

BRIAN MCGUIRE, OF NEW YORK, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE ANDREW K. MALONEY, RESIGNED.

DEPARTMENT OF STATE

DAVID MICHAEL SATTERFIELD, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

DEPARTMENT OF HOMELAND SECURITY

CHAD F. WOLF, OF VIRGINIA, TO BE UNDER SECRETARY FOR STRATEGY, POLICY, AND PLANS, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL ERIC WOOTEN, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE ANNE E. RUNG, RESIGNED.

DEPARTMENT OF JUSTICE

MICHAEL D. BAUGHMAN, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE STEVEN R. FRANK, TERM EXPIRED.

WILLIAM TRAVIS BROWN, JR., OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE KEVIN CHARLES HARRISON, TERM EXPIRED.

GARY B. BURMAN, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE JAMES EDWARD CLARK, RESIGNED.

WING CHAU, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS, VICE JAMIE A. HAINSWORTH, TERM EXPIRED.

RAMONA L. DOHMAN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS, VICE SHARON JEANETTE LUBINSKI, RETIRED.

ERIC S. GARTNER, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE DAVID BLAKE WEBB, TERM EXPIRED.

NICK EDWARD PROFFITT, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE ROBERT WILLIAM MATHIESON, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEVEN L. BASHAM

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. STEVEN J. BUTOW

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KAREN H. GIBSON

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JAMES P. DOWNEY
REAR ADM. (LH) SHANE G. GAHAGAN
REAR ADM. (LH) FRANCIS D. MORLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RONALD A. BOXALL

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JEREMIAH L. BLACKBURN
JEREMY S. CAUDILL
ASA C. CHUNG
LUCAS H. DALGLEISH
MANUEL D. DUARTE
HENRY HYUN HAHM
KENNIE T. NEAL
JASON D. RAINES
ROBERT D. ROSE
JOSHUA D. RUMSEY
DARREL L. SCHRADER
TIMOTHY D. WARF
THOMAS A. WEBB

THE FOLLOWING NAMED AIR NATIONAL GUARD OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U. S.C., SECTIONS 12203 AND 12212:

To be colonel

THOMAS D. CRIMMINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS JOSEPH ALFORD
BRADLEY A. AMYS
GRAHAM H. BERNSTEIN
JOHN H. BONE
ELIJAH FRANCIS BROWN
MARK CLIFFORD BRUEGGER
BRIAN CHARLES CALL
SARA JOY CARRASCO
JEFFREY ALLAN DAVIS
SARAH WILLIAMS EDMUNDSON
EVAN ALLEN EPSTEIN
CHAD THOMAS EVANS
SATURA MCPHERSON GABRIEL
JASON E. GAMMONS
JEFFREY BEVAN GARBER
CHRISTOPHER J. GOEWERT
TIMOTHY GOINES
MARK ANDREW GOLDEN
DUSTIN L. GRANT
DAVID R. GROENDYK
BENJAMIN RUSSELL HENLEY
NATHANIEL GLENN HIMERT
ELGIN D. HORNE
DAPHNE LASALLE JACKSON
WILLIAM JESSE LADUKE
KURT ALAN MABIS
MARC PHILLIP MALLONE
NATHAN H. MAYENSCHEIN
ERIC M. MCCUTCHEN
ELIZABETH ANNA MCDANIEL
MATTHEW JOSHUA NEIL
JOSHUA BRYAN NETTINGA
SALEEM SYED RAZVI
DAVID M. REDMOND, JR.
NICKLAUS JAMES REED
LAURA LANTZY RODGERS
THOMAS ANDREW SMITH
DUSTIN MARCELLUS TIPLING
NICHOLE MARIE TORRES
BRANT FREDERICK WHIPPLE
JOSHUA CURTIS WILLIAMS
AARON ALLEN WILSON
GABRIEL MATTHEW YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SHAWN C. BISHOP
HEATHER A. BODWELL
RANDY A. CROFT
STEVEN R. CUNEIO
DENNIS U. DEGUZMAN
RALPH T. ELLIOTT, JR.
JAMES M. HENDRICK
KYLE A. HUNDLEY
BRADLEY L. KIMBLE
JOEL D. KORNEGAY
MARK B. MCKELLEN
JOSHUA N. PAYNE
KATHERINE M. SCOTT
TRAVIS N. SEARS
STEVEN L. SURVANCE
CHRISTIAN L. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHELL A. ARCHEBELLE
ARTEMUS ARMAS
MARY J. BERNHEIM
JENNIFER J. BRATZ
KEVIN M. COX
MISCHA A. DANSBY
REBECCA S. ELLIOTT
KATHLEEN MYERS GRIMM
DALE E. HARRELL
RACHELLE J. HARTZE
JACQUELINE M. KILLIAN
LAURA J. LEWIS
RUTH A. MONSANTO WILLIAMS
SHELLEY A. SHELTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PETER N. FISCHER
DAVID W. KELLEY
CHRISTOPHER M. LAPACK
MICHAEL S. NEWTON
GLENNDON E. PAGE, JR.
JONATHAN H. WADE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BRIAN M. ALEXANDER
MICHAEL C. ALFARO
CARLOS L. ALFORD
PAMELA A. ALLEY
RUSSELL P. ALLISON
MATTHEW R. ALTMAN
DAVID R. ANDERSON
SHANON E. ANDERSON
CRAIG R. ANDRLE
DAVID K. ARAGON
MICHELLE M. ARTOLACHIPE
NEIL O. AURELIO
SHAWN R. AYERS
BRIAN T. BACKMAN
DONNY LYNN BAGWELL
BLAINE L. BAKER
KRISTEN D. BAKOTIC
LEE E. BALLARD, JR.
BRIAN P. BALLEW
CHARITY A. BANKS
CHARLES D. BARKHURST
JASON R. BARNES
PATRICK H. BAUM
STEVEN D. BAUMAN
STEVEN M. BEATTIE II
BRANDON M. BEAUCHAN
BECKY M. BEERS
CHRISTOPHER P. BELL
JASON B. BELL
JEREMY S. BERGIN
MATTHEW O. BERRY
JOHN R. BEURER
JOSEPH M. BIEDENBACH
LISA M. BIEWER
ADAM DEWAIN BINGHAM

DENNIS R. BIRCHENOUGH
ALLISON K. BLACK
BRETT T. BLACK
ROBERT B. BLAKE
JACK A. BLALOCK
JEFFREY A. BLANKENSHIP
DAVID B. BLAU
HEATHER BRANDT BOGSTIE
RYAN M. BOHNER
ROBERT J. BONNER
JOHN F. BOROWSKI
DOUGLAS J. BOUTON
AARON J. BOYD
SEAN S. BRAMMERHOGAN
MARVIN T. BRANAN
KEVIN R. BRAY
MATTHEW SEAN BRENNAN
BRADLEY M. BREWINGTON
MARC A. BROCK
TONYA J. BRONSON
CORY L. BROWN
DAWSON A. BRUMBELOW
JEFFREY A. BURDETTE
JONATHAN E. BURDICK
KENNETH R. BURTON, JR.
RICHARD J. BUSH, JR.
KEITH J. BUTLER
LUKE B. CASPER
CHRISTOPHER R. CASSEM
DAVID A. CASTOR
ALEXANDER CASTRO
ERICK J. CASTRO
BRIAN C. CHELLGREN
DOMINIC V. CHIAPUSIO
CORY R. CHRISTOFFER
GEOFFREY I. CHURCH
CHRISTOPHER G. CLARK
JAMES M. CLARK
STEVEN A. CLARK
CHARLES A. CLEGG
SUMMER A. CLOVIS
RYAN M. COLBURN
MATTHEW F. COLEMAN
BRIAN P. COLLINS
WILLIAM T. COLLINS
NATHAN T. COLUNGA
CORY A. COOK
DANIEL J. CORDES
DANIEL L. CORNELIUS
JAMES RONALD COUGHLIN
LAUREN COURCHAINE
LELAND K. COWIE
ERIC W. CROWELL
RYAN A. CROWLEY
GEORGE M. CUNDIFF, JR.
JAMES H. DAILEY
CORY M. DAMON
ROBERT WILLIAM DAVIS
GEOFFREY D. DAWSON
KENNETH L. DECKER, JR.
MONIQUE C. DELAUTER
NATHAN P. DILLER
IAN M. DINESEN
NICHOLAS M. DIPOMA
ALAN F. DOCAUER
MEGHAN B. DOHERTY
MICHAEL S. DOHERTY
JEFFREY A. DONHAUSER
GARY L. DONOVAN
MICHAEL J. DOOLEY
ERIK N. DUNN
BRANDON C. DURANT
CHESLEY L. DYCUS
WESLEY B. EAGLE
JOHN R. ECHOLS
JOSEPH S. ELKINS
ANDREW J. EMERY
KIRBY M. ENSSER
JOSEPH R. EWING
ELIZABETH J. EYCHNER
EMILY E. FARKAS
ERICKA S. FARMERHILL
PATRICK F. FARRELL
JAMES R. FEE, JR.
CHRISTOPHER A. FERNENGEL
PAUL P. FIDLER
DANIEL E. FINKELSTEIN
SEAN M. FINNAN
KATHRYN E. FITZGERALD
BARY D. FLACK
RYAN W. FLEISHAUER
LARRY B. FLETCHER, JR.
GARRY S. FLOYD
BRIAN M. FLUSCHE
PHILIP M. FORBES
JASON M. FORD
RICHARD B. FOSTER
DOUGLAS J. FOWLER
TYLER P. FRANDER
NIKKI RENEE FRANKINO
RYAN PAUL FRAZIER
CHARLES M. FREEL
PAUL B. FREEMAN
GEOFFREY S. FUKUMOTO
NICOLE E. FULLER
ALLISON M. GALFORD
JOHN B. GALLEMORE
DANIEL A. GALLTON
BRIAN J. GAMBLE
FRED E. GARCIA
DARIUS V. GARVIDA
JULIE M. GAULIN
MICHAEL P. GERANIS
MATTHEW C. GETTY
JAMES B. GHERDOVICH
AARON D. GIBSON
AMY M. GLISSON
JASON J. GLYNN
CHRISTOPHER R. GOAD
DAVID P. GOODE
VANCE GOODFELLOW
JOHN T. GOODSON III
RANDEL J. GORDON
RYAN E. GORECKI
JONATHAN W. GRAHAM
CHRISTOPHER P. GRAVES
ANDREW J. GRIFFIN
KEVIN S. GRISWOLD
ERIN R. GULDEN
EDWARD J. GUSSMAN III
JOHN M. GUSTAFSON
JUNG H. HA
MICHAEL J. HAGAN
MARY C. HAGUE
JOHN M. HALE
RUSSELL J. HALL
NILS E. HALLBERG, JR.
JAMES R. HAMILTON
ELIZABETH A. HANSON
JOHN P. HEIDENREICH
TIMOTHY M. HELFRICH
JAIME I. HERNANDEZ
WILLIAM R. HERSCH
DANIEL S. HOADLEY
CALVIN C. HODGSON
TIMOTHY J. HOFMAN
RICHARD N. HOLIFIELD, JR.
JEFFREY G. HOLLAND
CORY S. HOLLON
PATRICE O. HOLMES
TERRANCE J. HOLMES
MATTHEW EARL HOLSTON
TIMOTHY N. HOOD
TRAVIS G. HOWELL
MARCUS D. JACKSON
KEVIN M. JAMIESON
ROMEL L. JARAMILLO
HENRY R. JEFFRESS
JEFFREY T. JENNINGS
MARTIN T. JENNINGS
JASON D. JENSEN
TODD M. JENSEN
JORGE I. JIMENEZ
JOSE E. JIMENEZ, JR.
JUSTIN L. JOFFRION
ROBERT W. JOHNSON
MARK S. JONES
PAUL R. JONES
KATHY LYNNE JORDAN
WILLIAM F. JULIAN
ALISON L. KAMATARIS
JASON P. KANE
JOHN B. KELLEY
RICHARD CARROL KIEFFER
BARRY A. KING II
JASON M. KING
SCOTT L. KLEMPNER
RYAN T. KNAPP
DEANE R. KONOWICZ
BRIAN C. KREITLOW
JAMES H. KRISCHKE
KENNETH P. KUEBLER
JOHN KURIAN
KALLIROI LAGONIK LANDRY
NATHAN P. LANG
PATRICK R. LAUNEY
DAVID A. LEACH
ROBERT H. LEE, JR.
TYLER E. LEWIS
PETER J. LEX
SCOTT C. LINCK
RONALD M. LLANTADA
MICHELE A. LOBIANCO
JASON K. LOE
HECTOR G. LOPEZ
EDMUND X. LOUGHRAN II
PETER J. LUECK
JONATHAN E. LUMINATI
CHRIS D. LUNDY
PATRICK O. MADDOX
KEVIN M. MADRIGAL
MICHAEL D. MAGINNESS
ANGELINA M. MAGUINNESS
ROBERT M. MAMMENGA
FREDERICK W. MANUEL
EDWIN J. MARKIE, JR.
GARY R. MARLOWE
MICHAEL A. MARSICEK
RICHARD W. MARTIN, JR.
JAMES H. MASONER, JR.
MARK A. MASSARO
TIMOTHY R. MATLOCK
ANDREA R. MAUGERI
BRIAN P. MAYER
JAMAAL E. MAYS
ANTHONY S. MCCARTY
BRYON E. C. MCCLAIN
JOHN C. MCCLUNG
DANIEL C. MCCRARY
MATTHEW W. MCDANIEL
TAMMY L. MCELHANEY
KENNETH C. MCGHEE
MARK MCGILL
SCOTT D. MCKEEVER
JOHN M. MCQUADE
ROBERT G. MEADOWS II
CHRISTOPHER B. MEEKER
JOHN M. MEHRMAN
JAMES K. MEIER
ERIN P. MEINDERS
JASON B. MELLO
SHELLY L. MENDIETA
BENJAMIN D. MENGES
SETH A. MILLER
SCOTT C. MILLS
JASON M. MITCHELL
JASON P. MOBLEY
TIMOTHY A. MONROE
CECILIA I. MONTES DE OCA
TYTONIA S. MOORE
SIRENA I. MORRIS
PHILIP G. MORRISON
TYLER W. MORTON
ROBERT J. MOSCHELLA
KURT E. MULLER
STEVEN L. NAPIER
SEAN B. NEITZKE
JARED C. NELSON
KATHRYN M. NELSON
KRISTEN A. NEMISH
BRENT M. NESTOR
MARK D. NEWELL
CHAD R. NICHOLS
SHARON A. NICKELBERRY
RYAN J. NOVOTNY
CELINA E. NOYES
RYAN D. NUDI
RYAN S. NYE
BENJAMIN C. OAKES
WILLIAM H. OBRIEN IV
ANGELA F. OCHOA
VINCENT J. OCONNOR
CAROL L. ONEIL
BRENDA A. OPPEL
BRAD E. ORGERON
KEVIN J. OSBORNE
KYLE F. OYAMA
MARTIN J. PANTAZE
SCOTTY A. PENDLEY
JEFFREY A. PESKE
MALCOLM N. PHARR
JENNIFER A. PHELPS
DENNIS L. PHILLIPS
CANDICE LINETTE PIPES
JEFFREY W. PIXLEY
BYRON R. POMPA
DOYLE A. POMPA
BILLY E. POPE, JR.
CHRISTOPHER M. PORTELE
JACOB D. PORTER
CALVIN B. POWELL
JOHN R. POWERS
BRADLEY B. PRESTON
KEVIN M. PRITZ
KYLE J. PUMROY
ERICA K. RABE
SCOTT R. RALEIGH
BRIAN D. RANDOLPH
TODD E. RANDOLPH
JAMES D. REAVES
ROY P. RECKER
JEREMY R. REEVES
MATTHEW H. REYNOLDS
OLIVER I. RICK
BROOKE A. RINEHART
MEGHAN M. RIPPLE
TIMOTHY J. RITCHIE
JOSHUA H. ROCKHILL
ANDREW L. RODDAN
H. WARREN ROHLFS
DAVID J. ROSS
DORENE BETSY J. ROSS
CHRISTOPHER T. RUBIANO
LOUIS J. RUSCETTA
NATHAN L. RUSIN
ANTHONY J. SALVATORE
DONALD J. SANDBERG
JEREMY C. SAUNDERS
MICHAEL J. SCALES
MEGAN A. SCHAFER
R. ERIC SCHMIDT
RONALD D. SCHOCHENMAIER
JASON N. SCHRAMM
ROBERT J. SCHREINER
NICHOLE K. A. SCOTT
THOMAS E. SEGARS, JR.
ANTHONY T. SHAFER, JR.
PHILLIP A. SHEA
FRANKLIN C. SHIFFLETT
MICHAEL J. SHREVES
ANDREW J. SHURTLEFF
JOEL A. SLOAN
NISHAWN S. SMAGH
DOMENIC SMERAGLIA
BERNARD C. SMITH
KRISTOFFER R. SMITH
MARIE E. SMITH
PHILIP D. SMITH
STEVE A. SMITH
JUSTIN B. SPEARS
TODD C. SPRISTER
BRIAN T. STAHL
JOHN C. STALLWORTH
CHADWICK J. STERR
TIMOTHY J. STEVENS
WILLIAM F. STORMS
DANY MARK STRAKOS
MATTHEW J. SWANSON
ROBERT G. SWIECH
BRIAN R. TAVERNIER
DAVID M. TAYLOR
ROBERT M. TAYLOR
VAN T. THAI
PAUL A. THERIOT
JOHN G. THIEN
STEVEN E. TOFTE
ERIC D. TRIAS
LAYNE D. TROSPER
JONATHAN E. TUCKER
RAYMUNDO O. TULIER
BRADY J. VAIRA

TERENCE J. VANCE
DAVID D. VANDERBURG
JOSEPH M. VANONI
JOHN D. VARILEK
RICHARD G. VASQUEZ
ROBERT P. VICARS IV
KENNETH J. VOIGT, JR.
MATTHEW R. VOLLKOMMER
ERWIN T. WAIBEL
CHRISTOPHER V. WALKER
MARC A. WALKER
JEREMY L. WALLER
MIA L. WALSH
DANIEL T. WALTER
STEVEN L. WATTS II
DARREN P. WEES
KARL WEINBRECHT
RYAN P. WEISIGER
ERICK O. WELCOME
PETER J. WHITE
BERNABE F. WHITFIELD
JASON A. WHITTLE
JEREMY E. WILLIAMS
PHELEMON T. WILLIAMS
STUART A. WILLIAMSON
DAVID J. WILSON
AARON N. WILT
ERIC A. WINTERBOTTOM
THOMAS B. WOLFE
CARL F. WOOD
TRAVIS L. WOODWORTH
TAD W. WOOLFE
JASON M. WORK
JASON T. WRIGHT
MICHAEL C. WYATT
SCOTT T. YEATMAN
MELISSA L. YOUDERIAN
JOHN F. ZOHN, JR.
JASON C. ZUMWALT

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

JASON BULLOCK
LLENA C. CALDWELL
PAUL COLTHIRST
CYNTHIA V. FELEPPA
THOMAS M. JOHNSON
YOUNG S. KANG
DENNIS J. KANTANEN
CHARLES C. LAMBERT
MICHAEL R. MANSELL
WADE H. OWENS
MANUEL PELAEZ
CONSTANCE L. SEDON
THOMAS STARK
LEWIS WAYT
DEMETRES WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

To be colonel

JULIE A. AKE
JOSEPH F. ALDERETE, JR.
JARED M. ANDREWS
ALISON L. BATIG
KRISTEN M. BAUER
AMIT K. BHAVSAR
BRANDON D. BROWN
JACOB F. COLLEN
JEANCLAUDE G. DALLEYRAND
PATRICK DEPENBROCK
JAY M. DINTAMAN
JUSTIN P. DODGE
DAVID M. DOMAN
ELIZABETH H. DUQUE
TRACY L. EICHEL
DAVID ESCOBEDO
PAUL M. FAESTEL
KATHLEEN M. FLOCKE
DANIEL J. GALLAGHER
RUSSELL GIESE
MATTHEW B. HARRISON
JOSHUA D. HARTZELL
GUYON J. HILL
MATTHEW S. HING
SEAN J. HIPP
MICHAEL C. HJELKREM
JOSEPH HUDAK
STEPHEN P. HYLAND
YANG E. KAO
KEVIN M. KELLY
DANIEL E. KIM
JEFFREY S. KUNZ
JASON S. LANHAM
MATTHEW A. LAUDIE
MARK Y. LEE
ERIK K. LUNDMARK
JAN I. MABY
MICHAEL B. MADKINS
KATHARINE W. MARKELL
DANIRA H. MAYES
JOHN J. MCPHERSON
NIA R. MIDDLETON
GEORGE R. MOUNT
THORNTON MU
LEON J. NESTI
WILLIAM D. OCONNELL
MICHEAL A. ODLE
BRUCE A. ONG
JONATHAN R. PARKS
CHRISTOPHER T. PERRY
WYLAN C. PETERSON
ERIC PRYOR
JASON A. REGULES
ANGEL M. REYES
JAMIE C. RIESBERG
JEFFREY L. ROBERTSON
KIMBERLY C. SALAZAR
DENNIS M. SARMIENTO
DAVID J. SCHWARTZ
CARL G. SKINNER
FREDERICK L. STEPHENS
JOSEPH R. STERBIS
TOIHUNTA STUBBS
GUY H. TAKAHASHI
SCOT A. TEBO
WESLEY M. THEURER
JOHN E. THOMAS
DAWN M. TORRES
KYLE WALKER
KATRINA E. WALTERS
JAMES A. WATTS
MICHAEL A. WIGGINS
JOSHUA S. WILL
GARY H. WYNN
D013176

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

P. J. FOX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

NATHAN M. CLAYTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ADAM P. JAMES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JASON S. BAKER
BRETT D. BASLER
PAUL R. BOYD
SEAN T. BOYETTE
VERNON A. CHANDLER
MATTHEW W. COOPER
MICHAEL V. CRAWFORD
JOHN D. DEMENT
JAMES J. DEVERTEUIL
EDWARD K. DION
JON C. EISBERG
ERIK A. FESSENDEN
ANDREW D. GOLDIN
EVERETT R. GRIFFEY
STEVEN C. GUST
DOUGLAS P. HUEY
ANDREW A. INCH
MICHELLE JARAMILLO
COLBY C. JENKINS
GEORGE C. KRAEHE
JEFFREY M. LAING
MARK E. LENHART
MICHAEL J. LIESMANN
KIM S. MCGHEE
MARK S. PONTIF
DANIEL F. PUGH
SARAH D. SMITH
KRISTA M. SORIA
MURRAY M. THOMPSON
STEPHEN E. WALKER
TUNSTALL I. WILSON
MICHAEL A. WUNN
RICHARD J. ZEIGLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SHELIA R. DAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ROBERT D. COPE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

WILLIAM C. MITCHELL

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHEAL K. WAGNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JASON T. STEPP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEPHEN C. PLEW

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL D. KRISMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL J. CIRIVELLO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ZACHARY J. CONLEY