

shall receive performance evaluations relating to service in the rotational cyber workforce program in a participating agency that are—

(A) prepared by an appropriate officer, supervisor, or management official of the employing agency;

(B) based, acting in coordination with the supervisor at the agency in which the employee is performing that service, on objectives identified in the operation plan with respect to the employee; and

(C) based in whole or in part on the contribution of the employee to the agency in which the employee performed such service, as communicated from that agency to the employing agency of the employee.

**(C) PROGRAM REQUIREMENTS FOR ROTATIONAL SERVICE.—**

(1) **IN GENERAL.**—An employee serving in a cyber workforce position in an agency may, with the approval of the head of the agency, submit an application for detail to a rotational cyber workforce position that appears on the list developed under section 3(b).

**(2) SELECTION AND TERM.—**

(A) **SELECTION.**—The head of an agency shall select an employee for a rotational cyber workforce position under the rotational cyber workforce program in a manner that is consistent with the merit system principles under section 2301(b) of title 5, United States Code.

(B) **TERM.**—Except as provided in subparagraph (C), and notwithstanding section 3341(b) of title 5, United States Code, a detail to a rotational cyber workforce position shall be for a period of not less than 180 days and not more than 1 year.

(C) **EXTENSION.**—The Chief Human Capital Officer of the agency to which an employee is detailed under the rotational cyber workforce program may extend the period of a detail described in subparagraph (B) for a period of 60 days unless the Chief Human Capital Officer of the employing agency of the employee objects to that extension.

**(3) WRITTEN SERVICE AGREEMENTS.—**

(A) **IN GENERAL.**—The detail of an employee to a rotational cyber position shall be contingent upon the employee entering into a written service agreement with the employing agency under which the employee is required to complete a period of employment with the employing agency following the conclusion of the detail that is equal in length to the period of the detail.

(B) **CONTINUED SERVICE AGREEMENTS.**—A written service agreement under subparagraph (A) shall not supersede or modify the terms or conditions of any other service agreement entered into by the employee under any other authority or relieve the obligations between the employee and the employing agency under such a service agreement. Nothing in this subparagraph prevents an employing agency from terminating a service agreement entered into under any other authority under the terms of such agreement or as required by law or regulation.

**SEC. 5. REPORTING BY GAO.**

Not later than the end of the second fiscal year after the fiscal year in which the operation plan under section 4(a) is issued, the Comptroller General of the United States shall submit to Congress a report assessing the operation and effectiveness of the rotational cyber workforce program, which shall address, at a minimum—

(1) the extent to which agencies have participated in the rotational cyber workforce program, including whether the head of each such participating agency has—

(A) identified positions within the agency that are rotational cyber workforce positions;

(B) had employees from other participating agencies serve in positions described in subparagraph (A); and

(C) had employees of the agency request to serve in rotational cyber workforce positions under the rotational cyber workforce program in participating agencies, including a description of how many such requests were approved; and

(2) the experiences of employees serving in rotational cyber workforce positions under the rotational cyber workforce program, including an assessment of—

(A) the period of service;

(B) the positions (including grade level and occupational series) held by employees before completing service in a rotational cyber workforce position under the rotational cyber workforce program;

(C) the extent to which each employee who completed service in a rotational cyber workforce position under the rotational cyber workforce program achieved a higher skill level, or attained a skill level in a different area, with respect to information technology, cybersecurity, or other cyber-related functions; and

(D) the extent to which service in rotational cyber workforce positions has affected intra-agency and interagency integration and coordination of cyber practices, functions, and personnel management.

**SEC. 6. SUNSET.**

Effective 5 years after the date of enactment of this Act, this Act is repealed.

**ORDERS FOR WEDNESDAY, MAY 1, 2019**

Mr. CASSIDY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, May 1; 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 Barker nomination, with the time until 11:45 a.m. equally divided between the two leaders or their designees.

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

**ORDER FOR ADJOURNMENT**

Mr. CASSIDY. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senators Durbin and Casey.

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

The Senator from Illinois.

**VENEZUELA**

Mr. DURBIN. Madam President, last year, I made a visit to Caracas, Venezuela. It was a surprise that they even offered me a visa to journey to that country. In the course of several days, I saw firsthand what life in Venezuela was like. It was terrible from every aspect—malnutrition, children fainting in schools, hospitals without the basic

medicines, the return of diseases which had been eradicated decades before, people on the street emaciated and working day in and day out in a runaway inflation country. At 11:30 at night, there were queues by ATM machines where people stood patiently in line for hours to make the maximum withdrawal from their savings account, which was the money they needed the next day to take the bus to work. It is a terrible situation.

In the course of that visit, I met with President Maduro and talked to him directly about his plans to schedule an election. It was clear to me this election was rigged. He had intimidated and even jailed his opponents to make certain that there would be no serious opposition, and I told him there would be no credibility in that election. It wouldn't be accepted by countries around the world that he was the legitimate leader of that country. Yet he persisted and went through with the election.

During the time that I was there, I had a chance to meet with some of his political opponents. His tactics against these opponents were harsh. Leopoldo Lopez, a popular opponent, was put under house arrest for years. I spoke to him on the telephone and met personally with his wife, who described the bleak existence he had day to day in the same house under house arrest by Maduro.

One evening, we had dinner with opposition members of the National Assembly, and it was held at a secret location, upstairs in a darkened room, because of their fear of retribution by Maduro and his regime.

These are some pretty brave young men and women who are part of the opposition to Maduro. I can recall one of them saying to me: If you come back next year, out of the five of us, two will have been deported, two will be missing, and one of us will be dead. That is what happens when you oppose the Maduro regime.

One of those people who were at that dinner meeting with me was named Juan Guaido. His name became prominent just a few months ago when he stepped up in an extraordinary show of political courage and declared himself, under the original Constitution, as the leader of Venezuela—directly confronting Maduro and his regime. Since then, he has received a lot of publicity. He went to the border with Colombia and tried to encourage the Maduro regime to allow transports of food, medicine, and other humanitarian needs into the country. Maduro refused.

He also made it clear that he was willing to risk his life. I met here in Washington with his young wife, who had a little baby girl. His wife had come to the United States to plead his case in the Halls of Congress. She knew the danger her husband faced. Yet she understood that he was willing to risk that for the future of Venezuela.

Juan Guaido's effort to become the leader of that country has been recognized now and acknowledged by leaders

of countries around the world. The Organization of American States—the largest organization of Central and South American countries—acknowledged in a formal vote that Juan Guaido would be the leader of Venezuela by their calculation. They didn't accept the Maduro election any more than I did.

In the last several months, there has been increasing tension and concern as members of Guaido's following were jailed by the Maduro regime and concern that Guaido himself may be in danger because of this ongoing situation.

Early this morning, I received a phone call from Ambassador John Bolton, who works with the President in the White House. He knew of my interest in Venezuela, and he wanted to alert me that today was a day that could be historic, a day of reckoning. Guaido and Leopoldo Lopez, who had been under house arrest, were both appealing directly to the military leaders in Venezuela, asking those leaders to join their effort to establish a legitimate government in Venezuela and to have a free and fair election. We didn't know what was in store. There were no predictions as to who would prevail in this, and there was a great deal of danger associated with Guaido's position. Lopez, coming out of house arrest, is risking his own life in the process. We didn't know what Maduro's response would be.

In the last several weeks, there have been groups that have come to the aid and support of the Maduro regime. They include some Cuban security forces, as well as colectivos and motorcycle gangs that support the Maduro regime, but most notably the arrival of several hundred Russian military into Caracas. This, of course, complicates the situation. There are rumors in the press. We don't know which to believe and which not to believe, but at this point, there is at least a question as to whether Maduro was prepared to leave and was discouraged by the Russians and told to stay. I hope he does leave.

I hope Venezuela can turn the corner. I hope the people of that country who are leaving Venezuela by the millions to go to countries like Colombia have an opportunity to see a new life in their country and to move forward.

I have supported the efforts of the Trump administration against the Maduro regime in Venezuela with an understanding that they want to move forward with regime change in that country without the involvement of U.S. military force. I think it would be a mistake if we did that, to put in U.S. military force. We are in a situation where the history of that region is well known. There has been a lot of tension and a lot of difficulty in the past, and I hope we do not consider that military possibility. I certainly support their efforts and applaud their success in bringing the Organization of American States and other countries to the side of Juan Guaido and Leopoldo Lopez.

I urge Maduro to do the right thing for Venezuela—to avoid bloodshed, to accept Guaido's amnesty offer, and to step out of the way of a long-overdue transition and return to democracy.

Until then, I support President Guaido's peaceful effort to advance the constitutional transition period in which a credible and timely election can be prepared under his leadership. Mr. Guaido is literally putting his life on the line for the future of his country. The Russians and Cubans in Caracas who attempt to prop up Mr. Maduro must step back and let the Venezuelan people decide their own fate in an open and free election.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

#### JUDICIAL NOMINATIONS

Mr. CASEY. Madam President, I come to the floor tonight to discuss the troubling state of judicial nominations before the Senate. This week, we are voting on, among others, two district court nominees—Campbell Barker and Andrew Brasher—who have, in my judgment, very concerning records.

Just several weeks ago, Senate Republicans changed the Senate rules so that they can continue to put on the Federal bench highly ideological and sometimes unqualified jurists who have the corporate stamp of approval but I don't think the mainstream stamp of approval. Under new Senate rules, these nominees will receive only 2 hours of postcloture consideration time on the Senate floor, but if confirmed, they would sit on the Federal bench for life. So 2 hours postcloture for a lifetime appointment.

I will start with Mr. Campbell Barker, who has been nominated to the U.S. District Court for the Eastern District of Texas. He has a troubling record from his time as deputy solicitor general of the State of Texas. In 2016, he defended Texas's voter ID law, which the Fifth Circuit said violated the Voting Rights Act because it prevented minority voters from exercising their right to vote.

Second, Mr. Barker submitted amicus briefs to the U.S. Supreme Court attacking the Affordable Care Act. In those briefs, he argued that the individual mandate is unconstitutional—a position rejected by the U.S. Supreme Court. He also opposed the contraceptive coverage mandate, which was a critical part of the ACA's efforts to make sure that women have access to the medical care they need. He also signed amicus briefs arguing that businesses should be allowed to discriminate against LGBT customers and supporting the President's travel ban, which, in my judgment, was a bigoted policy that discriminated against the Muslim community.

The second nominee I will make some comments about tonight is Mr.

Andrew Brasher, a nominee to the U.S. District Court for the Middle District of Alabama. Like Mr. Barker, Mr. Brasher has a troubling record from his time in the state solicitor general's office. In 2014, he defended the Alabama State redistricting scheme, which a Federal court determined violated the Constitution because it packed African-American voters into a few districts, diluting the power of their vote on the basis of their race.

Similar to Mr. Barker, Mr. Brasher challenged the contraceptive mandate in the Affordable Care Act and argued that the reasonable accommodations made for religious nonprofits were still too burdensome—an argument that the Eleventh Circuit Court of Appeals rejected.

In 2015, he submitted an amicus brief to the U.S. Supreme Court arguing against the right of same-sex couples to marry—a position the Supreme Court has rejected.

Lastly, Mr. Brasher submitted amicus briefs to the Supreme Court arguing against commonsense gun laws, such as age requirements for gun purchases and restrictions on concealed carry licenses.

There is no good reason why we should be confirming these judges with these troubling records on matters of critical importance to many Americans. There is no shortage of qualified, mainstream attorneys or judges, State court judges and other judges across the country. Of course, in the case of a Republican Senate and Republican President, these judges are often Republican in their party affiliation or by way of their philosophy, but I think there is often a big difference between a conservative jurist or potential judge who has a conservative view on issues—that is different from being extreme right, as many of these nominees are.

Just by way of contrast to these nominees and others we will be considering, Senator TOOMEY and I have worked together jointly to recommend experienced, consensus nominees for Federal district courts in Pennsylvania. Everyone knows we are in different parties. We have different views. We rarely vote together. But we have figured out a way on most days—not every day, not every nominee or potential nominee, but on most days—to work together to try to find consensus for district court nominees.

I want to thank my colleague from Pennsylvania, Senator TOOMEY, for his commitment to our process over these many years we have served together now, since 2011. This process has allowed us to confirm 18 Federal judges to the 3 Federal district courts in Pennsylvania since 2011. We have five others who are being considered by the Senate now, including Joshua Wolson, whose nomination is on the floor this week. I returned a blue slip and will vote for Josh Wolson. He is experienced. He has strong academic credentials. He is a conservative. He probably

wouldn't be my first pick, but I am supporting him. He has been a partner at a distinguished Philadelphia law firm, the Dilworth Paxson firm, since 2008 and has both the ability and I think the integrity to serve as a Federal district court judge. So that is a demonstration that this process can work when you have consensus, even between Senators who don't often vote together.

This is a bipartisan process. It requires both parties to work very hard. It requires our staff to work hard. It requires consensus. It has required several White Houses now—the Obama administration's White House, as well as the Trump administration—to work with us. But we found a way to make it work on most days.

This bipartisan district court process is indeed the exception, not the rule. In so many other instances, especially with regard to circuit court nominees, we have seen extreme nominees being pushed through. The rule change that I referred to earlier that cut the postclosure time to just 2 hours means there is very little time to fully consider nominees to these lifetime appointments to the Bench. The Judiciary Committee has stacked multiple circuit court nominees in single hearings, giving Senators on the Judiciary Committee less time to ask nominees questions.

Circuit court nominees now receive votes over the objection of their home state Senators. That is new. That wasn't happening just a few years ago, and it wasn't happening many years before that.

The blue-slip process has been eviscerated for circuit court judicial nominees. That is a loss for the Senate, which may be the only body in the world that has the kind of rules that govern our work so that we will arrive at a consensus by empowering the minority to work with the majority to arrive at that consensus. It is a loss for the Senate, but it is also a loss for our constituents who are served by Federal district courts and Federal circuit courts.

Last year, the Senate confirmed David Porter to the Third Circuit Court of Appeals in Pennsylvania—Pennsylvania being one of the States represented in the circuit. That nomination and confirmation was over my objection as a home State Senator. This was in spite of my record of bipartisan work on judicial nominations. My record now goes back over the course of three Presidencies and different Senates—Democratic Senate, Republican Senate. Despite all the bipartisan work, this nominee was both nominated and confirmed without my consent.

For the first time in history, we have confirmed two judges to the circuit court—Eric Miller and Paul Matey—without the consent of any home State Senators, meaning you have two Democratic Senators who did not give consent, and now they have been con-

firmed. I don't think that is good for the Senate in the long run. I am certain it is not good for our constituents, as I said. I think they would prefer judges who come through a process where there is a degree of consensus, including all of the vetting that these nominees go through.

This isn't how the process is supposed to work. This process is supposed to be one of advice and consent. Advice and consent as to nominating people for lifetime appointments to the Federal courts, especially the circuit courts, has been gutted. "Gutted" might be an understatement. These nominees will impact not just the lives of the parties before them in court, but, of course, the lives of all Americans.

It is true that in our system, one Federal judge can affect the whole country. We know that from our history. And that includes both district court judges, as well as circuit court judges.

In the case of circuit court judges, often that is the last stop. Very few cases are briefed and argued before the U.S. Supreme Court. In many cases, the last stop is the Federal Circuit Court of Appeals. For all intents and purposes, that becomes the Supreme Court for a lot of cases—the highest level of review.

I hope we can return to a more inclusive process that focuses on putting experienced, mainstream judges on the bench rather than ramming through—and that is the best way to describe what has been happening lately—nominees with views and with records that are out of the mainstream. I would argue for purposes of the near-term votes that both Mr. Barker and Mr. Brasher would not fit under the umbrella of being mainstream.

I think there are plenty of folks around here in the Senate who would like to work together to arrive at more of a consensus. It doesn't mean that we will not have disagreements; it doesn't mean that one side will not have a different point of view. But I think someone can be conservative and philosophically aligned with one party or one point of view without being so far out of the mainstream that a lot of Americans would consider them extreme.

I yield the floor.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:58 p.m., adjourned until Wednesday, May 1, 2019, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### MERIT SYSTEMS PROTECTION BOARD

B. CHAD BUNGARD, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE

TERM OF SEVEN YEARS EXPIRING MARCH 1, 2025, VICE MARK A. ROBBINS, TERM EXPIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. RODNEY L. FAULK  
BRIG. GEN. DEBORAH L. KOTULICH  
BRIG. GEN. FREDERICK R. MAIOCCO  
BRIG. GEN. GREGORY J. MOSSER  
BRIG. GEN. JOHN H. PHILLIPS  
BRIG. GEN. JOE D. ROBINSON  
BRIG. GEN. ALBERTO C. ROSENDE  
BRIG. GEN. RICHARD C. STAATS, JR.  
BRIG. GEN. KEVIN C. WULFHORST

##### To be brigadier general

COL. TIMOTHY E. BRENNAN  
COL. CARY J. COWAN, JR.  
COL. CHRISTOPHER J. DZIUBEK  
COL. JEFFREY M. FARRIS  
COL. ROBERT E. GUIDRY  
COL. MICHELLE A. LINK  
COL. LAURENCE S. LINTON  
COL. PAMELA L. MCGAHA  
COL. STEVEN B. MCLAUGHLIN  
COL. JOSEPH A. PAPPENFUS  
COL. JOSEPH A. RICCIARDI  
COL. JED J. SCHAERTL  
COL. PATRICIA R. WALLACE  
COL. DAVID P. WARSHAW  
COL. STUART E. WERNER  
COL. WANDA N. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

##### To be colonel

TIMOTHY S. ADAMS  
DANIEL A. BLAZ  
DAVID F. BOYD III  
CRAIG S. BUDINICH  
BRETT G. BUEHNER  
MITZI A. FIELDS  
BRAD E. FRANKLIN  
STACEY S. FREEMAN  
MATTHEW K. GARRISON  
JOSEPH J. HOFFERT  
THERESA L. LEWIS  
BIRGIT B. LISTER  
RANAE T. LOWE  
ALICIA A. MADORE  
MARK L. MITCHELL  
VINCENT B. MYERS  
PRENTICE R. PRICE  
THURMAN J. SAUNDERS  
ANN C. SIMSCOLUMBIA  
ALICIA D. SURREY  
MICHAEL F. SZYMANIAK  
JIMMIE J. TOLVERT  
DENNIS R. TURNER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 7064:

##### To be colonel

CAROL A. ANDERSON  
AMY A. BLANK  
MERBIN CARATTINI  
ROBERT CARTER III  
TRISHA A. COBB  
COLLEEN M. COOPER  
DAVID B. COWGER  
NATHANAEAL C. FORRESTER  
TOBIAS J. GLISTER  
JAMES B. GOETSCHUS  
MATTHEW J. GRIESSER  
MARK G. HARTELL  
CHARLOTTE L. HILDEBRAND  
RAYMOND J. JABLONKA  
FREDERICK C. JACKSON  
PAUL J. KASSEBAUM  
DUBRAY KINNEY, SR.  
BRADLEY D. LADD  
PAUL W. MAETZOLD  
KEVIN J. MAHONEY  
MATTHEW J. MAPES  
PETER B. MARKOT  
YVETTE M. MCCREA  
JAMES A. MORRISON  
ROBERT L. NACE  
WOODROW NASH, JR.  
BRIAN D. OLEARY  
ADAM J. PETERS  
RICARDO A. REYES  
DANIEL E. REYNOLDS  
MICHAEL D. RONN  
GINNETTE RUTH  
ALICE E. SMITH  
KIRSTEN S. SMITH  
KENNETH D. SPICER  
SABRINA R. THWEATT  
BARBARA T. TRAENKNER  
STUART D. TYNER  
ARISTOTLE A. VASELIANES  
LAWANDA D. WARTHEN  
CHAN L. WEBSTER  
DOUGLAS P. WEKELL  
KENNEY H. WELLS