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Senate

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

PRAYER

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

Let us pray.

Majestic God, we ask for the fruits of Your unrivaled wisdom in these challenging times. Give our leaders the strength and courage to triumph over stagnation and conflict, and grant us forgiveness for our shortcomings.

We praise You, O Lord, for we belong to Your Kingdom, and we are Your children. Bestow upon our great Nation Your everlasting light, and let Your perpetual goodness shine upon us.

Lord, our greatest debt of gratitude is owed to You, for without You, we can do nothing. Give us, this day, light to guide us, courage to support us, and love to unite us.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

S. 311

Mr. MCCONNELL. Madam President, the Senate had an opportunity yesterday to affirm our commitment to the dignity of human life. We had a chance to state plainly that newborn babies who happen to have survived abortions are entitled to the same legal protections and professional care as other newborns.

In all honesty, the fact that this legislation even needed to be written is a sad reminder of the degree to which our society is at risk of losing some crucial moral bearings, and the fact that the U.S. Senate could not even vote to advance this bill is beyond dismaying.

The legislation was silent on the abortion issue. All it would have done is to have affirmed the rights of these newborn babies, but apparently even that was a bridge too far, not just for the far-left fringe—not anymore—but for the vast majority of our Democratic colleagues right here in the Senate.

We are no longer dealing with a normal, traditional Democratic Party; we are looking at a party that has been dragged so far to the left, it would have been unrecognizable to folks just a few years ago. In 1996, Senator Daniel Patrick Moynihan condemned partial-birth abortion by comparing it to infanticide. He was a distinguished, mainstream Democratic Senator from New York about 20 years ago. And today? Ninety-four percent of Senate Democrats could not even vote to protect babies after they are born. The only explanations they could offer were bizarre euphemisms and vague references to issues that have no bearing once a child has already been born alive.

It was a sorry display, but I can say this: This fight isn't over. The Republicans will not let this stunning extremism from our Democratic colleagues be the last word on this subject.

NOMINATION OF ERIC D. MILLER

Mr. MCCONNELL. Madam President, on another matter, fortunately, the Senate did make progress in another area. Yesterday, we advanced what will be the 31st circuit court nomination to be confirmed so far during the Trump administration.

As I discussed yesterday, Eric Miller has a distinguished record in both public service and private practice. He holds degrees from Harvard and the University of Chicago, and his legal experience includes holding prestigious clerkships on our Nation's highest courts. Yet, rather than take my word for it, I urge my colleagues to consider the endorsements of those with whom the nominee has studied and worked.

For example, 54 members of the University of Chicago Law School's class of 1999, with their wide-ranging views on politics and judicial philosophy, have offered a ringing endorsement for Eric Miller. In a letter to our colleagues on the Judiciary Committee, they cite Mr. Miller's ''diligent work ethic, his keen legal mind, and his deep consideration for every legal issue he confronts.'' All in all, his classmates—many of whom have also been his colleagues over the years—say that Mr. Miller is ''extraordinarily well qualified to serve as a Federal judge.''

I urge each of my colleagues to join me in voting to confirm this fine nominee soon.

VOTER FRAUD

Mr. MCCONNELL. Madam President, on a final matter, anyone who has been attentive to the news these past few days has learned about the complete debacle that unfolded in last November's election for North Carolina's Ninth Congressional District. Soon after election day, allegations of illegal ballot harvesting and vote tampering clouded a close result. The wrongdoing seemed to have benefited the Republican candidate over the Democratic. Just last week, we saw the State Board of Elections unanimously call for a new election.

For years and years, every Republican who dared to call for commonsense safeguards for Americans' ballots

was demonized by Democrats and their allies. We were hit with leftwing talking points that insisted that voter fraud was not real—it never happens, they said—that fraud just didn't happen and that modest efforts to ensure that voters are who they say they are and are voting in the proper places were really some sinister, rightwing plot to prevent people from voting.

As you might expect, now that an incident of very real voter fraud has become national news and the Republican candidate seems to have benefited, these longstanding Democratic talking points have been really quiet. We haven't heard much lately from the Democrats about how fraud never happens. They have gone silent. Now some are singing a different tune. There is a new interest in ensuring the sanctity of American elections.

I have been focused for decades on protecting the integrity of elections, so I would like to welcome my friends on the left to their new realization. They have just discovered that this subject really matters, but I have yet to see any evidence that they are actually interested in cleaning up the conditions that lead to messes like this one in North Carolina.

At the root of the North Carolina debacle is a practice that is known as ballot harvesting. Essentially, it is a means by which campaign representatives can collect absentee ballots on the premise of delivering them to a polling place or an election office. That is what ballot harvesting is. So think about it. Who in American politics keeps long lists of potential voters? Who mobilizes networks of people to go door-to-door? Who funds and stands up to these kinds of canvassing organizations? Who does those things?

I am sorry to say that there are not huge teams of politically neutral Eagle Scouts who rove the country and hope to use ballot harvesting to politely make voters' lives more convenient. This is not an Eagle Scout activity. The folks who really lick their lips at the prospect of mass ballot harvesting are political operatives, of course—political operatives, interest groups, and one-sided political machines. This is why many jurisdictions, including in North Carolina, have outlawed the practice altogether. I will say that again. Many jurisdictions, including in North Carolina, have outlawed this practice altogether.

Ballot harvesting threatens to change the nature of our representative democracy. Forget about persuading people and spurring them to turn out to the polls; this practice makes elections a kind of scavenger hunt to see which side's operatives can return to headquarters with the most ballots in the trunks of their cars, and once those operatives take ahold of these ballots, the voters have no way to keep tabs on whether they were ever delivered.

Of course, a system that invites political operatives to be rewarded for turning up ballots will open the door to misbehavior. Remember, it is illegal in North Carolina and in most States for the obvious reason, but I have noted with interest that the Democrats' new focus on this practice has yet to extend to California. I wonder why. Well, in California, it is legal. It is a common practice in California. California allows anyone—not just family members but anyone—to show up at polling places on election day with ballots that are not theirs. Welcome to California.

Reports suggest that Orange County alone saw—listen to this—250,000 absentee ballots dropped off on election day last year. The county's registrar told the newspaper that some individuals dropped off hundreds of other people's ballots. We have no way to know if those ballots were sealed or if the people had even voted when they were harvested. The only evidence we have that the voter cast his or her ballot is the signature.

This past election cycle turned out favorably for California Democrats, amazingly enough. These late-arriving ballots seemed to help turn several races their way. Maybe this helps explain why: When House GOP leaders expressed concern over ballot harvesting in California, the State's Democratic secretary of state mocked their concern by saying: ''What they call strange and bizarre we call democracy.'' Now ballot harvesting has thrown out an election result in the U.S. House of Representatives—legal in California, illegal in North Carolina.

Maybe that helps explain why, as it stands, the Democrat Politician Protection Act—Speaker PELOSI's massive new Federal takeover of the way States and communities run their elections—contains no effort whatsoever to crack down on ballot harvesting. It is not in there. Instead, it contains provision after provision that would erode the protections that are supposed to ensure votes reflect the voices of the voters whose names are on the envelopes.

It contains provision after provision that would erode the protections that are supposed to ensure that votes reflect the voice of the voter whose name is on the envelope.

Provision after provision would erode commonsense protections and bring the guardrails down. So would a serious reform bill aimed to take away States' abilities to impose meaningful ID or signature requirements for voters. Would someone concerned about restoring democracy dismiss signature verification as an obstacle to be removed? I don't think so.

Perhaps these facts signal that Democrats see a political advantage in eroding commonsense protections and would rather keep that advantage than make episodes like the North Carolina mess less likely to happen in the future.

An example of real-live voter fraud is staring the country right in the face right now in North Carolina. Yet Democrats choose at this moment to propose a sprawling Federal takeover of election law that would erode the integrity of our elections even further.

So that, I think, pretty well underscores what the priorities of today's Democrat Party is.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DECLARATION OF NATIONAL EMERGENCY

Mr. SCHUMER. Madam President, today, the House of Representatives will take up a motion to terminate the state of emergency proclaimed by President Trump. For many reasons, the measure should pass with bipartisan support.

First, Members of both parties know there is no actual emergency at the border. Nearly 60 former national security advisers—Democrat and Republican, bipartisan—including former Secretaries of State and Defense, have written a statement saying there is ''no factual evidence of an emergency at the border.'' The President himself said, when announcing the state of emergency, that he ''didn't need to do this.''

An emergency, by definition, is something you need to do. It is an emergency. In the President's own words, this is not a state of emergency.

If we let Presidents, whomever they be—Democrat or Republican—willy-nilly, because they want to get something done, just declare an emergency when it is clear it has been a long-term

condition, a long-term issue, this country is a different country.

That leads to my second point. Members of both parties should be concerned about the President diverting money away from military construction projects in their districts.

Again, the President doesn't like you for some reason. He says there is an emergency and takes money away from a project in your State that you have worked hard for. That is no way to govern.

But at the top of the list is this: the Founding Fathers looking down upon this Chamber and upon these United States of America. They set up an exquisite balance of power. They were worried about an overreaching Executive. They knew what King George was all about. So they named the Congress, the House and Senate, the article I—article I, not II, III or IV—part of the government. Second, they gave the Congress one of the greatest powers any government has, which is the power of the purse.

When the President tries to take these powers away, which clearly he is doing in this case—he called for an emergency when he couldn't get his way in Congress, not because some new facts came on the scene—it is a change in the fundamental, necessary, and, often, exquisite balance of power.

I know many of my friends on the other side of the aisle understand that. In fact, true conservatism worries about too much power being centralized in any place because conservatism exalts the freedom of the individual.

So to look the other way because Donald Trump wants this—because he is almost sometimes in a temper tantrum about this issue—is so shortsighted and is so detrimental to the long-term health, stability, and viability, even, of how the balance of power works.

So I implore my friends on the other side of the aisle to contemplate what it might portend for our democracy to allow this emergency declaration to stand. What would stop any future President from claiming an emergency every week and doing what they wanted—a total subversion of the balance of powers, a derogation of huge power to the Executive, which has plenty of power already?

The National Emergencies Act has been used only once in its relatively short history, and that was to take action after 9/11—clearly, an emergency. Now President Trump is trying to bend the law to his will, not to address a military emergency, not to address any real emergency. This has been an ongoing issue. He would say ''problem.'' That is OK, but he is doing it for personal political gain, to accomplish something Congress rejected and the American people oppose.

He has tried several times to get this wall. Congress has resisted. Congress even resisted when Democrats didn't have control of the House, and now they do. Elections do matter. We are a democracy, President Trump. So it is hard to imagine a more senseless and destructive use of emergency powers than what the President has proposed.

So let us, Democrats and Republicans, House and Senate, rise to the occasion. This will be a moment in history, a point where things may turn a bit. If Congress stands up, it will be a reaffirmation of our democracy. It will be a reaffirmation of the democracy the Founding Fathers wanted. If Congress stands up—Democrats and Republicans—when the Founding Fathers look down on this Chamber after the vote occurs, they will smile because this is the democracy they wanted. They did not want a democracy where a President could simply declare an emergency on a whim and overrule what Congress has done.

So let us—Congress—first the House and then the Senate, speak up with one bipartisan voice to remedy this injury that President Trump is trying to do to our constitutional order.

Whatever you think of the best way to secure our border, this is not the way for a President—any President—to exercise his authority. This is not about whether you are for or against a wall, and I, of course, am against it. It is about what America is all about, whatever your view on the wall.

GUNS

Madam President, on guns, the House this week will take up a measure to close the dangerous loopholes in the background check system used to certify firearms. For years, Democrats have tried to address these loopholes—the gun show, online, and private sales loopholes—only to be met with lockstep resistance by a Republican Congress beholden to the NRA. It is 90 percent of Americans who favor strengthening the background check system, not 51, not 52, 90—the majority of Republicans, the majority of gun owners. Any way you slice it, Americans are strengthening background checks. Americans believe felons, spousal abusers, or those adjudicated mentally ill should not have guns, but Congress is paralyzed because of the other side's obeisance to the NRA—not even after Newtown, not even after Charleston, not even after Las Vegas, not even after Orlando, not after Parkland.

On guns, the tide is turning. Make no mistake about it, a strong majority of the American people support these policies now. The NRA has been considerably weakened. They did not do very well in the last elections. Finally, there is a House in Congress that will listen to the American people and take action on guns—thoughtful, moderate action on background checks.

With each measure that passes the House, the pressure will build on the Senate to take up these reasonable, commonsense gun safety measures, and I hope my colleagues will join us.

BUYBACKS

On another matter, buybacks. This morning, the New York Times reported on an interesting facet of the recent stock market rally. Many investors, according to the Times, are selling off stock. Average investors are selling off stock. Pensions, and mutual funds, nonprofits, endowments, private equity firms, and trusts are all, in the aggregate, selling stock.

So then why is it rallying? The laws of supply and demand should say the stock market should go down. The Times reports that it is corporate self-investment buybacks. Companies are buying back their own stock at such a rapid clip that they are propping up the market and, to a great degree, themselves. It is another clear example of how the recent explosion of stock buybacks in corporate America is distorting the market—artificially, some would argue.

Some Democratic Senators, and even some Republican Senators, have begun to sound the alarm about the record-breaking scale of corporate buybacks. Over the last decade, based on analysis of America's largest corporations, 466 of S&P 500 companies, 92 cents out of every dollar of corporate profit has gone to share buybacks or dividends.

Some say, well, they have already, before the profits, put money into their workers and into their communities. We are saying they should put some more, for the good of the country. Stock price, when so much of it is held up by buybacks, shouldn't be the only indicia, the only measure, of how well the country is doing, especially when 85 percent of the stocks are owned by the top 10 percent of Americans.

Most Americans would completely agree that there are more productive ways for corporations to allocate their capital than this borderline obsession with stock buybacks—the slavery to short-term rises in price to please investors—while not doing much for workers or for communities.

I hope corporate America will wake up. Income inequality, along with climate change, to me, are the two greatest problems America faces. We need corporate America to propose some solutions because when they say let government do it, much of corporate America then opposes government doing anything for workers or for communities.

Let's take a careful look at this, and let's see what the right solutions are. The status quo is not acceptable.

CLIMATE CHANGE

Madam President, on climate change, for decades we have known climate change is not only a major national challenge but an existential threat to our planet and to our future. Despite the gravity and scale of this challenge, one political party in the United States has largely denied the problem even exists, denied the overwhelming consensus of the scientific community, and denied most attempts in Congress to tackle climate change.

President Trump's record on climate change is one of abject failure: denying science, systematically rolling back environmental protections that reduce

carbon emissions, and announcing withdrawal from the Paris climate accords—Luddite, ostrich-like, if there ever were, actions that can be described that way.

Recently, we heard of a new effort by the Trump administration to once again push back against efforts to address climate change. You see, it was probably embarrassing for President Trump when his own administration released the National Climate Assessment last year, as required by law, which outlined the severe and immediate impacts of climate change. According to reports, the White House now has plans to set up a fake panel of cherry-picked scientists who question the severity of climate change in order to counter the scientific consensus on this terribly urgent problem, even within the administration. This new fake panel will reportedly be set up under the National Security Council, not the EPA, not NOAA, or any of the Agencies where real scientists work—real climate scientists.

This is maybe the most conspicuous symptom of the disease of climate denialism that has infected the Republican Party and the hard right. This is beyond willful ignorance. This is the intentional, deliberate sowing of disinformation about climate science by our own government. This cannot stand.

This morning, I am announcing that if the Trump administration moves forward with this fake climate panel, we will be introducing legislation to defund it. I will be doing it, along with several of my colleagues. It is long past time for President Trump and Republican leaders to admit that climate change is real, that human activity contributes to it, and Congress must take action to counter it.

So far, Leader McConnell and our Republicans, when we ask them, do you believe climate change is real? Silence. Do you believe humans cause it? Silence. Do you believe Congress has to act to deal with it? Silence. That will not stand, and they will not be able to maintain that position over a period of time.

NORTH KOREA

Madam President, finally, on North Korea—and I appreciate the indulgence of my friend from Illinois. There are a lot of topics and a lot of things going on today.

As the President continues negotiations in Hanoi with the North Koreans, I want to restate that his goal should be complete, verifiable, and irreversible denuclearization of Korea. An agreement that includes significant U.S. sanctions relief in exchange for something short of that will be woefully insufficient. It will make North Korea stronger and the world more dangerous, not safer.

To simply say to North Korea that we are going to let you continue to be nuclear in exchange for something else—a peace treaty or some words, a photo op—that is not protecting the security of the United States.

I remind my colleagues, Congress passed sanctions against the North Korean regime for its appalling record on human rights. Congress would need to repeal that law for President Trump to give North Korea reliable sanctions relief.

The North Koreans themselves should realize many of us in Congress will not, will not, will not—no matter what President Trump does, many of us in Congress will not remove this sanction relief until North Korea denuclearizes, verifiably and irreversibly.

Make no mistake about it, no matter what President Trump does in Vietnam this week, this Chamber will have a significant role to play if President Trump decides to reduce sanctions as part of any deal with North Korea.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

S. 311

Mr. THUNE. Madam President, last night, for the second time in a month, Democrats objected to a bill to ban infanticide.

That statement to me is absolutely chilling, but for the second time in a month, Democrats objected to a bill that would do nothing more than state that a living, breathing baby born in an abortion clinic is entitled to the same protection and medical care as a living, breathing baby born in a hospital is entitled to.

It is a pretty basic bill. It just says that living, breathing, born human beings are entitled to protection even if they are born in an abortion clinic, but apparently that is not something Democrats are prepared to say. This is where Democrats' support for abortions has led them—to being unable to condemn infanticide.

Let's remember why we voted on this bill last night. We voted on this bill because the Democratic Governor of Virginia implicitly endorsed infanticide—because the Democratic Governor of Virginia got up and said that you could keep a living, breathing baby comfortable while you decided what to do with it.

There is only one answer to what you do with a living, breathing baby, and that is to provide it with the care it needs. A baby born alive in an abortion clinic is no less valuable and deserving of protection than a baby born in a delivery room.

It is horrifying that we are actually having a debate about this. Honestly, it is horrifying that the Democratic Party can't get up and say that infanticide is wrong. My Democratic colleagues like to talk about protecting the vulnerable, but how can they claim to care about helping those in need if they harden their hearts toward the most vulnerable among us? If they are willing to deny living, breathing babies basic medical care, do you really stand for the vulnerable if you can't stand up and say that infanticide is wrong?

It is terrible enough that we have so far betrayed our founding principles as to deny the right to life of living, breathing unborn babies, but we are not even talking about abortion here. We are talking about withholding essential care from babies who are born alive. My Democratic colleagues can't even bring themselves to say this is wrong.

I would say to my Democratic colleagues, do you really want to be the party of Governor Northam? Do you really want to be the party of infanticide?

The American people don't agree with the Democratic Party on abortion and on infanticide. Most Americans believe that babies born alive after an abortion should be provided with medical care. Most Americans think there should be at least some limits on abortion. In fact, most countries in the world think there should be some limits on abortion. The United States is just one of a tiny handful of countries that allow elective abortion past 20 weeks of pregnancy. Among the others on that list are China and North Korea—not exactly the company we want to be keeping when it comes to protecting human rights.

A recent poll found that 71 percent of Americans oppose abortion after 20 weeks of pregnancy. Yet the Democratic Party is aggressively embracing an agenda of zero restrictions on abortion, ever, up to—and now, apparently, after—the moment of birth.

I hope last night is not the last time we vote on the Born-Alive Abortion Survivors Protection Act. I hope my Democratic colleagues have a chance to recast their votes. I hope, next time, they will decide to vote against infanticide. I hope, next time, they can affirm what should be a basic, foundational principle, and that is that every baby, wherever he or she is born, deserves to be protected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I listened to the statements of my colleague from South Dakota. I would like to make a suggestion.

Since the Republicans are in control of the U.S. Senate, since there is a Republican chairman of the Senate Judiciary Committee, I would suggest to my colleague that perhaps we have a hearing on this bill he just described. You see, it came to the floor yesterday without any hearing. And the reason why we need a hearing is that many of us—many of us—voted for an infanticide law, which is currently on the books—a law that says that a child needs to be protected and that those who don't protect that child are subject to criminal penalties, as they should be.

Now, if this is a different approach to it, doesn't it at least merit a hearing from the Republican majority before it comes to the floor for a vote? There are many questions I would like to ask of those who propose this. I want to understand why the law that has been on

the books now for 17 years, as I remember, is inadequate to the challenges it faces.

I supported the infanticide law. I will continue to. If there are any changes that the Republicans want to make, is it too much to ask them to have a hearing in their own committee, which they chair, on this subject matter? I hope they will take it seriously enough to do it. Critics have said this has nothing to do with changing the law. It is just a ''gotcha'' vote on the floor—an amendment which may be used against candidates in future elections.

When it comes to children, something as serious as life and death should be taken much more seriously by the Republican majority.

AURORA, ILLINOIS, WAREHOUSE SHOOTING

Madam President, today is February 26. Eleven days ago, on Friday, February 15, an angry man with a history of violence and a Smith & Wesson .40 caliber pistol opened fire on his coworkers and police officers at a warehouse in Aurora, IL, about 40 miles from the city of Chicago.

In a matter of just a few minutes, five of this man's coworkers at the Henry Pratt Company were dead. He then shot and wounded five police officers who rushed to the scene. An hour and a half later, he died in an exchange of gunfire with other policemen.

The day before this horrible incident marked the anniversary of two other mass shootings: the 1-year anniversary of the Parkland, FL, shooting, which killed 17 high school students and staff, and the 11-year anniversary of a shooting at Northern Illinois University that left 5 students dead and 17 injured.

The gunman in the Henry Pratt warehouse massacre had just been told that day that he was going to be fired. His response was not just anger. His response was to pull out a firearm and murder five of his coworkers.

I want you to meet the victims of this man's violence. This is Trevor Wehner. Trevor was 21 years old. He was on the dean's list of Northern Illinois University's business college. He was on track to graduate this May.

Why was he at the Henry Pratt warehouse on that day? It was because he was on his first day of an internship at the business. Trevor was so excited about this opportunity to work at this business and to see what it was like to actually be in the real world that he showed up for his internship 45 minutes early that day. It was earlier than he should have. He was that excited. He died at the workplace that day.

This is Clayton Parks. He was known as ''Clay'' to his family and friends. He was the human resources manager at Henry Pratt. He was also an alumnus of Northern Illinois University. He had been working at the Henry Pratt Company for 4 months. He was 32 years old. He was married to his wife Abby and had a beautiful little 9-month-old baby boy, Axel.

I met them at Northern Illinois University when we held a vigil for Trevor and Clay that afternoon. I talked to Clay's mom for the longest time. She wanted to tell me his whole life story, hoping that she could preserve the memory of this wonderful young man and what he meant to her.

Russell Beyer is over here. I went to his memorial service. He had been at Henry Pratt for more than 25 years. He was a mold operator and was the father of two grown children. He was also the chairman of the union at Henry Pratt.

In a terrible twist of fate, Russell had helped the gunman get his job back when the company first fired him 2 months earlier. Last Thursday would have been Russell's 48th birthday. Instead of a birthday party, his family and friends gathered that day at his wake. As I went into the funeral home in Montgomery, IL, I was struck by this fact. It turns out that the family decided that since Russell was such a passionate football fan, everybody should wear NFL jerseys. The room was filled with members of his family remembering him and paying tribute to him by wearing jerseys of all of the different teams they supported. Russell was a Patriots fan. He wore a Patriots jersey in his casket on the day that would have been his 48th birthday.

Vicente Juarez was a stockroom attendant and a forklift operator. He had been at Henry Pratt for 13 years, since the year 2006. Mr. Juarez and his wife of 38 years lived in a home in Oswego with their three grown children and eight grandchildren—all under one roof.

I will not forget that scene at the funeral home, either, because the family had decided that everyone would wear a T-shirt. It was a black T-shirt with a color photograph of Vicente in front of it and one of his favorite sayings on the back of it. There they were—grandchildren, children, older folks—all wearing those black T-shirts in honor and memory of this man.

I met his sister. His sister told me a story that Vicente was part of the family who immigrated to Illinois in 1972. There were five boys and five girls. They didn't have any money. Their father died 6 years after they immigrated. Yet they struggled and worked and stuck together as a family. That beautiful family—that beautiful family—had to shoulder this tragedy, where this gunman walked into that warehouse and killed Vicente.

Josh Pinkard's photograph is here. He was the plant manager. He joined Henry Pratt's parent company 13 years ago at a facility in his native Alabama. He and his wife had moved to Illinois with their three little kids last spring. As he lay dying, Josh pulled out his cell phone and texted his wife. His message was this: ''I love you. I've been shot at work.'' He died shortly thereafter. Josh Pinkard was 37 years old.

How did the police respond to this mass shooting? Every on-duty member of the Aurora Police Department rushed to the scene, where they were joined quickly by off-duty members of the police department. Then, once the word got out that a policeman had been injured, hundreds of other policemen, firefighters, and other first responders all came to the scene.

I was on the phone with the Aurora police chief, Kristen Ziman. Kristen put out a statement, which I commended her for. It was the most eloquent statement. It said many things, but I want to repeat what it said. She said: ''Every time an officer was hit, another one went in. No one retreated.''

All told, five members of the Aurora Police Department were injured by gunfire: Officer Adam Miller, Officer Marco Gomez, Officer John Cebulski, Officer James Zegar, and Officer Reynaldo Rivera. A sixth officer, Diego Avila, suffered a knee injury. They and hundreds of other police officers and first responders who rushed to the scene are heroes. Simply put, they are heroes. Their quick and courageous response certainly saved other lives.

Here is the cruel irony and tragedy beyond the loss of life. The gunman should never have had a begun. In 1995, this gunman pleaded guilty in the State of Mississippi to charges that he had beaten a former girlfriend with a baseball bat and stabbed her with a knife. He was sentenced to 5 years in prison. He served 3.

In January of 2014—19 years later—he applied for an Illinois firearm owner's identification card. He lied on that application. He said he had no felony record, and he was given permission under Illinois law to buy a firearm. He got away with that lie because the State of Mississippi had failed to submit his conviction record to the FBI's criminal background check system. He wasn't in the computer as being disqualified.

In March 2014, this man bought a handgun from a gun dealer in Aurora. Two weeks later, he applied for a concealed carry permit. This time he slipped up. He voluntarily submitted his fingerprints in the hopes that his concealed carry permit would be expedited. Those fingerprints finally exposed his felony record in Mississippi and his violent past.

The Illinois State Police got word of it, rejected his concealed carry application, revoked his firearm owner's identification card, and sent him a letter saying that he needed to surrender the Smith & Wesson firearm, which he used to kill these five innocent people and to injure these policemen. Obviously, he never surrendered the weapon. It was that same weapon that he used to kill these innocent people and to injure these policemen.

Almost 7 years ago, a disturbed young man opened fire in a movie theater in a suburb of Denver, killing 12 people and injuring 70 others. The name of that suburb was Aurora—Aurora, CO.

In a sad commentary on how frequent mass shootings have become in this great Nation, the police chief of

Aurora, CO, tweeted after the killings in Aurora, IL: ''Months from now, as people talk about the mass shooting in Aurora, someone will ask, ''Which Aurora mass shooting are you talking about?''

Mass shootings have become too common in America. They make the news, but tens of thousands of Americans die every year from gun violence, and many of those deaths are barely reported or noted. They die in suicides and gun accidents, alone or in small groups, in domestic disturbances, in gang disputes, and in crossfire.

I am honored to represent the city of Chicago, but my heart breaks to know that last year more than 2,700 people were injured or killed by gun violence in that great city.

Let's face it, America is confronting an epidemic of gun violence. We need thoughts and prayers, but we need so much more. We need action to do something.

Do the lives of these policemen mean anything? Of course, they do. They mean a great deal to their families, and they mean a great deal to this Nation.

Do the lives of these victims who died mean anything? I met the families—four of them. They are heartbroken, and their lives will never be the same.

We need action to close the deadly gaps in America's gun background check system. Much of the work needs to take place at the State level. State and local law enforcement agencies are investigating how this tragedy might have been prevented and how to prevent another violent felon from slipping through the cracks in the system.

We also have a responsibility here. It is not enough for a moment of silence. It is not enough for prayers to be offered. We need to do more to keep guns out of the hands of people who should not have them.

This week, the House of Representatives will vote on a measure to close the gun show and internet loopholes in our background check system. These loopholes make a mockery of the law, which says we want to make sure that no dangerous person buys a firearm or keeps a firearm in America. It is critically important, and I support the House's effort, but, sadly, I have to predict that this measure will not even come up for a debate—let alone a vote—in this Republican-controlled Senate. There is just no way that they will consider any gun safety measure.

After Columbine and nearly every mass shooting and natural disaster since, a carpenter who lives in Illinois has crafted wooden memorials to honor the fallen.

His name is Greg Zanis, 68 years old. In 20 years, he has made and delivered—listen to this—more than 26,274 handmade wooden crosses, Stars of David, and crescent moons to communities across this country.

Greg drove to Sandy Hook, CT, after 26 first graders and educators were murdered in their grade school. He drove to Las Vegas after 58 people were killed at a music festival. He drove to the First Baptist Church in Sutherland Springs, TX, after 26 worshipers were killed. He drove to Pittsburgh, PA, to honor the 11 worshipers killed at the Tree of Life synagogue.

Even after all that tragedy, the mass murder at Henry Pratt hit Greg Zanis especially hard. You see, Greg Zanis's hometown is Aurora, IL. Mr. Zanis told a reporter from the New York Times that he could drive away from all of the other tragedies, but he said: ''I am not going to be able to get away from this one.''

To those who will say that the aftermath of a mass shooting is not the time to talk about gun safety, I have one simple question: When is the right time to talk about gun safety? If we are going to talk about it only on the days when no one dies in America because of the use of guns, then, of course, we will never talk about it.

Will you wait until this killing comes to your community, your church, your kid's school? Is that what it will take before Members of the Senate and the people across this Nation feel as Greg Zanis does, that you just can't escape this carnage anymore? I pray that is not the case.

We need to work together. Let's start. Let's do something sensible and bipartisan in the name of gun safety to make our background check systems as effective as they can be.

Look at those faces. Eleven days ago, they were alive, part of a family, loved—sons, fathers, grandfathers—and now they are gone because one man who never should have owned a gun took it to work in a fit of anger and killed these five men. It is time for this Senate and this Congress to do something.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, what is the legislative situation?

The PRESIDING OFFICER. The pending question is on the Miller nomination.

Mr. LEAHY. I thank the Presiding Officer.

I ask unanimous consent to speak as in morning business.

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

DECLARATION OF NATIONAL EMERGENCY

Mr. LEAHY. Mr. President, President Trump declared a national emergency 2 weeks ago. He did this in order to build a pet project of his. In the process, he said it was his intent to siphon billions of dollars that Congress had appropriated to help our men and women in uniform. Now, I am not sure what lawyers he consulted, but those lawyers seem to have overlooked our Nation's founding document—the U.S. Constitution.

I know the President likes to communicate in 280 characters or less, so I will point him to a 77-character phrase he may want to review: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.''

That is a short sentence, but our Founders knew what it meant. They enshrined it in article I, section 9 of the Constitution, and they established that Congress—and Congress alone—possesses the power of the purse. That Congress has exclusive power over our government's spending priorities is one of the most critical checks and balances in our constitutional system. The President can propose funding for whatever project he wants. He has the absolute right to propose funding, but it is the job of Congress to decide where to invest the American people's hard-earned tax dollars.

Let's review the facts. For over 2 years, the President has repeatedly tried and has repeatedly failed to convince Congress that building his southern border wall is a good idea. He has failed to get a deal with Mexico despite giving his word and promising his supporters more than 200 times that Mexico would pay for it. He promised that Mexico would pay for it while knowing, of course, that Mexico would not pay a cent for it. Then he failed to get a deal with his own party even during the 2 years when the Republicans controlled the Presidency, the U.S. Senate, and the U.S. House of Representatives. He also failed to get a deal after he forced the country into a 35-day government shutdown over the issue—a shutdown, incidentally, that cost our country at least $11 billion, to say nothing of the number of people whose lives were so disrupted that many either lost their apartments, were unable to pay their mortgages, were unable to pay their bills, or were unable to pay for the medical care they needed.

Yet, in the face of all of these failings, he has decided to go it alone. He has decided to stretch his powers—beyond all recognition—under the National Emergencies Act. There is no rational basis to justify the use of this authority. So we should look at what a bipartisan group of Republicans and Democrats wrote—a group of 58 former senior national security officials who had to help secure our country under both Republican and Democratic Presidents.

They wrote: ''There is no factual basis for the declaration of a national emergency'' on the southwest border.

I ask unanimous consent that the Joint Declaration of Former United States Government Officials 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 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 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 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. LEAHY. Mr. President, the reality, of course, is that apprehensions at the southwest border have dropped 75 percent since 2000. The reality is that many of the southern border communities have violent crime rates that are lower than our national average. The reality is that the vast majority of the drugs that are apprehended at the border are seized at the ports of entry, and a wall would do nothing to stop this. The President is either out of touch with reality, willfully ignoring it, or not even reading the material he gets from his administration.

Presidents do have emergency powers, but they should be invoked only in true times of crises. It is an abuse of power to invoke these authorities simply as a political step to energize a President's base. It is an abuse of power to invoke these authorities to fulfill a cynical campaign promise he never should have made. The President knew he would never keep his word or the promise he had made that Mexico would pay for this border wall.

When Congress enacted the National Emergencies Act of 1976 to convey these powers to the President, it assumed whoever sat in the Oval Office would have enough respect for the office and the power being conveyed not to abuse it. President Trump has failed that test. Since 1976, Presidents of the United States—Republicans and Democrats alike—have upheld and passed the test. President Trump has failed the test. Look what he wants to do. The President wants to raid money that is meant for military housing and military base improvements to pay for his wall. This is at a time when studies are coming out that show how our men and women in the military are being housed in inferior or dangerous conditions. Sometimes the buildings have mold and decay, and it affects their health. The buildings are rat invested and roach infested, but the President wants to take the money away from them to build a wall that we do not need. The President has repeatedly decried the amount of drugs coming across our border. But now he wants to raid money that Congress has appropriated for proven drug programs and counter-drug programs to pay for his wall.

Let me repeat that. In order to build a wall that would do very little to stop drugs from coming across our border, President Trump wants to take money away from law enforcement programs that actually prevent drugs from coming across our border or from programs that enhance military readiness. I wish I were making this up. It sounds like something you hear on a comedy program, but it is not comedy, it is reality, and I have to ask, what is going on?

In the days and weeks ahead, the President's emergency declaration—which amounts to an end run around both the Constitution and Congress—is going to be challenged, and it should be. Over the past 2 years, we have seen the erosion of our institutional checks and balances in the face of creeping authoritarianism. The time has come for Congress and members of the President's own party to take a stand. Are we a democracy, or are we an authoritarian government? It is a pretty basic question.

I have been here with every President since President Gerald Ford. They upheld the Constitution, Republicans and Democrats, and they believed in the separation of power. All of them did. We simply cannot afford to now remain silent in the face of such an unprecedented violation of the separation of powers.

It is interesting. As I sit here, I remember some of my Republican friends—and they are my friends—when President Obama was President. They shouted from every rooftop about the lurches of an imperial Presidency. In every Executive order, they saw a threat to Congress's power. In every speech, they surmised the machinations of a lawless strong man—a man Donald Trump claimed wasn't born in the United States. Now, when they are faced with a President who is literally using his Executive powers to fund what Congress specifically would not, my Republican friends should echo the same concerns.

I am glad that some in the Republican Party have begun expressing their reservations about President Trump's national emergency declaration. Certainly a number of Republicans who serve in national security positions who signed on to the material

I have put in the RECORD did. But fleeting comments to reporters in the hallway are meaningless unless they are willing to follow up their words with their votes.

Today, the House will vote to disapprove the President's declaration. I believe that joint resolution of disapproval will pass the House. In short order, the Senate will have to vote on it. That is going to be the true test. That will be the metric history uses to determine whether Republicans are willing to put our country, our Constitution, and Congress itself over party.

While the President's emergency declaration stumbles its way through the courts, I hope my Republican friends take a moment to take stock of where we are. President Trump will be just a blip in our Nation's history. But for the sake of appeasing a man who hundreds of times made a foolish campaign promise, never grounded in reality, will they forever change the course of the separation of powers in our country? For the sake of appeasing a President who detests any limits or checks on his authority, will they forever diminish the role of Congress as a coequal branch of government? We are the longest surviving democracy on Earth today because there are checks and balances.

I am reminded of words of caution written by George Washington, our Founding Father and our Nation's first President, in his Farewell Address. The words are as true today, and we read this Farewell Address every year on the floor of the Senate. Here is what President Washington wrote over 223 years ago:

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. . . . 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.

That is what George Washington said. He warned us against despots. Remember, this was a man who could have remained President for life, and he voluntarily stepped down after a second term. He was a man who did that because he wanted democracy to thrive.

He spoke of the three coequal branches of government—the executive, the legislative, and the judiciary—and he was reminding us that if you let one encroach upon the other, you start down the path of despotism. We don't need that in this country, especially in this age. We don't.

We know what despots are like. We see them around the world. We see them in South America today, in one country in particular. We see them in North Korea, where the despot had his uncle executed, his own brother murdered, and thousands of people are imprisoned, starved, and dying. A despot who continues to build nuclear weapons to keep himself in power even as his people die of starvation. In a democracy, that doesn't happen. We have checks and balances for a reason.

I am going to vote aye on this joint resolution of disapproval. I urge all Senators to do the same. Have checks and balances.

I remind the President to treat emergency declarations the same way they have been treated since 1976, the way—certainly in my experience—Presidents Ford, Carter, Reagan, both Bushes, Clinton, and Obama did. That preserved democracy. Was it frustrating to each of them at times? Of course it was. I remember long discussions with President Ford, President Carter, President Reagan, President George H. W. Bush, President George W. Bush, President Clinton, and President Obama. They would say: We want to do this. A number of us had to say: You don't have the authority to do that. And they realized that.

It is not the person who holds the office. It is not the Presiding Officer. It is not me. It is not the other 98 Members of this body. It is not the President of the United States. It is not the Members of the House. It is not the members of the courts. What rules this country is our Constitution. We are a democracy. We must keep it as a democracy. Look what happens in those countries where they ignore democracy and have despots. In Venezuela, people are going without food and medicine. In the Philippines, where there is a despot, there have been murders of people who are just under suspicion, encouraged by him. We have seen the deaths of thousands of people in North Korea because of a despot who does not care and has no sense of morality.

America is so much better. Follow our Constitution. Obey our Constitution. Realize there are checks and balances. Have both Republicans and Democrats stand up and join. Remember what George Washington said. It was good advice back then; it is good advice today.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT of South Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 311

Mr. SCOTT of South Carolina. Mr. President, I was necessarily absent from yesterday evening's vote on cloture on the motion to proceed to S. 311, the Born-Alive Abortion Survivors Protection Act. On vote No. 27, had I been present, I would have been a yea vote on the motion to invoke cloture.

Let me say that a little differently. As I sat, waiting for my plane to leave Charleston, SC, to come to the Nation's Capital—a trip that typically takes about 63 minutes—3 hours later, I had not yet arrived in Washington, DC.

On a vote that, to me, should not be a vote at all—this should be common sense, but it certainly was not common sense, so we had to have a vote on an issue that is very near and dear to my heart.

I will say without any question that the frustration I felt at being late to that vote was one that was incredibly irritating and infuriating. I had planned to be on the floor of the Senate voting yes on a commonsense piece of legislation, the Born-Alive Abortion Survivors Protection Act, but was unable to make it because a 1-hour flight took more than 3 hours, and I arrived here about 4 minutes after the close of the vote, which also is quite frustrating.

But what is even more frustrating than that is that in a nation of good conscience, we would be debating and having a conversation about a child who is born, sitting there, alive, separated from her mother, that there would be a question of whether that child should be able to continue to live.

This is an issue that has been raised by people coming out of New York and more recently by people coming out of Virginia and by the Governor—who happens to be, from my understanding, a pediatric surgeon—who suggested it is OK to allow that child to die.

Whether you are pro-life, as I am, or pro-choice, as others, I cannot imagine that this would even be an issue of debate or discussion between the two sides. There is no side on this topic. There cannot be a side about life separated from the mother and whether that life should continue to live. This is common sense. This is human decency. This is not an issue of being pro-life or pro-choice. This is being pro-child, which we all should be.

So I find myself at a loss for words, standing on the floor of the U.S. Senate—where a vote yesterday failed by several votes—having to discuss what doesn't make sense.

I have recently spoken to a group in Charleston, SC, during Black History Month, where the GOP and African Americans were in the same room having a great conversation about the issues that are important to our Nation. We talked about so many of the powerful issues of economic opportunity and opportunity zones. There may have been some disagreement on whether we should have higher taxes or lower taxes, but there was no disagreement on the issue of infanticide. There was no disagreement whatsoever. In the room, whether you were to the left

or to the right, there was one thing that was common, and that was the value of life.

I traveled to Little Rock, AR, this weekend to speak at another Black History Month event, where Republicans and Democrats were coming together at the Governor's Mansion to have a conversation about moving this Nation forward and about reconciliation. In the room, we had conversations about the tragedies in Virginia, from the blackface tragedy to the issues with the three ranking members in the Commonwealth of Virginia. When I started talking about the value of human life, the intrinsic value of each human being, there was 100 percent support that we are a nation that should always value the life of a born-alive child. There was not a single dissent in a room of nearly 400 people.

To have to have a debate on the floor of the Senate about something that every American with whom I have spoken, in airports or at events, agrees there is nothing to debate, frustrates me. So while I am saddened and frustrated, I have been encouraged by my fellow Americans—from Arkansas to South Carolina, to Tennessee—who have all come to the same conclusion, and that is that a born-alive child deserves to live.

We may disagree on other points, but this is a place where there is universal agreement with the folks I have spoken to. These are folks who don't vote for Republicans or Democrats; they all vote for children. They all vote for life.

We are a nation that must continue to value life. For some reason, somehow, this body missed that opportunity to reinforce that value system before the American public, to say to each child born: No matter your State, no matter your challenges, you have intrinsic value.

I yield the floor.

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

NOMINATION OF ERIC D. MILLER

Ms. CANTWELL. Mr. President, I rise in opposition to a nomination we are going to be vote on very soon—the confirmation of Eric Miller to serve on the U.S. Court of Appeals for the Ninth Circuit.

As a U.S. Senator, I take my obligation to advise and consent on judicial nominations very seriously, and I believe Mr. Miller's confirmation process has gone against longstanding Senate tradition and norms and limited our role to advise and consent on his nomination.

This nomination has proceeded over the objection of both myself and my colleague from Washington, Senator MURRAY. For more than 100 years, conferring with Senators and allowing them to advise and consent on judicial nominees in their home State has been our process.

Since 1936, only eight judges have been confirmed when one home State Senator objected. In every case, confirmed nominees have been supported by at least one Senator from the nominee's State, and to this day no circuit court judge has ever been confirmed despite opposition from their home State Senators. All that would change if Mr. Miller is confirmed.

His confirmation hearing was held during a recess last Congress, when the vast majority of Senators were back in their States. In fact, only two Members of the U.S. Senate were present at the hearing, and neither one of them were Democrats. Mr. Miller was questioned for less than 5 minutes—5 minutes—and when the Judiciary Committee Democrats requested another hearing, that request was rejected.

Confirming Mr. Miller without a full vetting by both Democrats and Republicans is the wrong way to proceed on a lifetime appointment. Moreover, confirming Mr. Miller without approval from Senator MURRAY and I would set a damaging precedent.

I do have concerns about Eric Miller's record. He has spent much of his career fighting against the interests of Tribal governments and Tribal sovereignty. He has argued cases opposing Tribal fishing rights, challenging Tribal sovereignty, and fighting against the protection of Native American religious and traditional practices, so it is no surprise that organizations representing all 573 Tribal nations around the United States, including the National Congress of American Indians, oppose Mr. Miller's confirmation.

I urge my colleagues to stop this process and oppose Mr. Miller's confirmation to the Ninth Circuit Court of Appeals.

S. 47

Mr. President, I also want to comment on upcoming action in the House, where they are scheduled to take up S. 47, the Murkowski-Cantwell lands package later this afternoon, which received 92 votes in the Senate earlier this month.

It is my hope that the House will approve this bill with the same overwhelming that it received in the Senate, and send this legislation quickly to President Trump's desk.

I want to take a moment to emphasize four important provisions of this legislation as we prepare for this year's upcoming fire season.

This legislation includes four provisions that will help firefighters improve their safety and effectiveness and bring state-of-the-art technology to combating wildfires. These provisions will help firefighters and communities, and we need to do everything we can as we face longer fire seasons having more catastrophic events. We need to give communities and firefighters every tool possible.

First, this legislation allows for the use of drones to create real-time fire mapping, as well as GPS to track firefighter crews. These advances will help enable real-time tracking and location of both the fire and the firefighters.

Why is this so important? It is because our firefighters need real-time data to do their job more safely and effectively. The combination of real-time mapping and GPS locaters has been referred to by the industry as the ''Holy Grail of Wildland Firefighter Safety.''

Last month's report on the devastating Mendocino Complex fire shows why this is the case. According to this report, one of the challenges frontline firefighters had to face was the fact that they weren't sure exactly where the fire was. The safety officers didn't always know where the firefighters are. In one case, no one knew where six entrapped firefighters were. The result was that all six suffered injuries because it took quite a while to locate and rescue them.

Under this legislation that will be voted on by the House today, we will have more drones orbiting high over the fires, constantly updating fire maps and doing it more than just once a day, which has been the standard until now. These drones employ infrared cameras that can penetrate through thick smoke and better identify hotspots. Air tankers will be able to more accurately drop their fuel retardants, and we can tell firefighters on the frontlines how to steer away from areas that are just too dangerous to tackle.

When I heard the stories of brave firefighters who battled fire that raged in many parts of my State, I knew we needed to do more to protect these unbelievable heroes. Whether it is in Eastern Washington or Central Washington—in the Okanagon and Wenatchee forests or around Spokane—we have to do more to help those communities and firefighters who are putting themselves on the line for us.

This legislation also allows the Forest Service to access NASA's mapping technology to help prevent mudslides that are all too common after these horrific fires. We all know erosion can happen shortly after the devastation of vegetation, and that creates more damage in the community. The fact that we will be getting NASA access, we will then be able to come up with strategies to prevent erosion, cutting the time significantly from where it is today.

The fourth provision is improving smoke forecasting by assigning meteorologists to every large fire. I know some people are thinking this probably has already been done. Believe me, we haven't given the Forest Service every tool it needs.

Over the last few years, summers in the Puget Sound region have suffered as fires have blanketed our normally pristine air with smoke and unhealthy air. We know this is becoming a new normal. As the Western United States continues to become hotter and drier, fires become more and more likely, and as the fuels get drier, the number of fires increase and get even bigger.

This isn't just an Eastern Washington problem. Our Washington State Department of Natural Resources responded to 1,800 fires last year, and 40

percent of those were in Western Washington. According to researchers at the University of Washington, just 20 years from now, we will see the median annual burned area in the Northwest double from what we have seen in the last 50 years.

We know we need more tools to combat these challenges, and the legislation we have already passed in the Senate and that is before the House today will provide these new technology and training tools to empower the Forest Service to help our communities and our firefighters: real-time fire mapping, more drone technology to give us real-time information about the fires, using NASA data to help us plan postfires, and giving us more smoke forecasting information to better help our communities and to deal with those who are impacted by heavy smoke.

I hope our colleagues will act expeditiously on this legislation. We know that wildland fire funding, as we increased it in an agreement last year, was so important, but we need to keep working on this problem.

I thank my colleague from Colorado for helping to sponsor the inclusion of this legislation and hope that the President will sign this legislation very quickly so that tools can be put in place for this upcoming fire season.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LANKFORD. I yield the floor.

RECESS

Mr. CRUZ. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Texas.

S. 311

Mr. CORNYN. Madam President, yesterday evening the Senate had an opportunity to go on record and show our constituents that we supported the most vulnerable among us. The Born-Alive Abortion Survivors Protection Act would require doctors to treat a baby, once it is born, with ordinary medical assistance, something they would do under any other circumstances, even though this entailed surviving an abortion.

If you ask the American people, they would say this is just common sense. In a recent poll, more than three-fourths of Americans said they support providing medical treatment for babies who survive abortions. I can't imagine what the other 25 percent are thinking. But there are no Federal laws requiring healthcare providers to care for these babies just as they would any other infant in their care, and for some Members of the opposing party, they are just fine with that.

We all know that a few weeks ago, Virginia Governor Ralph Northam made disturbing comments about how to not care for certain newborns. He was asked: What would you do with a child with birth defects?

He said: Well, the infant would be delivered. The infant would be kept comfortable. The infant would be resuscitated, if that is what the mother and the family desired, and then a discussion would ensue between the physicians and the mother.

Let me be clear. The Governor, who is a pediatrician, by the way, essentially advocated for infanticide—killing a child who was born alive. Instead of saying, ''well, it is my duty as a physician under the Hippocratic Oath to provide care to save the child,'' he believes the child ought to be made comfortable, and then the mother and doctor sit down and decide whether the child should live or die.

That is not healthcare. That is murder. I believe the Senate has a duty to act and ensure that no child born alive is subjected to the treatment described by Governor Northam.

The bill we voted on last night would protect newborns who have survived abortions and ensure that they receive the same level of care that any other newborn baby would. It builds upon a previous law, which the Senate passed unanimously, called the Born-Alive Infant Protection Act. That bill passed unanimously in 2002, and it clarified that every infant born alive at any stage of development is a person, regardless of the manner in which they were born. Yet yesterday, 44 Senators voted to allow that same person's life to be ended with impunity.

The legislation we voted on yesterday would simply clarify that the infants who survive abortions are entitled to the same lifesaving care that other babies should receive. That is why it is so shocking to me that 44 of our colleagues chose to vote against even proceeding to a debate and a vote on the matter.

I am trying to think of a historical counterpart to this. I was reminded of a book I read not long ago called ''Eichmann in Jerusalem.'' This is about the trial of Adolf Eichmann after the atrocities of the holocaust, during which 5 million Jews were killed. The author, Hannah Arendt, was trying to figure out what kind of monster could basically provide for the machinery that ultimately would take the lives of 5 million Jews.

What she saw when she looked at Eichmann was not some monster that looked different from you or me. Unfortunately, what she saw was somebody who looked exactly like you and me. She wrote about the moral collapse associated with the holocaust. She noted that ''in the Third Reich, evil lost its distinctive characteristic by which most people had, until then, recognized it.'' She said that the problem is that at that point it became a ''civil norm.''

She wrote:

> Evil comes from a failure to think. It defies thought, for as soon as thought tries to engage itself with evil and examine the premises and principles from which it originates, it is frustrated because it finds nothing there.

''That,'' she said, ''is the banality of evil.''

She concluded by saying:

> Nearly everybody who attended the trials of mass killers after the war, some of them respected doctors and pharmacists, came away with the disconcerting impression that the killers looked pretty much like you and me.

So while Republicans and Democrats disagree on a range of issues, this should not be one of them. If we have one shred of our humanity left, we ought to agree that protecting human life is essential. This should have been a simple vote for every single Member of this body. I can't tell you how disappointed I am that 44 of our colleagues decided to vote no. I was proud to vote yes on the bill, yes to protecting these newborn babies, yes to equal medical care for all infants, and yes to life.

PRESCRIPTION DRUG PRICES

Madam President, this morning, the Senate Finance Committee held the second in a series of hearings on prescription drug pricing. We all know that across the country, the rising costs of prescription drugs is placing a strain on families.

A survey last summer found that many Texans are struggling to afford the rising cost of healthcare, and three out of five people surveyed reported foregoing or postponing care because of the cost. That includes cutting pills in half, skipping or rationing doses, or not filling a prescription because they simply can't afford to do so. Some, though, are taking even more drastic steps.

Last year, a widow in Austin considered selling her house to pay for the expensive drugs she needed to treat hepatitis C, which had killed her husband years earlier. Many Texas families have begun the dangerous practice of buying their drugs in Mexico—even though they may be counterfeit—because they think they are more affordable than filling a prescription in the United States.

With healthcare costs continuing to press more and more of our hard-working families, things aren't expected to get any easier any time soon. The Centers for Medicare and Medicaid Services estimated that between 2018 and 2027, consumers could expect to see prescription drug spending increase by an average of 6.1 percent a year. That is a

faster increase than hospital stays, doctors' visits, or any other cost in the healthcare sector.

This spending doesn't just have an impact on patients. It accounts for a large portion of our national economy. In 2017, the national health expenditures totaled $3.5 trillion. That is 18 percent of our gross domestic product. Prescription drugs account for 10 percent of our total health expenditures, more than $330 billion. They have an impact on our entire country.

The Senate Finance Committee is digging into the reason behind those rising costs. The journey a drug takes from research and development to the manufacturing plant, to pharmacy shelves, and to our medicine cabinet is enormously complicated. I wonder whether it is complicated by design. Once a consumer has purchased a drug, figuring out who gets each dollar spent practically requires the forensic skills of a Sherlock Holmes.

What I find particularly concerning, and something we spoke about at length today, are the rebates and other discounts provided by manufacturers. Pricing from one pharmacy to another can be wildly inconsistent, and rebates are often the root of the problem. In another context, what is now called a rebate might be called a kickback. Rebates are the key to determining if a particular drug is covered by your insurance, and that can impact therapies that you have access to. Despite the impact they have, the terms of rebates are mostly cloaked in secrecy. I don't think that is an accident. If you ask pharmacy benefit managers and plans about rebates, they will argue that overall they are a good thing and can help lower insurance premiums across the board. The issue, though, is that the extra money has to come from somewhere. So list prices are often raised to cover the difference. When that happens, the consumers are the ones who take the hit. For everything you pay within your deductible—and many deductibles in this post-Affordable Care Act era are up in the thousands of dollars—you pay 100 percent of the retail cost. You get zero benefit from the rebate. As the list price goes up, your out-of-pocket costs go up. That is why the stories of families struggling to cover costs are becoming more and more prevalent.

Some of the people who suffer the most from the rebate system are people who take insulin. Diabetes is one of the most common and pernicious illnesses in our healthcare system in America today. Because we eat too well and exercise too little, many people develop diabetes, and the only treatment is to take insulin. Unlike most of the prescription drugs out there, insulin is a biologic, meaning it is generally more expensive to make and more expensive to buy.

A few weeks ago, I spoke here on the Senate floor about a woman from Indiana who came to the first hearing we had on prescription drug costs, Kathy Sego. She told us about her family's struggle to pay for her adult son's insulin. Even though this drug has been around for nearly a century, a 1-month supply for Kathy's son Hunter costs her family $1,700 out of pocket.

Unlike many brand-name prescription drugs that have lower-cost alternatives, like a generic, insulin does not. Part of our discussion at today's hearing was the topic of ''biosimilars,'' or what could be considered a generic version of a biologic type of drug. As the FDA is moving to make insulin subject to biologic competition in the future, I asked our witnesses about this move and how it could potentially serve as a solution for families like Kathy's, who struggle with the out-of-pocket costs and copays as a result of the insulin with which they treat their diabetes.

As part of that effort, last week, Chairman GRASSLEY and Ranking Member WYDEN launched a bipartisan investigation into insulin prices. In letters to leading insulin manufacturers, they requested information on the recent price increases—some as high as 585 percent.

As I expressed today to one of the representatives from the drug company, I understand the need for drug companies to do research and development and that because they are granted patents for these innovative cures that they come up with, they have the exclusive right to sell those drugs during the terms of the patents. Yet I don't understand why a drug that has been around for decades, like insulin, still costs $1,700 for somebody to pay each month on an out-of-pocket basis, and where we have seen recent price increases as high as 585 percent, it makes absolutely zero sense to me. I am eager to hear from these manufacturers and other players in the pharmaceutical system about why these prices are rising so rapidly and how we, in working together, can provide relief to families who bear the brunt of manufacturers' decisions.

I conclude by saying that I also had an interesting conversation with one of the witnesses from the drug companies, the manufacturer of HUMIRA. HUMIRA is one of the best-selling drugs in the world for the treatment of rheumatoid arthritis and other things. The company that makes HUMIRA earns $18 billion a year in revenue from the sale of HUMIRA. When I asked why it was necessary for the company to have more than 100 different patents to cover that drug when the drug is essentially the same molecule, the gentleman representing the drug company did not give me a satisfactory answer.

I can understand the importance of recouping those R&D costs and the benefits of providing a patent for a reasonable period of time to recoup those costs and make a profit. I am OK with that. Yet, when you see the patent system being manipulated in a way that maintains that exclusive right to sell that best-selling drug by a drug company, that causes me grave concern. I have talked to Chairman GRAHAM of the Judiciary Committee, which has jurisdiction over patent-related issues, and he told me he would work with me to find a solution to gaming the patent system in order to protect that exclusive right to sell a drug beyond the normal patent period because it is, ultimately, the consumers who are being cheated and being denied access to the lower cost drugs.

As with insulin, there is no good reason why, after all of these years, consumers have to see price increases approaching 585 percent. We need answers to those questions, and we will get answers to those questions.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF ERIC D. MILLER

Mr. DURBIN. Madam President, I rise in opposition to the pending nomination of Eric Miller to serve on the Ninth Circuit Court of Appeals in a seat based out of the State of Washington.

If the Senate chooses to confirm Mr. Miller, it will be a historic decision because it will be the first time ever since the introduction of blue slips over 100 years ago that the Senate has confirmed a nominee who is not supported by either of the home State Senators from the State in which he will be seated.

What is a blue slip? It is basically a consultation with the Senate before we move forward on a nomination. It is a courtesy that has been extended. It is an effort to try to find some common ground, some understanding, perhaps some moderation when it comes to the choice of nominees. It has been abused in some cases, but the two Senators here—Senator CANTWELL and Senator MURRAY—are well known in this body for being reasonable people who try to find solutions to problems and work well with both sides of the aisle. Yet, in this case, the Trump White House has decided that they are going to push this nominee for the Ninth Circuit in their home State of Washington against their wishes. If Mr. Miller is confirmed, we will have taken away yet another guardrail in the Senate advice and consent process.

If you follow what has happened in the Senate over the last 2 years and a few months, you know that the highest single priority of Senator MCCONNELL's—the Republican leader—is to fill the Federal judgeships, to put in place men and women who will serve literally for a lifetime, as long as they live. He is determined to do it. There is a template for the people who they find acceptable. If you have been a law

clerk for Clarence Thomas, you check the box, you are ready to go—a lifetime appointment. If the Federalist Society decides you are the right person for the Supreme Court of the United States, box checked, off we go.

Instead of relying on common sense, moderation, and judgment, we are going through a formula here to put people on the bench for a lifetime—those who have been approved on the Republican side of the aisle. Make no mistake—under Democratic Presidents, we look to nominees who are closer to our value system, for sure, but we never walked away from the blue slip process until this nominee—the first time ever it has been done.

We have seen so many things change under the Republican leadership in the Senate when it comes to the selection of judges.

We used to say that if you are found unqualified—not qualified—by the American Bar Association, forget it. Go about your business. Do something else. We are not going to put you on the bench for life. Well, we have decided, under the Republican leadership, that is no longer the case. Simply being unqualified is not enough to disqualify you.

We have also said that when it comes to the process of making these decisions, we will have hearings where we will consider multiple candidates in the same day. Let's run them through. Of course, you know what happens when you do that: You get in a hurry, and you end up putting people on the bench for life who shouldn't be there.

We have also decided in this White House that we will send people off to be Federal judges who have never been in a courtroom in their lives—not once. Maybe they watched ''Perry Mason'' on some retro channel, but that is about as good as it ever was for some of them.

I recall one of the nominees from the Trump White House. It was a moment in the history of the Senate Judiciary Committee. Senator JOHN KENNEDY of Louisiana asked him some basic questions about what it meant to be a judge and some of the things he would have to rule on. It was a sad moment. It reminded me of my worst days in law school when I didn't know the answers to the test or to the question being asked by the professor. This nominee, thankfully, withdrew. He never should have been nominated.

In this case, when it comes to Mr. Miller, neither of the Washington Senators returned a blue slip on him, and they have a reason. He is 43 years old; he may serve on the bench for three decades or more. In his relatively short legal career, he has demonstrated that his views are far outside the legal mainstream, particularly when it comes to one legal issue—the issue involving Indian Tribes.

I don't know if you watched the Oscars, but I did, and I was watching for a movie that I saw that I was impressed with. It was called ''Roma.'' It was a movie about Mexico. It received quite a few awards, and I thought it deserved them. It raised some painful questions for people living in Mexico. I know because I have spoken to Mexican Parliamentarians at a dinner a few weeks ago. It is the treatment of indigenous people.

Most countries in the world, including the United States, haven't written a very admirable record when it comes to the treatment of people who were here before we ''arrived.'' What we have done to Native Americans in this country, sadly, is nothing to brag about. They were dispossessed, relocated for their lands, and many times treated in the poorest possible fashion. The movie ''Roma'' was about indigenous people of Mexico who are servants, and some would say slaves, to families who have more money in Mexico. So the question of the treatment of Native Americans is not something that we can just push back in the pages of history; it still confronts us in the United States today, as it does in other countries, like Mexico and Australia and so many others.

So what does this have to do with this nominee? It turns out that in a rare moment, the National Congress of American Indians weighed in against Eric Miller for this circuit court nomination. The National Congress of American Indians opposed his nomination. Here is what they wrote in a letter to the Judiciary Committee, and I want to quote it in its substance:

> Our concern is that he chose to build a law practice on mounting repeated challenges to tribal sovereignty, lands, religious freedom, and the core attribute of federal recognition of tribal existence. His advocacy has focused on undermining the rights of Indian tribes, often taking extreme positions and using pejorative language to denigrate tribal rights. Indeed, his law firm website touts his record, with over half of his private practice achievements coming at the expense of tribal governments. Given his strong preference for clients who oppose tribes, there are considerable questions about whether he would be fair in hearing cases regarding tribal rights.

You might say to yourself: Well, that has to be a narrow area of the law—Tribal rights—and if he happens to consistently get that wrong, how important could it be?

Take a look at the fact that he has aspired to be a nominee to the circuit court—the second highest court in the land—in the Ninth Circuit. The Ninth Circuit includes 427 of the 573 federally recognized Tribal nations of America. That circuit he aspires to for a lifetime appointment hears more cases involving Tribal issues than any other Federal circuit. It is deeply troubling to see a Ninth Circuit nominee whose impartiality on Tribal legal matters is in question.

Mr. Miller's nomination is opposed by not only the National Congress of American Indians; he is also opposed by a broad array of civil rights, environmental, labor, and other organizations that are concerned about his record and legal views. He is 43 years old—43 years old—three more decades to hand down decisions.

It is astonishing that the Senate would vote to confirm a nominee this controversial over the objection of home State Senators and to break a century-old tradition in the Senate to do it. These Senators represent millions of people in the State of Washington. Their good judgment has been recognized by election and reelection. But when it comes to having a voice in the selection of a circuit court nominee who will be serving their State for the next three decades, they have been shunned and pushed aside.

I think the Republican majority is making a mistake. They are so bound and determined to fill these vacancies that they are abandoning basic Senate traditions—which, in fact, will slow things down from time to time, I am ready to admit, but also put at least a note of caution into a critical judgment process.

Blue slips encourage consensus and cooperation between the Senate and the White House. There isn't a single one of us serving in the Senate who hasn't counted on that cooperation to make sure that lifetime appointments to the Federal judiciary are people who can stand the test of time. Although they may not agree with any Senator every single time, they bring judgment, experience, balance, and moderation to their service. Blue slips ensure that the voices of the American people, through their Senators, are heard in this process, and they help steer the nomination process toward the middle of the road. Without blue slips, the White House can ignore home State interests and pick extreme judges who do not have the confidence of that State's legal community.

This decision—for the first time in a century—to abandon blue slips for the sake of putting this man in a lifetime position on the circuit bench could affect every one of our States someday. I can't understand why my Republican colleagues want to diminish their authority, their ability to safeguard against judges who should not be appointed for life. That is what we are doing on the vote to confirm Eric Miller to the Ninth Circuit.

I will oppose his nomination. I urge my colleagues to do the same, if for no other reason, so that when the time comes—if it ever comes—that you ask for the respect of this body when it comes to the selection of an important Federal judge, you will receive it regardless of who the President may be.

Madam President, I yield the floor.

I suggest the absence of a quorum.

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

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

183RD ANNIVERSARY OF TEXAS'S INDEPENDENCE FROM MEXICO

Mr. CRUZ. Madam President, this Saturday, March 2, the great State of

Texas celebrates the 183rd anniversary of its independence from Mexico.

Texas became a free republic—for 9 years our own nation—and soon after became one of these United States.

As is tradition, in commemoration of the brave Texans who fought and died for liberty and the rule of law, let us reflect a moment on the immortal words of Colonel William Travis, the leader of the besieged forces at the Alamo. His clarion call for reinforcements resounded around Texas and still rings with strength today.

Indeed, it has a special place in my heart because the very first time I spoke on this Senate floor, I read from Travis's letter from the Alamo. It was during Senator RAND PAUL's extended filibuster in defense of individual liberty. It fit then, and it fits now. It is a letter that has stood for the ages—written to us today, demanding that we stand with all good and free people against oppression and reminding us that there are some things worth dying for.

The letter reads as follows:

Commandancy of the Alamo,
Bexar, February 24th, 1836
To the People of Texas & All Americans in the World:

Fellow citizens & compatriots—I am besieged, by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual Bombardment & cannonade for 24 hours & have not lost a man.

The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, & our flag still waves proudly from the walls. I shall never surrender or retreat.

Then, I call on you in the name of Liberty, of patriotism & everything dear to the American character, to come to our aid, with all dispatch—The enemy is receiving reinforcements daily & will no doubt increase to three or four thousand in four or five days.

If this call is neglected, I am determined to sustain myself as long as possible & die like a soldier who never forgets what is due to his own honor & that of his country—Victory or Death.

William Barret Travis
Lieutenant Colonel Commandant

P.S. The Lord is on our side—When the enemy appeared in sight we had not three bushels of corn—We have since found in deserted houses 80 or 90 bushels & got into the walls 20 or 30 head of Beeves.

Travis

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF ERIC D. MILLER

Mr. MURPHY. Madam President, there have been some days recently when I kind of wonder why we even show up to the Senate any longer. This job is not what it used to be.

When I get the chance to read about the history of the Senate, I read about these things called debates that we used to have on the floor of the Senate. I read about something called an amendment, which apparently is a way that an individual Senator calls up a proposal or an initiative and puts it on the floor for an up-or-down vote.

Those things don't really happen anymore in the U.S. Senate. We don't have open-ended debates on the big policies of the day.

I get it. When Republicans control the Senate, they control the agenda. When Democrats control the Senate, they control the agenda. At the very least, I would have hoped that the Senate majority, now in Republican hands, would put their policy initiatives before the Senate so we could have an open debate. That doesn't happen any longer. All we seem to be doing these days is voting on judges.

Now, that is a really important function of the U.S. Senate, and I am glad we are doing it, but today we are going to do something truly exceptional, which causes me, once again, to wonder what my job here is and to feel a little bit of sadness as to how it has changed and how much less substantive the input of each individual Senator is in the direction of this country.

Today, for the first time in the history of blue slips, we are going to vote and, I assume, confirm a judge who didn't get one blue slip from either of the home State Senators from which that judge comes from and is going to serve.

This has never happened before. Yet today we will vote on Eric Miller's nomination to be a judge on the Ninth Circuit from Washington. He is 43 years old, so he is going to be there for an awfully long time.

Eric Miller did not get a blue slip from either of Washington's Senators. Let me say that again. That has never happened before in the Senate. In fact, the last time a judge was confirmed without both blue slips was in 1989. That was the last time before this Congress that any judge was confirmed without both blue slips.

In that instance, it was a Democratic chairman of the Judiciary Committee who was confirming a judge over the objection of another Democrat. This is very different. These are two Democratic Senators from Washington, neither of them returning a blue slip on Eric Miller. Yet the majority has decided to go ahead and proceed with this confirmation.

This is a serious break with precedent. The last time Democrats controlled the U.S. Senate, Chairman LEAHY was the head of the Judiciary Committee, and he did not hold a single hearing on an Obama nominee who did not have two blue slips—didn't hold a single hearing even when there were exceptional circumstances. There was one time when Senators initially returned the blue slips but later rescinded them. Those are two Republican Senators who submitted them, rescinded them—did not go forward with the nominee.

There was another circumstance in which Senators had recommended a nominee for the district court but then refused to submit blue slips when that judge was elevated to the appellate court. Once again, Senator LEAHY honored that precedent.

Now Republicans have already taken advantage of Senator LEAHY's decision to uphold precedent. I will just give you a couple of examples.

In the Seventh Circuit, Michael Brennan was confirmed for a seat that had been held open by Republicans since 2010. So, had Chairman LEAHY decided to move forward without blue slips, that Seventh Circuit seat could have been filled, but because he upheld tradition, it was left open, filled by Republicans.

Similarly, for a district seat in South Carolina, Marvin Quattlebaum was confirmed to a seat that had been held open by Republicans, again, since 2013.

So Republicans have already taken advantage of the fact that Democrats upheld the blue-slip precedent, but now they are taking it a step further.

In the past, when Republicans have changed the rules here, as they did on the number of votes required to elevate a judge to the Supreme Court, they claimed it was because Democrats started it. I don't agree with that rationale. If you found the change for district court nominee so objectionable, I am not sure why you would decide to go further, but there is no excuse of that kind here. This is just a brash power grab because there is no claim that Democrats, when they were in the majority, violated the blue-slip principle. This is a fresh violation of tradition here in the Senate.

There is a reason we give deference to home State Senators. In these States and in these districts, there are particular issues that are important to their constituents that may be unique to their area in which they have more knowledge than the rest of us do. Some of the reasons Senators MURRAY and CANTWELL are so concerned about this nominee are his extremist views on the issue of Tribal sovereignty, which is a very big deal in the State of Washington, and the idea that they are going to have somebody sitting in the Ninth Circuit who has these extreme views on limiting the rights of Tribes is of great concern to their constituents. That is why, traditionally, we have allowed for individual Senators to have that kind of voice and that kind of say. No longer.

I would just hope that my Republican friends understand how this works. Once the rule is gone, once the tradition is gone—listen, I am a relatively junior Senator here, so I don't want to speak for those who are going to be the chairman and ranking members of committees in the future, but I would imagine it is not coming back. I would imagine—once we get through today and Republicans have decided that individual Senators, unless they happen to be a member of the majority party,

no longer have any say in who is appointed to their circuit courts—that horse has fully run out of the barn and across the field.

I don't know if that is a good thing for this body because it is just another hit. It is just another assault on the traditions of this place in which we used to try to work things out together, in which we used to honor the role that individual Senators have some say over what happens in their own States and their own regions.

I do sometimes wonder why we all keep on showing up here if we don't really debate legislation as we used to, if we don't get to offer amendments anymore, and if we don't have any say any longer in the judges who are appointed in our States and our districts, and this is just another day that makes me question that as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to offer brief remarks on the nomination of Eric Miller to serve on the U.S. Court of Appeals for the Ninth Circuit.

I have concerns about Mr. Miller's controversial record—some of his ideas and his jurisprudence—which I have spoken to on the Senate Judiciary Committee, which informed my vote against him on the committee.

But today, I want to speak about my reservations about this body's moving forward with his confirmation, given that neither of his home State Senators have returned a blue slip.

Let me briefly talk about what a blue slip is and why it matters. It is not in the Constitution. It was not something imagined by the Founders. It was something developed by the Members of this body to put one further bumper on the power of the President to nominate Federal judges and then for the Senate to carry out its constitutional advice and consent role. For a long time, it worked fine, and I actually had a terrific experience with the blue-slip process. Don McGahn, as the White House Counsel, and my senior Senator, TOM CARPER, and I, when we had a vacancy—two vacancies, actually, in the Federal district court in Delaware—went to our local bar and asked for them to put together a committee to interview potential candidates.

We went to the White House Counsel and spoke about the importance of the Delaware district court and the process we were following, and, in the end, out of a very wide pool of initial candidates and the folks who were interviewed by a broad and nonpartisan selection committee of our local bar, we advanced three names to the White House. The White House picked two, and they were ultimately nominated, and Senator CARPER and I both returned the blue slips on them. They proceeded. They were both confirmed. They are now seated as district court judges.

That is the way this ought to work. Why does it matter? It matters because our States are different. We are the United States, and each of our States has slightly different cultures, traditions, and communities. The point of having a Senate made up of 100 representatives of our 50 States is for each of us to come here and carry forward some of the values and traditions of our States.

I am a member of the Delaware bar. It is a bar with a great and proud tradition. It is a bar with a somewhat different culture—a much more collegial culture, I would argue, than many States around us, and it was important to me to be able to advocate to the President, to the White House, for the nomination of folks who would represent the best of our bench and bar.

Look, the President and I are in different parties. I understand that we will have different policy positions, but in order to get the absolute best and brightest of the American bar and to have them reflect the values and priorities of the State Senators are elected from, the blue slip was developed.

We have had a difficult and divisive and partisan period here in the Senate for as long as I have been here. I don't think it is because I am here, but it has been as long as I have been here—since 2010. We have had a number of regrettable changes in the policies and the practices and the culture of this place, but proceeding with a confirmation vote of a nominee who was not supported by either home State Senator for a circuit court position is unprecedented.

I think, before we proceed, this body should stop and reflect on what this means for our future. In a district as small as Delaware, it is likely the Senators actually know the nominees. In a circuit as large as the Ninth, which is the largest, geographically, in our whole country, it is almost a certainty that the Senators will not know the judges nominated by the President to represent their circuit.

The blue slip has long been a procedural barrier to the President's nominating people who did not reflect the bench and bar of the States from which they are drawn. The leader is pushing this forward, even over several other nominees pending on this floor.

One other piece of the process that brought us to today to a vote on Eric Miller's nomination for the Ninth Circuit that is worth commenting on is that the confirmation hearing on the Judiciary Committee was held while we were not in session. No Democrat was present to question this nominee. The questions that were raised and the comments that were made were only in writing and for the RECORD, and my understanding is, this questioning is very brief—just 5 minutes before just a handful of Republican Senators, I think two.

This young man is going to be given a lifetime appointment to one of the most important judicial posts in our country. Frankly, my own kids have to work longer and harder and answer more questions to get a good grade in high school than this gentleman did in terms of the confirmation process of the Senate Judiciary Committee. I am very worried about the precedent this sets, about what it says—which is that we continue to push past norms and traditions in this body—and about where we are headed.

It is my hope that some of my colleagues on the Judiciary Committee will work with me in the months ahead to recognize that there is a long, now-bitter path of he said, she said, who shot John, who acted first, which has resulted in changes to the whole nomination process.

I think we can yet pull back to a place where those who are nominated are the best and brightest of our country, where, in the process, there are protections for the minority and the majority, and where we can all end up voting proudly for those who are nominated to serve on the Federal bench of the United States.

I increasingly hear commentators on cable talking about judges as if you can know how they will vote based on the President who nominated them. So-and-so is described as a Bush judge or a Reagan judge or a Clinton judge or an Obama judge, a Trump judge or a Bush judge, as if that tells you everything you need to know about a judge. It should not.

In my State, it doesn't, and it is my hope that we can yet pull ourselves back from the brink of one more step to a place where our judges are seen not as the black-robed individuals dispensing independent justice but as folks wearing blue and red jerseys advancing a partisan political agenda. That way lies disaster for our constitutional Republic.

Both parties have taken steps that have led us here. Both parties need to take steps that will heal this, and I intend to vote against the nomination of Mr. Miller because of my concerns about these procedural changes that I think are so destructive.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DECLARATION OF NATIONAL EMERGENCY

Mr. TILLIS. Well, ladies and gentlemen, yesterday I took a position that I think some people consider to be unpopular—particularly some of my friends back in my State—that I thought I would come back and explain. It has to do with the President's Executive action. It also has to do with communicating an important and somber subject.

There is a crisis at the border. I have been there. I didn't read about it. I didn't watch it on TV. I didn't read a tweet about it. I invested time down

there, hours and hours with border security. I was on shallow draft boats. I was on horseback. I have been on ATVs. I spent a lot of time down at the border, and the one thing I will tell you is that the President is absolutely right. There is a crisis on the border—and not only on the southern border, but I will state that ranchers on the northern border also believe they have challenges that this President is right to address.

I also happen to agree with a good portion of how the President is going to do it after Congress failed to do its job. Keep in mind that over the last year, we have had on this floor Democrats and Republicans voting for as much as $25 billion for border security—Democrats and Republicans—and now we are fighting over a fraction of that.

The President needs to act. He got an appropriation of about $1.5 billion through the negotiated settlement a couple of weeks ago, and now he is taking the only action he can until Congress acts, and that is to figure out other sources of funding that he believes he can use within current statutory limits. The way he has done that is he has first taken the $1.3 billion that Congress did appropriate. He has another $2.5 billion and another $600 million that I believe he is right to reprogram, send to the southern border, and probably make some investment in the northern border.

Here is where I have a respectful difference of opinion with the President and the administration: It is the emergency order, that under the emergency powers act, he is using his authority to appropriate the remaining funds.

First off, those funds will come what we call the MILCON budget. That is military construction. Right now, we are trying to find out what that means—which projects we think are critical to help the readiness of our soldiers, sailors, airmen and marines; which investments that we were going to make, that we have already determined we should make in military construction, are going to be put on hold while we reprogram those dollars to go to the southern border.

The real problem I have is that this is only a fraction of what we all know we need to secure the border.

I want to go back to the humanitarian crisis, though. My wife and I had an interesting discussion the other night. She wasn't too happy when I took this position originally. I am still not sure if she is happy.

But to understand why I respectfully disagree with the President, you have to understand, again, as I started this discussion, that there is a crisis. There are people dying. There are millions of doses of poison coming across the border every single year that are killing tens of thousands of people. That is a crisis. There are thousands of people crossing the border and dying. They have what they call coyotes, human traffickers who will get them across the border, get people who will pay thousands of dollars to cross the border, and then they will say: Civilization is just an hour away.

It is an hour plane ride away. Most people don't understand the sheer size and scale of Texas, particularly those crossing the border in the dead of night, working with basically organized crime. You have to pay a toll to get through the so-called plazas that run the northern border of Mexico.

My problem right now has to do with an Executive order, the emergency declaration that the President intends to send to Congress.

My wife and I were having a discussion. She said: You just said you agree with the President that there is a crisis on the border; you agree with the President that we need to send resources down to the southern border and work on the northern border; you agree that Congress has failed to act; and you agree that if you were President, you would do exactly what he is doing.

I said yes.

She said: Why don't you support it?

I said: Because I am not the President. I am a Member of the U.S. Senate. I am a Member of a coequal branch who actually believes that this action falls within our purview. Now we are going to find out because I am sure we are going to be challenged in the courts. But I also worry not so much about this one—frankly, even the way this money is going to be programmed, I agree with. What I worry about are future Presidents and what they may do if we set this precedent going into the future.

We actually have a Democratic candidate running for President—this is one hypothetical. There have been some far-flung ones that I am not sure I completely agree with, but let me give this one. It relates to border security. We have someone who is a Member of this body who has publicly said that their priority, if they were elected to be President, would be to tear down borders, tear down walls, build bridges, and open the borders. Well, if you argue that there is a humanitarian crisis—and I have said there is already is one—what would prevent that President from issuing an Executive order that would divert military construction funding to tear down the walls that are going to be built now? If we give this President—a President I support and a President whose policies and priorities I agree with—that authority, that could be aiding and abetting a future President and empowering them beyond what I believe their authorities are, vested in the Constitution in article II.

So I have come here today in part to maybe take another stab at explaining to my wife why I have taken this position but also to explain to the American people and folks in North Carolina and across this country. I agree with the President. I know we have a crisis we have to take care of. We have a national security crisis, a homeland security crisis, and a humanitarian crisis. It is not the end; it is a portion of the means.

I applaud the President for taking the action up here and getting things going. I hope that over time, we can find a way to fully fund the border strategy on a bipartisan basis and also address other immigration issues that I believe are pressing for this Nation.

Madam President, thank you for allowing me to come to the floor and explain my position.

If anybody in North Carolina has any questions, I know they know how to get ahold of me because my phones are blowing up right now. But I do want to explain it to them in a way that makes sense. I am a steward of the U.S. Senate. I am a steward of the article I branch. That matters to me.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Minnesota.

NOMINATION OF ERIC D. MILLER

Ms. KLOBUCHAR. Madam President, I rise today to join many of my colleagues who have come to the floor and to express my opposition to the nomination of Eric Miller to be U.S. circuit judge for the Ninth Circuit. I have already expressed that opposition in my vote in the Judiciary Committee, but I would like to explain this in more detail.

There are several troubling aspects of Mr. Miller's background, particularly his consistent opposition to Tribal interests and women's reproductive rights.

My State of Minnesota has a large and diverse Tribal population. I have always believed that our State history has been drawn from the culture and traditions of our Native Americans.

As a member of the Judiciary Committee, I know that Tribal sovereignty is a fundamental tenet of our laws. The Ninth Circuit is home to more federally recognized Tribes than any other circuit—more than 425. So many of the cases that come before the court involve Tribal issues. I am concerned that Mr. Miller has a history of representing interests that have sought to undermine Tribal sovereignty. For example, in a brief he filed before the Supreme Court, he urged the Court to adopt a standard that would have undermined the legitimacy of many federally recognized Tribal governments.

The National Congress of American Indians and the Native American Rights Fund have come out against his confirmation. I know the Senator from New Mexico, Mr. UDALL, is here and understands the major concerns, since he is the ranking member of the Indian Affairs Committee, and how important that concern is. It is only the third time in the history of these two organizations—the National Congress of American Indians and the Native American Rights Fund—that they have opposed a judicial nominee.

In their letter to the Senate Judiciary Committee, they wrote that Eric

Miller ''chose to build a law practice on mounting repeated challenges to tribal sovereignty, lands, religious freedom, and the core attribute of Federal recognition of Tribal existence.''

I believe we need judges, particularly on the Ninth Circuit, who respect the history and contribution of Tribal nations, not one who seeks to undermine their sovereign status.

Mr. Miller's record on women's reproductive rights is no less troubling. During his time at the Justice Department, he used ideological language in cases in which he advocated for restrictions on a woman's personal healthcare decisions. I am concerned about what this says about how Mr. Miller will approach these types of cases.

Finally, it pains me to say that this is a historic moment for this body—for the Senate—because of how we came to be here today. It is not historic in a good sense of the word. It is historic in a bad sense of the word. We are voting on this nomination today because of an unprecedented disregard for the Senate's traditions when it comes to judicial nominations. According to the Congressional Research Service, no judge has ever been confirmed without having both blue slips returned by both home State Senators until now. We have had instances where one blue slip was returned, and the judge went on to be confirmed, but what we have here is not one blue slip from either of the home State Senators from the State of Washington was returned.

Senator CANTWELL, who also, by the way, has been a major leader when it comes to Tribal matters, did not return a blue slip for Mr. Miller. Senator MURRAY, a major leader when it comes to women's rights, did not return a blue slip for Mr. Miller.

In the rush to confirm judges like Mr. Miller, the Judiciary Committee has chipped away at the traditions and rules that allow us to properly advise and consent on nominations, which is our responsibility specifically enumerated in the Constitution.

This goes beyond disregarding the voices of home State Senators on judicial nominations. This nominee's hearing was held during a monthlong recess with no Democratic members of the Judiciary Committee. Since this was an established work period at home, only two Republican Members were in attendance. Mr. Miller's questioning lasted for less than 5 minutes for a lifetime appointment. Why would you have this hearing at a time when we were scheduled to be working in our home States? That is what happened because it was rammed through the Senate without the support of either of the home State Senators.

At a time when the American people see this body shirking its responsibilities to act as a check and balance on the executive branch, and when they see us divided on the basic question of whether Congress has the power of the purse, I am concerned about what message we are sending to the country and the world about the health of this Senate.

This is a lifetime appointment. It should at least have had a normal hearing. We should have at least respected the views of the home State Senators as we have so many times in the past. There are no winners in a race to the bottom when it comes to process in the Senate—a democratic process, a process of advice and consent, a process of checks and balances set up by our Founders so no one branch of government would have all the power.

What do we see happening now? We see judges being put forward without blue slips. What that simply means is, the home State Senators are OK with that nominee. We have had blue slips over the years in many administrations for judges who perhaps were not the first choice of the home State Senators, but they were someone they felt could be a judge out of their State who would have the right experience as well as be fair and impartial in the administrative law.

What else do we have going on? We have a President who, after an agreement was reached in the Senate, which is run by his own political party, on how to do border security—and it was a widespread vote in both the Senate and the House—he then decided to declare an emergency to do something which I consider unconstitutional and has no respect for the balance of powers. He decided he would declare an emergency, when, in fact, those kinds of emergencies are things like Hurricane Sandy and the weather we saw, and the damage down in Florida, or the wildfires we saw in Colorado and in California. Those are emergencies. In addition to that, it raises eminent domain issues at the border.

It also makes us question where the money is coming from. That is why you see these lawsuits. The money is coming from the military budget, military construction for our troops, and the like.

While this may seem like a very different issue, it is not a different issue. It is the same issue. The Senate should be sticking up for the individual States we represent and the power of those States and the power of that balance that is so important to running this government and to the very Constitution that guides us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Madam President, I rise to oppose the nomination of Eric Miller to be circuit judge for the U.S. Court of Appeals for the Ninth Circuit.

Senate traditions command respect, and if we are going to change them, we should do so in a bipartisan way. Changing rules midstream and changing traditions well into the Congress causes bitterness, acrimony, and it hurts our ability to work with each other. Such Senate traditions as the blue slip, where the nominee's home State Senators are given an opportunity to object—this courtesy has been in place for more than 100 years as part of the Senate's advice and consent responsibility.

If confirmed, Mr. Miller would be the first circuit court nominee in history to be confirmed without having a blue slip returned from either of his home State Senators. The lack of respect shown for this Senate tradition by the Republican leadership of the Judiciary Committee is as saddening as it is alarming.

Another Senate tradition again flouted by the majority was holding Mr. Miller's confirmation hearing during a Senate recess. The recess hearing—lasting only 30 minutes, with only two Republican Members in attendance—was objected to by Democratic Members who sought to question Mr. Miller on a number of legal issues, including Indian law. Instead, the questioning lasted less than 5 minutes.

Bringing Mr. Miller's nomination to the floor without an adequate hearing is an abuse of the confirmation process by the Republican leadership of the Judiciary Committee.

Putting aside these abuses of the process, as significant as they are, Mr. Miller's repeated willingness to side against Native American Tribes in court and the likelihood that such willingness will follow him to the bench where he would have an outsized influence on the development of Indian law for decades, concerns me deeply.

As vice chair of the Senate Committee on Indian Affairs, I pay special attention to a nominee's record on Tribal issues, especially if a nominee will preside in a jurisdiction that has 427 Tribal nations, as is the case with Mr. Miller. I am concerned that Mr. Miller's record has not shown and does not have the proper respect for Tribal sovereignty.

As an attorney in private practice, Mr. Miller consistently advocated against Tribal interests and Tribal sovereignty. In fact, Mr. Miller has donated over 675 hours of pro bono work against Tribal sovereignty, against Native American religious practices, Federal recognition, and numerous other respected Tribal doctrines.

For example, in the case of Upper Skagit v. Lundgren, Mr. Miller argued that Tribal governments are not entitled to sovereign immunity because it interferes with the ''State's sovereign interest in adjudicating disputes over title to land within their territory and frustrate[s] the ordinary adjudication of competing [ownership] claims.'' His arguments in this case demonstrate he does not understand the inherent sovereignty of Tribal nations.

Mr. Miller has shown a lack of respect for Native American religious practitioners when he argued for a narrow application of the Religious Freedom Restoration Act when these practitioners argued that the construction of a solar farm would substantially burden their ability to conduct their religious practices.

Mr. Miller has argued for an extremely narrow reading of the Indian Reorganization Act when considering the Federal recognition status of Tribes. He asserts that only Tribes that possessed federally managed lands when the act was passed in 1934 should be federally recognized. This narrow view does not acknowledge the well-established principles of Indian law and can lead to the termination of Tribal nations that do not meet his narrow and arbitrary standard.

Mr. Miller's record on Tribal issues is one-sided and extreme. His history of advocating against Tribal interests does not give me confidence that he would be a fair and impartial jurist on the Ninth Circuit Court of Appeals when Tribes come before him.

I will vote no on Eric Miller's confirmation. I urge my colleagues to do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, before I start with my comments, I want to associate my thoughts and views on Mr. Miller with Ranking Member UDALL's points on Native American sovereignty and Mr. Miller's current job and what he has done in that.

REMEMBERING JASON BAKER

Madam President, I come here today in a sad time. As I speak, about right now in Montana, a funeral is beginning for Jason Baker.

Jason was originally from Fort Benton, MT, which is a town right down the road from where I live in Big Sandy. Jason was a firefighter. Jason passed away on February 20, early in the morning. He was far, far too young—the age of 45. He had been a firefighter for 16 years with Great Falls Fire Rescue. He was incredibly talented and incredibly professional, and he was somebody who loved being a firefighter. His life of public service, whether it was helping out kids or helping out adults or helping out communities, was a part of who he was as a person.

Jason was also married to my wife's cousin Jill. They have two children, Peyton and Porter, whose hearts have to be aching. This day is a day, I am sure, that they had to have planned for the last 3 or so years after his diagnosis of stage IV lung cancer. I guess it was 2 years ago.

I have a number of memories of Jason from my days in the State legislature, when he showed up as a relatively young firefighter, to my days as a U.S. Senator, when he showed up to my offices here in Washington, DC, to advocate for firefighters' issues. More important than all of that, Jason was a friend. He happened to also be a relative. He was somebody who, when his wife's grandfather passed away and they had the funeral up in Havre, was at the height of who he was as a human being. He wasn't sick and hadn't been diagnosed with anything. He was just vibrant and full of life.

With cancer's being the disease that it is, it was a struggle for him, as it is for anybody who gets it. He was somebody who fought that disease bravely and proudly, but in the end, it took him. It took him last Wednesday, early in the morning. We were driving to Great Falls, and my wife sent a little message to Jill that read our hearts were with them because we knew that Jason wasn't good. She sent back a text with hearts, and that was it. He had already passed.

In the end, though, as I think back on Jason's life, there are some lyrics to a song that say ''Only the good die young.'' It could not be any more true than with Jason Baker. If the world were full of Jason Bakers, this would be a better world, but life happens, and you have to get through it.

I am sure that Jill and Peyton and Porter will think back and remember their dad proudly as he served proudly as a firefighter, as a public servant—as somebody who ran to danger while other people were running away from it.

As they proceed with the ceremony today in Montana—and it is happening as I speak—just know, Jill, Peyton, Porter, and all of the firefighters who are there, that we are very proud of your dad and his service and what he fought for.

Two years ago, there was a bill in the Montana Legislature on presumptive illness for firefighters. I do not believe Jason would have contracted cancer if not for his job, if not for the kinds of fumes he breathed when he protected neighborhoods and families. I think it is only right that when people sacrifice for their communities, we sacrifice for them. Two years ago, the legislature did not pass that presumptive illness bill. I think it made a mistake.

When I gave my speech to the House of Representatives in the Montana Legislature, one of the points I made in that speech was that they needed to pass the presumptive healthcare bill for firefighters. Jason was alive when I gave that speech, and now he has passed. I think, in memory of Jason Baker, at the very least, the Montana Legislature could pass that bill. I understand it has passed one of the houses but that it hasn't passed both of them. If it passes both houses, I know Governor Bullock will sign that bill.

So, with that, we bid adieu to a great American, a great community man—somebody who literally gave it all for his country and his State and his town.

We will miss you, Jason Baker.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF ERIC D. MILLER

Mr. BLUMENTHAL. Madam President, we are in the midst of a stealth campaign. Normally, we think about ''stealth'' as associated with bombers or submarines, weapons platforms designed to go, in effect, under the radar, to avoid detection, to escape public notice or the notice of our adversaries.

This stealth campaign is really hiding in plain sight. It is a campaign to remake our Federal judiciary in the image of the far-right extreme of the Republican Party, the far-right extreme ideologically and politically, a campaign, in effect, to outsource selections of judges to groups that reflect those extreme points of view—the Heritage Society and other such groups.

Shortly, we will consider the nomination of the latest individual nominated by the President, outsourced to those groups: Eric Miller, of Washington, to the Ninth Circuit Court of Appeals. The effort here is to drastically reshape our judiciary but, in the process, also dismantle the norms and practices critical to the health of our democracy. The judiciary is essential to the health of our democracy.

In the future, when we look back on this era—a dark and dangerous time for our democracy—the heroes will be our free press and our independent judiciary because they have been selected in the past by both Republican and Democratic Presidents based on qualities of integrity, intelligence, and independence.

That norm, common to both Republican and Democratic administrations in the past, has been broken by this one. One of the norms that has been broken in the U.S. Senate relates to the use of blue slips. Most of the public has no idea what blue slips are. They are the traditional mechanism used over decades to afford home State Senators the opportunity to express their approval or disapproval for fitness, a basic quality of a President's judicial nominee to a court that has jurisdiction over their State.

What is the reason? Well, Senators just happen to spend a lot of time talking with folks at home. We talk to farmers, businesspeople, lawyers. A lot of those lawyers know fellow lawyers. Of course, we receive the ABA qualified or unqualified ratings, but they are single words based on fact gathering that may or may not be as reliable as our colleagues—the lawyers who appear in front of judges, who go to court every day, who have settlement conferences, who rely on the word of their colleagues, which is either good or bad, who know their integrity and intelligence, who know whether they have the temperament to sit in judgment of cases that will have enduring and irreparable ramifications for the litigants who appear in front of them.

Respecting the blue-slip tradition ensures that when there is a Federal judicial vacancy—for Connecticut, for example—that the President nominate a qualified candidate from Connecticut with the advice and consent of Connecticut Senators. The same is true for the Presiding Officer's home State of

Tennessee or any of the other States involved here. I am sure my colleagues from Texas or North Carolina or wherever would want a Democratic President to consult them when making appointments to the courts that have jurisdiction over the people, the litigants, the folks who have to go to court with their grievances in their States. Blue slips may be a courtesy, but they are important to the functioning of our society.

Until the Trump administration, only five judges had ever been confirmed with only one blue slip in the last 100 years. That means one Senator from that State objected. Only five went through with that one objection and with the other Senator saying OK.

To our knowledge, no judge has ever been confirmed without having both blue slips from their home State Senators. Eric Miller would be a first.

Sometimes it is good to be a first but not so here. We are witnessing another norm being shattered in realtime. We need to know from the majority: Is this the road we really want to go down in this Chamber?

I take my constitutional responsibilities very seriously, especially when it comes to the confirmation of judges, as someone who has spent most of my professional career in the courtroom, either as a lawyer in private practice or a U.S. attorney for Connecticut or as attorney general in my State for 20 years.

This issue is important because not only is it a matter of courtesy, but it is a matter of completeness.

This nomination is a stealth nomination in a very important sense, also, as far as the process for his confirmation is concerned. Only one Senator—one Senator—has actually asked him questions on the record in public. That is because his confirmation hearing was scheduled at a time when only one Member of the U.S. Senate was there to ask him questions.

It was held during a month-long recess in October. Only two members of the committee—Senators Hatch and CRAPO—could attend the hearing. Only Senator CRAPO questioned Mr. Miller for a 5-minute round of questions.

All 10 Democratic members of the Judiciary, including me, wrote to Senator GRASSLEY to have the hearing rescheduled. We asked, and he refused. We wrote Senator GRASSLEY again to have a second hearing so that the full committee could provide advice and consent after questioning Mr. Miller's nomination. We had no success.

If Mr. Miller is confirmed, he will have been questioned by that one Senator, Mr. CRAPO—out of 100—for a grand total of 5 minutes. That is not the way this system should work.

I do take my constitutional responsibilities seriously. This process makes a sham of the obligations we all have a sworn duty to fulfill.

In conclusion, let me say that in November of 2018, the Ninth Circuit ruled against the President. He described that case as ''a disgrace.'' He painted the ruling of the Ninth Circuit as biased by describing one of the judges as an ''Obama judge.'' President Trump ultimately stated that the Ninth Circuit is ''not fair'' because every case the administration files in the Ninth Circuit results in a loss.

He has made no secret of his frustration about judges generally, whether they were chosen by Republican or Democratic Presidents in the past. He has made no secret of his contempt for judges who uphold the rule of law and, as Chief Justice Roberts said, ''do equal right to those appearing before them.''

Chief Justice Roberts also stated that an ''independent judiciary is something we should all be thankful for.''

The nomination of Eric Miller betrays that essential principle of the American judiciary. It diminishes and reduces the independence of our judiciary at a level that we can ill afford and at a time when independence is most important. I think this nomination is particularly objectionable in light of that lack of independence.

Mr. Miller's nomination is opposed by the National Congress of American Indians, the Native American Rights Fund, Winnebago Tribe of Nebraska, and NARAL Pro-Choice America because of positions he has taken. Those positions are also objectionable to me, but what is most important is his lack of independence, the lack of proper process in his confirmation, and his lack of qualifications for this job.

I hope my colleagues will join me in voting against him today.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I rise today to speak in opposition to the nomination of Eric Miller to the Ninth Circuit Court of Appeals.

As an attorney and former attorney general, like my good colleague from Connecticut, I have a deep respect and appreciation for our Federal judiciary. I believe that carefully guarding the professional reputation of our Federal bench is critical to maintaining respect for the rule of law in our country.

The American people must be able to trust that our Federal judges will be fair and neutral arbiters of any dispute before them. So in considering whether a nominee is deserving of the awesome responsibility of a lifetime appointment to the Federal bench, we must carefully evaluate their professional and personal qualifications to ensure that they are of the highest intellectual, professional, and moral caliber.

I have carefully reviewed Mr. Miller's record, and I believe that he is the wrong candidate to fill this judicial seat. I believe my Republican colleagues know it. That is why they have made every effort to jam this confirmation through.

The majority-led Judiciary Committee and Republican leadership have taken extraordinary steps to rush this nomination. Republicans held Mr. Miller's confirmation hearing during an October recess, without the consent of minority members of the committee, questioning him for just 5 minutes and then gaveling out. As you heard, only two Senators were at that hearing. That is not regular order in the Senate.

Unfortunately, the Republican leadership continues to attack regular order in the Senate by attacking Senate precedent. This nominee, if confirmed, will be the first circuit court judge advanced without the support of either of their home State Senators. That is the blue-slip process.

The blue-slip process is an essential tradition of respecting the wishes of each nominee's home State Senators, and it is the start of the advice and consent process.

This is about our system of checks and balances, respecting one another, and the prerogatives of the Senate that ensure every Senator has a voice in the selection of judges in their home State. This institutional check has never been more important than it is today because we have a President who undermines the legitimacy and impartiality of the courts.

By bringing up this confirmation for a vote before the Senate, Republican leaders are circumventing Senators, ignoring the people we were elected to represent, and damaging our critical role in appropriately deliberating on lifetime judicial nominees and representing the will of our constituents who elected us. This is a dereliction of the Senate's duty, and it is an assault on our institutions.

If confirmed, Mr. Miller will have a lifetime appointment to one of the highest courts in America. He will make decisions on our Nation's most important issues and will have the power to change Americans' lives. Yet this Republican leadership believes a 5-minute hearing is enough for a circuit court nominee who doesn't have the support of his own home State Senators.

When the confirmation process is rushed like this, critical information about the history and character of the nominees will be missed. These lapses undermine the integrity of our confirmation process and ultimately undermine the public's faith in our Federal judiciary.

I share many of the same concerns of Senators CANTWELL and MURRAY about Mr. Miller's views on Tribal sovereignty and other critical issues. Mr. Miller's past work in undermining Tribal sovereignty and Tribal rights raises questions about how he would treat Tribes who come before him as a circuit court judge. His confirmation could have serious ramifications for Native communities in Washington, Nevada, and across the country.

Each one of us is elected to represent our State and its people. Today's move by the majority is nothing less than an assault on our oath to the Constitution and our duty to serve our constituents.

I urge my colleagues to vote no on this nomination and stand together in a bipartisan way to confirm nominees who reflect our States, our country, and respect the Senators.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I am here joining my colleagues on the floor to sound the alarm because right now, this Senate is being steered down a very dangerous path. I spoke last night about this and laid out my case, and I am here again to make it one more time.

Republican leaders are now barreling toward a confirmation vote on a Ninth Circuit nominee—a flashpoint that, if it succeeds, will mark a massive departure from the longstanding bipartisan process that has been in place for generations. It is a bipartisan process that has helped this Senate put consensus nominees on the bench for as long as we have all been here. This is wrong, and it is the American people who we represent who will be hurt.

Let's recap the facts. Neither I nor my colleague Senator CANTWELL returned a blue slip on the nomination of Eric Miller to serve on the Ninth Circuit court. I have deep concerns about Mr. Miller's work fighting against Tribes. Despite our objections, Republicans went ahead with Mr. Miller's confirmation hearing during a Senate recess when just two Senators—both Republicans—were able to attend, and the hearing included less than 5 minutes of questioning. It was a sham hearing. It was simply done to check the box.

For this Senate to go ahead and confirm this Ninth Circuit court nominee without the consent of or true input from both home State Senators and after a sham hearing—that would be a dangerous first for this Senate.

This is not a partisan issue; this is a question of this Senate's ability and commitment to properly review nominees.

The only logical conclusion I can draw as to why we are here at these crossroads is that Republican leaders are hoping that most Americans won't notice, that they are doing everything in their power to pander to President Trump and in doing that are trampling all over Senate norms in order to move our courts to the far right.

We are standing here today because this is too important and because the short- and long-term consequences of letting any President steamroll the Senate on something as critical as our judicial nominees are far too important.

Abandoning the blue-slip process and instead bending to the will of a President, by the way, who has demonstrated time and again his ignorance and disdain for the Constitution and rule of law is a mistake. At a time when we have a President whose policies keep testing the limits of the law—from a ban on Muslims entering the United States, to a family separation policy at our southern border, to declaring a national emergency without a real emergency—it is now more important than ever that we have well-qualified, consensus judges on the bench.

This new precedent of my Republican colleagues turning a blind eye to the blue slip and shunning longstanding bipartisan processes should stop every one of my colleagues, Republican or Democratic, in their tracks because today the two home State Senators left holding their blue slips are me and my colleague Senator CANTWELL, but in the future, it could be any Member of this body. Today it is Washington State families who are getting cut out from an important process. It is their concerns about Eric Miller's long history of fighting against Tribal rights that will be cast aside. But tomorrow it could 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 their political base, and it could be your constituents and your home States hurt by Senate leaders unwilling to stand up for norms and precedents and our constitutional duty.

Again, I am here today to 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 even engage in a bipartisan process to find consensus candidates to serve on our courts, or will our work in the Senate be reduced to partisan extremes and political gamesmanship? Will Republicans accept simply being a rubberstamp for their leader in the White House? 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 a choice every Senator faces now and, I sincerely hope, a choice for which every Senator will be held accountable.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. I know of no further debate on the Miller nomination.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is, Will the Senate advise and consent to the Miller nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Ms. SINEMA) is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—53

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
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	

NAYS—46

Baldwin	Hassan	Rosen
Bennet	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Booker	Jones	Schumer
Brown	Kaine	Shaheen
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—1

Sinema

The nomination was confirmed.

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 senior assistant 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 Michael J. Desmond, of California, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

James E. Risch, Johnny Isakson, Todd Young, Mike Crapo, Pat Roberts, John Thune, Rob Portman, Roy Blunt, Thom Tillis, John Boozman, Roger F. Wicker, James Lankford, Tim Scott, Steve Daines, Michael B. Enzi, John Hoeven, Mitch McConnell.

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 Michael J. Desmond, of California, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Ms. SINEMA) is necessarily absent.

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

The yeas and nays resulted—yeas 84, nays 15, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—84

Alexander	Ernst	Paul
Baldwin	Feinstein	Perdue
Barrasso	Fischer	Peters
Bennet	Gardner	Portman
Blackburn	Graham	Risch
Blumenthal	Grassley	Roberts
Blunt	Hassan	Romney
Boozman	Hawley	Rosen
Braun	Heinrich	Rounds
Brown	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Cantwell	Inhofe	Scott (FL)
Capito	Isakson	Scott (SC)
Cardin	Johnson	Shaheen
Carper	Jones	Shelby
Casey	Kaine	Smith
Cassidy	Kennedy	Stabenow
Collins	King	Sullivan
Coons	Lankford	Tester
Cornyn	Leahy	Thune
Cortez Masto	Lee	Tillis
Cotton	Manchin	Toomey
Cramer	McConnell	Udall
Crapo	McSally	Van Hollen
Cruz	Moran	Warner
Daines	Murkowski	Wicker
Durbin	Murphy	Wyden
Enzi	Murray	Young

NAYS—15

Booker	Klobuchar	Sanders
Duckworth	Markey	Schatz
Gillibrand	Menendez	Schumer
Harris	Merkley	Warren
Hirono	Reed	Whitehouse

NOT VOTING—1

Sinema

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 15.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Michael J. Desmond, of California, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

The PRESIDING OFFICER. The Senator from Delaware.

CLIMATE CHANGE

Mr. CARPER. Madam President, I rise this evening to speak on a subject that, with the groundswell of activism, has once again captured national attention—and rightfully so.

Many years ago, I was a young naval flight officer stationed at a mock field naval air station in the Bay area out in California, preparing for the first of what would be three tours of duty in Southeast Asia during the Vietnam war. I joined there with tens of thousands of people one day to celebrate our country's first-ever Earth Day. I will never forget it.

This was back when polluters dumped waste into our waterways with impunity. Garbage littered our shores, and too many rivers oozed instead of flowed. One of them was in Cleveland, OH. The Cuyahoga River, north of where I went to school at Ohio State, actually caught on fire. Factories spewed toxic fumes, and acid rain fell from the sky. The urgency was clear then, and it is even clearer today.

That very first Earth Day was a transformative experience for me, and it will serve as an inspiration for me for the rest of my life.

As I look at what is happening across our country today, I see the movement for bold and transformative action to save our planet. I see the faces of those who were there with me that day in Golden Gate State Park.

I have had a lot of different jobs since then, but it is not lost on me that I stand here today on the brink of yet another watershed moment as the top Democrat on the Senate Committee on Environment and Public Works—the committee that oversees our Nation's environmental laws—to talk about climate change.

In the days and weeks ahead, Senator MCCONNELL intends to engage in a ploy to try and undermine the Green New Deal by calling a vote for a resolution he does not even support. I believe he hopes that, in turn, there may be some disruption and damage inflicted on the Democratic Party and the climate change movement.

To the American people, hear this; it is a simple message: We cannot—we will not—allow cynicism to win, not now and not with so much at stake.

When it comes to climate action, there could not be a starker difference in this Chamber between the Democratic Party and the Republican Party in this debate.

We, as Democrats, may not agree on exactly how we should address climate change, but we all agree it is happening. We agree that human activity is the main cause, and we agree that we must act now.

Democrats know that climate science isn't part of some grand hoax. It is not an alarmist prediction. It doesn't come from some left-leaning organization. It doesn't come from talk radio. It comes directly from our Nation's leading scientists and leading scientists from all around the world.

Just 3 months ago, 13 Federal Agencies released a comprehensive climate report that described the dire economic and health consequences we face if we fail to take meaningful action to address climate change now. I may be mistaken, but I believe those 13 Federal Agencies were acting under law signed by a Republican President. I believe it was George Herbert Walker Bush.

This report is the Fourth National Climate Assessment. It was developed over a 3-year period by more than 300 Federal experts and non-Federal experts who volunteered their time—who volunteered their time.

Here is a brief summary of their report: The science behind climate change is settled. Let me say that again. The science behind climate change is settled.

From our warming oceans to our atmosphere, climate change is happening, and human activity, such as burning fossil fuels, is greatly contributing to this crisis.

Our Nation's scientists have found a direct link between climate change and the extreme weather we experienced in 2017, which altogether cost the American economy more than $300 billion—that is $300 billion in economic damages, more than any year before.

Scientists are no longer asking if climate change is happening but rather how bad is it going to be. How bad is it going to be? Numbers and the facts don't lie. It will only get worse if we do nothing.

If we don't act on climate change by 2050, wildfire seasons could burn up to six times—six times—more forest area every year. If we don't act on climate change, we will see more extreme flooding that devastates small communities like Ellicott City, MD, not far from here, which has been hit by not one 1,000-year flood in the past year but two. These are floods that are supposed to occur maybe once every 1,000 years. They had two of them in the last 2 years.

If we don't act on climate change, rising temperatures, combined with increasingly frequent and severe rain, mean farmers are likely to experience a reduction in corn and soybean yields by up to 25 percent. If we don't act on climate change, we will see more deadly category 5 hurricanes and storm surges like the ones we saw with Hurricanes Irma and Maria just 2 years ago.

If we do not act on climate change, we will see economic pain across every major sector of our economy in this country. The 2018 National Climate Assessment concludes that at the end of this century, climate change could slash our gross domestic product by 10 percent.

How much is that compared to what? Well, compared to the losses we sustained in the great recession just a decade ago, 10 percent is more than double those losses—more than double.

It doesn't matter if you are from a coastal State or from a landlocked State. I have lived in both. It doesn't matter if you care about public health or the environment or if you care about our economy or national security. The fact is, every person living in

this country will eventually see or experience the effects of climate change if they haven't already done so today.

We have two options. We confront this challenge head on—reduce carbon emissions, enhance resiliency, and support millions of new clean energy jobs—or we could choose to ignore the problem and pass the buck. To whom? To our children, to their children, and to their children.

Senator MCCONNELL, President Trump, and Andrew Wheeler at EPA want to pass the buck. They prefer to walk away from the growing threat we face. Instead of pursuing any ideas to address climate change and protect Americans from its effect, sadly, the Trump administration has promoted policies that increase our dependency on dirty energy.

President Trump has even said he doesn't believe in climate change. He doubts the credibility of his own scientists at NASA and at NOAA, as well as 97 percent of the global scientific community. Continuing to misinform the American people and delay real climate action puts American lives and our economy at risk.

It doesn't have to be this way. As Democrats, we choose to confront climate change. We choose to do so now. We know our communities are feeling the pain now from the climate crisis because we see the effects of climate change every day across this country.

We may not yet agree on exactly how we must address climate change, but we all agree on three things. Here they are. One, we agree climate change is real; two, human activity during the last 100 years is a dominant cause of the climate crisis we face today; and three, the United States, and especially the Congress, that is us, the House and the Senate, and the administration should take immediate action to address the challenge of climate change.

That is why I will be introducing a resolution that says just that. Democrats know we can have a healthy climate and a strong economy. They are not mutually exclusive. Anyone who says otherwise is preaching a false choice.

Democrats know this because of the work we started with President Obama in the White House, where we accomplished real actions to put this Nation on a path of net zero emissions. Our Republicans friends across the aisle should know this because of the work done by the former President, the late George Herbert Walker Bush, years earlier that I just alluded to a minute ago.

During the Obama administration, starting with the Recovery Act, the Federal Government provided economic incentives, environmental targets, and supported market developments to encourage investments in the clean energy of the future.

Thanks to the investments during the previous administration, consumers are paying less for energy, and more than 3 million people in this country went to work today in the clean energy sector—3 million and growing.

Democrats know we must build on this progress, and that is why we continue to support policies that reduce our Nation's carbon footprint, help create a fair economy, and support those most vulnerable to climate effects, but in the U.S. Senate, as in most places, it takes two to tango, and for over two decades Democrats have put forth different policies that use market forces, make big investments in technology, or set strict standards. We have done them all, and we don't seem to get very far with our friends on the other side of this aisle. I know because I have cosponsored many of these efforts.

Let me just say this. We are not going to give up. We are going to keep on trying. We will not back down. We are going to stand our ground.

Let me leave our colleagues with this message today. This should not be an issue. Climate action should not be an issue that divides us as a body. It shouldn't divide us as a country or as a world. It should unify us.

I thank Senator MCCONNELL in advance for allowing the Senate to devote a fulsome period of time to this important discussion. How we choose to act today will not decide our fates. How we choose to act today will decide the fates of generations of Americans—not just our fates but generations of Americans that will be on this Earth long after the rest of us are gone. So let's get to work. Time is wasting. Let's get to work.

I yield the floor to the Senator from Massachusetts, who has done great work on this for as long as I have been alive—almost as long as I have been alive, my friend and my colleague who has been a giant on these issues for a long time and continues to be.

I yield the floor.

Mr. MARKEY. Madam President, I thank our great leader on the Environment Committee for his visionary work on this issue. I am here for the same purpose today. I am here to talk about climate change, about our climate crisis, and about the mistake it would be to put Andrew Wheeler in charge of the Environmental Protection Agency.

Climate change is an existential threat to our country and to the planet. We know this because the world's leading scientists, the United Nation's Intergovernmental Panel on Climate Change, just made that warning late last year. It is an existential threat to the planet.

The U.N. report told us we have very limited time until we are past the point of no return, and the most catastrophic impacts of climate change are irreversible.

Our own Federal scientists across 13 Agencies also just warned in the National Climate Assessment that the impacts of climate change are not in the future, but they are happening in our communities right now.

Here is what all 13 U.S. Federal Agencies said. They said our efforts do not yet approach the scale necessary to avoid substantial damages to the economy, environment, and human health. These are Earth-shattering reports about the state of our Earth. These are the doomsday reports about what happens if we do not take bold action.

The dire consequences of climate change, in fact, are arriving. A tenfold increase in ice-free summers in the Arctic, 99 percent loss of coral reefs, and a doubling of species lost around the world. In the Northeast, in worst-case scenarios, by the end of the century, both the Massachusetts Institute of Technology and Logan Airport will be under water, and over 20 percent of Boston's population will face flood risk.

The climate emissions are not slowing down. In 2018, emissions increased 2.8 percent. We have the ''Denier in Chief'' in the White House, and this week Republicans in the Senate are poised to confirm a coal lobbyist to head the Environmental Protection Agency.

During his confirmation hearing, when I asked whether he agreed with the conclusions of the National Climate Assessment report, Mr. Wheeler said he still needed additional briefings before he could make a public comment on it. Let me repeat that. The nominee of Donald Trump to run the Agency charged with protecting the planet from climate change had not even sufficiently reviewed the climate report from our own Federal Agencies before his confirmation hearing. He also said he considered the report to be a representation of the worst-case scenario and that what we face is ''a climate issue.''

Well, the worst-case scenario is one in which the Republican Senate will confirm a former coal lobbyist to head the Environmental Protection Agency. The worst-case scenario is the Trump administration's plans to roll back the Clean Power Plan and the fuel economy emission standards, the single largest steps we have ever taken to address climate change. We are in a worst-case scenario, and we need to dramatically change course.

That should start by not confirming Andrew Wheeler, a coal lobbyist, to run the Agency charged with protecting our planet. Andrew Wheeler's answers on the climate crisis should be disqualifying. His record as a coal lobbyist should be disqualifying. We should come together and reject Andrew Wheeler as the head of the EPA.

The impact of climate change on ordinary families on their health, on our Nation, on our security, and on our future is too urgent. We must be bold. We must be ambitious.

That is why I have introduced the Green New Deal resolution. It lays out a serious, bold, aspirational set of goals

that meet the scale of the threat we are facing. It is a set of principles, not prescriptions. The Green New Deal will allow us to engage in massive job creation to save all of creation. It calls for a massive 10-year mobilization to transform our climate, our economy, our democracy. It is about jobs and justice.

An overwhelming number of Americans support climate action, and a majority of Americans support a Green New Deal. Never in our history have the interests of all Americans been so united in a single issue: climate change.

From the air we breathe to the jobs that employ us, to the neighborhoods we live in, to the economy we operate within, climate change defines our existence. This is the time for serious solutions. Global temperatures are the highest in recorded history. Wealth inequality is at its highest point since the era of the Great Depression. The erosion of our coastlines, the erosion of earning power of workers, the pollution of our planet, the pollution of our democracy by Big Oil and Koch brothers financing, the relationship between these ills and injustices is undeniable, but the challenge is not insurmountable.

It will only be through a historic intergenerational commitment to end climate change that we create the kind of democracy that works for all Americans. This Green New Deal mobilization will make the United States the global leader on clean energy and climate action.

This mobilization will be the greatest blue-collar jobs program in a generation. This mobilization will be an opportunity to repair the historic oppression of frontline and vulnerable communities that have borne the worst burdens of pollution from our fossil fuel economy—these communities that also will be the most affected and the least able to respond to the impacts of climate change. The Green New Deal represents an opportunity to lift up all workers and all communities.

President Roosevelt was right when he said about the New Deal that ''statesmanship and vision, my friends, require relief to all at the same time.''

We are talking about a historic, 10-year mobilization that will mitigate climate emissions and build climate resiliency. We have acted on this scale before, and we must do it again.

We have already laid the foundation for our climate future. In 2008, we had only 1,200 megawatts of total solar capacity in the United States. Today, we have 65,000 megawatts. In 2008, we had only 25,000 megawatts of total wind capacity. Today, we have 98,000 megawatts of wind capacity. In 2008, there were only 2,500 all-electric vehicles in our country. Today, we have 1 million, with 500,000 new all-electric vehicles to be sold this year. Most of all, what we have seen over the past 10 years is a growing movement for climate action. In wind and solar, we now have 350,000 people who are employed. That didn't happen 10 years ago; it is happening today.

The Green New Deal is not just a resolution; it is a revolution. Republicans and climate deniers are taking mathematical liberties to say it would cost too much to act, but the cost of inaction on climate will be far higher. Over just the past 2 years, the cost of storms and the cost of fires in our country created over $400 billion in damages. By the end of this century, it will be tens of trillions of dollars that we will lose. An ounce of prevention is worth a pound of cure. If we start today, we can avoid the worst, most catastrophic consequences. For those who say we can't afford to act to address this crisis, I say we can't afford not to.

The question is, Will any Republican stand up to fight for these goals? The Republican Party is about to confirm a coal lobbyist to run the Environmental Protection Agency. That is where we are in 2019, with the worst scientific reports coming from the U.N. and our own scientists—a threat of an existential risk for the planet—and we are about to confirm a coal lobbyist.

Ladies and gentlemen, we have to be bold the way President Kennedy was in 1962 when he called for a mission to the Moon to be accomplished within 10 years. He said it would not be easy. He said we would have to invent metal that did not exist and propulsion systems that did not exist. He said we would have to bring that mission back safely through heat half the intensity of the Sun, and we would have to do so safely within 10 years so that we could control outer space. We did that, ladies and gentlemen, and we can do it again.

We have to accept this challenge. We can do it. We can unleash an innovation revolution in our country, and again we will do it to save all creation by engaging in massive job creation, a blue-collar revolution hiring millions of workers to do this job.

I thank you, Madam President. This is a very important week before us.

I yield back to my colleague.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am honored to follow the distinguished ranking member on our Environment and Public Works Committee and one of the coauthors of the Waxman-Markey bill—the one significant piece of climate legislation that has passed a House of Congress—and to add my voice.

Mr. MARKEY. Would the Senator yield?

Mr. WHITEHOUSE. Gladly.

Mr. MARKEY. I just want to say that there is no climate warrior like SHELDON WHITEHOUSE from Rhode Island. He is up every day of his life on this issue, and when he speaks, he speaks with authority. I just want to say what an honor it is to be here today.

Mr. WHITEHOUSE. It goes the other way.

Sometimes it seems that our friends on the other side of the aisle think that the only people who are watching this conversation are fossil fuel industry lobbyists and CEOs and electioneers.

So we are going through, shortly, a truly preposterous exercise on the floor of the Senate, which is that a party that has brought up no significant legislation in the time that Leader McConnell has had the floor is now going to bring its first measure related to climate for a floor vote, and it is something they intend to vote against. It is something they intend to vote against. When you bring a measure to the floor that it is your intention to vote against, that is not legislating. Something else is going on.

Now I think this was a very clever stunt. We don't know quite where it was cooked up, but we have observed that the Wall Street Journal editorial page is a relentless mouthpiece for the fossil fuel industry, having published climate denial articles literally within the last year. The Wall Street Journal editorial page called for this stunt vote, and it was less than 24 hours before the Republicans in the Senate jumped up, scampered out, and did exactly what they were told to do by the fossil fuel industry's mouthpiece, the Wall Street Journal editorial page.

I am sure there were champagne corks banging into the ceilings of the boardrooms for ExxonMobil, Americans for Prosperity, and the Koch Industries as all of these fossil fuel executives and lobbyists cheered this stunt. But in the Senate, we actually have a larger audience than just fossil fuel donors; the country is watching and the world is watching, and what they are seeing right now is, frankly, an embarrassment.

It is not just this stunt that reflects a broken Senate; it is a much larger problem of a Senate that cannot deal with the climate change issue in a bipartisan fashion.

I would state that when I got here in 2007, the Senate could deal with climate change in a bipartisan fashion. In 2008, the Senate could deal with climate change in a bipartisan fashion. In 2009, the Senate could deal with climate change in a bipartisan fashion. The reason I know that is because I was here then, and I saw as many as five bipartisan efforts to deal with climate change during that period, with different Republican and Democratic Senators. Then along came the Citizens United decision in January 2010, and from that moment after, it was like watching a patient drop dead in the emergency room. The heartbeat of activity on climate change just flatlined on the Republican side of this Chamber.

I think the fossil fuel industry—I know the fossil fuel industry asked for that decision from the Supreme Court and the five Republican Justices. I think they anticipated what the decision was going to be, and they immediately went to work to squelch and crush any dissent from their orthodoxy

on that side of the aisle. The result has been that there has been no significant piece of climate legislation to reduce carbon dioxide emissions and to deal with this problem since Citizens United that any of our colleagues now will cosponsor or support. It has just been silent, and it is a dramatic failure in this greatest deliberative body.

I will state, as others have stated, as Ranking Member CARPER and Senator MARKEY have said, that the science on this is now beyond dispute. The science on this is irrefutable. If we fail to deal with this problem, the consequences will be catastrophic and irreversible.

''Irrefutable science.'' ''Catastrophic and irreversible consequences.'' I am actually quoting somebody when I say that. Do you know whom I am quoting? I am quoting from 2009 Donald Trump—Donald Trump, Donald Trump, Jr., Eric Trump, Ivanka Trump, and the Trump Organization signed this full-page advertisement in the New York Times in 2009. ''If we fail to act now,'' they said, ''it is scientifically irrefutable that there will be catastrophic and irreversible consequences for humanity and our planet.'' So as much as the fossil fuel-funded mockery in which the Republican Party has engaged, challenges these facts, even the Trumps knew this a decade ago.

In trying to describe the Green New Deal, one might describe it as something that, if you invested in it, would ''drive state-of-the-art technologies that will spur economic growth, create new energy jobs, and increase our energy security all while reducing the harmful emissions that are putting our planet at risk.'' That is a pretty good capsule of the Green New Deal.

Guess what Donald Trump and his family said in the same advertisement.

> Investing in a Clean Energy Economy will drive state-of-the-art technologies that will spur economic growth, create new energy jobs, and increase our energy security all while reducing the harmful emissions that are putting our planet at risk.

All you have to do is listen to the 2009 Donald Trump to understand that the science of climate change was then irrefutable and it is even stronger now and that the consequences of our failure to act and our obedience, our adherence to fossil fuel-funded propaganda and orthodoxy will lead to consequences that are catastrophic and irreversible—said a decade ago. We have had 10 more years of unrestricted emissions since then.

Just the basic tenets of the Green New Deal are ''a clean energy economy [that] will drive state-of-the-art technologies that will spur economic growth, create new energy jobs, and increase our energy security.''

With the words of Donald Trump, I rest my case and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, think about what we just heard, first from Senator MARKEY talking about a fossil fuel lobbyist in the year 2019 being chosen to head the EPA—a fossil fuel lobbyist—when there has not been a bill on this floor or any motion coming from Senator MCCONNELL to deal with climate change, to deal with one of the greatest if not the greatest moral issue of our times—nothing on this floor. You heard what Senator MARKEY said. This administration has done nothing to address this issue, and President Trump selects a fossil fuel lobbyist to be head of the EPA. It is the same thing over and over again.

We have to take aggressive action to protect our planet and protect our future now. That means accelerating our transition to carbon-free power. It means investing in technologies that make our manufacturers the most energy efficient in the world. It means creating jobs in clean energy all around the country.

I have always, as a House Member living in Lorain, OH, and as a Member of the Senate—for years, I have always refused to accept the idea that you have to choose between good environmental policy and good-paying jobs. We have proved that is simply not true. We have proved it in my State, where we have lots of wind turbines, made usually with American-made steel. We have proved it in Toledo, where we have one of the biggest solar energy manufacturers in the country. We proved it in the auto industry, where the auto industry has generally had a pretty good decade making more fuel-efficient cars. We put Americans to work, and we can change course on climate change before it is too late.

MITCH MCCONNELL and President Trump seem to think climate change—that is notwithstanding what Senator WHITEHOUSE said—is a joke. I have news for them. Climate change is not something to play political games with; it is a crisis we need to confront and set an example around the world. It is a crisis we need to confront and to set an example for our partners around the world.

It would be shameful enough to have no ideas and no plan to confront our biggest threats. But not only do President Trump and Leader McConnell have no plan, not only are they denying the problem, and not only are they standing in the way of solutions, but they are actually working to make climate change worse. It is just despicable.

They are spreading lies and stacking the administration with shills for the fossil fuel industry. They stacked the administration with Wall Street cronies to do bank regulation. They stacked the administration with fossil fuel cronies and shills to do energy and climate and environmental regulation.

We got news this week that the White House is going to use your taxpayer dollars to set up a panel to promote junk science and spread the debunked conspiracy theory that climate change is a hoax.

This week we will vote on the President's nominee to head the EPA, a lobbyist who would be overseeing the same special interests who have paid his salary. Andrew Wheeler is just the latest in a long line of cronies from the fossil fuel industry who President Trump has put in charge at the EPA and the Department of the Interior.

Climate change is not a future problem. It does damage to this country right now. It is threatening thousands of Ohio workers who rely on Lake Erie for their livelihood, whether it is tourism or other industries that rely on clean water.

Climate change makes algal blooms worse. Off the shores of Toledo, it contaminates our lake, threatens our drinking water, and hurts small business. Nobody on that side of the aisle seems to give a darn.

I have talked to farmers who have been farming in the Western Lake Erie Basin for decades. They tell me they are experiencing heavier rain events more often and with greater intensity compared to even 15 years ago. Hotter summers and shorter winters will only make this problem worse.

It is time for the President of the United States to stop sabotaging the country he is supposed to lead. It is past time to rejoin the Paris Agreement, to restart the Clean Power Plan, and to implement aggressive fuel economy standards for cars and trucks. It is time to create new jobs in clean energy and energy-efficient manufacturing. It is time for the United States to be the leader the world looks to. It is time to take this threat seriously to preserve our country for our children, and their children, and their children's children before it is too late.

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Madam President, yesterday we saw yet another attempt by Republican politicians to put themselves in the middle of the sacred doctor-patient relationship and to take away the freedom of women to make their own healthcare decisions. Supporters of this bill, including President Trump, have spread lies and they spread misinformation.

This bill is about intimidating doctors. It is about making it harder for women to get comprehensive care, and they simply don't care. It is despicable.

That is why doctors and medical experts oppose this bill. Let me give you a few: the American College of Nurse-Midwives, the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Public Health Association, the American Society for Reproductive Medicine, and the Association of Physician Assistants in Obstetrics and Gynecology. The list goes on and on.

Yet President Trump and most Republican politicians—most Republican Members of the Senate—think they know better than you and your doctor. It is nothing new. We have seen it over and over. Washington politicians—most of them men—are obsessed with trying to insert themselves into women's private healthcare decisions. They

just can't help themselves. But those decisions should be and are between a woman and her doctor—period. That is why we defeated this bill yesterday. It is why I will always support women's freedom to make their own healthcare decisions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NATURAL RESOURCES MANAGEMENT ACT

Ms. MURKOWSKI. Madam President, before I wrap for the end of the day at the request of the leader, I want to share my thanks, my appreciation—truly, my appreciation—for an action that the House just took up.

It was just about an hour or so ago that the House took up the bill that we had passed out of the Senate here, our lands and water conservation bill, which was a very significant measure of about 120 different conservation, lands, waters, and sportsmen's bills—all rolled into one package—that passed out of here by 92 to 8. It just passed out of the House by a significant, significant margin.

It is, I think, a real testament not only to the work that has been done within this body on a very strong bipartisan basis but, really, to the work that we have done with the House, in our working with the other body in a bipartisan, bicameral way. I think it goes a long way to showing that we really can come together as a Congress on issues that are important to each of us individually.

I give my thanks and my appreciation to Chairman GRIJALVA, to Mr. BISHOP, who was the former chairman of that committee and who worked on this with us last year, and to all of their teams, as well as to the House leadership, which has helped to advance this to this moment in time.

We look forward to the President's signing that very, very shortly, and I know that it will come as a real positive moment for so many. I thank all who helped us with this.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. MURKOWSKI. Madam President, I ask unanimous consent that with respect to the Miller nomination, the motion to reconsider be considered made and laid upon the table and that the President be immediately notified of the Senate's action.

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

ORDER OF PROCEDURE

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the postcloture time on the Desmond nomination expire at 12:15 p.m. tomorrow; further, that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; finally, that there be 2 minutes of debate equally divided prior to the cloture vote on the Wheeler nomination.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

SENATE COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

Mr. INHOFE. Madam President, the rules governing the procedure of the Committee on Armed Services have not changed for the 116th Congress. Pursuant to rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator REED, 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:

UNITED STATES SENATE
COMMITTEE ON ARMED SERVICES
RULES OF PROCEDURE, 116TH CONGRESS

1. Regular Meeting Day—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. Additional Meetings—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. Special Meetings—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. Quorum—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. Announcement of Votes—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. Subpoenas—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may

be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. Nominations—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. Real Property Transactions—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. Legislative Calendar—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. Powers and Duties of Subcommittees—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

SENATE SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mr. ISAKSON. Madam President, in accordance with rule XXVI, paragraph 2 of the Standing Rules of the Senate, I ask unanimous consent, for myself as chairman of the Select Committee on Ethics and for Senator CHRISTOPHER A. COONS, vice chairman of the committee, that the rules of procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the RECORD for the 116th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the ''Select Committee'') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations

of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) (A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term ''sworn complaint'' means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term ''preliminary inquiry'' means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term ''adjudicatory review'' means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c) (1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d) (1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e) (1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b) (1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or

agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) (1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term ''officer or employee of the Senate'' means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 93–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United State Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

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

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

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

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

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

Sec. 7342. Receipt and disposition of foreign gifts and decorations.

''(a) For the purpose of this section—

''(1) 'employee' means—

''(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

''(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

''(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

''(D) a member of a uniformed service;

''(E) the President and the Vice President;

''(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

''(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

''(2) 'foreign government' means—

''(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

''(C) any agent or representative of any such unit or such organization, while acting as such;

''(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

''(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

''(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

''(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

''(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

''(6) 'employing agency' means—

''(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

''(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

''(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

''(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

''(b) An employee may not—

''(1) request or otherwise encourage the tender of a gift or decoration; or

''(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).(c)''(1) The Congress consents to—

''(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

''(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

''(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

''(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

''(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

''(A) deposit the gift for disposal with his or her employing agency; or

''(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

''(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection

(f) for that gift.

''(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

''(e) (1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

''(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

''(2) Such listings shall include for each tangible gift reported—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance;

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

''(D) the date of acceptance of the gift;

''(E) the estimated value in the United States of the gift at the time of acceptance; and

''(F) disposition or current location of the gift.

''(3) Such listings shall include for each gift of travel or travel expenses—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance; and

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

''(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

''(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

''(2) Each employing agency shall—

''(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

''(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

''(C) take any other actions necessary to carry out the purpose of this section.

''(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

''(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

''(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

''(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.''

PART II: SUPPLEMENTARY PROCEDURAL RULES

145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)

RULE 1: GENERAL PROCEDURES

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3) (A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such

member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION: Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY: A ''preliminary inquiry'' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers

shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW: An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2(a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence,

books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, b a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein,

may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by

outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to

issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing

Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—''SUPERVISORS'' DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

REVISIONS

Rules of Procedure—Select Committee on Ethics

Date revised	Amendment
December 1989	Allows for a reduced quorum to take testimony except during an adjudicatory hearing.
February 1993	Adopted, under Admissibility of Evidence, paragraph (C), Rule 412 of the Federal Rules of Evidence.
May 1993	Corrected the following grammatical errors in the publication: page 2 section (d)(1) change paragraph 11 to paragraph 12; page 14 section (k)(B) change paragraph 11 to paragraph 12; page 15 section (5) change to ''Whenever a member of the Committee is ineligible . . .''
April 1997	Amends Rule 9(c) Procedures for Handling Committee Sensitive and Classified Documents: (1) Strike ''Committee Sensitive and classified documents and materials shall be segregated in secure filing safes.'' Insert ''Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes.'' (2) Strike ''If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.'' Insert ''If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the member or his or her designated staffer. (3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, an initial review, or an investigation, shall be hand delivered to the Member or to his or her specifically designated representative. (4) [Renumbered] (5) [Renumbered]

REVISIONS—Continued

Rules of Procedure—Select Committee on Ethics

Date revised	Amendment
November 1999	Amends Committee Rule 14 by adding the following sentence to paragraph (c). ''The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.'' Extensively amends the Supplementary Procedural Rules to reflect changes to the Committee charter as agreed to by S. Res. 222 [''Senate Ethics Procedure Reform Resolution of 1999''].

FEDERAL DEBT

Mr. PAUL. Madam President, as I stand before you, we are facing a financial calamity that could make the last financial crisis look like the good old days. I have become aware of a committee of respected financial industry experts that has developed a Debt Default Clock, which conceptualizes the risk associated with a potential Federal debt crisis that leads to the insolvency of the government. The Debt Default Clock is the same concept as the famous Doomsday Clock, only in this case illustrating how close we are to fiscal meltdown.

The Debt Default Clock has 12 factors that are used to measure the risk associated with the burgeoning Federal debt. The Clock currently stands at 4 minutes to midnight, which means that insolvency of the Federal Government is close at hand, and we have little time to act. Although the 12 criteria were developed on the basis of defining the circumstances leading to government insolvency and default, they were also created with the idea of identifying metrics that can be measured, watched, and compared over time to identify the time remaining before the sequence of insolvency and default. Eight of these factors are already in negative territory, and the others are moving in that direction.

In 2010, I ran for the Senate out of concern that our out-of-control debt might finally take us off the cliff. It is frustration with rampant, deficit-financed spending that sparked the Tea Party; yet the situation continues to get worse. So I urge my colleagues to find out more about the Debt Default Clock and the role of Congress, the administration, and the States as to how each of the factors might be mitigated if the political will exists to do so before calamity hits us square in the face.

Accordingly, I respectfully request that the following information related to the Debt Default Clock be printed in the RECORD.

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

FOUR MINUTES TO MIDNIGHT: THE REVISED ''FEDERAL GOVERNMENT DEBT DEFAULT CLOCK''

[From the Default Clock Committee]

Beyond the troubling debt-ceiling standoffs we witness every few years, looms a far more dire threat: a true U.S. government default, which economists warn could lead to a collapse of confidence in the American economy, a run on the dollar, and perhaps even a global economic meltdown.

How close are we to such a catastrophic federal default?

To answer this question, a group of private-sector economists and fiscal policy experts has formed a citizens' committee, called the Debt Default Clock Review Committee, to maintain an objective, fact-based federal government Debt Default Clock. The Clock is designed to help the public to see and track the nearness of the danger. On September 10, 2018, the Review Committee announced significant revisions in the design of the Clock from its original version to make it more accurate. This announcement is found at: https://debtdefaultclock.us/wp-content/uploads/press-release-02a.pdf.

For the Committee's purposes, ''default'' is defined simply as a failure by the U.S. Treasury to make a scheduled interest payment on just one direct U.S. Government obligation such as a Treasury note or bond. ''Insolvency'' is defined as the point beyond which default becomes a virtual certainty.

Since 2013, Congress has gotten into the habit of temporarily suspending the government's statutory debt ceiling, for a year or two at a go, during which time the Treasury may incur unlimited amounts of debt. This practice is dangerous. Repealing the debt ceiling does not repeal the threat of a default. Indeed, to think that it would or could is akin to thinking we can be assured of perpetually sunny days if we simply destroy the barometer! Congress seems to be telling itself: ''If I just increase the credit limit on my credit card, I will never have to pay it off!''

The debt ceiling is our most important fiscal barometer, and we hope our new Debt Default Clock will help the public to read that important gauge more easily, by showing us in a clear and simple way how close we are to midnight. Its purpose is to spur fiscal policy makers to change course before it's too late.

THE TWELVE TESTS

The Clock continuously measures twelve of the most relevant budget factors, or tests, each of which is framed as a simple yes-no question. At any given moment, the status of ten of the twelve factors collectively determines the number of minutes from midnight the Clock stands at any point in time. The number of minutes, of course, changes as time passes and new data is received. Each factor assesses, not just where things currently stand, but also where things are projected to move over the course of the next ten years. Each of the twelve tests is objective. None is arbitrary or influenced by opinion.

Here are the twelve factors:

1. Do federal outlays exceed 17.5 percent of gross domestic product (GDP)?

2. Is there a U.S. dollar-denominated debt ceiling in law presently, and will the projected federal debt stay below that ceiling during the ten-year budget period?

3. Does the debt held by the public exceed 70 percent of GDP, and does the gross federal debt exceed 100 percent of GDP?

4. Do gross federal interest payments exceed 15 percent of federal revenues?

5. Do gross federal interest payments, on a sustained basis, exceed 70 percent of the money the federal government brings in through the issuance of new debt?

6. Does the debt held by the public exceed 80 percent of the gross debt?

7. Does the debt held by foreigners exceed 50 percent of the debt held by the public?

8. Will short-term maturities and floating rate obligations of the Treasury decline from the current level of 73.1 percent of all marketable Treasury debt?

9. Are federal revenues below 17.5 percent of GDP?

10. Does the rate of real U.S. economic growth, as measured in GDP, exceed 3 percent annually?

11. Has Congress enacted a law prohibiting the Treasury from resorting to ''extraordinary measures'' in the future?

12. Is Congress scaling back programmatic ''mandatory spending'' and eventually phasing it out?

While economists and financial experts will readily appreciate the relevance of each of these factors, we realize that the lay reader may find them confusing. For everyone's benefit, the following is a detailed, plain-English explanation of each factor, together with all of its underlying data and assumptions.

WARNING: DEFAULT AHEAD

The United States will reach insolvency—the point of no return—when the federal government fails at least ten of the twelve tests set according to the questions listed above. As of right now, the federal government is currently failing in seven of them. These are Factors 1, 2, 3, 8, 10, 11 and 12, but one (Factor 9) is projected to right itself before the end of the current ten-year budget period. The design of the Clock permits the Review Committee to discount up to two factors at any one time. The Committee is currently discounting Factor 9 in accordance with the design. The federal government is passing the remaining four tests now, but are projected to fail in all of them sometime during the 10-year budget period.

As of today, the Federal Government Default Clock stands at just four minutes from midnight. If the federal government remains on its currently projected fiscal trajectory, the more politically difficult and economically painful its choices will become as time passes.

The Default Clock is ticking.

DATABASES BEHIND TEN OF THE FACTORS OF DEBT DEFAULT CLOCK

(Note: graphs for each of the factors are shown at https://DebtDefaultClock.us)

FACTOR #1: DO FEDERAL OUTLAYS EXCEED 17.5 PERCENT OF GDP?

The data associated with Factor #1 in the initial Debt Default Clock showed that federal outlays were already well above 17.5 percent of GDP, and peaked in the final year of the budget period (2027) at 23.1 percent of GDP. The updated version shows that in the final year of the current budget period (2028) outlays will rise to 23.3 percent of GDP. Thus, Factor #1 remains set at buying zero minutes from midnight. The data bases for this factor are as follows: (1) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''Historical Budget Data/Revenues, Outlays, Deficits, Surpluses, and Debt Held by the Public Since 1967 to 2017,'' April 2018; and (2) ''10-Year Budget Projections/CBO's Baseline Budget Projections, by Category,'' April 2018.

FACTOR #2: IS THERE A DOLLAR-DENOMINATED DEBT CEILING IN PLACE, AND IF SO, DOES THE DEBT SUBJECT TO LIMIT STAY UNDER THE CEILING DURING THE BUDGET PERIOD?

Currently, there is no dollar-denominated debt ceiling in place because the debt ceiling

law has been suspended. Thus, Factor #2 also buys zero minutes from midnight. Accordingly, there are no data bases and graph associated with Factor #2 at this point. They will appear when a dollar-denominated debt ceiling is put back into place.

FACTOR #3: DOES THE DEBT HELD BY THE PUBLIC EXCEED 70 PERCENT OF GDP, AND DOES THE GROSS DEBT EXCEED 100 PERCENT OF GDP?

Under the initial Default Clock setting, the gross debt peaked in the final year of the budget period (2027) at just under 110 percent of GDP. The initial version did not include data on the debt held by the public. The current version shows that the gross debt will again peak in the final year of the budget period (2028) at over 113 percent of GDP. The debt held by the public is also projected to peak in 2028 at over 96 percent of GDP. Since both the debt held by the public and the gross debt exceeded 70 and 100 percent of GDP respectively in 2012, and are projected to grow, Factor #3 will continue to buy zero minutes from midnight. The data bases for Factor #3 are as follows: (1) Office of Management and Budget, ''Historical Tables,'' Table 7.1, February 2018; (2) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''10-Year Budget Projections/Federal Debt Projected in CBOs Baseline,'' Table 5, April 2018; and (3) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''10-Year Economic Projections/April 2018 Baseline Projection—Data Release (Fiscal Year).''

FACTOR #4: WILL GROSS INTEREST COSTS EXCEED 15 PERCENT OF FEDERAL REVENUES?

In the initial Default Clock assessment, gross federal interest costs were projected to exceed 15 percent of federal revenues in 2020. The revised assessment shows the threshold will be exceeded this year. This is shown in the accompanying graph. While the actual data is not yet available, the gross interest costs may already be above 15 percent of revenues, and are all but certain to remain above this threshold during the budget period. For the time being, Factor #4 continues to buy one minute from midnight. It remains likely, however, that Factor #4 will buy no minutes away from midnight at the time of the next assessment. If so, this will force the Clock to three minutes from midnight if all the other factors remain stable relative to their thresholds. The data bases for this Factor are as follows: (1) Department of the Treasury, ''Interest Expense on the Debt Outstanding,'' at here (accessed April 12, 2018); (2) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''Historical Budget Data/Historical Budget Data/ Revenues, Outlays, Deficits, Surpluses, and Debt Held by the Public Since 1967,'' April 2018, here; and (3) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''10-Year Budget Projections/ CBO's Baseline Budget Projections by Category'' and ''Spending Projections by Budget Account'' (specifically Line 1682, ''Interest on Treasury Debt Securities (gross)''), April 2018, also here. The formula for Factor #4 is: gross interest costs ÷ federal revenues = percent of federal revenues going to cover gross interest costs.

FACTOR #5: DO GROSS FEDERAL INTEREST PAYMENTS, ON A SUSTAINED BASIS, EXCEED 70 PERCENT OF THE MONEY THE FEDERAL GOVERNMENT BRINGS IN THROUGH THE ISSUANCE OF NEW DEBT?

The original version of the Default Clock estimated that the level of gross interest costs would exceed 70 percent of the money brought in by the issuance of new debt (in net terms) in 2023. The updated version shows the cross-over point should be reached in the same year. Thus, Factor #5 continues to buy one minute from midnight. The data bases for this factor are: (1) Office of Management and Budget, ''Historical Tables,'' Table 7.1, February 2018, at https://www.whitehouse.gov/omb/historical-tables/; (2) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''10-Year Budget Projections/Federal Debt Projected in CBOs Baseline,'' Table 5, April 2018; (3) Department of the Treasury, ''Interest Expense on the Debt Outstanding,'' (accessed April 12, 2018); and (4) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''10-Year Budget Projections/ CBO's Baseline Budget Projections by Category'' and ''Spending Projections by Budget Account'' (specifically Line 1682, ''Interest on Treasury Debt Securities (gross)''), April 2018.

FACTOR #6: DOES THE DEBT HELD BY THE PUBLIC EXCEED 80 PERCENT OF THE GROSS DEBT?

The original version of the Default Clock estimated that the debt held by the public would exceed 80 percent of the gross debt starting in 2025. This same year is the estimated cross-over point for Factor #6 under the updated Default Clock. Once again, this Factor will buy one minute from midnight. The data bases for this factor are: 1) Office of Management and Budget, ''Historical Tables,'' Table 7.1, February 2018, here; and 2) Congressional Budget Office, ''Budget and Economic Data,'' under the headings ''Historical Budget Data/Revenues, Outlays, Deficits, Surpluses, and Debt Held by the Public Since 1967'' and ''10-Year Budget Projections/ CBO's Baseline Budget Projections, by Category,'' April 2018, here.

FACTOR #7: DOES THE DEBT HELD BY FOREIGNERS EXCEED 50 PERCENT OF THE DEBT HELD BY THE PUBLIC?

The original version of the Default Clock showed that the share of the debt held by the public owned by foreigners would exceed 50 percent in 2021. The updated version of the Clock shows this Factor's cross-over date remains 2021. Thus, Factor #8 continues to buy one minute from midnight. The data bases for this Factor are: 1) here, under the heading ''Ownership of Federal Securities;'' 2) here (accessed on April 13, 2018); and 3) here, February 2018.

FACTOR #8: WILL SHORT-TERM MATURITIES AND FLOATING RATE OBLIGATIONS OF THE TREASURY DECLINE FROM THE CURRENT LEVEL OF 73.1 PERCENT OF ALL MARKETABLE TREASURY DEBT?

The Monthly Statement of the Public Debt of The United States (the ''Monthly Statement'') describes six types of securities comprising the marketable Treasury debt outstanding. They are Treasury Bills (''Bills''), Treasury Notes (''Notes''), Treasury Bonds (''Bonds''), Treasury Inflation-Protected Securities (''TIPS''), Treasury Floating Rate Notes (''FRN's'') and Federal Financing Bank (''FFB'') securities. The Monthly Statements, including attached Excel spreadsheets, are available at https://www.treasurydirect.gov/govt/reports/pd/mspd/mspd.htm.

Treasury Bills are short-term obligations with a maturity of less than one year. Treasury Notes are issued with maturities of between one and ten years. Treasury Bonds are issued with maturities in excess of ten years. For purposes of the Debt Default Clock on any given date, all Bills and previously issued Notes and Bonds maturing within five years of that date, along with all TIPS and FRN's, which are adjustable rate securities subject to periodic adjustments in their interest rates, are categorized as short-term maturities and floating rate obligations (''STMFROs''). The Monthly Statement does not provide the maturity dates for FFB securities, but generally describes them as long term. Thus, they are not included in STMFROs and set aside here.

As of September 30, 2018, all the STMFROs constituted 73.1 percent of all the marketable Treasury debt outstanding, as measured in dollars. This structure of the marketable debt jeopardizes the financial position of the Treasury by leaving it vulnerable to increases in both the inflation rate and interest rates. Specifically, Treasury interest costs would rise very quickly with higher inflation and interest rates because of the current structure of the debt. It is the view of the Debt Default Clock Review Committee that the portion of all Treasury marketable securities made up by the STMFROs, as measured in dollars, should be reduced to 50 percent of the total. Factor #8 of the Debt Default Clock will move the minute hand one minute away from midnight for every five percentage points reduced from the 71.3 percent of marketable securities that constitute the STMFROs at the end of fiscal year 2018. Currently, Factor #8 buys zero minutes from midnight. The formula for arriving at this percentage at any particular time is as follows: the value of the STMFROs ÷ the total value of all marketable securities outstanding = percent of all marketable securities in STMFROs.

FACTOR #9: ARE FEDERAL REVENUES BELOW 17.5 PERCENT OF GDP?

The data bases for this Factor are found at: Congressional Budget Office, ''The Budget and Economic Outlook: 2018 to 2028,'' April 9, 2018, pp. 67 and 145, here. There is no formula for the projected data under this factor because CBO provides the amounts directly.

Federal revenues were at 17.3 percent of GDP in 2017. CBO projects they will fall to 16.5 percent in 2019, but grow to the 17.5 percent of GDP in 2025 and exceed 18 percent of GDP before the end of the budget period. Given that Factor #9 is the only factor among the 12 that moves in the right direction over the course of the budget period, this factor is currently discounted by the Review Committee.

FACTOR #10: DOES REAL RATE OF U.S. ECONOMIC GROWTH, AS MEASURED IN GDP, MEET OR EXCEED 3 PERCENT ANNUALLY?

The data bases for Factor #10 are found at: 1) Bureau of Economic Analysis (BEA), Department of Commerce, here, Table 5 under ''Tables Only,'' under the heading ''Gross Domestic Product'' (historical data); 2) Congressional Budget Office, ''The Budget and Economic Outlook: 2018 to 2028,'' April 9, 2018, p. 140, here (projected data). There is no formula for either the historical or projected data on Factor #10 because BEA and CBO provide the data directly.

GDP grew at the rate of 2.3 percent in real terms in 2017. CBO projects will reach a rate of 3 percent in 2019, but will fall below 3 percent in each of the remaining years of the ten-year budget period. Therefore, Factor #10 currently buys no minutes from midnight.

FACTOR #11: HAS CONGRESS ENACTED A LAW PROHIBITING THE TREASURY FROM RESORTING TO ''EXTRAORDINARY MEASURES'' IN THE FUTURE?

This is a purely qualitative factor. It adjusts the minute hand on the Debt Default Clock on the basis of the legislative actions or the lack thereof taken by Congress in the applicable legislative period. Specifically, if either house of Congress has passed such a bill during the current Congress, it will buy one minute away from midnight. If such a law is enacted and remains on the books at the time of the applicable review by the Review Committee, it will buy two minutes from midnight. Therefore, there are neither

data bases, nor formulas, nor graphs associated with Factor #11. Since current law permits the Treasury to undertake extraordinary measures, Factor #11 buys no minutes from midnight at this time.

FACTOR #12: IS CONGRESS SCALING BACK PROGRAMMATIC ''MANDATORY SPENDING'' AND EVENTUALLY PHASING IT OUT?

Mandatory programmatic spending, which sets aside net interest payments, does not require the annual appropriation of money by Congress. Effectively, these spending programs are on autopilot. According to CBO, programmatic mandatory spending was more than $2.5 trillion in 2017. It projects this spending to grow to more than $4.5 trillion in 2028.

Congress needs to rein in these programs by moving them back into the appropriated accounts of the budget. By starting to take such steps, Congress should be able to reduce this category of spending dramatically. In fact, it should phase it out altogether. Under the Debt Default Clock, if Congress returns enough of this spending to the appropriated category so that by the end of the ten-year budget period the mandatory category is less than what it was in 2017, it will buy one minute away from midnight. If the mandatory category is projected to be phased out altogether by the end of the budget period, it will buy two minutes from midnight. Therefore, Factor #12 currently buys no minutes from midnight.

The data bases for Factor #12 are found at: the Congressional Budget Office, ''The Budget and Economic Outlook: 2018 to 2028,'' April 9, 2018, pp. 44 and 148, here. The formula for calculating whether mandatory spending is increasing or decreasing during the projected budget period under Factor #12 is: mandatory outlays (less offsetting receipts)—$2.5 trillion (mandatory spending in 2017) = dollar level increase (decrease) in mandatory spending. If mandatory spending is projected by CBO to be at zero dollars before the end of the budget period, it will be considered to have been phased out.

GRAND CANYON CENTENNIAL

Ms. MCSALLY. Madam President, in January 1908, President Theodore Roosevelt famously declared, ''Let this great wonder of nature remain as it is now. You cannot improve on it.'' He said these words while designating the Grand Canyon as a national monument. Eleven years later, it became a National Park, and today marks the centennial of that designation.

Known as one of the Seven Natural Wonders of the World, the Grand Canyon is more than history to Arizona, it is a part of who we are. Millions of visitors come to see this magnificent national park, from its archeological sites to its one-of-a-kind trails; and for centuries, this vast array of canyons and mountains has served as a home to many different peoples, including many Native American tribes.

It was in 1869 that geologist John Wesley Powell first led an expedition down the hazardous Colorado River, during which he noted the ancient clues he found hidden in the layers of rock that told the story of its creation. His expedition led to future explorations further chartering and mapping the great canyon. By the time it officially became a National Park in 1919, the Grand Canyon attracted some 44,000 visitors. Today, Arizona hosts more than 6 million visitors each year, and with a total economic impact of almost $1 billion a year, it is the greatest attraction in our State.

All Americans, but especially Arizonans, are truly blessed to have such a natural wonder to visit like the Grand Canyon. I share in Teddy Roosevelt's amazement, passion, and wonderment of the Grand Canyon, and I will continue to advocate for this park so that it may last for many more generations to come.

ADDITIONAL STATEMENTS

RECOGNIZING THE FORT SMITH NOON LIONS CLUB

● Mr. BOOZMAN. Madam President, today I wish to recognize and congratulate the Fort Smith Noon Lion's Club on its centennial celebration.

The Fort Smith Noon Lions Club first met on March 8, 1919, only 2 years after the creation of Lions Club International. With 25 charter members, the club's mission was to encourage fellowship and civic participation by local businessmen. Many prominent business leaders were part of that founding group, including Dr. Charles Holt, founder of Holt Crock Clinic; Fagan Bourland, who served as the city's mayor for many years; and W.E. Harding, the founder of Harding Glass, one of the city's largest companies at the time.

The club met for many years at the historic Goldman Hotel in downtown Fort Smith and, later, at the Ward Hotel on Garrison Avenue. Among its earliest projects was supporting the Victory Loan Campaign designed to pay off debt from WWI. In the early days, it held festivals, hosted free concerts, and played an annual baseball game against the local Rotary Club.

In addition to supporting local causes and providing a networking tool for businessmen, the club's mission came into focus after Helen Keller spoke at the Lions Club International convention in 1925. She concluded her speech by saying, ''I appeal to you Lions, you who have your sight, your hearing, you who are strong and brave and kind. Will you not constitute yourselves Knights of the Blind in this crusade against darkness?'' Her eloquent plea transformed the Lions and made sight conservation the organization's primary mission.

Throughout its 100-year history, the Fort Smith Noon Lions Club has contributed greatly to this mission by raising money to provide eye exams and glasses to local students and adults. Lions Club members have also collected thousands of pairs of glasses which are donated to the Southern College of Optometry in Memphis where students take the glasses on international mission trips.

In recent years, the Fort Smith Noon Lions Club has donated more than $100,000 to help local residents with sight preservation and provided support to many local children's organizations including the Fort Smith Boys Club, Good Samaritan Clinic, Clearinghouse Backpack Program, Special Olympics, and the Children's Emergency Shelter.

In addition, the club has provided all of the equipment and support needed for the Safety Patrol program in the Fort Smith Public Schools since 1946.

As an optometrist whose hometown is Fort Smith, AR, I am proud of the great work done by this club and Lions chapters around the world.

I congratulate the Fort Smith Noon Lions Club on its 100th anniversary and hope that these Knights for the Blind continue to prosper in their mission.●

TRIBUTE TO OLIVER DIEZ

● Mr. RUBIO. Madam President, today I recognize Oliver Diez, the Miami-Dade County Teacher of the Year from Palmetto Elementary School in Pinecrest, FL.

Oliver received this award in recognition for his dedication to teaching children a passion for music before they leave elementary school. He begins teaching students how to play an introductory instrument, the recorder, at an early age. From there, they can join one of his school's before and after-school offerings of chorus, concert band, jazz combo, orchestra, and drumline. Once they join a music program, his lessons focus on teaching them not only how to play instruments, but also its history. He believes this builds an appreciation for music in his young students.

Throughout his two-decade long teaching career at Palmetto Elementary School, he has built a successful music program at south Florida's largest elementary school. His fourth and fifth grade student were invited to play at Carnegie Hall in New York City this March, the only elementary school students to play. While he believes teaching is messy at times, he knows it unites students to work together for the final performance.

Oliver graduated from Florida International University with his bachelor's degree in 1999 and returned for his master's degree in 2016, both majoring in music education. He also helped launch a booster club at his school that is a registered nonprofit for travel expenses for performances.

I express my sincere appreciation to Oliver for all of the accomplished work with his students and wish him continued success in the years to come.●

TRIBUTE TO IAN JACKSON

● Mr. RUBIO. Madam President, today I honor Ian Jackson, the Volusia County Teacher of the Year from T. Dewitt Taylor Middle-High School in Pierson, FL.

Ian is an Advancement Via Individual Determination teacher, working

with students from 8th to 12th grade and considers it his job to change the trajectories of his students for the better. After receiving this award, Ian noted that it was not just him being recognized, but also his students for their success.

Ian urges his students to strive for greatness in their middle school and high school coursework in preparation for the college workload. He focuses on ensuring his classroom feels like a second home to his students when they struggle and are in need of support.

Many of Ian's students come from difficult circumstances, so he works to establish strong relationships and create a positive environment for them. He dedicates his time to listening to the needs of his students and conveying to them that he cares about their well-being. Eighty percent of his students are accepted into 4-year universities and many stay in contact with him through college and beyond.

Ian has taught at T. Dewitt Taylor Middle-High School since 2005. He previously taught English as a second language classes in Georgia. He earned his bachelor's degree from Tocca Falls College.

I extend my sincere thanks and gratitude to Ian for his dedication to helping his students succeed in life. I look forward to learning of his continued success in the coming years.●

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 483. An act to enact into law a bill by reference.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 276. An act to direct the Secretary of Education to establish the Recognizing Inspiring School Employees (RISE) Award Program recognizing excellence exhibited by classified school employees providing services to students in prekindergarten through high school.

H.R. 425. An act to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

H.R. 501. An act to amend the Public Health Service Act to reauthorize and enhance the poison center national toll-free number, national media campaign, and grant program, and for other purposes.

H.R. 525. An act to amend title XI of the Social Security Act to direct the Secretary of Health and Human services to establish a public-private partnership for purposes of identifying health care waste, fraud, and abuse.

H.R. 539. An act to require the Director of the National Science Foundation to develop an I-Corps course to support commercialization-ready innovation companies, and for other purposes.

H.R. 583. An act to amend the Communications Act of 1934 to provide for enhanced penalties for pirate radio, and for other purposes.

H.R. 1235. An act to provide that the term of office of certain members of the Merit Systems Protection Board shall be extended by a period of 1 year, and for other purposes.

The message also announced that the House has agreed to H. Res. 143, resolving that Cheryl L. Johnson, of the State of Louisiana, be, and is hereby chosen Clerk of the House of Representatives.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 276. An act to direct the Secretary of Education to establish the Recognizing Inspiring School Employees (RISE) Award Program recognizing excellence exhibited by classified school employees providing services to students in prekindergarten through high school; to the Committee on Health, Education, Labor, and Pensions.

H.R. 425. An act to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 501. An act to amend the Public Health Service Act to reauthorize and enhance the poison center national toll-free number, national media campaign, and grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 525. An act to amend title XI of the Social Security Act to direct the Secretary of Health and Human Services to establish a public-private partnership for purposes of identifying health care waste, fraud, and abuse; to the Committee on Finance.

H.R. 539. An act to require the Director of the National Science Foundation to develop an I–Corps course to support commercialization-ready innovation companies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 583. An act to amend the Communications Act of 1934 to provide for enhanced penalties for pirate radio, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1235. An act to provide that the term of office of certain members of the Merit Systems Protection Board shall be extended by a period of 1 year, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

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–346. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777, this will not cause the Department to exceed the number of frocked officers authorized; to the Committee on Armed Services.

EC–347. A communication from the Acting Principal Director, Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Amendments Related to General Solicitations'' ((RIN0750–AJ83) (DFARS Case 2018–D021)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Armed Services.

EC–348. A communication from the Acting Principal Director, Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Use of Commercial or Non-Government Standards'' ((RIN0750–AJ23) (DFARS Case 2017–D014)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Armed Services.

EC–349. A communication from the Acting Principal Director, Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Appendix A, Armed Services Board of Contract Appeals, Part 1 - Charter'' (RIN0750–AK46) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Armed Services.

EC–350. A communication from the Acting Principal Director, Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Antiterrorism Training Requirements for Contractors'' ((RIN0750–AJ45) (DFARS Case 2017–D034)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Armed Services.

EC–351. A communication from the Acting Principal Director, Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Exemption from Design-Build Selection Procedures'' ((RIN0750–AJ75) (DFARS Case 2018–D011)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Armed Services.

EC–352. A communication from the Acting Principal Director, Defense Pricing and Contracting, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Modification of DFARS Clause 'Transportation of Supplies by Sea''' ((RIN0750–AJ94) (DFARS Case 2018–D028)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Armed Services.

EC–353. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary, Community Planning and Development, Department of Housing and Urban Development, received in the Office of the President of the Senate on February 13, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–354. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; Florida: Inglis'' ((44 CFR Part 64) (Docket No. FEMA–2018–0002)) received in the Office of the President of the Senate on February 12, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–355. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled ''Suspension of Community Eligibility; Maryland: Garrett County, Unincorporated Areas'' ((44 CFR Part 64) (Docket No. FEMA–2018–0002)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC–356. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Lower San Joaquin River, California Flood Risk Management Project; to the Committee on Environment and Public Works.

EC–357. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval: Connecticut; Prevention of Significant Deterioration; Revisions to the Prevention of Significant Deterioration Greenhouse Gas Permitting Authority'' (FRL No. 9984–75–Region 1) received in the Office of the President of the Senate on February 14, 2019; to the Committee on Environment and Public Works.

EC–358. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Norway, Italy, Japan, and Denmark to support the manufacture, integration, installation, operation, training, testing, maintenance, and repair of auxiliary aerostructures and wing conventional control surfaces for the F–35 aircraft in the amount of $100,000,000 or more (Transmittal No. DDTC 18–068); to the Committee on Foreign Relations.

EC–359. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2019–0009 - 2019–0010); to the Committee on Foreign Relations.

EC–360. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–596, ''Senior Strategic Plan Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–361. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–597, ''District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–362. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–598, ''Risk Management and Own Risk and Solvency Assessment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–363. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–599, ''Temporary Parking Permit Limitation Regulation Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–364. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–600, ''District Historical Records Advisory Board Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–365. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–601, ''Southwest Waterfront Park Bus Prohibition Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–366. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–602, ''East End Health Equity Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–367. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–603, ''Warehousing and Storage Eminent Domain Authority Temporary Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–368. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–614, ''Omnibus Public Safety and Justice Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–369. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–620, ''Firearms Safety Omnibus Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–370. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–625, ''Anthony Bowen Way Designation Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–371. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–626, ''District of Columbia Department of Aging and Community Living Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–372. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–627, ''Parent-led Play Cooperative Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–373. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–628, ''Limitations on Products Containing Polycyclic Aromatic Hydrocarbons Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–374. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Dental and Vision Insurance Program: Extension of Eligibility to Certain TRICARE–Eligible Individuals; Effective Date of Enrollment; Corrections'' (RIN3206–AN58) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC–375. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Breakthrough Devices Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–376. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2016 Report to Congress: Older Americans Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–377. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules; Miscellaneous Amendments; Amendment No. 544'' ((RIN2120–AA63)(Docket No. 31237)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Commerce, Science, and Transportation.

EC–378. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace for the Following Alaska Towns; St. Michael, AK, Shaktoolik, AK; and Tatilek, AK'' ((RIN2120–AA66)(Docket No. FAA–2017–0349)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Commerce, Science, and Transportation.

EC–379. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (9)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Commerce, Science, and Transportation.

EC–380. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (160)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Commerce, Science, and Transportation.

EC–381. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2019–0015)) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Commerce, Science, and Transportation.

EC–382. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Hudson River, Albany and Rensselaer, NY'' ((RIN1625–AA09)(Docket No. USCG–2017–0926)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–383. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Miles 73 to 74, Wellsburg, WV'' ((RIN1625–AA00)(Docket No. USCG–2018–1093)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–384. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Mississippi River, Mile Markers 229.5 to 230.5 Baton Rouge, LA'' ((RIN1625–AA08)(Docket No. USCG–2018–0960)) received in the Office of the President

of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–385. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Delaware River Rock Blasting, Marcus Hook, PA'' ((RIN1625–AA00) (Docket No. USCG–2019–0031)) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2019; to the Committee on Commerce, Science, and Transportation.

EC–386. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Hawaii-Southern California Training and Testing Study Areas'' (RIN0648–BH29) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–387. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Mississippi River, Mile Markers 99.3 to 100.3 Above Head of Passes, New Orleans, LA'' ((RIN1625–AA00) (Docket No. USCG–2018–1108)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–388. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Puget Sound, Tacoma, WA'' ((RIN1625–AA87) (Docket No. USCG–2018–1082)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–389. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tumon Bay, Tumon, GU'' ((RIN1625–AA00) (Docket No. USCG–2018–0864)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–390. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone for Fireworks Display; Spa Creek, Annapolis, MD'' ((RIN1625–AA00) (Docket No. USCG–2018–1021)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–391. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sacramento New Year's Eve Fireworks Display, Sacramento River, Sacramento, CA'' ((RIN1625–AA00) (Docket No. USCG–2018–1089)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–392. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Queen Mary Fireworks Event; Long Beach, California'' ((RIN1625–AA00) (Docket No. USCG–2018–1079)) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC–393. A communication from the Director of the Issuances Staff, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Eliminating Unnecessary Requirements for Hog Carcasses Cleaning'' (RIN0583–AD68) received in the Office of the President of the Senate on February 13, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC–394. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Transfer and Sanction Programs'' (RIN2127–AL45) received during adjournment of the Senate in the Office of the President of the Senate on February 15, 2019; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–6. A concurrent resolution adopted by the General Assembly of the State of Ohio condemning the Boycott, Divestment, and Sanctions movement and the increasing incidences of anti-Semitism; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 10

Whereas, the citizens of the State of Ohio have a history of standing against bigotry, oppression, discrimination, and injustice; and

Whereas, Ohio and Israel have a long history of friendship and are great allies in support of each other's interests; and

Whereas, the State of Israel, the only democracy in the Middle East, is the greatest friend and ally of the United States in the Middle East; and

Whereas, Ohio is committed to increasing the ties and interactions in business, government, the arts, culture, and education between the State of Ohio and the State of Israel, further strengthening the historic ties between our State and that country; and

Whereas, ties between Ohio's and Israel's academic, research, business, and nonprofit communities are both robust and longstanding; and

Whereas, the elected representatives of Ohio recognize the importance of expressing their unabridged support for the Jewish people and the State of Israel's right to exist and thrive, and their unabridged support for Israel's right of self-defense; and

Whereas, there are increasing incidents of anti-Semitism around the world, including across the United States and in Ohio, including desecration of Jewish religious sites; and

Whereas, the international Boycott, Divestment, and Sanctions movement is one of the main vehicles for legitimizing anti-Semitism on campus and advocating the elimination of the Jewish State; and

Whereas, anti-Israel activities and activities promoting the Boycott, Divestment, and Sanctions movement against Israel are widespread in the State of Ohio, including on several university campuses and in other Ohio communities, and contribute to anti-Semitic and anti-Zionistic propaganda and threats to both American and Israeli Jewish students, and result in deliberate interference with the learning environment of all students; and

Whereas, the dramatic increase in Boycott, Divestment, and Sanctions campaign activities on college campuses around the country has resulted in increased animosity and intimidation against Jewish students, negatively impacting student programming of vital importance to all American students related to the State of Israel and politics in the Middle East; and

Whereas, leaders of the Boycott, Divestment, and Sanctions movement say their goal is to eliminate Israel as the home of the Jewish people, and signs and messaging at anti-Israel rallies have adopted the Boycott, Divestment, and Sanctions movement's theme slogan, ''Palestine forever, Israel Never Ever'' meaning that the State of Israel would cease to exist, falsely denying the Jewish people's and Israel's historical connection to its ancient home in the Land of Israel, including the present day State of Israel, and Jerusalem, Judea, and Samaria, which were the heartland of the ancient nations of Israel and Judah; and

Whereas, Ohio's elected representatives who defend the inalienable right to free speech understand that the goals and activities of Boycott, Divestment, and Sanctions campaigns in Ohio are harmful to the State's relationships with Ohio's Jewish citizens, with Ohio's non-Jewish citizens who support the State of Israel and the Jewish people, and with the Jewish homeland, Israel, and have a deleterious impact on the educational environment; and

Whereas, the Boycott, Divestment, and Sanctions campaign's call for academic boycotts has been condemned by many of our nation's largest academic associations, over two hundred fifty university presidents, and many other leading scholars as a violation of the bedrock principle of academic freedom; and

Whereas, the members of the General Assembly condemn all groups, including white nationalist, neo-Nazi, and national socialist groups, that promote hatred, religious persecution, or violence towards others; Now therefore be it

Resolved, That the members of the General Assembly condemn the international Boycott, Divestment, and Sanctions movement and its activities in Ohio for legitimizing anti-Semitism and for seeking to undermine the Jewish people's right to self-determination, which they are fulfilling in the State of Israel; and be it further

Resolved, That the members of the General Assembly condemn activities that contribute directly or indirectly to the denial, violation, or delegitimization of any people's academic freedom, including, but not limited to, promotion of academic boycotts by the Boycott, Divestment, and Sanctions movement against Israel; and be it further

Resolved, That the members of the General Assembly consider the international Boycott, Divestment, and Sanctions movement and its agenda inherently antithetical and deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East and in the United States; and be it further

Resolved, That we, the members of the 132nd General Assembly of the State of Ohio, reaffirm our support for the State of Israel, recognize that the Jewish people are indigenous to the land of Israel, condemn all attacks on the people of Israel, support Israel's right to engage in lawful acts of self-defense, and oppose all attempts to deny the legitimacy of Israel as a sovereign state; and be it further

Resolved, That we, the members of the 132nd General Assembly of the State of Ohio, reaffirm our position that the trustees, administrators, and educators at all levels in our universities in Ohio, must take an active stand against all anti-Semitic actions and intimidation taken against Jewish students on their campuses, whereby all students may feel safe, and be safe, from harm due to these pernicious activities; and be it further

Resolved, That the members of the General Assembly encourage and support the exercise of free speech and civil debate, particularly on college campuses, and further encourage university and college administrations to curb any impediments to free speech and any abridgment of free speech on campus by any individuals or groups, and urge them to take disciplinary action against all students, faculty, and administrators who engage in actions that abridge free speech on campus in violation of the First Amendment to the Constitution of the United States; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the Chancellor of Higher Education and each of the nine members of the Ohio Board of Regents, the provosts and chairpersons of the boards of trustees of all Ohio public and private colleges and universities, and the Israeli Embassy in Washington, D.C., for transmission to the proper authorities in the State of Israel.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Armed Services.

Army nomination of Lt. Gen. Michael X. Garrett, to be General.

Air Force nomination of Col. Timothy J. Donnellan, to be Brigadier General.

Air Force nomination of Col. Stephen J. Mallette, to be Brigadier General.

Navy nominations beginning with Capt. Scott M. Brown and ending with Capt. Eric H. Verhage, which nominations were received by the Senate and appeared in the Congressional Record on January 30, 2019.

Navy nominations beginning with Capt. Jeffrey T. Anderson and ending with Capt. Jeromy B. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 30, 2019.

Air Force nomination of Lt. Gen. VeraLinn Jamieson, to be Lieutenant General.

Mr. INHOFE. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of Jason D. Hoskins, to be Lieutenant Colonel.

Air Force nominations beginning with Nancy E. Costa and ending with Alexander O. Kirkpatrick, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nomination of Saiprasad M. Zemse, to be Major.

Air Force nominations beginning with Jeffrey Wayne Akin and ending with Steven S. Zasueta, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with David C. Salisbury and ending with Robert L. Wilkie, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Craig K. Abee and ending with Carol A. Yeager, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Michael J. Chung and ending with Bradley J. Pierson, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nomination of Robert T. Hines, Jr., to be Lieutenant Colonel.

Air Force nominations beginning with Marc A. Banjak and ending with Jennifer C. Whitko, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Dennis M. Britten and ending with Kristen Marie Wyrick, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Jason G. Arnold and ending with Carrie A. Schmid, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with David P. Bailey and ending with Amy S. Swets, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Kimberly J. Kloeber and ending with Marsha L. Schuman, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nomination of Joyce C. Beaty, to be Colonel.

Air Force nominations beginning with Timothy S. Mccarty and ending with Teresa M. Starks, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Jennifer J. Archer and ending with Lawrence D. Peavler, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Andrew T. Allen and ending with Assy Yacoub, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Elham Barani and ending with Brandon H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Homayoun R. Ahmadian and ending with Joe X. Zhang, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Francis E. Becker and ending with Brent J. Winward, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Margaret E. Abbott and ending with Jeffrey C. Yee, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nominations beginning with Joseph L. Abrams and ending with Alyssa R. Zuehl, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Air Force nomination of Katherine R. Morganti, to be Colonel.

Air Force nominations beginning with Patrick N. Westmoreland and ending with Aaron J. Lippy, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2019.

Air Force nomination of Tolulope O. A. Aduroja, to be Lieutenant Colonel.

Air Force nomination of Erick L. Jackson, to be Major.

Army nomination of James B. Flowers, to be Colonel.

Army nomination of Dylan T. Randazzo, to be Colonel.

Army nomination of Jerry D. Hallman, to be Colonel.

Army nomination of Christopher P. Moellering, to be Major.

Army nomination of Joubert N. Paulino, to be Major.

Army nomination of Saw K. San, to be Major.

Army nominations beginning with Rebecca J. Quackenbush and ending with David A. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Army nomination of Stacie L. Kervin, to be Major.

Army nomination of Brian R. Kossler, to be Major.

Army nomination of Katherine A. O'Brien, to be Major.

Army nomination of Jessica N. Peralesludemann, to be Major.

Army nomination of Julia C. Phillips, to be Major.

Army nomination of Alain M. Alexandre, to be Major.

Army nomination of Taliat A. Animashaun, to be Major.

Army nomination of G010349, to be Major.

Army nomination of Jordanna M. Hostler, to be Lieutenant Colonel.

Army nomination of Elizabeth N. Strickland, to be Major.

Army nomination of Shawn M. T. May, to be Major.

Army nomination of Kyle A. Zahn, to be Major.

Army nomination of Joseph J. Fantony, to be Major.

Army nomination of Chariti D. Paden, to be Major.

Army nomination of Donald W. Rakes, to be Colonel.

Army nominations beginning with Ronnie S. Barnes and ending with Francis R. Montgomery, which nominations were received by the Senate and appeared in the Congressional Record on February 12, 2019.

Army nomination of Charles A. Riley, to be Major.

Army nomination of Richard S. McNutt, to be Major.

Army nomination of Lloyd V. Lozada, to be Major.

Army nominations beginning with Julio Acosta and ending with April L. Sapp, which nominations were received by the Senate and appeared in the Congressional Record on February 12, 2019.

Marine Corps nomination of Matthew T. Coughlin, to be Colonel.

Marine Corps nomination of Bethanne Canero, to be Lieutenant Colonel.

Marine Corps nominations beginning with Kevin T. Brownlee and ending with Daniel L. Youmans, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Kevin F. Champaigne and ending with John C. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Aaron J. Griffus and ending with Jeremiah J. Zeiszler, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Daniel H. Cusinato and ending with Eduardo Quiroz, which nominations were received by

the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Armando A. Freire and ending with Andrew J. Shriver, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nomination of Stephen R. Byrnes, to be Lieutenant Colonel.

Marine Corps nominations beginning with Herman E. Holley and ending with Brian E. Kelly, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Darren M. Gallagher and ending with Austin E. Wren, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Alexander N. Abate and ending with Joseph A. Zukowski, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with German Alicealapuerta and ending with Lydia A. Simons, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Eric J. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nomination of Joseph W. Crandall, to be Colonel.

Marine Corps nominations beginning with Aaron S. Ellis and ending with Curtis B. Miller, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nomination of Justin D. Mosley, to be Major.

Marine Corps nominations beginning with Andres J. Agramonte and ending with Ross A. Hrynewych, which nominations were received by the Senate and appeared in the Congressional Record on January 24, 2019.

Marine Corps nominations beginning with Bethany S. Peterson and ending with Jon T. Peterson, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2019.

Navy nomination of Jessica M. P. Miller, to be Lieutenant Commander.

Navy nomination of Rosemary M. Hardesty, to be Lieutenant Commander.

Navy nomination of Brett T. Thomas, to be Lieutenant Commander.

Navy nominations beginning with Scott A. Adams and ending with Bret A. Yount, which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2019.

Navy nominations beginning with Peter D. Allen and ending with Robert D. Williams, which nominations were received by the Senate and appeared in the Congressional Record on February 12, 2019.

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

*Mark Anthony Calabria, of Virginia, to be Director of the Federal Housing Finance Agency for a term of five years.

*Seth Daniel Appleton, of Missouri, to be an Assistant Secretary of Housing and Urban Development.

*Spencer Bachus III, of Alabama, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2023.

*Dino Falaschetti, of Montana, to be Director, Office of Financial Research, Department of the Treasury, for a term of six years.

*Rodney Hood, of North Carolina, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2023.

*Robert Hunter Kurtz, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

*Bimal Patel, of Georgia, to be an Assistant Secretary of the Treasury.

*Judith DelZoppo Pryor, of Ohio, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2021.

*Kimberly A. Reed, of West Virginia, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2021.

*Todd M. Harper, of Virginia, to be a Member of the National Credit Union Administration Board for a term expiring April 10, 2021.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. PERDUE):

S. 552. A bill to amend the Commodity Exchange Act to exempt certain charitable organizations from regulation as commodity pool operators, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 553. A bill to direct the Secretary of Commerce to establish a working group to recommend to Congress a definition of blockchain technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL (for himself and Mr. SULLIVAN):

S. 554. A bill to direct the Secretary of Veterans Affairs to take actions necessary to ensure that certain individuals may update the burn pit registry with the cause of death of a registered individual, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SMITH (for herself, Mr. TILLIS, Ms. WARREN, Mr. MERKLEY, Ms. COLLINS, Ms. KLOBUCHAR, Mr. LEAHY, Ms. BALDWIN, Mr. WYDEN, Mr. TESTER, Mr. COONS, Ms. HARRIS, Ms. HIRONO, Mr. MARKEY, and Mr. KING):

S. 555. A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Mr. COTTON, Mrs. CAPITO, Ms. ERNST, Mrs. BLACKBURN, Mr. INHOFE, Mr. LANKFORD, Mr. BOOZMAN, Mr. PERDUE, Mr. ENZI, Mrs. HYDE-SMITH, Mr. LEE, Mr. WICKER, and Mr. THUNE):

S. 556. A bill to expand the use of E–Verify, to hold employers accountable, and for other purposes; to the Committee on the Judiciary.

By Ms. HARRIS (for herself, Mr. MERKLEY, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Mr. WYDEN, Mr. MARKEY, Mr. BENNET, Ms. DUCKWORTH, Mr. SANDERS, Ms. SMITH, Ms. WARREN, Mr. BOOKER, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. KAINE, and Mr. CARPER):

S. 557. A bill to reunite families separated at or near ports of entry; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. SASSE, Mr. BLUNT, Mr. SCHATZ, Ms. COLLINS, and Mr. BENNET):

S. 558. A bill to amend the Public Health Service Act to authorize a program on children and the media within the National Institutes of Health to study the health and developmental effects of technology on infants, children, and adolescents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Ms. MCSALLY, Mr. MARKEY, Mr. BLUMENTHAL, Ms. WARREN, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. COONS, and Mr. BOOKER):

S. 559. A bill to amend the Family and Medical Leave Act of 1993 to provide leave because of the death of a son or daughter; to the Committee on Health, Education, Labor, and Pensions.

By Ms. BALDWIN (for herself, Ms. ERNST, Ms. MURKOWSKI, and Mr. BROWN):

S. 560. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a congenital anomaly or birth defect; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. DURBIN, Mrs. FEINSTEIN, Mr. JONES, Mr. SCHUMER, Mr. COONS, Ms. HARRIS, Mr. WHITEHOUSE, Mr. CASEY, Mr. KAINE, Mr. BLUMENTHAL, Mr. REED, Mr. BROWN, Ms. SMITH, Mr. MERKLEY, Mr. MARKEY, Ms. CANTWELL, Mr. MURPHY, Ms. BALDWIN, Ms. HASSAN, Mrs. MURRAY, Mr. HEINRICH, Mr. WYDEN, Mr. BOOKER, Ms. HIRONO, Mr. KING, Mrs. SHAHEEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. CORTEZ MASTO, Mr. WARNER, Ms. STABENOW, Mr. CARPER, Mr. CARDIN, Mr. MENENDEZ, Mr. UDALL, Mr. BENNET, Mr. SCHATZ, Mrs. GILLIBRAND, Ms. WARREN, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. ROSEN, Mr. TESTER, Mr. PETERS, and Ms. SINEMA):

S. 561. A bill to amend the Voting Rights Act of 1965 to revise the criteria for determining which States and political subdivisions are subject to section 4 of the Act, and for other purposes; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Ms. MURKOWSKI, Ms. KLOBUCHAR, and Mr. BROWN):

S. 562. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Finance.

By Ms. DUCKWORTH (for herself and Mr. PERDUE):

S. 563. A bill to amend title 23, United States Code, to allow airport projects to be eligible to participate in the TIFIA program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PETERS (for himself and Mr. BURR):

S. 564. A bill to establish a task force to identify countervailable subsidies and dumping; to the Committee on Finance.

By Ms. ERNST (for herself, Mr. BRAUN, and Mr. PAUL):

S. 565. A bill to require the Director of the Office of Management and Budget to submit to Congress an annual report on projects that are over budget and behind schedule, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JONES (for himself and Mr. KENNEDY):

S. 566. A bill to amend the Securities and Exchange Act of 1934 to expand access to capital for rural-area small businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRUZ (for himself, Mr. COTTON, Mr. RUBIO, Mr. CRAMER, and Mr. GRAHAM):

S. 567. A bill clarifying that it is United States policy to recognize Israel's sovereignty over the Golan Heights; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself, Mr. CASEY, Ms. HIRONO, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Ms. SMITH, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 568. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. YOUNG (for himself, Mr. TESTER, Mr. MORAN, Mr. MANCHIN, Mr. INHOFE, Mr. KING, and Mr. COTTON):

S. 569. A bill to direct the Secretary of Transportation to issue regulations relating to commercial motor vehicle drivers under the age of 21, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MARKEY (for himself, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. KING, Mr. VAN HOLLEN, Ms. SMITH, and Ms. KLOBUCHAR):

S. 570. A bill to conduct or support further comprehensive research for the creation of a universal influenza vaccine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself and Ms. SMITH):

S. 571. A bill to provide the Bureau of Consumer Financial Protection with the authority to regulate land contracts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERDUE (for himself, Mr. JONES, Mr. ISAKSON, Mr. RUBIO, Mr. SCOTT of Florida, Mr. TILLIS, Mr. SULLIVAN, and Mr. SCOTT of South Carolina):

S. 572. A bill to provide for additional supplemental appropriations for disaster relief; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERDUE (for himself, Ms. ERNST, Mr. LANKFORD, Mr. MORAN, Mr. ROUNDS, and Mr. SASSE):

S. Res. 78. A resolution recognizing the national debt as a threat to national security; to the Committee on Finance.

By Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Ms. CANTWELL, Mrs. CAPITO, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Ms. HARRIS, Ms. HASSAN, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. ISAKSON, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MURPHY, Mrs. MURRAY, Mr. PERDUE, Mr. PETERS, Mr. ROBERTS, Ms. ROSEN, Mr. ROUNDS, Mr. SANDERS, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. VAN HOLLEN, Mr. WARNER, Mr. WICKER, Mr. WYDEN, and Ms. ERNST):

S. Res. 79. A resolution supporting the goals and ideals of Career and Technical Education Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 117

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 117, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 150

At the request of Mr. SANDERS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 150, a bill to provide for increases in the Federal minimum wage, and for other purposes.

S. 172

At the request of Mr. GARDNER, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Missouri (Mr. BLUNT) 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. 227

At the request of Ms. MURKOWSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 227, a bill to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

S. 317

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. KAINE) 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.

S. 323

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor 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. 343

At the request of Mr. BARRASSO, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to terminate the credit for new qualified plug-in electric drive motor vehicles and to provide for a Federal highway user fee on alternative fuel vehicles.

S. 362

At the request of Mr. WYDEN, the names of the Senator from Arizona (Ms. SINEMA), the Senator from Michigan (Mr. PETERS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 362, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 447

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 447, a bill to regulate large capacity ammunition feeding devices.

S. 499

At the request of Mr. CASSIDY, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 499, a bill to amend the Outer Continental Shelf Lands Act to apply to territories of the United States, to establish offshore wind lease sale requirements, to provide dedicated funding for coral reef conservation, and for other purposes.

S. 500

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. MERKLEY) 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.

At the request of Mr. PORTMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 500, supra.

S. 504

At the request of Ms. SINEMA, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 504, a bill to amend title 36, United States Code, to authorize The American Legion to determine the requirements for membership in The American Legion, and for other purposes.

S. 510

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 510, a bill to amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes.

S.J. RES. 7

At the request of Mr. SANDERS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S.J. Res. 7, a joint resolution to direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress.

S. CON. RES. 5

At the request of Mr. BARRASSO, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. Con. Res. 5, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 74

At the request of Mr. PORTMAN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor 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 Mrs. MURRAY (for herself, Mr. CASEY, Ms. HIRONO, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Ms. SMITH, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 568. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. HIRONO. Mr. President, I come to the floor today to express my support for the Child Care for Working Families Act, which I was proud to introduce earlier this afternoon with Senators MURRAY, CASEY, and 30 of our Senate colleagues.

We know that investments in early childhood programs are foundational for future academic and social success. Yet child care remains unaffordable for too many working families in the United States.

For parents worried about how to pay for basic living expenses like housing, food, education, and transportation, increasing child care costs can place a heavy burden on family budgets.

As a young immigrant from Japan who was raised by a single, working mother, I understand the difficult decisions families have to make every day to survive. I have experienced these challenges firsthand. Yet, all these years later, for many Hawaii families, child care costs exceed all other expenses besides housing.

On average, Hawaii parents can expect to pay $8,280 per year, or $690 per month, in child care expenses. These costs are 25 percent higher than they were just a decade ago, but wages have hardly kept pace. As a result, Hawaii families will dedicate around 11 percent of their family budget to child care—exceeding the government's standard for affordable care.

Unfortunately, even for families that can afford child care, finding that needed care may be difficult. This is because our early childhood educators and child care workers are overworked and underpaid. In addition, there is a severe need for more facilities to accommodate the families that need them. The need is great, and that is why the Child Care for Working Families Act is so important. This legislation will make sure working families have access to high-quality, affordable early childhood programs.

Specifically, the bill expands the existing Child Care and Development Block Grant program to guarantee that working and middle class families have access to affordable child care—ensuring that these families do not have to pay more than 7 percent of their income toward care, regardless of how many children they have.

The bill also expands Head Start to promote universal preschool for young children.

Additionally, the bill also addresses the need to support our early childhood workers by making sure teachers, care givers, and other workers responsible for our children are fairly-compensated and fully-supported with training and professional development opportunities.

These are the core provisions of the bill, which represents an essential investment in the stability and prosperity of working families in Hawaii and across our Nation. Every family deserves access to high-quality, affordable early childhood programs, and we will continue fighting to make child care more affordable for all children.

I thank my colleagues for their continued support in this effort, and urge support for this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 78—RECOGNIZING THE NATIONAL DEBT AS A THREAT TO NATIONAL SECURITY

Mr. PERDUE (for himself, Ms. ERNST, Mr. LANKFORD, Mr. MORAN, Mr. ROUNDS, and Mr. SASSE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 78

Whereas, in February 2019, the total public debt outstanding was more than $22,000,000,000,000, resulting in a total interest expense of more than $192,000,000,000 for fiscal year 2019;

Whereas, on December 21, 2018, the total public debt as a percentage of gross domestic product was 104 percent;

Whereas the last balanced Federal budget was signed into law in 1997;

Whereas, in fiscal year 2018, Federal tax receipts totaled $3,329,000,000,000, but Federal outlays totaled $4,108,000,000,000, leaving the Federal Government with a 1-year deficit of $779,000,000,000;

Whereas, every year since the last balanced Federal budget was signed in 1997, Congress has failed to maintain a fiscally responsible budget and has typically relied on raising the debt ceiling;

Whereas the Social Security and Medicare Boards of Trustees project that the Federal Hospital Insurance Trust Fund will be depleted in 2026;

Whereas the Social Security and Medicare Boards of Trustees project that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will be depleted in 2034;

Whereas the credit rating of the United States was reduced by Standard and Poor's from AAA to AA+ on August 5, 2011, and has remained at that level since that date;

Whereas, without a targeted effort to balance the Federal budget, the credit rating of the United States is certain to continue to fall;

Whereas the National Security Strategy issued by President Donald Trump highlights the need to reduce the national debt through fiscal responsibility;

Whereas, on April 12, 2018, former Secretary of Defense James Mattis warned that ''any Nation that can't keep its fiscal house in order eventually cannot maintain its military power'';

Whereas, on March 6, 2018, Director of National Intelligence Dan Coats warned: ''Our continued plunge into debt is unsustainable and represents a dire future threat to our economy and to our national security'';

Whereas, on November 15, 2017, former Secretaries of Defense Leon Panetta, Ash Carter, and Chuck Hagel warned: ''Increase in the debt will, in the absence of a comprehensive budget that addresses both entitlements and revenues, force even deeper reductions in our national security capabilities''; and

Whereas, on September 22, 2011, former Chairman of the Joint Chiefs of Staff Michael Mullen warned: ''I believe the single, biggest threat to our national security is debt'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that the national debt is a threat to the national security of the United States;

(2) realizes that deficits are unsustainable, irresponsible, and dangerous; and

(3) commits to addressing the fiscal crisis faced by the United States.

SENATE RESOLUTION 79—SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Ms. CANTWELL, Mrs. CAPITO, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Ms. HARRIS, Ms. HASSAN, Ms. HIRONO, Mr. HOEVEN, Mrs.

HYDE-SMITH, Mr. INHOFE, Mr. ISAKSON, Mr. KING, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MURPHY, Mrs. MURRAY, Mr. PERDUE, Mr. PETERS, Mr. ROBERTS, Ms. ROSEN, Mr. ROUNDS, Mr. SANDERS, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. VAN HOLLEN, Mr. WARNER, Mr. WICKER, Mr. WYDEN, and Ms. ERNST) submitted the following resolution; which was considered and agreed to:

S. RES. 79

Whereas a competitive global economy requires workers who are prepared for skilled professions;

Whereas, in the next decade, an estimated 3,000,000 new workers will be needed in infrastructure positions in the United States, including in positions for designing, building, and operating transportation, housing, utilities, and telecommunications facilities;

Whereas career and technical education (referred to in this preamble as ''CTE'') ensures that competitive and skilled workers are ready, willing, and capable of holding jobs in high-wage, high-skill, and in-demand career fields such as science, technology, engineering, mathematics, nursing, allied health, construction, information technology, energy sustainability, and many other career fields that are vital in keeping the United States competitive in the global economy;

Whereas CTE helps the United States meet the very real and immediate challenges of economic development, student achievement, and global competitiveness;

Whereas the United States has 30,000,000 jobs with an average income of $55,000 per year that do not require a bachelor's degree yet increasingly require some level of postsecondary education;

Whereas nearly 12,200,000 students are enrolled in CTE across the country at the secondary and postsecondary levels, with CTE programs in thousands of CTE centers, comprehensive high schools, career academies, and CTE high schools, and nearly 1,000 2-year colleges;

Whereas CTE matches employability skills with workforce demand and provides relevant academic and technical coursework leading to industry-recognized credentials for secondary, postsecondary, and adult learners;

Whereas CTE affords students the opportunity to gain the knowledge, skills, and credentials needed to secure careers in growing, high-demand fields;

Whereas secondary CTE is associated with a lower probability of dropping out of high school and a higher likelihood of graduating on-time;

Whereas CTE students were significantly more likely than non-CTE students to report having developed problem-solving, project completion, research, math, college application, work-related, communication, time management, and critical thinking skills during high school;

Whereas, according to an American Federation of Teachers poll, 94 percent of parents approve of expanding access to CTE and other programs that prepare students for jobs;

Whereas students at schools with highly integrated rigorous academic and CTE programs are significantly more likely to meet college and career readiness benchmarks than students at schools with less integrated programs;

Whereas, last year, Congress affirmed the importance of CTE by passing the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115–224), which supports program improvement in secondary and postsecondary CTE programs in all 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and outlying areas; and

Whereas February 23, 2019, marks the 102d anniversary of the signing of the Act of February 23, 1917 (commonly known as the ''Smith-Hughes Vocational Education Act of 1917'') (39 Stat. 929, chapter 114), which was the first major Federal investment in secondary CTE and laid the foundation for the bipartisan, bicameral support for CTE that continues as of February 2019: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2019 as ''Career and Technical Education Month'' to celebrate career and technical education across the United States;

(2) supports the goals and ideals of Career and Technical Education Month;

(3) recognizes the importance of career and technical education in preparing a well-educated and skilled workforce in the United States; and

(4) encourages educators, guidance and career development professionals, administrators, and parents to promote career and technical education as a respected option for students.

Mr. KAINE. Mr. President, our Nation's continued economic progress and the social mobility of our citizens are contingent on the education and skills of the American workforce and its ability to adjust and fulfill the needs of the 21st century economy. Career and technical education (CTE) programs are an essential piece of every student's education, providing them access to the important knowledge, skills, and credentials needed to obtain careers in rapidly growing, high-demand fields. Today, approximately 12.2 million students across the Nation are enrolled in CTE programs offered by thousands of career academies, comprehensive high schools, CTE high schools, community colleges, and CTE centers. Through intentionally designed applied learning, these students gain workplace skills and technical training that mirror in-demand positions in the workforce.

In the coming decade, a projected 3 million skilled workers will be needed to fill infrastructure positions in the United States, including jobs related to designing, building, and operating transportation, housing, telecommunication, and utilities facilities. CTE programs intentionally match employability skills with workforce demands, lowering the probability of students dropping out of high school and increasing their likelihood of graduating on time. These skills-based training programs will help fill the estimated 30 million U.S. jobs available with an average income annual income of $55,000 that do not require a bachelor's degree yet necessitate some level of postsecondary education.

Across Virginia, I hear from manufacturers frustrated by the shortage of qualified skilled production employees—roles that require the training and instruction provided in CTE classrooms. It is essential that we elevate the important role of CTE in the country's ability to meet the interconnected challenges of economic development, student achievement, and global competitiveness. Last year, Congress affirmed the importance of CTE by passing the Strengthening Career and Technical Education for the 21st Century Act which supports CTE programs in secondary and postsecondary education.

Today, with my Senate CTE Caucus co-chairs Senator PORTMAN, Senator BALDWIN, and Senator YOUNG and 47 colleagues in the Senate, I am pleased to introduce a bipartisan resolution to designate February as Career and Technical Education (CTE) month. CTE Month encourages students, parents, counselors, educators, and school leaders to learn more about the diverse educational opportunities offered in their communities, and recognize the valuable role of CTE in developing a well-educated and highly skilled workforce in the United States.

By formally recognizing CTE Month through this resolution, it is our aim to raise greater awareness of the importance of improving access to high-quality CTE for millions of America's students and our nation's ongoing economic competitiveness.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LANKFORD. Mr. President, I have 8 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 9.30 a.m., to conduct a hearing ''United States Strategic Command and United States Northern Command in review of the Defense Authorization Request for fiscal year 2020 and the Future Years Defense Program.''

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 10:15 a.m., to conduct a hearing entitled ''Drug Pricing in America: A prescription for change, Part II.''

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 3:30 p.m., to conduct a hearing entitled ''Opportunity to SOAR: 15 years of school choice in DC.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 2 p.m., to conduct a hearing.

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 3 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY AND SECURITY

The Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safely and Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 2:30 p.m., to conduct a hearing entitled ''Examining intermodal connections across our surface transportation network.''

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 10 a.m., to conduct a hearing entitled ''Examining the 2019 annual intellectual property report to Congress.''

Mr. TILLIS. 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 BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, February 26, 2019, at 9:30 a.m., to conduct a hearing on the Semiannual Monetary Policy Report to the Congress and the following nominations: Mark Anthony Calabria, of Virginia, to be Director of the Federal Housing Finance Agency, Bimal Patel, of Georgia, to be an Assistant Secretary, and Dino Falasrnetti, of Montana, to be Director, Office of Financial Research, both of the Department of the Treasury, Todd M. Harper, of Virginia, and Rodney Hood, of North Carolina, both to be a Member of the National Credit Union Administration Board, Spencer Bachus III, of Alabama, and Judith DelZoppo Pryor, of Ohio, both to be a Member of the Board of Directors, and Kimberly A. Reed, of West Virginia, to be President, all of the Export-Import Bank of the United States, and Seth Daniel Appleton, of Missouri, and Robert Hunter Kurtz, of Virginia, both to be an Assistant Secretary of Housing and, Urban Development; to be immediately followed by a hearing to examine.

PRIVILEGES OF THE FLOOR

Mr. CARPER. Mr. President, I ask unanimous consent that Kaitlyn Prichard and Zach Pilchen, a legislative fellow and a detailee in my office, have privileges of the floor for the duration of the 116th Congress.

SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 79, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 79) supporting the goals and ideals of Career and Technical Education Month.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 79) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, FEBRUARY 27, 2019

Ms. MURKOWSKI. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, February 27; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Desmond nomination under the previous order.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. MURKOWSKI. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Wednesday, February 27, 2019, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 26, 2019:

THE JUDICIARY

ERIC D. MILLER, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.