in which he claimed that GEN John Abizaid's nomination to be Ambassador to Saudi Arabia ''is being held up.''

Allow me to ease the majority leader's concerns. Far from being ''held up,'' the Foreign Relations Committee, with my full support, has been extremely diligent in taking up General Abizaid's nomination; he appeared on the very first committee nominations hearing of the 116th Congress, and his nomination is advancing through the regular committee process expeditiously. I look forward to his approval by the committee and, hopefully, a speedy confirmation. As with all nominees, his final confirmation is under the control of the majority leader.

I am concerned that the majority leader has an inaccurate view of the nominations situation facing the Foreign Relations Committee. He stated yesterday that ''if we want to solve problems in the Middle East, through diplomacy, we'll need to confirm diplomats.'' Unfortunately, we cannot confirm diplomats that we do not have.

It took 23 months before the Trump administration bothered to nominate General Abizaid, leaving a gaping hole in our diplomatic posture to Saudi Arabia and the region. It is possible that this failure of leadership is the result of the President believing that his son-in-law, Jared Kushner, is capable of doing this job from the White House.

Regardless of the reason, Saudi Arabia is not an isolated example. It took even longer, over 2 years, before the Trump administration nominated a candidate to be U.S. Ambassador to Turkey. We are now 26 months into the Trump administration, and we still lack ambassadorial nominees to critical countries like Egypt, Pakistan, and our close ally, Jordan. This failure is a reckless abdication of a constitutional responsibility that is essential to projecting American power abroad. There is only one person responsible for this failure: President Trump; yet the majority leader appears to be curiously oblivious to that fact.

Let me be clear: When the committee has received nominations, we have worked with efficiency and diligence to vet and advance those nominations. I have devoted my time and staff resources to ensure this because of my strong belief that the State Department, USAID, and other foreign affairs agencies must be appropriately staffed. We cannot promote our foreign policy, protect American citizens, and advocate for American businesses without a robust diplomatic corps. In the 115th Congress, the committee reported 169 nominations. I reject any assertion that we have not done our part to ensure that the State Department is appropriately staffed.

All too often, however, the committee has received nominations late or not at all.

There is, unfortunately, there is another severe problem that we cannot ignore with regard to this administration's nominees. Delays in advancing Trump political nominees is largely due to poor vetting by this administration. When the President nominates and renominates individuals with restraining orders for threats of violence, who engaged in incidents that should, frankly, mean they never should have been nominated, or made material omissions, sometimes on a repeated basis, in their nomination materials, the Foreign Relations Committee must do our due diligence on behalf of the American people. Someone has to. My staff and I have had to spend significant additional time on vetting because of the White House's negligence or incompetence.

The United States and our allies continue to face tremendous challenges around the world. We must continue to lead on the international stage and work in collaboration with international partners to achieve our shared security goals, but to have our diplomats in place, they must be nominated in a timely fashion and vetted properly. Despite the majority leader's confusion on this issue, that is the real hold-up here.

S.J. RES. 7

Mr. MENENDEZ. Mr. President, I rise to express a concern over the Rubio amendment to the Sanders-Lee joint resolution, S.J. Res. 7, which was passed by voice vote in yesterday's debate.

The Rubio amendment attempts to make clear that nothing in the joint resolution is intended or may be interpreted to affect any intelligence or counterintelligence activity or investigations relating to threats in or from Yemen, which involves the collection, analysis, or sharing of intelligence with any coalition partner.

I do not believe that it was the intention of the authors of S.J. Res. 7 to restrict these intelligence activities per se. I believe it was Senator RUBIO's intention to make sure that that legitimate intelligence activities, as specified, were not affected.

However, my concern springs from the full implications of what ''sharing intelligence'' means. I assume it is meant to share useful intelligence the United States may acquire about the intentions, activities, characteristics, and other information about, for example, the Houthis or Al Qaeda in the Arabian Peninsula. That is entirely appropriate.

But if the intelligence being shared is actually information that allows Saudi Arabia or other members of the Saudi-led coalition to specifically target and conduct military operations, such as airstrikes, against specific sites in Yemen, then that would get perilously close to the U.S. being directly involved in hostilities in Yemen, including under the War Powers Resolution.

Section 8 of the War Powers Resolution considers U.S. Armed Forces to be ''introduced into hostilities'' if, among other activities, members of the U.S. Armed Forces ''coordinate'' the activities of foreign forces. Arguably, enabling Saudi forces to target specific sites in Yemen could constitute ''coordination'' under the War Powers definition.

Why is this important? It is important, first, to preserve the scope of application of the War Powers Resolution, which the Congress enacted to rein in the power of the executive branch to make war anywhere under any circumstances.

Second, the more direct assistance U.S. Armed Forces provide to the Saudi-led coalition, the closer they are associated with the actions of those countries. That could lead to shared liability in those activities if and when those activities lead, inadvertently or otherwise, to atrocities on the ground in Yemen.

Again, I do not believe that it was the intention of the author of this amendment to create the legal space for this to occur. I would advise the Department of Defense and the appropriate intelligence agencies to be mindful of this issue and be cautious about what intelligence information is shared and for what purposes it is used.

H.R. 269

Mr. BRAUN. Mr. President, I ask unanimous consent that the following letter be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
March 14, 2019.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR LEADER MCCONNELL, I am requesting to be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 269, the Over-the-Counter Drug Safety, Innovation, and Reform Act. I further request that this legislation not be incorporated into any larger legislative vehicles that the Senate as a whole may consider until the concerns I describe below are fully addressed.

This legislation streamlines the outdated over-the-counter (OTC) drug approval process at the U.S. Food and Drug Administration (FDA)—a process originally developed in 1972. Specifically, the legislation allows the FDA to approve OTC versions of prescription drugs administratively, rather than going through the lengthy notice-and comment-rulemaking procedures under the Administrative Procedure Act. The legislation also encourages more innovation and investment in the OTC space by providing an 18-month market-exclusively component that rewards a return on investment for new OTC drugs. The 18-month market exclusivity period is crucial to creating a thriving OTC drug market; however, H.R. 269 does not contain adequate oversight mechanisms to ensure that this exclusivity provision is not abused by some OTC drug manufacturers after the reforms of H.R. 269 are implemented by the FDA.

Although the legislation encourages more innovation and investment in the OTC space, it does not include any conditions under which an OTC drug manufacturer would forfeit eligibility for the 18-month exclusivity