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

**PRAYER**

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

Let us pray.

Wonderful God, Your promises are sure. Provide us with the will to be productive citizens of Your Kingdom. Fill our lawmakers with Your Spirit so that their ordered lives will provide evidence of Your power. Lord, give them a sure confidence in Your love and a faith to tackle the challenges of our time. May they grow daily in Your grace and in the knowledge of Your will for their lives. Help them to be humble, gentle, patient, and generous as they seek to do Your will on Earth, even as it is done in Heaven. Provide them with the wisdom to claim their true identity as Your children, who have Your image engraved upon their hearts.

We pray in Your strong 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 (Mr. Sasse). The majority leader is recognized.

**OBAMACARE AND THE PRESIDENT’S ADDRESS TO CONGRESS**

Mr. McCONNELL. Mr. President, the past 8 years have not been easy for America’s middle class. Americans labored under an economy that failed to deliver. They have fought against red-tape that threatened their jobs and small businesses. When they looked at Washington, they saw an administration that repeatedly put its leftwing ideology ahead of middle-class interests.

Kentuckians understand this better than most. They watched as the last administration launched a war on vulnerable families in coal country. They watched as the last administration launched Kentucky at the head of the middle class in the form of ObamaCare.

Kentuckians were promised that health insurance premiums would go down, but they soared by as much as 47 percent just this year. Kentuckians were also promised they could keep their health plans, but many continued to find themselves forced into insurance so expensive, insurance that so few of their doctors will accept, it is basically useless.

Obamacare has pushed Kentucky’s insurance market to the brink of collapse, and now Democrats want to throw a victory party. I am not sure how else to interpret their choice to respond to the President’s address tonight.

The absolute ObamaCare disaster that Governor Beshear presided over continues to harm Kentucky today, even after he has left office. Kentuckians have since repudiated that legacy in election after election. They replaced him with an anti-ObamaCare Governor and legislature. They voted for a President who listened to them and promised to repeal and replace ObamaCare. They sent Republicans back to the Senate and House who listened to them and promised to repeal and replace this partisan law as well.

Former Kentucky Governor Beshear was correct to note that “the American people by their votes don’t agree with [Democrats].” So maybe he will agree it is time to finally listen to Kentuckians and families around the country and move on from this disastrous law.

What I am talking about here is, he is doing the response tonight. The former Governor of Kentucky is the poster child for ObamaCare and doing the response to the President tonight. We are going to move forward, I hope that is the message Governor Beshear can find within himself to deliver tonight, but I will not hold my breath. I am sure it is a message President Trump will deliver, however.

In November, the American people elected a new President who offered a new direction. He will now have an opportunity to talk about how we can make that change. We already know what needs to be done. We need to leave ObamaCare in the past and replace it with commonsense reform so we can bring relief to the middle class.

We need to make regulations smarter so we can get the economy moving. We need to make taxes simpler so we can get the economy moving. We need to make taxes simpler so we can get the economy moving. We need to make taxes simpler so we can get the economy moving.

I also hope he will provide more thoughts on how we can help our veterans and strengthen our military. Getting even one of these items achieved would be a win for our country. Getting all of them done would be a significant undertaking.

Congress may hold the key to getting many things done, but the executive branch has important authority as well. The President and his Cabinet Secretaries have already taken critical action to move us forward on many of these issues. It is another reason the rest of his Cabinet needs to be confirmed as soon as possible. The Senate is working hard to get that done.

The Senate is also working hard to confirm another of his nominees, an outstanding jurist named Neil Gorsuch. He is going to make an exceptional Supreme Court Justice. It is a sentiment
you hear expressed right across the political spectrum. The President made a brilliant choice with Judge Gorsuch. We are all looking forward to what the President has to say tonight. It is a big moment for him. More importantly, it is a big moment for our country. Americans are ready to move forward. They are ready to get our economy moving. They are ready to leave the failures of the status quo behind, such as ObamaCare, and move toward a more hopeful future. After 8 long years, believe me, it is something we can all use.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. 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.

PRESIDENT’S ADDRESS TO CONGRESS

Mr. SCHUMER. Mr. President, this evening, the President will give his first address to a joint session of the House and Senate. We look forward to hearing from him. Tonight’s speech from the President will be far less important than past Presidential addresses for one very simple reason, this President has shown throughout his campaign for the Presidency and now his first month in office that there is a yawning gap between what he says and what his administration actually does for working Americans.

He talks like a populist but governs like a pro-corporate, pro-elite, hard-right ideologue. He promised to be a champion for working people in his inauguration, and then 1 hour later signed an Executive order making it harder for working people to afford a mortgage. He told raucous crowds that he would tear down the power structure in Washington and drain the swamp, but he has spent his first month in office appointing bankers and billionaires and titans of Wall Street to fill his administration. He ran a campaign against the elites, promising to stand up to Wall Street, but as soon as he was in office, he started to try to roll back Wall Street reform and consumer protections designed to prevent another economic crisis and protect the interests of hard-working Americans.

In his inauguration, he said that Washington and the special interests have enriched themselves while “the people did not share in its wealth.” Then, one of the first laws he signed made it easier for large oil, gas, and mining companies to hide payments—potentially bribes—they make to foreign governments.

That is the Trump. He is not cleaning it; he is making it worse. Despite all his talk, he seems to be full steam ahead on a program to help big business, the special interests, and Wall Street. Meanwhile, a massive infrastructure proposal, a centerpiece of his pitch to working America, is nowhere to be found. A program to stop jobs from moving overseas—not just tweeting about a few hundred jobs at Carrier plants staying in the United States—ought to be found.

President Trump ran as a populist and still talks like one, but his first month has been a boon for corporations, the wealthy, and the elite in America and has provided absolutely no relief to folks who are struggling to make ends meet—no relief to the middle class and those struggling to get there. In fact, many of his proposals shift the burden off the backs of the special interests and keep it on the backs of working families. He likely isn’t finished yet.

Tonight, the President might discuss his tax plan. He said that every decision on taxes would be made to “benefit American families.” It is another grandiose promise. But every indication we have gotten about the administration’s plan is that it would give tax breaks to the wealthy and shift the burden onto the middle class and even the working class. So no matter what the President says tonight, we will have to look at the details of his proposal and see who it really helps, and every American should as well.

Tonight, if past is prologue, the President will use populist rhetoric in his speech, but he won’t back it up with real actions. He will use populist rhetoric in his speech to hide what he is actually doing, which is helping the special interests and making it harder to stay in the middle class. He talks like he favors working people, but his actions ultimately desert them. He will present himself as a President for the people, but he will forget him the moment it comes to governing. So while I hope the President offers a message of inclusivity and talks about some issues where Democrats and Republicans can perhaps find common ground, which is helping the special interests and making it harder to stay in the middle class. He talks like he favors working people, but his actions ultimately desert them.

So it is a far-reaching and diverse portfolio, and it requires the Secretary
to take into account not only the demands of the extraction industry—the oil, gas, coal, and hard rock mining companies—the Secretary, above all, must protect the public’s interests.

I think the public could probably best be served by knowing what happened in the Gulf of Mexico and the explosion that happened with the Deepwater Horizon well. Here, the Department of the Interior and minerals management resource agencies, in my opinion, should have been doing a better job of protecting the public and protecting that vital resource.

The conclusion of hearings after this fact found that there were many recommendations to clean up and streamline the minerals management agency so that it was not catering to the interests of the oil and gas industry, but making sure that it adheres to what is the public interest. Now all that has been made famous in a movie, which many of the public I think should go to see. The movie is called “Deepwater Horizon” and it comes out next week. The point is that extraction of mineral resources is not a good idea, and having an Interior Secretary who makes sure we manage these resources well is critical to our Nation.

Also, the outdoor recreation industry, in and of itself, in my opinion—and I am sure in the opinion of many others here who understand it—has become a juggernaut. I will talk about that in a little bit. It is an economy in and of itself. It is worth preserving. It is worth fighting for. It is a source of tax revenue, income, jobs, and, most importantly, a quality of life that so many Americans hold dear. I have been so touched by the letters I have gotten from veterans, who have said to me on their returning back from Iraq and Afghanistan that having the wonders of the outdoors as a place for peace and sanctuary has been so critical to them. They have argued in support of important programs like the Land and Water Conservation Fund, and others, to make sure that our public lands are there for them to enjoy and for their children to enjoy in the future.

So, in short, the Secretary must balance the short-term demands of developing resources on these public lands against the need to protect the environment and sensitive areas and preserve that natural heritage, as I said, for future generations. It is very important, I think, that the Secretary and the Department of the Interior have an understanding of what our Nation’s leading stewardship responsibilities are, understands what those special places are, like the Grand Canyon, and other places such as Mount Rainier, and make sure they are protected.

I had hoped to be able to support Congressman ZINKE’s nomination based on his assurances that he would manage the Department of the Interior as a Teddy Roosevelt Republican. However, I cannot ignore the Trump administration’s plans to open public lands and resources, and I cannot ignore Congressman ZINKE’s commitment during our committee hearings to work to implement President-Elect Trump’s energy independence policy, as well as a variety of positions on returning Federal land, taking public lands off the protection that they deserve today. These are very important public policy decisions, and I think that President Trump has said to many people, “My Cabinet is free to say whatever they want.” So the fact that these important policies are going to be implemented that may erode what has been decades of policy for us in managing our public resources is quite concerning to me.

What exactly is the Trump administration’s plan? Clearly, the Trump administration intends to pursue an aggressive agenda when it comes to mining and drilling on our public lands and waters. The President and his senior advisers have made clear their intention to undo what are reasonable protections put in place in environmentally sensitive areas. The administration will renew its efforts to reverse protections of important onshore and offshore areas. Based on energy plans posted on the White House website immediately after the President’s inauguration, the President seems to be planning to simply open up as much Federal land as possible to coal mining and energy development.

The administration has said it will use money from drilling and mining on all our public lands and waters to pay for a multibillion-dollar infrastructure package. My constituents want to know where they draw the line. Where does that stop?

The administration has already suspended rules ensuring polluters on our public lands don’t have to pay their fair share. The President has signed into law a measure guaranteeing the Obama administration rule that would have prevented coal companies from dumping toxic chemicals into our Nation’s rivers and streams. The administration has made it clear that the new administration will do everything it can to reverse the responsible management of our public land and instead pursue an aggressive energy development policy without regard to the environmental and public health consequences.

The bedrock principle, I believe, is that polluters should pay and they should clean up their messes on public lands. We may all have a different opinion on what public land should be developed, but I think everybody should be in agreement that polluters should pay, and they should leave our public land in a pristine nature.

It is equally clear that the new administration will be encouraged in this effort by the majorities in the House and the Senate by some of the legislation we have already seen, such as enabling coal companies to dump their mining waste into streams and impact federal drinking water, enabling oil companies to waste the public’s natural resource without paying royalties on the gas they waste—that is costing taxpayers money—and reports that the President intends to issue an Executive order to overturn the current moratorium prohibiting new coal leases on Federal land. That is an issue about getting a fair deal for the taxpayer. The taxpayer is the one who pays. Coal companies, instead of doing the job it takes to extract coal without an impact on the public, are taking Federal resources and making lots of money without responsibility to the taxpayer.

Previous Secretary, Secretary Jewell, basically said, for the first time in many years, that they would look at what the industry was paying as far as coal royalties. That process is underway, and we think it should be carried out. We think the taxpayer deserves a fair deal.

Unfortunately, I am not convinced that Congressman ZINKE will be willing or able to moderate the Trump administration’s extreme views on exploiting our public lands, and I am not sure he will be willing or able to stand up to the President to protect the public interest and ensure that our public lands are managed and protected for the benefit of all Americans—not just the oil, gas, and coal companies and their commercial interests.

The Secretary’s principal job is to be a guardian, a steward of our public lands. To me, stewardship is so important. So many of my colleagues come to the floor and act like they are managing this resource for their lifetime and their generation. Stewardship is about managing these resources for future generations as well. If our past ancestors had been so callous with these Federal resources, where would we be today? It is so important that we not look at these Federal lands so narrowly as a source of natural resources that someone has in their particular State or interest but also to make sure that our Federal lands and waters are protected for future generations as well. With that in mind, I have seen several laws and regulations under attack that are fundamental to keeping that mission of stewardship at the Department of the Interior, including the Clean Water Act, the Federal Land Policy and Management Act, the Clean Air Act, the Surface Mining Control and Reclamation Act, and the Antiquities Act.

While Congressman ZINKE said he would support the Court’s recent decision to transfer away management of certain Federal lands to the States, and I appreciate, at the same time, he has indicated he is willing to consider transferring away management of certain Federal lands to the States.

What does that mean? For example, you could have a monument or a designation of Federal land—it could be even Mount Rainier or some beautiful place in the Pacific Northwest—consequently transferred back to the State and that particular State—wouldn’t Washington politicians might happen in some other State—decides to start managing that land and extracting resources. You might think that
could not possibly happen, I have news for you. That is the debate du jour. This is exactly—exactly—the debate today.

Last Congress, Congressman Zinke cosponsored and voted for a bill to transfer management of red snapper fisheries in Federal waters. He supports transferring Federal management responsibilities to the States, and it clearly undercuts the commitment to Federal resources.

We also know of his previous support efforts to restrict use of the Antiquities Act to designate national monuments. In fact, he appears open to efforts to weaken or repeal certain recently designated national monuments. He has indicated one of his first priorities, upon confirmation, will be to visit Utah to consider a Republican proposal to rescind the recently designated Bears Ears National Monument. This is despite the strong support of many across the Nation and in Utah, as well as tribal support from the Bears Ears Inter-Tribal Coalition, representing the five affected tribes in the region.

As somebody who enjoys the outdoors, I can state how important it is to be able to recreate. I have heard incredible stories from climbers and those interested in seeing this unique terrain that it is a very special place.

As we enter this debate, the issue of the Bears Ears National Monument and whether they are going to roll back Federal land protection will be at the center of this discussion. Created by President Obama, Bears Ears encompasses 1.3 million acres of beautiful desert hills, mesas, sandstone canyons, spiritually significant lands to local tribes, and some of the best crack climbing in the world. The climbing community loves to recreate there.

The tourism community and tribes have fought for many years for this designation. If and when he is confirmed, Congressman Zinke will be under intense pressure from some quarters to try to undo this designation. In fact, heated debate on this subject boiled over just a week ago as the Outdoor Retailer show decided to leave Salt Lake City, after two decades and contributing at least $40 million to the economy in various shows that they had each year there, because of Utah’s stated desire and the congressional delegation’s interest in basically claiming Federal lands and selling them off for extraction from the oil and gas industry.

I was so proud of retailers, such as REI in my State or others such as Patagonia, Black Diamond, Outdoor Research and others, basically put their money where their mouth is. They decided that if a State was going to attack the very economy that was so important to them in jobs and recreation, that they were going to do something about moving their impacted industry somewhere else.

I would like to read what the Salt Lake Tribune editorial board had to say about this issue.

“In the same week Utah announced that it had topped $8.17 billion in annual economic benefit from tourism, the $40 million Outdoor Retailer show announced it was leaving.

“Surely we can take a half-percent hit, right?

“No. The exit of Outdoor Retailer is so much more than just losing the State’s largest convention. There will be hospitality jobs lost, and hotel rooms from Sandy to Ogden vacant for those two weeks a year. We’re now building a 900-room downtown convention hotel—with public bonding authority—largely on spec. There is now no convention currently on Salt Lake City’s docket that demands it.

“The reason Outdoor Retailer is leaving—their rejection of Utah’s political leaders’ values as shown in the stubborn and pointless fight against a Bears Ears National Monument—should make this moment a turning point.

“In the 1960s, Utah found itself at a confluence. One flow was fed by a collection of downtown Chamber of Commerce types who hatched a longshot bid to obtain the 1972 Winter Olympics. They knew they wouldn’t win, but they saw it as a chance to sell Utah’s “Greatest Snow on Earth.” It was the first time Utah took its outdoor tourism message to the world, and it was well received.

“The other flow came from a fundamental change in the American people, who were waking up to the natural world and the treasures in their own presence. In Utah, there was recognition that we held those treasures. A national park was created in Canyonlands and national monuments in Arches, Capitol Reef were elevated to national parks. Utahns of all creed agree with the concept, being from the home of the Grand Canyon. Continuing to read from the editorial:

“Where once we were a peculiar backwater, we became known the world over. Were it not for pioneering efforts, there would be no ski industry. No Olympics. No Sundance Film Festival. No Flat Tire Festival. No steady stream of tour buses climbing to Bryce Canyon. No $8.17 billion per year.

“Losing Outdoor Retailer over Bears Ears represents a reversal of a half century of progress in inviting the world to appreciate Utah.”

“The seeds of that failure were shown in the rejection of the unprecedented unity of five Indian nations coming together to protect their ancestral homeland. Instead of recognizing the significance, our leaders emboldened the local pioneer descend- ants who were claiming their 150 years of ranching took precedent over centuries of Indian presence in Bears Ears. The tribes had no choice but to go to the president.

“That blindness that can be sourced to Utah’s one-party political system that has given us leaders who are out of touch with their constituents. Dismantling the Bears Ears was a slam dunk in the Utah Legislature last week, but it’s an issue on which every race is decided. To show that political division encouraged by the false narrative that the monument was a trade-off between fat energy jobs and low-paying tourist jobs.

“The Bears Ears monument may be with us forever, and there is no bucket of gold waiting if it does go away. The presidential proclamation bent far toward the same boundaries and shared management Representative Bishop pursued with his Public Lands Initiative. In that context, Utah’s political leaders’ veihemence looks to much of the nation like white rejection of the legitimacy of a black president listening to Native Americans.”

“The damage may not be over. What does Utah’s sports equipment industry look forward to? What are Ogden-based companies supposed to do when their congressman refuses to acknowledge that fossil fuel consumption reduces the snowpack upon which their products glide?

“Are we receding to the backwaters where our superiority is apparent only to ourselves? Are we bent on separating Americans from their national identity instead of inviting them to share it?

“This isn’t about $40 million. It’s about who we are and where we are headed. To get there, we need leaders with a better appreciation of the magnificent gifts God has given everyone, not just Utahans.”

Mr. President. I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Salt-Lake Tribune, Feb. 20, 2017]

EDITORIAL: THE WORLD IS NOT SO WELCOME

Now, as Outdoor Retailer Exit Shows

In the same week Utah announced that it had topped $8.17 billion in annual economic benefit from tourism, the $40 million Outdoor Retailer show announced it was leaving. Surely we can take a half-percent hit, right?

No. The exit of Outdoor Retailer is so much more than just losing the state’s largest convention. There will be hospitality jobs lost, and hotel rooms from Sandy to Ogden vacant for those two weeks a year. We’re now building a 900-room downtown convention hotel—with public bonding authority—largely on spec. There is now no convention currently on Salt Lake City’s docket that demands it.

The reason Outdoor Retailer is leaving—their rejection of Utah’s political leaders’ values as shown in the stubborn and pointless fight against a Bears Ears National Monument—should make this moment a turning point.

In the 1960s, Utah found itself at a confluence. One flow was fed by a collection of downtown Chamber of Commerce types who hatched a longshot bid to obtain the 1972 Winter Olympics. They knew they wouldn’t
win, but they saw it as a chance to sell Utah's "Greatest Snow on Earth." It was the first time Utah took its outdoor tourism message to the world, and it was well received.

The other flow came from a fundamental change in the American people. They were interested in the environment and the beauty of our natural resources. They were concerned about pollution and the future of the planet. There was recognition that we held those resources in trust for future generations. A national park was created in Canyonlands, and national monuments in Arches, Bears Ears, and Grand Staircase-Escalante were established. Utahns of all creed and color united in their pride over our shared national icons.

When once we were a peculiar backwater, we became known the world over. Were it not for those pioneering efforts, there would be no ski industry. No Olympics. No Sundance Film Festival. No Fat Tire Festival. No steady stream of tour buses climbing to Bryce Canyon. No $8.17 billion per year.

Losing Outdoor Retailer over Bears Ears represents a reversal of a half century of progress in seeking the world to appreciate Utah. I have been proud to stand with our outdoor leaders wanting us to be Oklahoma. Gov. Gary Herbert, who has made economic development his reason for living, couldn't get a very lucrative 20-year visitor to keep coming.

The seeds of that failure were sown in the rejection—first by Rep. Rob Bishop and later by the Senate—of the Legislation, unprecedented in the story of Utah. Instead of recognizing the significance of the Bears Ears and balancing the local experience with the environmental needs of the American people, who were claiming their heritage? Are we bent on separating Americans from their national identity instead of inviting them to share it?

This isn't about $8 billion. It's about who we are and where we are headed. To get there, we need leaders with a better appreciation of the magnificent gifts God has given everyone, not just Utahns.

Mr. CANTWELL. Mr. President, I think the President puts this debate squarely in front of my colleagues. We have a nominee who has been all over the map as it relates to public lands, and, certainly, he has been on record that he will implement the President's strategy. I know he plans to visit this area, and I am so concerned that it will be the first of many areas in which people run over the larger public and national interest in favor of preserving the spectacular places just for immediate extraction, when, in reality, the jobs from the outdoor economy are just as important and, if you add up numbers, may be more important economically in both the near term and the long term. I should also note that those of us in Washington would gladly welcome the outdoor retailers with open arms. I am sure they will consider many different places, but we understand that protecting our most treasured places not only preserves them for this generation but for future generations, and it helps drive an economy.

In Utah, outdoor recreation is responsible for $12 billion in consumer spending—more than twice the value of oil and gas. If we are talking about top dog economics, the outdoor industry wins. In Washington State, the outdoor economy supports $227,000 direct-paying jobs and wages of $7.1 billion. Nationwide, it supports $886 billion in revenues from outdoor recreation, so this is a very valued part of the U.S. economy. It is also a very valued part of the American spirit.

Not only do the Bears Ears National Monument and others like it benefit county, State, and Federal coffers, but they also offer access to our shared heritage. As I said, it is that spiritual connection to nature that is so valuable to all of us, but I hold so dear that our veterans cherish it so much too. They deserve the relief of being able to go to our greatest and beautiful places and have some solace.

A second major responsibility of the Secretary is to manage the mineral resources, one of the most important being coal. As I have said—Secretary Jewell—took important steps to advance those principles. On her watch, the Department issued its new stream protection rule, its methane venting and flaring rule, its modernized coal-mine reclamation regulations, comprehensive examination of its coal leasing program.

Most of these initiatives involve updating existing policies that have been in place for 20 or 30 years, so on these I am sure my colleagues would understand that kind of updating should take place. During these three intervening decades, technology has improved and science has advanced, and we need to make sure technology recognizes that, when pollution happens, it needs to be cleaned up.

Attacks on Secretary Jewell's public health and taxpayer initiatives are already underway, and I am concerned that Congressman Zinke will not stand up to make sure that the policies of 'polluter pays' are followed and that the good work that has already been established is continued. At his confirmation hearing, Congressman Zinke stated that the war on coal is real and that he supports lifting the coal leasing moratorium. This is completely contrary to the rational view of energy market dynamics, and it is at odds with the energy policies our constituency expects.

While Federal coal leasing is an issue of national concern, it is also critically important in my State. They want to make sure that taxpayers are getting a fair deal for the leasing of that land. As I have previously discussed on the Floor, the advent of natural gas and its cheap value has done more to drive down the use of coal than any of this discussion about whether taxpayers are getting a fair deal.

Finally, the Secretary of the Interior must be committed to preserving and enforcing those important principles and to making sure that the taxpayers get a fair deal for 20 or 30 years, so I am sure my colleagues could understand that that kind of updating should take place. During these three intervening decades, technology has improved and science has advanced, and we need to make sure technology recognizes that, when pollution happens, it needs to be cleaned up.

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While Federal coal leasing is an issue of national concern, it is also critically important in my State. They want to make sure that taxpayers are getting a fair deal for the leasing of that land. As I have previously discussed on the Floor, the advent of natural gas and its cheap value has done more to drive down the use of coal than any of this discussion about whether taxpayers are getting a fair deal.

Finally, the Secretary of the Interior must be committed to preserving and enforcing those important principles and to making sure that the taxpayers get a fair deal for 20 or 30 years, so I am sure my colleagues could understand that that kind of updating should take place. During these three intervening decades, technology has improved and science has advanced, and we need to make sure technology recognizes that, when pollution happens, it needs to be cleaned up.
of these issues whether it is on the Antiquities Act or on coal leasing or on making sure that we live up to tribal sovereignty. In reality, it takes very little to sign an Executive order; it takes a lot to overrule the law of the land. Many of these issues will end up in court, and many of them will be battled for several years. I would suggest to my colleagues that we find a common interest in preserving our stewardship, in preserving our natural resources, and in continuing to develop this land moving forward.

I am not convinced that Congressman Zinke is going to show the leadership on these resources that is necessary, given his very different views on public lands as a Congressman—on all sides of the issue. We need someone who is going to stand up, just like those in Utah did, and say that the outdoor economy is worth it. The designation of public lands, as done by the President of the United States, should be permanent. We should end up fighting for something that is providing so many jobs and such a great connection for so many Americans.

I yield the floor.

The PRESIDING OFFICER. The majority speaks.

Mr. CORYN. Mr. President, tonight, President Trump will address a joint session of Congress for the very first time. This, of course, will be his first opportunity to tell the American people about his agenda and his vision for the Nation with the American people, who will be listening. I look forward to hearing what he has to say.

He will, undoubtedly, talk about the promises he made during the campaign and how he is working to deliver on them for the American people. I know the cornerstone of that vision for America is that of reviving our economy and boosting job growth.

President Trump has already taken a few steps—through Executive action—in that direction, for which I am grateful. He has also nominated top-notch financial and economic advisers to look at our archaic Tax Code and to review our trade agreements so as to get our country back on track. He has begun to trim the fat of our bureaucracy, and he continues to push for measures that keep the government from interfering unnecessarily in the lives of American families.

Congress has also played an important role. Earlier this month, we passed the first of several resolutions of disapproval under the Congressional Review Act—one, to roll back the erosion of Second Amendment rights and another to repeal a job-killing rule that targeted our energy providers.

There were others as well.

These rules have one characteristic in common, which is that all of these rules that we are rolling back through congressional resolutions of disapproval were put in place under the Obama administration. They frequently represent overreach in executive authority or in, certainly, what is prudent when it comes to regulation. There is such a thing as prudent regulation and overregulation, and I think what we saw is regulatory overreach under the Obama administration.

We finally have a President in the White House who will sign these bills into law that we pass here. I am glad the President is delivering on his promise to protect American jobs and to grow our economy.

Another area in which Congress and the administration are working together is in repealing and replacing ObamaCare. ObamaCare is, perhaps, President Obama’s crowning achievement.

His healthcare law, by all accounts, is completely unsustainable and is, essentially, creating a real crisis for the people who happen to be on those exchanges.

Texas families cannot afford these high monthly premiums or the sky-high deductibles that so often go along with them. In fact, here is an interesting statistic. In Texas, if you have a gross income of $25,000 a year, you could well end up spending 30 percent of your gross income on healthcare costs. That certainly doesn’t sound affordable, which was the promise of ObamaCare.

I look forward to working with our colleagues to deliver on the promise we made to the American people to repeal ObamaCare and put it in place a healthcare law that actually works for people, not against them—one that provides them with more choices and fewer mandates; if they like their doctors, they can keep their doctors; if they like their plans, they can keep their plans; and, yes, they can even save money. All of this was promised under ObamaCare, but none of it has proven to be true.

We do know some of the basic principles of that replacement for ObamaCare—that of moving healthcare decisions away from Washington to where they belong—with patients, their families, and their doctors. Actually, I think this is sort of the healthcare counterpart of what we did with the Every Student Succeeds Act, which was the follow-on to No Child Left Behind in moving more of the decision-making out of Washington and back to the States—back to the people most intimately affected and the people most interested in the results.

We also believe in giving patients the right tools they can use, like health savings accounts, to make their healthcare more portable and more affordable; in breaking down barriers that meet their needs. Americans from picking the insurance plans that are best for them and their families; and, finally, in empowering small businesses to provide employees with the same kind of affordable health coverage that meets their needs. Association health plans is, perhaps, one of the most commonly recognized means of doing that.

I am glad that we finally have a President in office who will work with us and not against us when it comes to repealing and replacing ObamaCare and in giving the American people more choices at a price they can afford when it comes to their health care.

I am confident that these men will do a stand-up job. America is lucky to have them continuing to serve our Nation in these new positions, and I am grateful to them for their service. The safety of our communities and the safety of our country and world peace is our chief job.

As Ronald Reagan demonstrated, the best way to keep the world peaceful is for America to remain strong because when America retreats from the world stage, when America abandons or when we underfund our national security requirements, all it does is encourages the bullies and the tyrants and the thugs around the world to fill the gap. That is what we have seen time and time again, ranging from Vladimir Putin in Russia—the best message we can send to Vladimir Putin is not necessarily additional Russian sanctions, which I would vote in favor of, but to quit the reversing of our spending on national security priorities. That is something he understands—strength. That is something he will respect. He does not respect weakness. In fact, it is an enticement to him to dangerous activities, as we have seen not only in Crimea and Ukraine but also now in Syria and the Greater Middle East.

I have to say that the truth is, since the Budget Control Act of 2011 and the sequestration process that came along with that, we haven’t made national security our No. 1 priority—the priority it should be. I hope, working together with our colleagues and the administration, we can fix that because there are a lot of things the Federal Government funds that are simply things that we would like to do but are not absolutely essential to our existence, our prosperity, and our welfare, such as national security.

I think President Trump has demonstrated that he understands what the priorities should be, and I know he will keep the goal of national security at the forefront. We ought to do everything we can, working together with this administration, to make that a success.

I look forward to hearing the President talk about some of his accomplishments in the 5 short weeks since he has been in office. You look at the stock market, for example, at historic
highs. I think there is a lot of anticipa-
tion, a growing confidence not only in
our economy but that America is now
back in a leadership role and that the
whole world will end up benefitting—
most importantly, the American
people.
I am eager to learn about how Con-
gress can continue to partner with our
new President to make his administra-
tion a success, so that America can re-
main a success, and to make the rest of
his campaign promises a reality.
Mr. President, I ask unanimous con-
sent that the Senate recess from 12
noon until 2:15 p.m. today.
THE PRESIDING OFFICER. Without
objection, it is so ordered.
RECESS
The PRESIDING OFFICER. Under
the previous order, the Senate stands
in recess until 2:15 p.m. Thereupon, the
Senate, at 12 noon, recessed until 2:15 p.m. and reassem-
bled when called to order by the Pre-
siding Officer (Mr. PORTMAN).
EXECUTIVE CALENDAR—Continued
THE PRESIDING OFFICER. The Sen-
ator from Montana.
REMEMBERING INA BOON
Mrs. McCaskill. Mr. President, I
want to begin my remarks today by
paying tribute to a strong, wonderful
civil rights leader, Ina Boon, who
passed away a few days ago. She was 90
years old, and she really was the
strength and heart of so much of the
civil rights work that went on in the
St. Louis area.
She began working for the NAACP
during the 1950s, and she will be sorely
missed. She was an extraordinary
woman. I think it is important to put
a tribute to her in the record of the Senate.
Because of the other thing I want to
talk about today, I want to mention
that Ms. Boon, after graduating from
Summit High School in St. Louis, at-
tended Oakwood University in Ala-
bama, which is one of the special his-
torically Black colleges and univer-
sities in our country.
SECRETARY DEVOS
Mr. President, that brings me to
what I want to talk to the Senate
about today and what I want to try to
emphasize. Betsy DeVos has been given
one of the most important positions in
education in this country. Call me old-
 fashioned, but I think it is pretty im-
portant that the Secretary of Edu-
cation have a basic working knowledge
of history. It is one thing to appear for
your confirmation and have no idea
what the Individuals with Disabilities
Education Act is or not have a working
understanding of the Federal laws as
they relate to education in this coun-
try, but it takes it to a whole new level
that someone who is Secretary of Edu-
cation would make the kind of state-
ment that Secretary DeVos made in
the last few days.
I want to read it aloud. This is the
statement from the Secretary of Edu-
cation following a listening session
with historically Black college and
university academicians.

> "Historically black colleges and universities are real pioneers when
it comes to school choice."

Now, let's be clear about what his-
torically Black colleges and univer-
sities were. It wasn't about a choice. It
was about racism. That is where these
colleges came from. It wasn't that a
young Black student looked at the
State university and said: Well, I have
to decide; do I want to go to the Uni-
versity of Alabama or do I want to go
to a historically Black college and uni-
versity? It may be that way today, but
it was not when they began. They were
established because do you know what
the University of Alabama said to Af-
rican-American students?

You can't come here. You are not
welcome. You are not allowed to dark-
en our doors. There was no choice.
This was the Jim Crow era of racism
and segregation.
In 1862, President Lincoln signed the
Morrill Act which provided land for the
purposes of colleges in each State. In
17 of those States, mainly in the South,
land was donated to public institutions
by law from attending these land grant col-
leges. The second Morrill Act of 1890 re-
quired States to establish a separate
land grant college for Blacks if Blacks
were excluded from existing land grant
colleges. Many of our great HBCU's,
like Alabama A&M, Florida A&M, and
Lincoln University, in my home State
of Missouri, became public land grant
colleges after the second Morrill Act of
1890. These schools were not estab-
lished because someone thought there
should be separate schools. These schools
were established because racism left
Blacks without any choice. When Blacks
tried to attend schools like the Univer-
sity of Alabama and the Univer-
sity of Mississippi, they were blocked
and there were riots. The fact that Sec-
retary DeVos doesn't understand this
basic fact is appalling.
Her statement was wrong. It was of-
fensive, and it should be corrected. We
need the Secretary of Education to
have a basic understanding of history in the
United States of America, especially as it
relates to education. Is there anything
that was more important in the history
of our country than the struggle for
equality in education? Is there any-
thing that is more important than rec-
ognizing and understanding that for
years in this country, young Black peo-
ple could be punished for learning how
to read? They would be told: You are
not welcome, even if the universities
were public. That is wrong, and it should
be corrected.
I hope it was an oversight. If it was,
I hope she will admit her mistake and
acknowledge that historically Black
colleges and universities in the United
States of America were not about
choice. They were about racism. They
were about trying to provide an oppor-
tunity. They were mostly a movement
that was largely led by ministers and
academicians from other parts of the
country, trying to make sure that in a
land that professes equality and justice
for all, education is the most funda-
mental of opportunities that must be
afforded to every single citizen.
I yield the floor.
I suggest the absence of a quorum.
THE PRESIDING OFFICER. Without
objection, it is so ordered.
Mr. CARPER. 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. CARPER. Mr. President, I rise
in opposition to the nomination of Rep-
resentative Zinke to become Secretary
of the Interior.
As is always the case, I take this op-
posing position with some trepidation.
Having served as the Governor of my
State, I appreciate the importance of
deference to a chief executive's deci-
sions to build his or her team, but at
the same time, I think we in the Sen-
ate have a constitutional obligation to
provide our advice and to offer our con-
sent because in the end not all nominee,
are best for the country we
are pledged to protect.
Some of my western colleagues may
wonder what stake a small State like
Delaware on the east coast would have
in the selection of a Secretary of the Interior. It turns out, there is plenty.
As the chief land steward of our great
Nation, the Secretary of the Interior
must have a keen understanding of con-
ting interests in the conservation, use,
and appropriate management of the abun-
dant land, wildlife, mineral and other
resources found on our public lands.
For that reason alone, we should ex-
pect a firm commitment from such a
leader that the American taxpayer will
receive full value for private use and
profit from the use of our Nation's re-
sources, and we need assurances that
the use of those resources will not
abuse the quality of life for Americans
while enhancing the profits of a very
limited few.
That, I am very sad to say, does not
appear to be Mr. Zinke's track record.
For example, as a Congressman, I am told he opposed the Federal coal leasing moratorium ordered by his predecessor, Secretary Jewell. Some would call this an appropriate reaction to an alleged War on Coal, but let’s just take a moment to look at what he is saying.

As you know, I live in a small State, Delaware, that is, as it turns out, getting smaller almost every day. With each passing tide and every coastal storm, a part of us—our land—disappears forever. We are fighting a valiant battle to hold the line, futilely fighting against an encroaching sea. This is not a result of variability in weather patterns or long-term trends in ocean dynamics, this is climate change at work.

We are not alone in feeling the effects of our Nation’s dependence on and robust use of carbon-based fuels—like coal—over the past couple of centuries.

There are Native Alaskan communities that have to move in their entirety. Think of that. They have to move because they are surrounded by storms, and waves—assisted by the absence of ice that used to protect them from fierce winter storm surges—are literally eating away at their communities. I am trying to imagine what it would be like as a family to get the news that you have to leave a place that has been your home for generations, the place from which your ancestors derived their sustenance, honored their forbears, and raised their legacies.

I also can’t imagine being a person who represents those people and families, having to help them come to grips with the realities of a changing world that we—if we act quickly and assertively—can begin to stabilize.

It means a whole lot to us in Delaware that we take a very careful look at when and how we use the bounty of mineral resources under our public lands. At the very least, that should include the opportunity to reflect some concerns for Americans, our climate, Delaware’s and Alaska’s shorelines, and our global obligation to put a lid on climate contributions, this nominee demurs.

We have seen this pattern of helping the few at the expense of the most across the board with too many of this President’s nominations. I believe this is ultimately un-American, unfair, and unacceptable.

I am also concerned with Mr. Zinke’s stance toward the use of the Antiquities Act by the President to designate lands as national monuments.

Specifically, during his confirmation, we heard a willingness from Congress, and now the President, to unilaterally designate or undo national monuments. Isn’t that extraordinary. The economic opportunities afforded to States with national monuments and national parks are significant—again, around $1 million or more.

Delaware’s national park celebrates Delaware’s rich colonial history as the first State to ratify the U.S. Constitution. As it turns out, the Constitution was first ratified on December 7, 1787.

Many years before that—maybe 150 years before that—the first Finns and Swedes came to America, and they landed in what is now Wilmington, DE. They sailed across the ocean in the Kalmar Nyckel and the Fogel Grip from Sweden and Finland. It was before there even had a Finland, and the Swedes and Finns were one.

They sailed through the Delaware Bay and north to the Delaware River and came to an uncharted, unnamed river that headed off to the west, off of the Delaware River. They went about a mile. When they came, there were a lot of big rocks along the coastline, and they landed there at the rocks. They declared that spot the colony of New Sweden, which later became Wilmington, DE. They built a fort called Fort Christina, and they built a church, the Old Swedes Church. It is the longest continuously operating church in America.

Delaware, as it turns out, has a special history with the Antiquities Act, which is the just the moment to talk about today. Before Delaware saw the establishment of national parks in our borders, we had a national monument for a couple of years.

In 2013, President Obama recognized Delaware’s important contributions to the founding of the United States, including its role as the first State to ratify the U.S. Constitution, by creating the First State National Monument, with our urging and support.

Before Delaware’s designation, Delaware was the only State in the Nation that had neither a national monument or a national park. We were the first State to ratify the Constitution but until a couple of years ago no national park. We were the only State that was in that situation. Simply put, Delaware was missing out on tourism and economic development that a national monument or park can bring.

The economic opportunities afforded to States with national monuments and national parks, as it turns out, are significant—quite significant. Each State with a park or monument sees economic benefits of at least $1 million, I am told, if not much more, in tourism and economic opportunities, and every year millions of Americans and countless others from across the world plan their vacations around America’s national parks and monuments.

Believe it or not, if someone in some other country—whether it is Europe, Asia, Latin America, or Central America—if they are interested in coming to the United States, they go on the National Park Service website, and they see all of the national parks and monuments across the country and decide which ones they might want to visit. The single most popular destination within the U.S. borders for tourists from other parts of the world, for those of us who are interested, national parks. Isn’t that extraordinary. The economic opportunities afforded to States with national monuments and national parks are significant—again, around $1 million or more.

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They sailed through the Delaware Bay and north to the Delaware River and came to an uncharted, unnamed river that headed off to the west, off of the Delaware River. They went about a mile. When they came, there were a lot of big rocks along the coastline, and they landed there at the rocks. They declared that spot the colony of New Sweden, which later became Wilmington, DE. They built a fort called Fort Christina, and they built a church, the Old Swedes Church. It is the longest continuously operating church in America.

About 15 miles south of that spot on the Delaware River is actually the river they sailed up on and planted their flag, the Christina River. They named it after the 12-year-old child Queen of Sweden, but about 50 miles south of the Christina River, further inland, is the Delaware River. It is the town of New Castle. The city was founded by the statesman of William Penn in the town of New Castle, and it is because William Penn first landed in America—not in an area.
that kind of history, we need to make sure that future administrations and future Presidents have the ability to utilize the Antiquities Act to safeguard the country’s history, protect the outdoors for all of us to experience and to enjoy.

I urge my colleagues in the Senate to send what I think is an important message that we want people in our government who are there to help people. I will be voting no on the Zinke nomination as a result, and I encourage my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOEVEN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Ms. HIROKO, Mr. President, last November, I was in Maui celebrating the 100th anniversary of Haleakala National Park. The weather at the summit of the volcano was terrible. It was raining in sheets, with 40-mile-per-hour winds blowing snow, but I was there with over 40 schoolchildren to plant Haleakala silverswords—a special, threatened plant that only grows in the harsh climate at the summit of Haleakala volcano. The silversword can live for almost 100 years before it flowers, spreads its seeds into the wind, and dies.

Silverswords have dotted the landscape of Haleakala’s summit for millennia, but invasive species, human activity, and climate change have pushed the plant to near extinction. In the early 1900s, scientists estimated that as few as 50 plants remained on the volcano, but this changed after Haleakala became a national park in 1916. In the 100 years since, park rangers and visitors have made a concerted effort to protect the silverswords from feral goats and sheep and to make sure hikers don’t go off the trail and trample their shallow root systems.

After the passage of the Endangered Species Act, the silversword became listed as a threatened species. Through the law, conservationists have provided resources to help restore the silversword population on Haleakala for the hundreds of thousands of people who visit the park every year. Groups of students, including those whom I joined on that cold November day, have planted over 1,000 silverswords to supplement the population of silverswords. They were there to commemorate the 100th anniversary of the Haleakala National Park.

I share this story because it demonstrates many of the reasons the Department of Interior is so important in the role it plays in preserving our public lands.

Business is booming at our national parks. In 2015, our national parks hosted 305 million visitors—a new record—and these visitors generated $17 billion in economic activity in nearby communities.

Our national parks are suffering from an overwhelming deferred maintenance backlog of $12 billion. Our national parks are also understaffed. Because of sequestration and a variety of other factors, 20 percent of our park rangers work in our national parks today than 5 years ago. This is at a time when visitors to our parks are ever growing. This means fewer rangers and support staff dedicated to maintaining parks like Haleakala and protecting species like the silversword. To add to this, the administration has put a 90-day hiring freeze in place that threatens nearly 2,000 permanent vacancies that are critical to helping our national parks function.

We need an Interior Secretary capable of standing up to the President to make preserving our public lands a priority. But during my meeting with Nominee Zinke and his confirmation hearing before the Committee on Energy and Natural Resources, on which I sit and his record in Congress—I did not receive the assurances and commitments I needed to support his confirmation as Interior Secretary. Although he expressed some support for the Land and Water Conservation Fund, or the LWCF—an important program that funds land purchases to add to protective areas like our national parks—he said the program could benefit from some “changes.” The only change I wish to see is to permanently reauthorize and fully fund the LWCF, which has suffered from chronic underfunding throughout its history, and I will continue to work with my colleagues, like Senator MARIA CANTWELL, who is ranking member of the Committee on Energy and Natural Resources in the Senate, to accomplish this goal.

We also need an Interior Secretary committed to preserving our public lands, not exploiting them for fossil fuel production. Congressman Zinke and the Trump administration are too wedded to the fossil fuel industry and fail this test as well.

Supporting alternative and renewable energy development is an issue people in Hawaii and, I would say, a lot of people in the rest of our country care about.

Earlier this year, I received a letter from Michael from Pahoa, who said that Representative Zinke “has consistently voted for carbon heavy energy sources. His anti-environmental record shows a leaning that could well move exploration and extraction to areas formerly closed to exploitation. With interests in oil pipelines, he has a conflict of interest in moving away from fossil fuels and into alternative and renewable resources. We have demonstrated enough of the bounty for the enrichment of the 1% with little to no benefit to the rest of our citizens. He is a destroyer, not a fixer. Not someone for the environment or the people.’’
Congressman ZINKE also does not share a commitment to protecting endangered and threatened species like the silversword. While in the House, Congressman ZINKE voted to block funding for any listed endangered species. The Fish and Wildlife Service failed to conduct a 5-year review. It didn’t seem to matter to Congressman ZINKE that the reason these reviews did not take place was because Republicans in Congress failed to appropriate funding to conduct these reviews and recover our Nation’s endangered species. He responded by saying that he would “work closely with Congress to ensure recovery programs are appropriately funded.” What he means by “appropriate,” but I do have a feeling that my view of sufficient funding, which is the question I asked him, and his answer that he would support appropriate funding are probably very different. In fact, I wonder if, under Secretary ZINKE, there would have been the funding necessary to help Maui students plant their 1,000 silverswords on Haleakala’s summit. This is wrong.

Congressman ZINKE also does not share a commitment to combating climate change or supporting research that will help in that effort.

Washington, DC—do you notice how warm it is in February. It is 60 degrees. Washington, DC, is on track to have experienced the warmest February on record. We have a new administration stocked full of climate deniers. As Secretary of the Interior, Congressman ZINKE will be leading the Department of Interior. But Pullman now needs an Interior Secretary he would work with Congress to secure the region’s abundant cultural resources, which include well-preserved cliff dwellings, rock and art panels, artifacts, and Native American burials. Bears Ears is special, as it is the first monument of its kind to be proposed and advocated for by a united coalition of tribes, who served for its protection because of its important place in all of their respective cultures.

Congressman ZINKE is well aware of the monument and has said his first priority as Secretary would be to go to Utah and make a recommendation regarding the status of the Bears Ears National Monument.

While this monument designation has been met with opposition from Utah politicians, the attacks on the Bears Ears Monument do not reflect the views of all Utahans. Recently, Utah’s paper of record, the Salt Lake Tribune, called the political fervor a “blindness.”

make investments to conserve our endangered and threatened species, and who will continue to confront climate change. His record of past statements demonstrates that Congressman ZINKE is not the right person to lead the Department of Interior at this juncture. At this stage, I urge my colleagues to oppose his nomination.

I yield the floor.

Mr. DURBIN. Mr. President, I would like to take a moment to address the nomination of Congressman RYAN ZINKE to lead the Department of Interior.

As Secretary of Interior, Representative ZINKE will be the steward of our Nation’s precious public lands, national parks, tribal lands, and historic and cultural resources. These lands not only play an important role in preserving habitat, landscapes, and history, they also create jobs and invigorate nearby communities.

During his confirmation hearing, I was excited to hear Congressman ZINKE refer to himself as a Teddy Roosevelt conservationist. We all know the important role Teddy Roosevelt played in protecting our natural resources. During his Presidency, Roosevelt established 150 national forests. In 1906, he signed into law the Antiquities Act, legislation that allowed either the President or Congress to set aside “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” in order to stop their destruction. With this act, he designated 18 national monuments, including several iconic areas.

A modern version of Teddy Roosevelt would have rolled back the authority of the President to use the Antiquities Act in seven Western States. He also supported a bill that would have effectively eliminated public review of hardrock mining activities on Federal lands. And he supported the Keystone XL pipeline.

Conservationist groups seem to have similar concerns about Congressman ZINKE’s record.

The League of Conservation Voters gave him a 5 percent rating for 2015 and a 5 percent rating for 2016—hardly what you would expect from a Teddy Roosevelt conservationist. This troubles me, as Representative ZINKE, if confirmed, would be responsible for managing new monuments of great importance—namely, the Pullman National Monument and the Bears Ears National Monument.

The Pullman National Monument was designated by President Obama in 2015 in a Chicago neighborhood that has played a significant role in our country’s African-American and labor history.

It represents the culmination of a collaborative effort by businesses, residents, and other organizations seeking to restore and preserve this unique community.

The Pullman neighborhood was originally developed a century ago by rail car magnate George Pullman as a factory town that would help shape our country as we know it today.

It was the birthplace of the Nation’s first Black labor union, the Brotherhood of Sleeping Car Porters, which is credited with helping to create the African-American middle class and making crucial civil rights advancements in this county.

Pullman workers also fought for fair labor conditions in the late 19th century. During the economic depression of the 1890s, the Pullman company went on strike, which eventually led to the creation of Labor Day as a national holiday.

The Pullman National Monument not only highlights stories from communities that are rarely represented in other national parks, but its location on Chicago’s South Side—easily accessible to millions of people by public transportation—also makes it particularly unique. Following its designation, the Pullman neighborhood joined the National Mall and the Statue of Liberty as one of the few DOI-managed lands in an urban area.

But Pullman now needs an Interior Secretary who is committed to dedicating resources that will ensure the monument is a driver of tourism and job creation in the community.

Public lands have certainly been a great economic driver in Utah, and the Bears Ears National Monument will no doubt build on this success.

The 1.35 million acre swath of land, declared a national monument by President Obama, covers forested mesas to redrock canyons and will protect the region’s abundant cultural resources, which include well-preserved cliff dwellings, rock and art panels, artifacts, and Native American burials.

Bears Ears is special, as it is the first monument of its kind to be proposed and advocated for by a united coalition of tribes, who served for its protection because of its important place in all of their respective cultures.

Congressman ZINKE is well aware of the monument and has said his first priority as Secretary would be to go to Utah and make a recommendation regarding the status of the Bears Ears National Monument.

While this monument designation has been met with opposition from Utah politicians, the attacks on the Bears Ears Monument do not reflect the views of all Utahans.
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That blindness can be sourced to Utah’s one-party political system that has given us leaders who are out of touch with their constituents.” It continues, “The Bears Ears monument may be with us forever, and there is no bucket of gold waiting if it goes away. The presidential proclamation bent far toward the same boundaries and shared management [Utah Rep. Rob] Bishop pursued with his Public Lands Initiative.”

Sadly, attacks on monument designations are nothing new. One of our greatest conservation Presidents, Teddy Roosevelt, faced a great deal of opposition to his designation of a national monument you may be familiar with, the Grand Canyon. Most Americans can’t imagine an America without the iconic Grand Canyon, a true national treasure. But, at the time of its 1908 designation, groups were opposed to protecting this area. For years after its designation, miners fought against additional protections for the Grand Canyon. In the end, conservationists won out, and by 1919, the Grand Canyon was made into a national park to be protected for future generations.

Roosevelt said, “It is also vandalism wantonly to destroy or to permit the destruction of what is beautiful in nature, whether it be a cliff, a forest, or a species of mammal or bird. Here in the United States we turn our rivers and streams into sewers and dumping-grounds, we pollute the air, we destroy forests, and exterminate fishes, birds and mammals—not to speak of vulgarizing charming landscapes with hideous advertisements. But at last it looks as if our people were awakening.”

Since Roosevelt’s time, we have made a lot of progress in protecting our lands and waters, but still have a long way to go. That is why the next Interior Secretary needs to take a step forward. There are more of our public lands, not backwards.

Therefore, I have no choice but to oppose Congressman Zinke.

Ms. HIRONO. 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. SCHATZ. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

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

Mr. SCHATZ. I ask unanimous consent to speak as in morning business.

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

ANTI-SEMITISM

Mr. SCHATZ. Mr. President, 20 is the number of bomb threats that were called into Jewish institutions in our communities across the country yesterday, this very day. In Alabama, Delaware, Michigan, Maryland, and Virginia, and in my home State of Hawaii, in my Temple Emanu-El, where I grew up and was bar mitzvahed. No one wants to be the parent who picks up the phone and finds out that they need to pick up their child from school because people are threatening violence—and all because of their faith.

Since 2017 began, 100 bomb threats have been called into Jewish schools and Jewish community centers. It sounds like it is from another time, but this is what rising anti-Semitism looks like in our country. Granted, we knew weird stuff was happening: Pepe, David Duke—this is real America. But now the threat of violence is real.

It is coming through the phone lines of American schools every day, and it is loud and clear. This rising threat demands leadership. It demands that we regularly and quickly denounce anti-Semitism and do everything we can to stop it from growing. But that is not what we have seen so far from this administration.

Now, the baseline expectation of an unequivocal, quick and regular disavowal of rising anti-Semitic or anti-Muslim rhetoric from the leader of the free world is no longer being met. Instead, we have to extract it from the administration. We have to ask for it when it doesn’t come. We have to ask when it is not said. And even sadder is that this administration has avoided any opportunity—even the easy ones, even the most obvious ones—to stand against anti-Semitism.

Just over a month ago, the world marked Holocaust Remembrance Day. The White House put out a statement without a single mention of the 6 million Jews who were killed in the Holocaust. Here is the crazy thing: The first draft mentioned Jews. The State Department drafted the initial statement which mentioned Jews, like every Holocaust Remembrance Day statement before it did. Then it went to the White House where someone thought: Let’s make edits. Let’s cut out Jews from a statement about International Holocaust Remembrance Day. This was someone’s decision. It was an intentional decision. Who would decide that, and why would that be done?

Why remove the mention of Jews? It is like mentioning slavery and not mentioning African Americans. It is like mentioning internment and not mentioning Japanese Americans. When you are talking about genocide, it is not irrelevant to talk about who did it and to whom. But, the White House didn’t mention Jews, and it didn’t apologize when people were rightfully confused. Only now that violence has been unleashed, that Jewish cemeteries are being desecrated, that people’s children are being threatened on a daily basis are we seeing the minimum from the White House to recognize the rise of anti-Semitic sentiments and actions.

I am worried.

Local communities have taken it upon themselves to lead the way and stand up together. This is what leadership looks like. It looks like Muslim Americans showing up to cemeteries to help to restore Jewish headstones. It looks like local police raising money and people taking time to hold a vigil in solidarity with their Jewish neighbors. There have been far too many bystanders to the increasing anti-Semitic care or what we stand for. It is time to break the silence and to make it utterly clear that the United States is not a place for hate. It is not American to hate Jews or Muslims or strangers in our midst. That is not who we are or what we stand for. That is not the United States of America.

This week, as Jewish communities are reviewing bomb threat guidance and looking at best practices for security, it is up to all of us to take action and to do everything we can to beat back rising anti-Semitism.

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

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

RUSSIA

Mr. DURBIN. Mr. President, it has now been almost 5 months since our intelligence community first detailed how Russia launched a cyber act of war on America and our last Presidential election—5 months. In those 5 months, how many times have my Republican colleagues come to the floor of the Senate to discuss this national security threat, this cyber attack by Russia? How many times has the party of Ronald Reagan—who so clearly understood the threat of the Soviet Union—spoken on the Senate floor about this Russian cyber attack on America? Zero. That is right—zero. They have found more than 35 occasions to talk about stripping health care from millions of Americans, and they made time to urgently rush votes dismantling environmental and anticorruption regulation, but to talk about how a former KGB official launched a cyber act of war against America aimed at eroding trust in our historic democracy and electing the candidate seen as more sympathetic to Russia—zero. Not once.

Why would Russian dictator Vladimir Putin favor President Trump in the last election? Well, I just returned from a week visiting our allies in Eastern Europe. I can tell you, they are puzzled by this, too, and they are worried. They are worried that Donald Trump, the new President, is already advancing and will further advance policies sympathetic to Vladimir Putin’s dangerous agenda, specifically weakening the Western transatlantic democratic alliance.

Regardless of the partisan leanings of who was in government in the nations
I just visited—populist, social democrat, conservative, liberal—the concerns in each of these nations of Poland, Lithuania, and Ukraine were the same. Is the United States’ history of championing democracy and collective security in Europe ending? Are we backing away from those earlier commitments just as Russia is more aggressively challenging them? Is the American President really using phrases like “enemy of the people” to describe the free press in America?

You see, the countries that I visited last November were once in the Eastern bloc, Warsaw Pact, or Soviet Union. They are familiar with that term, “enemy of the people.” That was a term used by Soviet dictator Joseph Stalin that was so ominous that the Soviet Premier, Nikita Khrushchev, later demanded that the Communist Party stop using it because it eliminated the possibility of any kind of ideological fight.

Think of that. Here was Khrushchev saying to Stalin term “enemy of the people”; it is too divisive. Now it is being used to describe the media, a description that has been offered by the new President of the United States. Are the Trump administration and the United States backing away from Vladimir Putin’s aggression and true nature—and the silence of too many of his colleagues on this danger—a harbinger of some kind of Western retreat when it comes to Russian aggression?

Is this really happening in 2017? President Trump has called NATO obsolete. That is a stark and completely wrong statement, so bad that it required the Vice President of the United States to travel to Munich, Germany, last week and reassure our allies who have been part of our alliance since World War II that NATO was not obsolete.

Has it happened in history that the President of the United States would make a sweeping, erroneous, dangerous statement about the most important alliance in the world and then send his Vice President out on a repair job? The President has surrounded himself with people like Steve Bannon, who reportedly once called himself a Leninist and seems bizarrely sympathetic to Putin’s dictatorial model and weakening the European alliance.

It turns out that the just-resigned National Security Advisor, LtG Michael Flynn, the one who was fired by the previous administration, the one who led chants unworthy of a great democracy about locking up Hillary Clinton, was, in fact, speaking to Russian officials before he or Donald Trump had taken office and, suspiciously, just after President Obama imposed sanctions on Russia for its attack on our election.

President Trump still refuses to release his tax returns to clarify what his son said in 2008 regarding Trump’s businesses seeing “a lot of money pouring in from Russia.” President Trump even said yesterday: “I haven’t called Russia in 10 years.” That is hard to verify. He spoke to Vladimir Putin on the telephone just a month ago, which was followed, incidentally, a day later by renewed fighting by the Russian-backed separatists in Ukraine.

President Putin met with Russia in 2013. He tweeted at the time: “I just got back from Russia—learned lots & lots.”

Clearly, he did not learn enough about Vladimir Putin. As if that were not enough, still not enough, he refuses to acknowledge Russia’s attack or to criticize Vladimir Putin. You see, the President of the United States has trouble, a real habit of lashing out at everyone and anyone involved in a perceived slight, a dangerous and unbecoming behavior when granted the privilege to be President of this great Nation.

In fact, the vast number and range of those attacked or insulted via Twitter is so significant that I need consider only making a single point to the Senate to list all of the targets of President Trump’s attacks on Twitter. So if you make any criticism or joke about President Trump, make any perceived slight, run a department store, lead a labor union, do just about anything, you may be a victim of one of his Twitter attacks, except, of course, if you happen to be a former Communist KGB official who now leads Russia, a nation that recently attacked our电子商务. How is it possible? How is it sensible? How is this not an abdication of the President’s responsibilities? Russian President Putin launched a cyber attack and war on the United States and its democracy. November 8, 2016, is a day that will live in cyber infamy because of this Russian attack on the United States of America.

President Putin interfered in our election and tried to influence the selection of the people in choosing their leader. The evidence is overwhelming. It has been available in increasing amounts for almost 5 months. The White House is silent, in denial.

Republican Senators are largely silent, and not one of them has come to the Senate floor to even address this issue. Meanwhile, Vladimir Putin continues his aggressive military cyber disinformation campaign throughout Europe.

Just last week, the Washington Post reported that the White House led an effort to discredit news stories that described contacts between the Trump campaign and Russian Government officials. The House Intelligence Committee chairman, Congressman Nunes of California, a Republican, went so far as to dismiss these claims of Russian interference in the campaign for the President of the United States and to condemn the leaks that have brought this information to the attention of the American people. Rather than doing their part to ensure an impartial, independent investigation of these chilling facts, the White House has tried to spin it out of existence. In fact, yesterday, it was reported that the White House Press Secretary asked CIA Director Michael Pompeo and the chairmen of the Senate and House Intelligence Committees to help discredit articles about campaign aides’ contacts with Russian officials.

John Brennan, who was head of the Central Intelligence Agency under President Obama, was asked in an interview last night if he could imagine being contacted by the White House and asked to spin a story one way or the other. He said it was unthinkable. It just wasn’t done under previous administrations. Here we are, not even 6 weeks into this Presidency, and it is already happening.

Can anyone here—anyone—imagine what would happen if the situation had been reversed? I can just imagine the howls of “treason” and “impeach—treason” that would be confirmed until there were answers and accountability if this had happened and there was an effort by the Russians to influence an election in favor of the Democrats.

Two hours. A coincidence? Not likely if he could imagine this happening to my friends on the other side of the aisle? When will they put the country that they are sworn to represent and to uphold above any partisan consideration? A Polish expert who I ran into during my journey summed all this up wisely when he said: If the United States does not respond to the Russian attack on its own election, Putin will feel he has a free hand to keep taking destabilizing actions in the West.

There was a time in Washington when national security issues were bipartisan. Politics used to stop at the water’s edge. The security of the Nation meant putting aside partisan agendas to face a common threat. It is hard to believe this is happening. Putin will feel he has a free hand to keep taking destabilizing actions in the West.
These committees and their activities are important, critical, but they are largely invisible and their deliberations are interminable. We are waiting, hoping that they will come up with information to help us spare the United States from a future attack by Russia or any other country on the sovereignty of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

**Home Health Care Planning Improvement Act**

Ms. COLLINS. Mr. President, I rise today to urge my colleagues to support the Home Health Care Planning Improvement Act, which I have introduced with my friend and colleague from Maryland, Senator CARDIN. Our legislation aims to help ensure that our seniors and disabled citizens have timely access to home health services available under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives, and clinical nurse specialists are all playing increasingly important roles in the delivery of healthcare services, particularly in rural and medically underserved areas of our country where physician supply is scarce.

In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by those health professionals as long as those services are within their area of practice under State law. Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home healthcare services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home healthcare for Medicare patients, even though they may not be as familiar with the patient’s case as the nonphysician provider.

In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist, or certified nurse midwife to order the medically necessary care for home healthcare. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home healthcare can be provided. At worst, it can lead to needless delays in care for Medicare patients who need home care that they need simply because a doctor is not readily available to sign the requisite form. The inability of these advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for our care providers in medically underserved areas, where these providers may be the only healthcare professionals who are readily available.

For example, needed home healthcare can be delayed for up to 2 days at a time for Medicare patients in some rural towns in my State of Maine, where nurse practitioners are the only healthcare professionals and the supervising physicians are far away. A nurse practitioner told me about one of her cases in which her collaborating physician had just lost her father and, therefore, understandably, was not available. But here is what the consequence was. The nurse practitioner’s patients experienced a 2-day delay in getting needed care while they waited to get the paperwork signed by another doctor.

Another nurse practitioner pointed out that it is ludicrous that she can order physical and occupational therapy in a subacute facility but cannot order home healthcare. How does that make sense?

One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the very same therapy that the nurse practitioner was able to authorize when the patient was in the facility.

Think about that. Here we have a patient who is in a rehab facility, for example, or a subacute facility or a nursing home—where the patient could be readmitted to a skilled nursing home—and that patient is ready to go home, but the chances of successful treatment of that patient—of that patient regaining function—is going to be diminished if there is a gap between the physical and occupational therapy in the home and the healthcare nursing that the patient would receive at home if there is no physician available to do the paperwork.

So that simply does not make sense. I would wager that it leads to additional cost for our healthcare system because, if that essential home healthcare is not available in the patient’s home, the tendency is going to be to keep the patient in the facility for a longer period of time to avoid the gap in treatment. Yet we know that it is much more cost effective to treat the patient in his or her home. We also know that for many patients, that is their preference as well. They would rather be in the comfort, security, and privacy of their own home.

The Home Health Care Planning Improvement Act would help ensure that our Medicare beneficiaries get the home health care they need and when they need it, by allowing physician assistants, nurse practitioners, clinical nurse specialists, and certified nurse midwives to order home health services.

It only makes sense. They can order it when the patient is in certain facilities, but then they lose the right to order it when the patient goes home? That just doesn’t make sense. These are skilled professionals who know what the patients need, and we should not be burdening the system with unnecessary paperwork.

Our bipartisan legislation is supported by the National Association for Home Care & Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Midwives, the American Association of Nurse Practitioners, and the Visiting Nurse Associations of America.

Mr. President, I urge all of my colleagues to join us as cosponsors of this commonsense bill. Seeing no one seeking recognition, 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. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

**Foreign Aid**

Mr. RUBIO. Mr. President, I know we are working through these nominations, and there is an important one before us now, but as we continue to debate it, I thought it would be a good time to talk about the overall function of the Federal Government and some of the important things it does.

Today I had occasion to meet with individuals on behalf of the ONE organization, it is a fantastic group I learned about for the first time in 2010. I was running for the U.S. Senate, and a group of activists in black shirts with a round white symbol on the shirt that said “ONE”—and I didn’t know what it was. I thought it was maybe a protester or someone of that nature. They were very polite, and in the end they approached me and started talking about it. They are a group of supporters of global engagement on behalf of the United States, cofounded by Bono, the front man for the band U2, which I think is familiar to most people at this point. So they are here again today, and we had an opportunity to meet with them early this morning. Many of the Members around the Capitol here perhaps have seen them visit around the Capitol.

I thought to mind something I want to talk about today, and that is the broader issue of U.S. foreign aid, the State Department, and engagement in the world. Let me back up and tell you what I think I hear—that most people think that foreign aid has been a lot of people. This has been going on for a long time. I don’t blame people because people have real lives, businesses to run, and families to raise so they are not watching the Federal budget line by line, on a regular basis. There is a perception out there that the U.S. Government spends an extraordinary percentage of our overall
I think the best way to justify foreign assistance is to understand the history of it. Let’s go back in time. Let’s go to the end of the Second World War. Europe was in ruins. Japan was in ruins. The United States, had it behaved like most great powers in history, would have abandoned those nations itself or the United States would have conquered them and made Japan a colony or made Germany a dependent on the United States. Instead, through the Marshall Plan the United States engaged with Europe and in particular Germany. Through additional assistance, the United States provided aid to rebuild post-war Japan. For the Japanese, between 1946 and 1992, the United States invested $2.2 billion—or $38 billion in today’s dollars—in Japan’s reconstruction efforts. That amounts to more than one-third of the $65 billion in goods the United States exported to Japan just last year, in 1 year alone.

What is the result of this aid? Here is the result. Today we have a prosperous, unified Germany, which is a strong member of NATO and a strong ally of the United States. We have in Japan the world’s third largest economy and one of the most important allies of this great country of ours in the Asia-Pacific region. This would not have been possible without U.S. assistance. Did it help the people of Japan and the people of Germany? Absolutely. Did it help the people of the United States? Without question.

Is the world a better place today because Germany is a free democratic nation involved in trade, involved in alliances with us, deploying troops around the world for NATO missions? Without a doubt. Is the world a better place because Japan is the third largest economy and a strong ally of the United States in the Asia-Pacific region? Without a doubt. That is an example of the fruit of U.S. engagement.

Some would say, Well, that was after the Second World War. That was a catastrophic event, but as a matter of course, what else has borne fruit? Isn’t this just money we throw down a hole and never see results of? I would tell you that is not the case. I would point to South Korea. It is hard to believe, but just a few decades ago South Korea was poorer than North Korea. South Korea had less property than North Korea. Today, South Korea is an industrialized, fully developed economy—one of the largest economies in the world. A nation that not long ago was a military dictatorship is now a vibrant, functioning democracy and a strong American ally.

Again, another example—do you want one in our own hemisphere? Look at the country of Colombia. Not long ago, Colombia was basically a failed state. That country had been overrun by drug gangs. The cartels—the Medellin Cartel, the Cali Cartel. The government was on the verge of collapse. Presidential candidates were being assassinated—approximately 8,000 people—of instability in the Western Hemisphere. Colombia still has challenges, but in helping them move forward with Plan Colombia, today trade between the United States and Colombia is at $14 billion, and as of last year, it was the fifth largest country as our trading partner. What is more, Colombia is now a force multiplier for our cousins. For example, if you visit Honduras, as I did during the summer, and you see the Honduran police and the Honduran special forces being trained to take on the criminal elements and cartels in that country, do you know who is there training them alongside of our people? The Colombians—the Colombian military units who have the same uniform, the same training, the same weaponry, and the same practices as the Green Berets of the United States, and they are a force multiplier. Today, Colombia is doing the things America once had to do because of the aid we provided them, and they are perhaps our strongest ally in the Western Hemisphere.

It goes on and on from a human perspective. You think about America and America’s Feed the Future Initiative. It is an initiative that has trained thousands of farmers in Tanzania over the last decade. Now our country exports to them, and exports from Tanzania from the United States have increased by 50 percent.

An important point, by the way, is that there have been reductions in foreign aid over the last few decades. Today, we spend 50 percent less on foreign aid than we did as a percentage of our gross domestic product when President Reagan was in office, which was near the end of the Cold War. There is rationale for this, as well, for our economy and for our national security.

From an economic perspective, 95 percent of the people in the world—95 percent of the people on this planet who buy things—live outside of the United States. Seven of the ten fastest growing economies happen to be in the developing world. So if you are an American company that makes things—and I know we want to make things in America again—you have to sell them to someone. If you can only sell them to 5 percent of the world’s population that happens to live in the United States, you are not going to have as many employees, how much you could sell, how much more money you could make, how much more value you would have for your shareholders, how many more employees and jobs you would create if you could sell to more of that 95 percent of the people around the world. You cannot sell to people and people cannot be consumers if they are starving. They cannot be consumers if they are dying of malaria. They cannot be consumers if they live in an unstable country.

So there is an economic rationale for our investment around the world. We
are helping people to emerge from poverty and to ultimately become members of a global consumer class that buys American goods and services. We are, in essence, planting the seeds for markets to develop that we can trade with. But we can sell to them. That is one of the reasons it is so important. That is one of the reasons that today one out of every five American jobs is tied to international trade and that one in three manufacturing jobs in America is tied to international trade and that in many places around the world, it begins by ensuring that they are alive and then by ensuring that they have the education they need to develop an economy so that their people can become consumers and trade partners with us.

The list goes on and on in terms of the accomplishments it has had. Our global anti-malaria program has saved over 6 million lives, primarily those of children under the age of 5. PEPFAR, which is the President’s Emergency Plan for AIDS Relief, has saved more than 11 million people and has prevented 2 million babies from being born with HIV. The number of school-age children worldwide who are not going to primary school dropped to 57 million children in the year 2015. That is still too many, but the number was nearly twice that—100 million—just 7 years ago. There has been a 57 percent reduction in polio cases thanks to the efforts we have led in the vaccination program. The list goes on and on.

There is a national security component to this, and here it is: Imagine for a moment that you are a child born in Africa, that your parents had HIV, and that they survived because of American assistance. Imagine if you yourself were someone who survived HIV or malaria. Imagine if you are an American assistant that you got to go to school because of American help or that because of American assistance you didn’t contract polio the way your relatives used to. Imagine if you were one of these young people around the world whose lives are better because of the help of the American taxpayer. This is never going to be 100 percent for sure, but I promise you it is going to be a lot harder to recruit someone to anti-American terrorism if the United States of America is the reason one is even alive today. That is the national security component, apart from allowing countries to become more stable and provide for their people, as well.

By the way, when we talk about the international affairs budget, it is not just foreign aid; it is everything—diplomatic relationships with the global community, security assistance with key allies around the world. As an example, it provides them $3 billion in military assistance as they are a key ally in a strategic part of the world.

We have talked about the health clinics in the schools and the humanitarian relief efforts. I remember going to the Philippines about 3 or 4 years ago. One of the first things people mentioned to me was that after that horrible storm that killed and hurt so many people, many people, they woke up one morning and saw a U.S. aircraft carrier off the horizon, and they knew things were going to be better because America was on the case. Think about the power and what that means for our Nation and the impact it has on people around the world. This is part of it.

By the way, when we travel abroad—when you are an American and you are in another country and you lose your passport or your wallet gets stolen or you have any sort of an issue—you have to work abroad, as do many people whom I know, and we get the calls in our office from people who have kids who are studying abroad and have an issue and have to go to the consulate for the budget that pays for that stuff. This is the budget that pays for that.

If you are a company that decides “I want to do business in this new country. I want to fly to this country and spend some time here.” I use the example of back to America and hire 20 more people so that we can build products to sell. I want to expand our reach.” It is our U.S. Embassies and the agencies working within them that are helping to make these connections for American businesses. That is part of this budget.

When we talk about this, I think it is critical for us as leaders to explain to the American people just exactly what it is we are talking about. We always want to put America first. We always want to think about the American people first. That is our obligation. But I think this is part of that. If you really want to help the American people, you have to ensure that the world we live in is a better place for people.

I close by saying that this always gets back to the argument that some make: Why does it have to be us? We have been doing this for so long, and we have spent so much money and so much blood and treasure around the world for the cause of freedom, democracy, humanitarianism, and the like. Why does it have to be America?

I think that goes to a fundamental question of, what kind of country do we want to be? The choice before us is that it has to be America because there is no alternative. That is the point I hope people remember and understand. There is no alternative for America in the world today. If America decides to withdraw from the world, if America decides to step back, if America declines and our influence around the world becomes less palpable, what will replace it?

There are only two things that can replace it—not the U.N. There are only two things that can step into whatever America leaves if it steps back. No. 1 is totalitarianism. For the growing movement around the world led by China and Russia and North Korea and Iran, it is the totalitarian regimes. That is the first thing that can step in and fill the vacuum. The other is nothing. The other alternative to America is nothing. That is the vacuum that we have been involved in is a vacuum, and that vacuum leads to instability, and that instability will lead to violence, and that violence will lead to war. That will ultimately come back and impact us whether we want it to or not. This is the choice before us.

Without a doubt, I am the sponsor of a law that we passed last year, foreign aid accountability. I want to make sure that every dollar of American taxpayer money that is invested abroad for these purposes is spent well and is not going to line the pockets of corrupt dictators. I 100 percent agree with that. Yet this idea that somehow we can just retreat from our engagement in the world is bad for national security, it is bad for our economy, and it isn’t good for policymakers who want to put the American people first. By the way, it doesn’t live up to the standards of who we are as a people.

I have said this many times before, and as I am imparted by my faith, I believe that to whom much is given, much is expected. That is what the ancient words and Scripture teach us. I think that principle is true for people, and I think that principle is true for nations. I believe in the depth of my heart that our Country honored America’s willingness to step forward and help those around the world, and I believe He will continue to do so as long as we use our blessings not just for our good but for the good of mankind.

I hope that in the weeks to come, as we debate the proper role of government and the proper way to fund it, we understand what a critical component foreign aid and the international affairs budget is to our national security, our economic interests, and our very identity as a people and as a nation.

Mr. President, 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.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call is dispensed with.

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

Ms. MURKOWSKI. Mr. President, we have the nomination of Representative RYAN Zinke to be the Secretary of the Interior as the business before the body today, and I wish to spend a few moments this afternoon speaking about him, his qualifications, and why I believe he will be a strong Secretary of the Interior.

Of all the Cabinet-level nominations that have an impact on my home State of Alaska, the Secretary of the Interior is almost certainly the most important and the most consequential. Two-
thirds of Alaska—nearly 224 million acres—is under Federal management. To put that into perspective, that is more land than is occupied by the entire State of Texas, and it is an area about 177 times larger than the State of Delaware. That land is controlled by agencies within the Department of Interior, from the Bureau of Land Management, to the National Park Service, to the Fish and Wildlife Service. Again, significant parts of Alaska—more land than is occupied by the State of Texas—are held under Federal management. It is for this reason we in Alaska call the Interior Secretary our “landlord.” He might not necessarily like that fact, but that is what he is effectively.

While it might sound strange if you are from an Eastern State such as Massachusetts or New York, which have hardly any Federal lands within their borders, the decisions that are made by the Department of the Interior literally determine the livelihoods of thousands of Alaskans, as well as the stability and the success of our State. When the Department of the Interior chooses to work with us, Alaska is able to grow and prosper, even as our lands and climate protected under the most stringent environmental standards in the world. When the Department chooses not to work with us, as was all too often the case in the last administration, the people of Alaska suffered. Our State’s economy, our environment, our future are all threatened at the same time. I start with that context to help the Senate understand why I take this confirmation process so seriously whenever a new Interior Secretary is nominated.

I consider whether the nominee is right for the job and whether he or she will do right by the people of Alaska, as well as other western states. I talk with the nominee and ask him or her questions about everything from ANCSA and ANILCA to wilderness and wildlife management. When I make a decision, I am making it as a Senator for Alaska and as the chairman of both the authorizing committee and the Appropriations subcommittee for the Department of Interior.

Today, after a great deal of review and careful consideration, I am very pleased to be here to speak in strong support of our new President’s nominee for the position of Secretary of the Interior, Representative Zinke. I believe Representative Zinke is an excellent choice to be our next Secretary of the Interior. Maybe I am a little bit partial here, but the fact that he is a fellow westerner, hailing from the Treasure State of Montana—that helps with my decision. He is a lifelong sportman. He loves to hunt and fish. That also resonates with me. I also understand he is a pretty good downhill skier, and I like that too. He is a trained geologist. He has worked and energized some of our famously. He has dedicated his life to the service of our Nation, including more than two decades as a Navy SEAL, a term in the Montana Senate, and most recently as the sole U.S. Congressmen for his home State.

Representative Zinke’s life and career have prepared him well to serve as Secretary of the Interior. He was born and raised in the West. He understands it. He understands its people. He has substantive knowledge of the challenges facing the Department and truly a firsthand experience in trying to solve them. He has also shown an ability that the Interior Department be a partner for Alaska and other western states, which contain the vast majority of our nation’s Federal lands.

We had an opportunity in the Energy and Natural Resources Committee to hold a hearing to consider Representative Zinke’s nomination on January 17. It seems like an eternity ago now, but what I remember very clearly from that morning is the positive and very compelling way he shared with us.

Representative Zinke told us he grew up in a “small timber and railroad town next to Glacier National Park.” He explained that he believes the Secretary of the Interior is “the custodian of the American people’s lands.” He went on to be a steward of majestic public lands, the champion of our great Indian nations, and the manager and voice of our diverse wildlife.” He did show us—and spoke to it in the committee hearing—that he understands and the value of Federal lands, invoking Teddy Roosevelt and pledging to follow the multiple-use doctrine.

As other colleagues have come to the floor today to speak about Representative Zinke’s nomination, several have spoken to the issue of the Antiquities Act, speaking more directly than to our public lands. Yet, in outlining why Representative Zinke believes and follows, it is probably best to look to his own words that he said when he was before us in the committee. On multiple-use, Representative Zinke said the following:

In multiple-use, in the spirit of Roosevelt, it means you can use it for multiple purposes. I am particularly concerned about public access. I am a hunter, a fisherman. But multiple uses are also making sure what you’re going to do, you know, and you go in with both eyes open, that means sustainability. That means that it doesn’t have to be in conflict if you have recreation over mining.

You just have to make sure that you understand what each of those uses are. It’s our public land. What I have seen most recently is our access is being shut off, roads are being shut off, and we’re all getting older. And when you don’t have access to hunting areas, traditional fishing areas, it makes it an elite sport.

And I’m actually concerned about the elitism of our traditional hunting, fishing, and snowmobiling. Making our public lands accessible in the spirit of multiple-use. Single-use, if you look at the model of some of our national parks and some of our areas. I agree. There are some areas that need to be set aside that are absolutely appropriate for no user. There are special places in our country that deserve that recognition. But a lot of it
so that he can select his team and get to work addressing the range of issues that he will inherit. From the maintenance backlog of the Nation Park Service, to the need for greater balance in Federal land management, to life-and-death issues in remote Alaska communities, Department of the Interior Affairs to U.S.-affiliated islands, Representative Zinke really has his work cut out for him, and he needs to be allowed to get started as soon as he can.

Again, I will repeat that I believe Representative Zinke is a solid choice for this demanding and critical position. While we may not agree on every issue, I believe he will work with us in a thoughtful manner that is reflective of a true partnership. I believe he understands what the job requires, he has the experience necessary to succeed in it, and he will show that the Department of the Interior can still work with local stakeholders to achieve positive results.

I think Representative Zinke for his willingness to continue his service to our Nation and for his patience during this process. On behalf of Alaskans, I look forward to working with him after he is confirmed with bipartisan support. I urge every Member of the Senate to support his nomination.

With that, I see the other Senator from the great State of Alaska is here with us today.

I yield the floor.

Mr. SULLIVAN. Mr. President, like my colleague from the great State of Alaska, I also rise in support of the confirmation of Congressman Ryan Zinke to be our Nation’s next Secretary of the Interior.

There has been a lot of discussion about Congressman Zinke, and he comes to this job with great qualifications. He is a patriotic and ethical man, from a patriotic and ethical part of America; the American West. He is a Navy SEAL who has dedicated decades of his life to protecting our great Nation. He is a lifelong sportsman. He is a trained geologist. He is a strong advocate for energy independence. He has a keen interest in protecting our environment, while not stymying much needed economic growth.

There is probably no position more important to the future of our great State of Alaska than the Secretary of the Interior, and I think it is great that we have a new Secretary in addition to the chairman of the Energy and Natural Resources Committee, my colleague Senator Murkowski, from our great State. There are no more important positions than those positions. The federal government owns more than 60 percent of Alaska, and we are a big State. I don’t have to come here and talk about how big we are, but we are the biggest by far. Sorry, Texas.

In my State, as with many States in the West, our land is our lifeblood. It feeds us, it is what drives our economy and our culture. Congressman Zinke understands this. He hails from Montana, which has a similar view of how important the land is. He understands that responsible energy development goes hand in hand with robust environmental protections, and he understands the very important point that we as Americans can do both. We can responsibly develop our resources and protect the environment. No country has a better record of doing that than the United States of America.

Congressman Zinke has committed to working with Alaska as a partner in opportunity, rather than acting as a roadblock to that opportunity. This is so important? This would be an enormously welcome change from the past administration. I served as Alaska’s attorney general, as commissioner of natural resources in my great State, and now as a U.S. Senator, and I witnessed, unfortunately, how the former Obama administration tried to stop, stymie, and slow roll literally every economic project in Alaska—every one. Alaska and so many States across our country have tremendous resources to be developed right now. America is undergoing an energy renaissance. We are once again the world’s energy superpower, yet our Federal Government was not helpful in that renaissance at all. It can be now, and we are looking toward a bright future when we have a Federal Government that is going to be a partner in opportunity, not an obstacle. I am hopeful that we are going to see a new renaissance of economic growth and job creation in Alaska and across the country by Federal agencies like the Department of the Interior under Congressman Zinke’s leadership that want to help us seize opportunities, not undermine them.

Like my colleague Senator Murkowski, I encourage all of my colleagues on both sides of the aisle to vote for Congressman Zinke to be our next Secretary of the Interior. He is a man of integrity, a man of patriotism, a man of experience, who in my view, is going to make a great Secretary of the Interior.

I yield the floor.

I suggest the absence of a quorum.

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

MORNING BUSINESS

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

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

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senator Sasse permitted to speak therein for up to 10 minutes each.

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

TRIBUTE TO BRIAN AND JOANNE LEBER

Mr. DURBIN. Mr. President, I would like to take a moment to recognize my constituents, Brian and Joanne Leber, of Leber Jewelers Inc. in Chicago, IL. A third-generation, family-owned business, established in 1922, Brian and his wife, Joanne, are dedicated to socially conscious and eco-friendly fine jewelry. Leber Jewelers Inc. has been instrumental in not only serving as a model for responsible and ethical sourcing in the jewelry industry, but also by being a partner in opportunity, not an obstacle. Brian and Joanne also have a deep history of activism and philanthropy, advocating for important policies that support human rights.

In June, Brian and Joanne developed and launched Earthwise Jewelry. Leber Jewelers Inc. was the first company in the United States to use conflict-free Canadian diamonds, and the landmark collection also utilizes fairly traded gemstones and recycled precious metals, all sourced, mined, designed, and produced with concerns for both the environment and fair-labor standards.

Brian and Joanne also have been vocal advocates for the responsible sourcing of precious stones and metals, including of rubies and jadeite from Burma and gold and tungsten from the Democratic Republic of Congo. In 2007, Brian testified before Congress in support of the Tough Enough to Wear Black Burmese JADE Act, and in 2009, he advocated for the suspension of Zimbabwe from the Kimberley Process for its human rights abuses in the Marange diamond fields. Then, in 2010, Brian supported efforts to pass bipartisan legislation that would create a mechanism to enhance transparency in the sourcing of conflict minerals and help American consumers and investors make informed decisions.

I have had the privilege of traveling to the Democratic Republic of Congo twice, in 2005 and 2010. It is a nation of breathtaking natural beauty, but like too many others, it has suffered from the paradox of the resource curse. Despite being rich in natural resources that should seemingly promote growth and development, the Democratic Republic of Congo has faced decades of weak governance, poverty, and incomprehensible violence. And fueling much of the violence, at least in part, has been the contest for control of these resources and their trading routes. Sadly, this violence had coincided a dubious distinction for eastern Congo, known as the Rape Capital of the World.

I have seen firsthand the efforts of people like Dr. Jo Lusi and Dr. Denis Mukwege, who founded the HEAL Africa Hospital and the Panzi Hospital, renamed after Dr. Denis Mukwege, who founded the HEAL Africa Hospital and the Panzi Hospital, respectively, restoring health and dignity to the survivors of sexual violence. When I chaired the first-ever hearing in the U.S. Senate about the uses of rape as a weapon of war in 2008, Dr. Mukwege stressed the importance of not just treating the consequences of sexual violence in the Congo, but addressing the root causes.
Most people probably don’t realize that the products we use and wear every day, from automobiles to our cell phones and even our wedding rings, may use one of these minerals and that there is a very real possibility it was mined using forced labor from an area of great violence. In 2009, I helped then-Senators Brownback and Finkenauer—a Republican and a Democrat—along with then-Congressman Jim McDermott, to pass bipartisan legislation that would help stem the flow of proceeds from illegally mined minerals to those perpetuating such violence. For the first time, companies registered in the United States were required to report in U.S. Securities and Exchange Commission, SEC, disclosures any usage in their products of a small list of key minerals from the Congo or neighboring countries. Companies also had to include information showing steps taken, if any, to ensure the minerals are legitimately mined and sourced and that, by responsibly sourcing, they are not contributing to the region’s violence. It wasn’t a ban, but a transparency measure aimed at giving consumers choice and fostering a cleaner supply chain.

It took time for the SEC to thoughtfully craft the rule for this simple and reasonable law, and disappointingly, as is increasingly too often the case with the rulemaking process, some tried to gut the law in court, but its core provisions remained intact.

A look since then at the filings submitted to the SEC indicates that some companies had already been leaders on this for years—Apple Inc., Intel Corporation, Motorola, Inc., KEMET Corporation, just to name a few. Leber Jeweler Inc. has been a trailblazer in its own right from the start as well.

It has been 7 years since passage, and we are seeing this law make a difference. According to the nongovernmental organization the Enough Project, an expert on the issue, more than 70 percent of the world’s smelters and refiners for tin, tungsten, tantalum, or gold have now passed third-party conflict-free audits. In addition, the International Peace Information Service found that, as of 2016, more than three-quarters of tin, tantalum, and tungsten miners in eastern Congo are working in mines where no armed group involvement has been reported.

There is some concern today that the President may sign an Executive order suspending this simple reporting requirement; and yet many companies have come out in support of its continuation, including Brain and Joanne of Leber Jeweler Inc.

I am grateful to Brian and Joanne, for their support and advocacy on this important cause. They and others like them in the industry have been stalwart advocates for the responsible sourcing of minerals, and I look forward to continuing to work with them on ways to stem the horrific violence in the Democratic Republic of Congo.
of the Committee and/or designated Committee staff members.

**RULE 7. SUBPOENAS**

Subpoenas authorized by the Committee for the attendance of witnesses or the production of documents, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman. Such subpoenas may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

**RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY**

8.1. Notice.—Witnesses required to appear before the Committee shall be given a written notice and all witnesses shall be furnished a copy of these Rules.

8.2. Oath or Affirmation.—At the direction of the Chairman, Vice Chairman, testi-
mony of witnesses may be given under oath or affirmation which may be administered
by any member of the Committee.

8.3. Conduct of Committee Questioning of witnesses shall be conducted by members
of the Committee and such Committee staff as are designated by the Chairman, Vice
Chairman, or the presiding member.

8.4. Counsel for the Witness.—(a) Gen-
erally. Any witness may be accompanied by
counsel subject to the requirement of para-
graph (b).

(b) Counsel Clearances Required. In the event that a meeting of the Committee has
been closed because the subject matter was
classified in nature, counsel accompanying a
witness before the Committee must possess
the requisite security clearance and provide
proof of such clearance to the Committee at
least 24 hours prior to the meeting at which
the counsel intends to be present. A witness
who is unable to obtain counsel may inform
the Committee of such fact. If the witness
informs the Committee of this fact at least
24 hours prior to his or her appearance before
the Committee, the Chairman shall endeavor
to obtain voluntary counsel for the
witness. Failure to obtain such counsel will
not excuse the witness from appearing and
testifying.

(c) Conduct of Counsel for the Witness.
Counsel for witnesses appearing before the
Committee shall conduct themselves in an
ethical and professional manner at all times
in the presence of the Committee; (1) the
counsel intends to be present. A witness
who is unable to obtain counsel may inform
the Committee of such fact. If the witness
informs the Committee of this fact at least
24 hours prior to his or her appearance before
the Committee, the Chairman shall endeavor
to obtain voluntary counsel for the
witness. Failure to obtain such counsel will
not excuse the witness from appearing and

testifying.

(d) Role of Counsel for Witness. There shall
be no direct or cross-examination by counsel
for the witness. However, counsel for the
witness may submit any question in writing
to the Committee to propound the question
of the Committee to propound such question to the
counsel's client or to any other witness. The
counsel for the witness also may suggest the
presentation of other evidence or the calling
of other witnesses. The Committee may use
or dispose of such questions or suggestions
as it deems appropriate.

8.5. Statement of Witnesses.—Witnesses
may make brief and relevant statements at the
beginning and conclusion of their testi-
mony. Such statements shall not exceed a
reasonable time and shall not be made
in the presence of the Chairman, or other
presiding members. Any witness required or desiring to make a
prepared or written statement for the record of the Committee shall have a per-
sonal or electronic copy with the Clerk of the Committee,
and insofar as practicable and consistent
with the notice given, shall do so at least 48
hours in advance of his or her appearance be-
fore the Committee, unless the Chairman
and Vice Chairman determine there is good
cause for compliance with the 48 hours
requirement.

8.6. Objections and Rulings.—Any objection
raised by a witness or counsel shall be ruled
on by the Chairman or by the designee of the member, and such ruling shall be the ruling
of the Committee unless a majority of the Committee present overrules the ruling
of the chair.

8.7. Inspection and Correction.—All wit-
nesses testifying before the Committee shall
be given a reasonable opportunity to inspect,
in the presence of the Committee, the tran-
script of their testimony to determine
whether such testimony was correctly trans-
cribed. The witness may be accompanied by
counsel. Any corrections the witness desires
to make in the transcript shall be submitted
in writing to the Committee within five days
from the date when the transcript was made
available to the witness. Corrections shall be
limited to grammar and minor editing, and
may not be made to change the substance of
the testimony. Any questions arising with
respect thereto shall be decided by the
Chairman. Upon request, the Committee
may provide to a witness those parts of
the transcript of the executive session which
are subsequently quoted or made part of a public record, at the
expense of the witness.

8.8. Requests To Testify.—The Committee
shall consider requests to testify on any mat-
ter or proceeding pending before the Com-
mittee. Any witness who believes that testi-
mony or other evidence presented at a public
hearing, or any comment made by a Com-
mittee member or a member of the Com-
mittee staff, may tend to affect adversely
the testimony. Any such request or comment
in writing to appear personally before the
Committee to testify or may file a sworn state-
ment of facts relevant to the testimony, evi-
dence, or comment, or may submit to the
Chairman proposed questions in writing for
the questioning of other witnesses. The Com-
mittee shall take such action as it deems ap-
propriate.

8.9. Contempt Procedures.—No rec-
ommendation that a person be cited for con-
tempt of Congress or that a subpoena be
otherwised serve in a capacity as member of the
Committee, he shall be entitled to notice and
all witnesses shall be furnished a copy of
these Rules.

9.2. Classified documents and material
shall be stored in a manner to protect
classified documents and materials
in the possession or under the control of
the Committee, unless a majority of the
Committee, and such registry shall be avail-
able to any member of the Committee.

9.3. No member of the Committee or of
the Committee staff shall disclose, in whole or in part or by way of summary, the contents
of any classified or committee sensitive papers,
materials, briefings, testimony, or other informa-
tion received by, or in the possession of
the Committee, unless authorized by the Com-
munity and the members of the Senate re-
cognizing their responsibilities.

9.4. Access to classified information sup-
plied to the Committee shall be limited to
the members of the Committee and such
members and staff do not need prior approval
to disclose classified or committee sensitive
information to persons in the Executive Branch,
the House of Representatives, the Senate or
the Senate of the United States. classified or committee sensitive information to persons in the Executive Branch,
the House of Representatives, the Senate or
the Senate of the United States.
Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access for a legal purpose by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee to include any congressional committee staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9. Failure to abide by Rule 8.7 shall constitute cause for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know such information for an official governmental purpose. Public disclosure of classified information the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff work. In exceptional circumstances, the Staff Director and Minority Staff Director may authorize the placement of individuals holding appropriate security clearances and to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify such appointment to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the financial records of the Committee. If the Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified information shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all materials before the Committee.

10.4. The Committee shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation of additional, separate, and minority views, to the end that all points of view may be considered by the Committee and the Senate.

10.5. The Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee, or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules. In the event of the termination of the Committee, such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media and to make public, in accordance with the applicable law, information in accordance with classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee, each member of the Committee staff must agree to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the Committee staff. Such information shall not be disclosed in response to such requests, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any person who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, revocation of the Committee member's security clearance and immediate dismissal from the Committee staff.

10.9. In the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee. The authority granted jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff duties may be assigned to conduct an audit shall be qualified by training or experience in accordance with acceptable standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be free from discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish to consider during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director may recommend to the Chairman and the Vice Chairman that any committee staff, including security clearances and immediate dismissal from the Committee staff.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and the status of such nominations; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such publication shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman of the Committee, the Staff Director and/or Minority Staff Director, or the Majority and Minority Members of the Committee acting jointly, or under the supervision of the Staff Director and Minority Staff Director, to any subcommittee or any subcommittee thereof, or to any other committee or any subcommittee thereof, or to any other committee and the status of such measures; nominations referred to the Committee and the status of such nominations; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such publication shall be furnished to each member of the Committee.
RULE 13. COMMITTEE TRAVEL

No member of the Committee or Committee Staff shall travel on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization to travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

RULE 14. SUSPENSION AND AMENDMENT OF THE RULES

(a) These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 24 hours prior to the meeting at which action thereon is to be taken.

(b) These Rules shall continue and remain in effect from Congress to the next Congress unless they are changed as provided herein.

APPENDIX A

S. Res. 400, 98th Cong., 2d Sess. (1976)

Resolved, That it is the purpose of this resolution to establish a select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

S. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the “select committee”). The select committee shall be composed of not to exceed fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed under paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. If any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(Sec. 3. (a)) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, other departments and agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization of such organization or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or sub-division which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that such organization or activity involving intelligence activities.

(6) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and accurate information concerning the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

S. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee of the Senate any matters reported by the select committee which are not actioned by the Senate or any other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of any department or agency, and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report shall be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring
the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) If before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974, regarding matters within the jurisdiction of the select committee.

Sect. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b) Either the Chairman, the Vice Chairman or any member of the select committee shall be entitled to be present when the information requested is to be disclosed and may request to be present when any testimony is to be given. The Chairman shall not later than the first day on which the vote occurs, report the matter to the Senate under paragraph (3), shall disclose such information except in a closed session of the Senate.

(c) If the President, personally in writing, notifies the committee that he objects to the disclosure of any information 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, such information 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). The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any 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 receive such information and which Member or Members 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) If the Select Committee on Ethics shall 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 allegations which it finds to be substantiated.

Sect. 9. The select committee is authorized to take appropriate action such as censure, removal from office or punishment for any attempt, in the case of an officer or employee, to serve as a liaison to such committee, to attend any closed meeting of such committee.
SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committees on intelligence current and fully informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency. Furthermore, it is the sense of the Senate that this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee’s jurisdiction.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the current fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Intelligence.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each matter, all reports, all rules, and other aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charts for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce or eliminate any redundancy or overlap of functions; to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities of agencies by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason to keep it secret;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress.

(b) The procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the heads of agencies, and determine guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee shall be afforded a supplement to its budget, to be determined by the Senate, to allow for the hire of each employee who fills the position of designated representative on the select committee, to serve as a member of the select committee and to serve as the designee of the Chair of the select committee.

(c) The select committee shall only hire or appoint an employee chosen by the respective Member of the select committee for whom the employee will serve as the designated representative on the select committee.

(d) Of the funds made available to the select committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member’s designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designee of the Chair or the Vice Chairman.

(b) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

SEC. 16. Nothing in this section shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as provided in subsections (b) and (c), the Select Committee shall have jurisdiction to review, hold hearings, and report the nominations of civilian individuals for positions in the intelligence community for which appointments are made by the President, by and with the advice and consent of the Senate.

(2) Except as provided in subsections (b) and (c), other committees with jurisdiction over the department of the country or subdivision of the Executive Branch which contain a position referred to in paragraph (1) may hold hearings and interviews with individuals nominated for such position, but only the Select Committee shall report such nomination.

(b) In this subsection, the term ‘intelligence community’ means an element of the national intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(2) With respect to the confirmation of the Attorney General, the Select Committee shall report such nomination.
when the 20-day period expires while the Senate is in recess, the Select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

“(2) If, upon the expiration of the period described in paragraph (1), the Select Committee has not reported the nomination, such nomination shall be automatically discharged from the Select Committee and placed on the Executive Calendar.

“(c)(1) With respect to the confirmation of appointment to the position of Director of the National Security Agency, Inspector General of the National Security Agency, Director of the National Reconnaissance Office, or Inspector General or the National Reconnaissance Office, or any successor position to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is a member of the Armed Forces on active duty, shall be referred to the Committee on Armed Services and, if and when reported, to the Select Committee for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Select Committee shall have an additional calendar day after the Senate reconvenes to report the nomination.

“(2) With respect to the confirmation of appointment to the position of Director of the National Security Agency, Inspector General of the National Security Agency, Director of the National Reconnaissance Office, or Inspector General or the National Reconnaissance Office, or any successor position to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is not a member of the Armed Forces on active duty, shall be referred to the Select Committee and, when reported, to the Committee on Armed Services for not to exceed 30 calendar days, except that in cases when the 30-day period expires while the Senate is in recess, the Committee on Armed Services shall have an additional 5 calendar days after the Senate reconvenes to report the nomination.

“(3) If, upon the expiration of the period of sequential referral described in paragraphs (1) and (2), the committee to which the nomination was sequentially referred has not reported, the Select Committee shall not have additional calendar days after the Senate reconvenes to report the nomination.

“APPENDIX B


TITLE III—COMMITTEE STATUS

Sec. 301(b). Intelligence.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

Sec. 401. Subcommittee Related to Intelligence Appropriations. (a) Establishment.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees and make appropriate organizational changes after the convening of the 109th Congress.

(b) Jurisdiction.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C

RULE 25.5(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.C.1)

Each meeting of a 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 a committee or a subcommittee thereof on the same subject for a period of 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 clauses (1) through (6) would require the meeting to be closed. These meetings may be closed by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed are clearly unwarranted invasion of the privacy of an individual;

(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;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise threaten to subject such 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 informing 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 of financial or commercial information pertaining specifically to a given individual;

(6) will disclose the identity of any officer or employee the member or committee staff personnel or internal staff management.

APPENDIX D

SELECT COMMITTEE ON ETHICS

RULES OF PROCEDURE

Mr. COONS. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent on behalf of Senator Isakson, chairman of the Select Committee on Ethics, and for myself as 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 115th 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 XXIV 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 exercise the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) 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 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 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—

(A) any other person;

(ii) any complaint filed by the member;

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

(iii) any employee of any other officer the member supervises;

(2) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee in 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 section (d)(3) 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 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 pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review, any other member of the Committee may, at the discretion of the member, disqualify himself or herself under paragraph (2) 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 such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

Sec. 3. (a) The Select Committee from time to time shall transmit to the Senate its recommendations 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 witnesses and the production of such correspondence, books, papers, and documents; (5) administer oaths; (6) take such testimony orally or by deposition; (7) employ any of 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 employees as the Select Committee deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermit the temporary services 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 permitted by the Select Committee 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 of an advisory opinion in accordance with the provisions hereof 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 with respect to which the advisory opinion is rendered and acts in good faith in accordance with the provisions and findings of such advisory opinion.

(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 an opportunity to the person referred to in such subsection (a) to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued 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 Senate Library. The Select Committee shall issue a written decision in any case by the Select Committee with respect to which such advisory opinion is rendered.

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 with respect to the request for such advisory opinion. 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 with respect to the request for such advisory opinion.

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 who serves as a member of the Capitol Police force by virtue of his membership in the Senate or 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, the rendering of findings of fact, and the suspension of the rules of the Senate to which the Select Committee may take such action and enforce as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such rules and proceedings as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, a court or administrative agency in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or relating to any violation of any code or any 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.

The Select Committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, the rendering of findings of fact, and the suspension of the rules of the Senate to which the Select Committee may take such action and enforce as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such rules and proceedings as may be prescribed by such committee.

The Select Committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, the rendering of findings of fact, and the suspension of the rules of the Senate to which the Select Committee may take such action and enforce as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such rules and proceedings as may be prescribed by such committee.
SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 66, 99TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

SEC. 8. * * *

(c) (1) No information in the possession of the select committee relating to the lawful intelligence of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to a direction of the Senate in accordance with paragraph (2) 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 member or employee of the Senate who, and no committee which, receives any information under this subsection has 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 such information described in paragraphs (a) and (c) of this subsection 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 of intelligence information 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 or as 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 DISPOSAL 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:

"(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, commission, or instrumentality thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

"(C) any person employed by an employee of 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, 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 125 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee or an officer of the Senate.

"(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 such 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) 'decorations' consists of an official 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, 1961, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services in consultation with the Senate and the House of Representatives, except that any regulations prescribed by the Administrator shall be subject to any such investigation, the Select Committee on Standards and Conduct 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 application of the provisions of this section) specified in subsections (c)(2)(A), (e)(1), 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.

"(6) an employee may not—

"(1) directly or indirectly 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 valued at more than minimal value if 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 one or more of the following: (i) the employee's work or services to be adversely affected; (ii) to constitute interference with the individual's official duties; (iii) to deprive the United States of goods or services 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 (iv) to subject the individual to any other prohibition or restriction which may be prescribed by the employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value if such acceptance is appropriate, the individual shall—

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

"(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 (A), the employing agency shall forward the gift to the General Services Administration for disposal in accordance with subsection (c)(3);

"(C) transfer or donate the gift to a charitable organization,

"(D) subject to the approval of the employing agency, deposit the gift with that agency for nonofficial use. Within 30 days after disposing of the gift as provided in paragraph (2)(A), the employing agency shall forward the gift to the General Services Administration for disposal in accordance with subsection (c)(3);

"(E) in the case of a gift that the employing agency determines to be more than minimal value, may authorize the disposition of the gift by the employing agency for official use or for nonofficial use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (2), the employing agency may, unless such travel expenses are accepted in accordance with specific instructions of the employing agency, the employee shall file a statement with his or her employing agency, and its delegate containing the information prescribed in subsection (f) for that gift.

"(F) The Congress consents to the acceptance, use, and disposition, 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. If the employee fails to comply with subsection (e)(1), or for disposal in accordance with subsection (e)(2), the decoration shall be disposed of by the employing agency, deposit the gift with that agency for nonofficial use. Within 30 days after disposing of the gift as provided in paragraph (2)(A), the employing agency shall forward the gift to the General Services Administration for disposal in accordance with subsection (c)(3), or for disposal in accordance with subsection (c)(3).

"(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 General Services Administration 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, at the discretion of the Commission, which may prescribe, (A) to an agency or instrumentality of the United States, (ii) a
State, territory, or possession of the United States, or a political subdivision of the foregoing, or (ii) 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 paragraph, if accepted a United States Diplomatic Mission to implement the purposes of this section. The Commission may direct the Secretary of State to refund the value of the gift or decoration to the individual who presented the gift.

In the event that the Secretary of State determines that the gift improperly solicited or received plus the fair market value of the 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, unless it is determined that such gift was not 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 accepting 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 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 provided by the United States of America to other countries which is a part of the Mutual Educational and Cultural Exchange Act of 1961.

RULE I: GENERAL PROCEDURES

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be performed by the Select Committee's Vice Chairman. In the absence of the Select Committee's Vice Chairman, 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, and are as other resolutions and Supplemental Procedures of the United States of America are hereinafter referred to as the Rules. The Rules shall be published in the Federal Register 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) If any member of the Committee desires to obtain the attendance at the meeting of the Committee of a witness or other person, the request shall be made in writing and shall be referred to the Chairman for his action. If the Chairman consents to the request, the Committee shall notify the witness or other person in writing and advise him of his attendance at the meeting of the Committee.

(d) 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 act, the Committee shall proceed with the hearing in accordance with the rules and regulations of the United States of America and the United States of America shall be available for the use of the Committee.

(e) AMENDMENTS: The basic procedural rules of the Committee, if amended, shall be as the Standing Rules of the Committee are stated herein and are hereinafter referred to as the Rules. Amendments to the basic procedural rules of the Committee shall be made available by the Committee office upon request.

(f) RECORD OF TESTIMONY AND COMPLAINT ACTION: An accurate stenographic record of all testimony and action taken out of 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 that 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.

(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 (b) to (d) of Rule XXXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the Committee members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members, other persons may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMPLAINT 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, but not be limited to, all testimony and action taken 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 and counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by that witness in executive session which is 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 Proceedings of Committees.)
(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 government or nongovernment, except the request for the records of the Committee, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution XXXVII or as amended or otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(b) 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 of the member supervises; or (ii) any complaint filed by the member; and

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

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner that is prohibited by subparagraph (1), the staff shall prepare a report to the Committee. In such a case, the staff shall be delivered to the Chairman or Vice Chairman. If the Committee concludes that a member is 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 Committee. If the member believes that he or she is not ineligible, he or she may explain his or her reasons to the Chairman or Vice Chairman. If the member still claims that he or she is 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 at the time of the executive session. Any 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 determination and recommendation of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(c) FORM AND CONTENT OF COMPLAINT, ALLEGATION, OR INFORMATION:

(1) Complaints, allegations, or information need not be sworn, and shall consist of:

(A) a complaint, sworn or unsworn, that was filed by the staff member. At the direction of the staff director or chair of the Committee, any investigation the staff chair determines relates specifically to any staff member supervises; or

(B) a complaint, sworn or unsworn, that was filed by the staff director or chair of the Committee, and any other person may report to the Chairman, a Committee member, or a Committee staff member.

(2) The Chairman and Vice Chairman, or their designees, and the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman, acting jointly, determine that such action is necessary and appropriate.

(3) If any Committee proceeding appears to relate to a member of the Committee in a manner that is prohibited by subparagraph (1), the staff shall prepare a report to the Committee. In such a case, the staff shall be delivered to the Chairman or Vice Chairman. If the Committee concludes that a member 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 his or her reasons to the Chairman or Vice Chairman. If the member still claims that he or she is 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 at the time of the executive session. Any member in question not participating.

(4) Any 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 determination and recommendation of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(5) Whenever any member of the Committee determines that (1) it is necessary and appropriate to join the question before the Committee is the initiation or continuation of a preliminary inquiry or adjudicatory review, (2) it is necessary and appropriate to join the question before the Committee or other committee with respect to any such preliminary inquiry or adjudicatory review, or (3) it is necessary and appropriate to join the question before the Committee or other committee with respect to any such preliminary inquiry or adjudicatory review, the Chairman and Vice Chairman, or their designees, acting jointly, determine that such action is necessary and appropriate.

(6) A member of the Committee shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or the question before the Committee or other committee with respect to any such preliminary inquiry or adjudicatory review. The member may be disqualified from such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(7) The Presiding Officer of the Senate shall be deemed to supervise any officer of the Senate, and any other person may report to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION:

(1) 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, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other 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, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a M...
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 or other allegation of 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, 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.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate in 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 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 no such substantial credible evidence. 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 as the Committee may determine 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 dismiss 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.

(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 6. If the subject of the report is a Member, officer, or employee of the Senate, the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

Rule 6: Procedures for Conducting an Adjudicatory Review

(a) Definition of Adjudicatory Review: An “adjudicatory review” is a proceeding under the authority of 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 case where the Committee determines not to use outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, 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.

(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 case where the Committee determines not to use outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, 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 or his or her designated representative of 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. The Committee, and its staff, may conduct any inquiries or interviews, 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.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends on whether or not a respondent is subject 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 administrative Law judge, the Committee or outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review. The Committee 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, 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 Committee shall also explain the reasons underlying the Committee’s recommendation concerning disciplinary action, if any. No 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 § 8, Res. 338, as amended, section 3(b)(1), subsection (i), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for further disciplinary action (if any):

(a) 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 both;

(b) In the case of an officer or employee, a recommendation to the Senate for dismissal, suspension, payment of restitution, or restoration of any of the following:

(i) The possibility of reprimand or reprimand and suspension, 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 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)(3), 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) of this rule shall be 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 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 case where the adjudication is to be conducted by the Committee. The Chairman or outside counsel shall determine whether such a hearing is to be held.

(b) 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 may request to be heard in person or by counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to testify. The witness may request to testify personally before the Committee to testify in his or her own behalf;

(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.

(c) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer shall take such measures as are necessary to maintain 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.

(d) 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 subsections (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.

(E) SWEARING IN 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.

(F) 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.

(G) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent and any other person who obtains the approval of the Presiding Officer, individually or through counsel, may cross-examine any witness 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 appropriately 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. In no event shall any witness’s scheduled appearance, a witness or a witness’s counsel may submit to the Committee written questions proposed to be asked of any witness unless the Chairman determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member directed by a Committee member. The witness or witness’s counsel may also submit additional sworn testimony for the record in any matter before the Committee within five days 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 shall be considered within five days after the testimony is received.

(D) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascer- tain the truth. Any evidence may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence may be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight of the evidence shall be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testi- mony or 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), 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.

(1) TRANSCRIPTS:

(A) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee may request that any witness retained by the Committee, or by any Committee staff member, or by any outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own record, and may request the reporter any typographical or transcription errors. If the reporter declines to make the required corrections, the member, staff member, or outside counsel, may apply for a ruling by the Chairman and Vice Chair- man, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee 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) DEPOSITIONS: 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 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, the copy may be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual or employee of the Senate violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

II. SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS: 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 by issuance of any member or employee of 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.

(b) DEPOSITION PROCEDURE: Witnesses at depositions may be administered an oath by an individual authorized by law to administer oaths, or administered by any member of the Committee if 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 and produce the document. 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 either on the objection 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, 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 either on the objection 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 of 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 and 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.

(c) 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 transcript is a true record of the testimony. The transcript with these certifications shall be filed with the clerk of the Committee, and 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 of 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 and 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.

III. STANDARDS OF CONDUCT

(a) Persons Authorized to Take Depositions: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, any staff member or employee 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.

(b) Notice: Notice 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 be in writing and shall be directed to the person whose testimony is sought. 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 initiate procedures relating to criminal or civil enforcement proceedings for a witness’s failure to appear, or to testify, or to produce documents, unless the deposition notice specified that such subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(c) Council at Depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(d) Deposition Procedure: Witnesses at depositions may be administered an oath by an individual authorized by law to administer oaths, or administered by any member of the Committee if 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 and 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.

(e) 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 transcript is a true record of the testimony. The transcript with these certifications shall be filed with the clerk of the Committee, and 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 of 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 and 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.

IV. APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Applicable Rules and Standards of Conduct: The Committee shall recommend to the Senate or its report or resolution, or other legislative measure as it determines to be necessary or desirable to ensure proper standards of conduct by officers, employees, or members 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 relating to its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(b) Educational Materials: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards applicable to their duties.

V. PROCEEDINGS FOR HANDLING COMMITTEE SENSITIVE MATERIALS

(a) Procedures for Handling Committee Sensitive Materials: 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 member.
(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 through 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 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 in secure filing cabinets. 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 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 on behalf of the Committee, shall have access to Committee Sensitive information which may come into the possession of such person during tenure with the Committee or its staff. Such information, documents, or material may be removed 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.

(3) 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 receive personal privilege 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 Committee Sensitive information which may come into the possession of such person during tenure with the Committee 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.

(4) 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.

(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 receive personal privilege 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 Committee Sensitive information which may come into the possession of such person during tenure with the Committee or its staff. Such information, documents, or material may be removed 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 non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Select Committee on Ethics.

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 proceedings shall be covered and presented without commercial sponsorship. A Committee proceeding shall be conducted and presented without commercial sponsorship.

(b) When the Committee determines that comments from interested parties would be of assistance, 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.

(c) 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.

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 any person for an advisory opinion on any question or matter within the Committee's jurisdiction, to determine 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 request wishes the Committee to answer.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested person to submit a written 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 shall prepare a proposed advisory opinion, in writing, 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 for final action, the 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 under Senate Resolution 338, 88th Congress, as amended, may be relied upon by any person involved in any specific transaction or activity which is distinguishable 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 such provisions and findings, shall be protected from liability under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate, as appropriate.

Rule 12: Procedures for Complaints Involving Improper Use of the Mailing Frank

(1) The Committee shall have rule-making power to establish procedures for the mailing frank and the duty of the Senate to receive and appropriate such requests as required by the Ethics in Government Act of 1978, as amended.

(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 shall act as a lobbyist or participate in writing or oral testimony on any subject that is in any way related to his or her employment or duties with the Committee without prior approval in writing 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.

Rule 13: Definition of "Officer or Employee"

(a) As used in these rules and procedures, the term "officer or employee of the Senate" means:

(1) The President pro tempore of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee of the Senate, or any employee of the Senate in connection with the performance of his or her official duties;

(3) A member of the Capitol Police force whose compensation is disbursed by the Senate;

(4) The Chairman of the Senate, or, if the Senate is not in session, the Secretary of the Senate;

(5) Any employee of the Vice President, if such employee’s compensation is disbursed by the Secretary of the Senate;

(6) An employee of a joint committee of the Senate and House of Representatives;

(7) An employee of a joint committee of the Senate and House of Representatives whose compensation is disbursed by the Secretary of the Senate;

(8) An employee of the Senate or House of Representatives whose compensation is disbursed by the Secretary of the Senate; or

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, or employee of the Senate in the conduct of official duties in accordance with Rule XII(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 professional, nonpartisan staff, including a staff recommended by the Committee.

(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) to address the Committee’s needs or to provide advice or counsel to the Committee.

(4) The Committee may determine by majority vote that the retention of outside counsel is necessary or appropriate for any action regarding any

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complaint or allegation, preliminary in- 
quiry, adjudicatory review, or other pro- 
ceeding, which in the determination of the 
Committee, is more appropriately conducted 
by counsel not employed by the Government. 
The Committee shall retain and compensate 
outside counsel to conduct any adjudicatory 
review, or other proceeding, which the Chair- 
man, or the Vice Chairman, acting 
jointly, shall authorize in the interest of the 
Senate, violations of law, violations of 
the Code of Official Conduct, rule, or 
law which was in effect prior to the enactment of 
the Senate Code of Official Conduct if the 
violation occurred while such rule or law 
was in effect and the violation was not 
a matter resolved by the Secretary for the 
predecessor Select Committee.

APPENDIX B—OPEN AND CLOSED MEETINGS

Paragraphs 5(b) to 6 of Rule XXVI of the 
Standing Rules of the Senate reads as follows:

RULE XXVI: CHANGES IN SUPPLEMENTARY 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 pro- 
vided each member of the Committee.

(b) PUBLICATION: Any amendments adopted by the Rules of this Committee shall be published in the Congressional Record in 
accordance with Rule XXVI(2) of the Stand- 
ing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject mat- 
ter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct ap- 
proved by Senate Resolution No. 60, 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, viola- 
tions of the Senate Code of Official Con- 
duct and violations of rules and regulations of the Senate; recommend disciplinary ac- 
tion; Senate adopted or approved the Rules or regulations to assure proper stan- 
dards 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 L. 104-191, relating to the use of the mail franking privilege by Senators, offi- 
cers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, 
Section 8, relating to unauthorized dis- 
closure 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

decorations received by Senate mem- 
bers, officers and employees and their 
spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, as 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 pro- 
vided each member of the Committee.

(h) The Code of Ethics for Government Service, 
H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12); Except 
that the provisions of the Select Committee on S. Res. 10 (April 2, 1977), and as amended by 
Section 3 of S. Res. 222 (1999), provides:

(i) 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 in effect prior to the enactment of 
the Senate Code of Official Conduct if the 
violation occurred while such rule or law 
was in effect and the violation was not a matter resolved by the Secretary for the 
predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5(b) to 6 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 
or any subcommittee subject of a period of not 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 wheth- 
erness of the effective date of the applica-

dible provision of the Code. The Select 
Committee may initiate an adjudicatory re-
view of any alleged violation of a rule or law 
of the case in an open or closed committee 
when it is determined that the matters to be discussed 
are not in the interest of effective law enforcement.

(1) The Chair or Vice Chair of the Committee shall have the power to clear the room, and the 
Chairman’s initiative and without any point of order 
or any demonstration of approval or dis- 

APPENDIX B—SUPERSVIVORS’ DEFINED

Paragraph 12 of Rule XXXVI of the Stand- 
ing 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 to the committee except that minority staff mem- 
bers shall be under the supervision of the 
ranking minority Senator on the committee;

(b) A Senator who is a chairman of a sub- 
committee which has its own staff and finan- 
cial authorization is the supervisor of the 
staff member.

The Chairman and Vice Chairman, acting 
jointly, shall approve the dismissal of any 
staff member.

The Chairman and Vice Chairman, acting 
jointly, shall approve the dismissal of any 
staff member.

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jointly, shall approve the dismissal of any 
staff member.

The Chairman and Vice Chairman, acting 
jointly, shall approve the dismissal of any 
staff member.
The Committee to be appropriate to describe its activities for the preceding year. Reported information describing the Committee’s activities in 2016 in the categories set forth in the Act:

(1) The number of alleged violations of Senate rules found from any source, including the number raised by a Senator or staff of the Committee: 63. (In addition, 2 alleged violations from the previous year were carried over into 2016).

(2) The number of alleged violations that were dismissed—
   (A) For lack of subject matter jurisdiction or in which, even if the allegation in the complaint are true, no violation of Senate rules would exist: 43.
   (B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 14.

(3) The number of alleged violations for which the Committee staff conducted a preliminary inquiry: 5. (This figure includes 2 matters from the previous calendar year carried into 2016).

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review:
   (A) As a result of which the Committee took no action: 6.
   (B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 1.

(5) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee dismissed the matter for lack of substantial merit or because it was inadvertent, technical or otherwise of a de minimis nature: 3.

(6) The number of alleged violations for which the Committee staff conducted a preliminary inquiry and the Committee issued private or public letters of admonition: 0.

(7) The number of matters resulting in a disciplinary sanction: 0.

(8) Any other information deemed by the Committee to be appropriate to describe its activities in the previous year:

In 2016, the Committee staff conducted one new Member and staff ethics training session; 29 Member and committee office campaign briefings (includes one remedial training session for second offenders); 85 scheduled briefings and formal training sessions (includes one remedial training session); 8 public financial disclosure clinics, seminars, and webinars; 18 ethics seminars and customized briefings for Member DC offices, state offices, and Senate committees; seven private sector ethics briefings; and seven international briefings.

In 2016, the Committee staff handled approximately 9,738 telephone inquiries and 1,580 inquiries by email for ethics advice and guidance.

In 2016, the Committee wrote approximately 825 ethics advisory letters and responses including, but not limited to, 691 travel and gifts matters (Senate Rule 35) and 93 conflict of interest matters (Senate Rule 37).

In 2016, the Committee received 3,196 public financial disclosure and periodic disclosure of financial transactions reports.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

RULES OF PROCEDURE

Mr. JOHNSON, Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 27, 2017, a majority of the members of the Committee on Homeland Security and Governmental Affairs’ Permanent Subcommittee on Investigations adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Permanent Subcommittee on Investigations.

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

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS AS ADOPTED

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the Ranking Minority Member of the Members of the Subcommittee. In all cases, notification to all Subcommittee Members of the intent to hold a hearing given at least 7 days in advance to the date of the hearing. The Ranking Minority Member should be kept fully apprised of preliminary inquiries and investigations. Preliminary inquiries may be initiated by the Subcommittee Majority staff upon the approval of the Chairman and notice of such approval given at least 7 days in advance of the hearing. The Majority Member shall be kept fully apprised of preliminary inquiries and investigations. Preliminary inquiries may be undertaken by the Majority Member and notice of such approval given at least 7 days in advance of the hearing. The Majority Member shall be kept fully apprised of preliminary inquiries and investigations. Preliminary inquiries may be undertaken by the Majority Member and notice of such approval given at least 7 days in advance of the hearing. The Majority Member shall be kept fully apprised of preliminary inquiries and investigations. Preliminary inquiries may be undertaken by the Majority Member and notice of such approval given at least 7 days in advance of the hearing. The Majority Member shall be kept fully apprised of preliminary inquiries and investigations.

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee directed by him or her, with notice to the Ranking Minority Member. The Chairman or his or her counsel is entitled to a hearing in the event that he or she objects to the subpoena. No public hearing shall be held if the Majority Members of the Subcommittee unanimously object, unless the Committee on Homeland Security and Governmental Affairs grants (after notice to the Members of the Committee) a request that such public hearing be held by a majority vote.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

3. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, with notice to the Ranking Minority Member. The Chairman or his or her counsel is entitled to a hearing in the event that they object to the subpoena. No public hearing shall be held if the Majority Members of the Subcommittee unanimously object, unless the Committee on Homeland Security and Governmental Affairs grants (after notice to the Members of the Committee) a request that such public hearing be held by a majority vote.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file, in the office of the Subcommittee, a written request therefore. The Chairman shall, without delay, and within 3 calendar days after the filing of such request, call a special meeting, which shall be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held without the voting of the Majority Members and that such special meeting shall be held and informed of its date and hour. If the Chairman is not present at any regular, additional or special session, the Ranking Majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administration of oaths and the taking of testimony in any given case or subject matter.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee may order that he or she be removed from the hearing room, that his or her counsel or any spectator be removed from the hearing room, or that representation by counsel be denied. Such removal is not to be construed as a disciplinary action or as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing and to advise such witness while he or she is testifying of his or her legal rights; provided, however, that in the case of a subpoena or other document from the Committee to a witness, his or her counsel is entitled to a hearing in the event that he or she objects to the subpoena. No public hearing shall be held if the Majority Members of the Committee unanimously object, unless the Committee on Homeland Security and Governmental Affairs grants (after notice to the Members of the Committee) a request that such public hearing be held by a majority vote.

9. Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be served and issued by the Chairman. The Chairman and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions.

10. Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be served and issued by the Chairman. The Chairman and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions.

11. Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be served and issued by the Chairman. The Chairman and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions.

12. Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be served and issued by the Chairman. The Chairman and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions.

13. Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be served and issued by the Chairman. The Chairman and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions.

14. Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be served and issued by the Chairman. The Chairman and the Ranking Minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions.
depositions. Such notices shall specify the time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the depositions. A deponent shall be in attendance at the place named. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement unless the witness's failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a hearing or a subcommittee meeting by counsel to advise them of their legal rights, subject to the provisions of Rule 6.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objects of the examination may be noted by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis thereof, the Chairman or designated Member may strike the question from the record. The Chairman may subpoena attendance or the production of a witness, or any records, documents, or other memoranda, without the approval of the Majority of the committee present and voting, these questions, or paragraphs of the testimony called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paragraphs of the testimony called by the Subcommittee, may be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

10. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a hearing made by a Subcommittee Member or counsel, tends to defame him or her or otherwise adversely affect his or her reputation, may (a) request to appear personally before the Subcommittee to testify in his or her own behalf, or (b) file with the Chairman a sworn statement of facts relevant to the testimony or evidence complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during testimony, television, motion picture, and other camera views pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcript shall be true and correct. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed with the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transmitted or electronically recorded. If it is transmitted, the witness shall be provided with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcript shall be a true record of the testimony, which is transmitted and filed for the Subcommittee clerk. Subcommittee staff may stituate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

10. A witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chairman, Staff Director, or Chief Counsel. A copy of the statement at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during testimony, television, motion picture, and other camera views pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcript shall be a true record of the testimony, which is transmitted and filed for the Subcommittee clerk. Subcommittee staff may stituate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his or her testimony, whether by stenographer or court reporter, or in written form or by tape recording, shall be made available for inspection by the witness or his or her counsel under Subcommittee supervision; a copy of the testimony in public session or of the stenographic record of the testimony in executive session and subsequently quoted shall be made available to the witness at his or her expense if he or she so requests.
and Sundays and legal holidays in which the Senate is not in session, of being notified of the subpoena. If a subpoena is disapproved by the Subcommittee on Regulatory Affairs and Federal Management, the Chairman must notify the full Committee on Homeland Security and Governmental Affairs of the disapproval no later than March 1 of the first year of each Congress. On February 27, 2017, a majority of the members of the Committee on Homeland Security and Governmental Affairs considered the Subcommittee on Regulatory Affairs and Federal Management's rules of procedure. The majority did not object to the rules, and the material was ordered to be printed in the Record.

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

RULES OF PROCEDURE

Mr. JOHNSON. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 27, 2017, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Regulatory Affairs and Federal Management adopted Subcommittee rules of procedure.

Mr. JOHNSON. Senate Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Regulatory Affairs and Federal Management. Without objection, the material was ordered to be printed in the RECORD as follows:

Rules of Procedure of the Committee on Homeland Security and Governmental Affairs

SUBCOMMITTEE ON REGULATORY AFFAIRS AND FEDERAL MANAGEMENT

(1) SUBCOMMITTEE RULES. The Subcommittee shall be governed, where applicable, by the rules of the Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) QUORUMS. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter. One-third of the Subcommittee Members shall constitute a quorum for the transaction of business other than the administering of oaths and the taking of testimony. If any Member of the majority is present, Proxies shall not be considered for the establishment of a quorum.

(3) TAKING TESTIMONY. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

(4) SUBCOMMITTEE SUBPOENAS. Subpoenas may be authorized and issued as necessary to issue a subpoena imme- diately. When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

BAHRAIN

Mr. WYDEN. Mr. President, 6 years ago this month, more than 100,000 Bahrainis of all ages and backgrounds joined together to protest their government. Although these men and women took to the streets peacefully, they were met with violence as the regime unleashed its state security forces. Using tear gas, live ammunition, and even torture, the regime brutally repressed the peaceful demonstrations. Following widespread international condemnation, the regime agreed to create an independent body to look into the crackdown and propose reforms—the Bahrain Independent Commission of Inquiry or BICI—and when the BICI came back with 26 recommendations, the KING promised to urgently implement them all.

Six years later, the regime has not upheld that commitment. When our own State Department last reported on each BICI recommendation, it could only identify a handful that had been fully implemented—a far cry from the regime's own implementation. The chairman of the BICI admitted last year that most recommendations have not been fully implemented. NGOs following these issues have been even more critical, noting with alarm that the regime has actually reversed BICI recommendations this year. For example, the regime restored the power to arrest and detain Bahraintis to Bahrain’s National Security Agency—a power that had been stripped following the BICI report’s recommendation in 2011.

That decision follows a year in which the regime has moved aggressively to close the space for peaceful opposition. Since last February, the regime has dis- labled and detained numerous human rights advocates like Nabeel Rajab simply for speaking out. Advocates told my staff recently that the regime’s escalating violence over the past year reached levels unseen since the 2011 protests.

The United States should not hesi- tate to raise its voice when foreign governments clamp down on speech and expression. This is even truer when the government in question is a U.S. ally, as the Bahrain regime is. I was disappointed that more administration officials did not appear to share this view with respect to Bahrain. Indeed the State Department chose to lift self-imposed restrictions on USV in Bah- rain in 2015, a decision that I and many in the advocacy community saw as re- warding bad behavior and incentivizing more of it. In fact, I introduced bipartisanship legislation last Congress that would have reinstated the ban on cer- tain weapons sales until the adminis- tration could certify that the regime had implemented all 26 BICI rec- ommendations. Congress adjourned last December without passing our bill, but I intend to resume my efforts this Congress.

As I sometimes remind my col- leagues here, my goal here is neither to insult nor to undermine a U.S. ally. My hope is that someday I will be able to stop reading these statements into the record every February because the Bahrainti regime has stopped repressing its citizens and has instead entered into a real and inclusive dialogue with them. Unfortunately, this regime has shown itself so unwilling to pursue dia- logue and reconciliation that I must continue my calls for accountability. For that reason, I speak out today, on the sixth anniversary of the peaceful uprising, to call again for reform in Bahrain and an end to further oppres- sion.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States was communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations and withdrawals which were referred to the Committee on Foreign Relations.

(The message received today is print- ed at the end of the Senate pro- ceedings.)
ADDRESS BY THE PRESIDENT DELIVERED TO A JOINT SESSION OF CONGRESS ON FEBRUARY 28, 2017—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Mr. Vice President, Members of Congress, the First Lady of the United States, and Citizens of America:

Tonight, as we mark the conclusion of our celebration of Black History Month, we are reminded of our Nation’s path toward civil rights and the work that still remains. Recent threats targeting Jewish Community Centers and vandalism of Jewish cemeteries, as well as last week’s shooting in Kansas City, remind us that while we may be a Nation divided on policies, we are a country that stands united in condemning hate and evil in all its forms.

Each generation passes on the torch of truth, liberty and justice—in an unbroken chain all the way down to the present.

That torch is now in our hands. And we will use it to light up the world. I am here tonight to deliver a message of unity and strength, and it is a message deeply delivered from my heart.

A new chapter of American Greatness is now beginning.

A new national pride is sweeping across our Nation.

And a new surge of optimism is placing impossible dreams firmly within our grasp.

What we are witnessing today is the Renewal of the American Spirit.

Our people will find that America is once again ready to lead.

All the nations of the world—friend or foe—will find that America is strong, America is proud, and America is free.

In 9 years, the United States will celebrate the 250th anniversary of our founding—250 years since the day we declared our Independence.

It will be one of the great milestones in the history of the world.

But what will America look like as we reach our 250th year? What kind of country will we leave for our children? I will not allow the mistakes of recent decades past to define the course of our future.

For too long, we’ve watched our middle class shrink as we’ve exported our jobs and wealth to foreign countries.

We’ve financed and built one global project after another, but ignored the fates of our children in the inner cities of Chicago, Baltimore, Detroit—and so many other places throughout our land.

We’ve defended the borders of other nations, while leaving our own borders wide open, for anyone to cross—and for drugs to pour in at a now unprecedented rate.

And we’ve spent trillions of dollars overseas, while our infrastructure at home has so badly crumbled.

ThenThreads of[...]

But then the voices became a silent protest, spoken by families of all colors and creeds—families who just wanted a fair shot for their children, and a fair hearing for their concerns.

Shame on us.

Finally, the chorus became an earthquake—and the people turned out by the tens of millions, and they were all united by one very simple, but crucial demand, that America must put its own citizens first . . . because only then, can we truly MAKE AMERICA GREAT AGAIN.

Dying industries will come roaring back to life. Heroic veterans will get the care they so desperately need.

Our military will be given the resources its brave warriors so richly deserve.

Crumbling infrastructure will be replaced with new roads, bridges, tunnels, airports and railways gleaming across our beautiful land.

Our terrible drug epidemic will slow down and ultimately stop.

And our neglected inner cities will see a rebirth of hope, safety, and opportunity.

Above all else, we will keep our promises to the American people.

It’s been a little over a month since my inauguration, and I want to take this moment to update the Nation on the progress I’ve made in keeping those promises.

Since my election, Ford, Fiat-Chrysler, General Motors, Sprint, Softbank, Lockheed, Intel, Walmart, and many others, have announced that they will invest billions of dollars in the United States and will create tens of thousands of new American jobs.

The stock market has gained almost three trillion dollars in value since the election on November 8th, a record.

We’ve saved taxpayers hundreds of millions of dollars by bringing down the price of the fantastic new F-35 jet fighter, and will be saving billions more dollars on contracts all across our Government. We have placed a hiring freeze on non-military and non-essential Federal workers.

We have begun to drain the swamp of government corruption by imposing a 5 year ban on lobbying by executive branch officials—and a lifetime ban on becoming lobbyists for a foreign government.

We have undertaken a historic effort to eliminate job-crushing regulations, creating a deregulation task force inside of every Government agency; imposing a new rule which mandates that for every 1 new regulation, 2 old regulations must be eliminated; and stopping a regulation that threatens the future and livelihoods of our great coal miners.

We have cleared the way for the construction of the Keystone and Dakota Access Pipelines—thereby creating tens of thousands of jobs—and I’ve issued a new directive that new American pipelines be made with American steel.

We have withdrawn the United States from the job-killing Trans-Pacific Partnership.

With the help of Prime Minister Justin Trudeau, we have formed a Council with our neighbors in Canada to help ensure that women entrepreneurs have access to the networks, markets and capital they need to start a business and live out their financial dreams.

To protect our citizens, I have directed the Department of Justice to form a Task Force on Reducing Violent Crime.

I have further ordered the Departments of Homeland Security and Justice, along with the Department of State and the Director of National Intelligence, to coordinate an aggressive strategy to dismantle the criminal cartels that have spread across our Nation.

We will stop the drugs from pouring into our country and poisoning our youth—and we will expand treatment for those who have become so badly addicted.

At the same time, my Administration has answered the pleas of the American people for immigration enforcement and border security. By finally enforcing our immigration laws, we will raise wages, help the unemployed, save billions of dollars, and make our communities safer for everyone. We want all Americans to succeed—but that can’t happen in an environment of lawless chaos. We must restore integrity and the rule of law to our borders.

For that reason, we will soon begin the construction of a great wall along our southern border.

As we speak, we are removing gang members, drug dealers and criminals that threaten our communities and prey on our citizens. Bad ones are going out as I speak tonight and as I have promised.

To any in Congress who do not believe we should enforce our laws, I would ask you this question: what would you say to the American family that loses their jobs, their income, or a loved one, because America refused to uphold its laws and defend its borders?

Our obligation is to serve, protect, and defend the citizens of the United States. We are also taking strong measures to protect our Nation from Radical Islamic Terrorism.

According to data provided by the Department of Justice, the vast majority of individuals involved in terrorism-related offenses since 9/11 came here from outside of our country. We have seen the attacks at home—from Boston to San Bernardino to the Pentagon and yes, even the World Trade Center.

We have seen the attacks in France, in Belgium, in Germany and all over the world.

The PCRM laid before the Senate the aforementioned message from the President of the United States which was ordered to lie on the table.

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We have seen the attacks in France, in Belgium, in Germany and all over the world.
It is not compassionate, but reckless, to allow uncontrolled entry from places where proper vetting cannot occur. Those given the high honor of admission to the United States should support this country and love its people and its soil.

We cannot allow a headlong rush to policies that, in the name of compassion, would allow entry and permanence to anyone and everyone. If we do, we will lose the American spirit that has overcome every obstacle we have faced, and our nation will lose the respect of the world last year was nearly $800 billion dollars.

We've lost more than one-fourth of our manufacturing jobs since NAFTA has taken effect, and we've lost 60,000 factories. Nearly all other Presidents combined. The last truly great national infrastructure program—the building of the interstate highway system—we had to come by for a new program of national rebuilding.

America has spent approximately six trillion dollars in the Middle East, all of which our infrastructure at home is crumbling. With this six trillion dollars we could have rebuilt our country—twice. And maybe even three times if we had people who had the ability to negotiate.

To launch our national rebuilding, I will be asking the Congress to approve legislation that produces a $1 trillion investment in the infrastructure of the United States—financed through both public and private capital—creating millions of new jobs.

This effort will be guided by two core principles: Buy American, and Hire American.

Toni Tower, I am also calling on this Congress to repeal and replace Obamacare with reforms that expand choice, increase access, lower costs, and at the same time, provide better healthcare.

Mandating every American to buy government-approved health insurance was never the right solution for America. The way to make health insurance available to everyone is to lower the cost of health insurance, and that is what we will do.

Premiums nationwide have increased by double and triple digits. As an example, Arizona went up 116 percent last year alone. Governor Matt Bevin of Kentucky just said Obamacare is failing in his State—it is unsustainable and collapsing.

One third of our plans have only one insurer on the exchanges—leaving many Americans with no choice at all. Remember when you were told that you could keep your doctor, and keep your plan?

We now know that all of those promises have been broken. Obamacare is collapsing—and we must act decisively to protect all Americans. Action is not a choice—it is a necessity.

So I am calling on all Democrats and Republicans in the Congress to work with us to save Americans from this impeding Obamacare disaster.

There are the principles that should guide the Congress as we move to create a better healthcare system for all Americans:

First, we should ensure that Americans with pre-existing conditions have access to coverage, and that we have a stable transition for Americans currently enrolled in the healthcare exchanges.
Secondly, we should help Americans purchase their own coverage, through the use of tax credits and expanded Health Savings Accounts—but it must be the plan they want, not the plan forced on them by the Government.

Thirdly, we should give our great State Governments the resources and flexibility they need with Medicaid to make sure no one is left out.

Fourthly, we should implement legal reforms that protect patients and doctors from unnecessary costs that drive up the price of insurance—and work to bring down the artificially high price of drugs and bring them down immediately.

Finally, the time has come to give Americans the freedom to purchase health insurance across State lines—creating a truly competitive national marketplace that will bring cost way down and provide far better care.

Everything that is broken in our country can be fixed. Every problem can be solved. And every hurting family can find healing, and hope.

Our citizens deserve this, and so much more—so why not join forces to finally get it done? On this and so many other things, Democrats and Republicans should get together and unite for the good of our country, and for the good of the American people.

My administration wants to work with members in both parties to make childcare accessible and affordable, to help ensure new parents have paid family leave, to invest in women’s health, and to promote clean air and clear water, and to rebuild our military and our infrastructure.

True love for our people requires us to find common ground, to advance the common good, and to cooperate on behalf of every American child who deserves a brighter future.

An incredible young woman is with us this evening who should serve as an inspiration to every American child. Today is Rare Disease day, and joining us in the gallery is a Rare Disease Survivor, Megan Crowley. Megan was diagnosed with Pompe Disease, a rare and serious illness, when she was 15 months old. She was not expected to live past 5.

On receiving this news, Megan’s dad, John, fought with everything he had to save the life of his precious child. He founded a company to look for a cure, and helped develop the drug that saved Megan’s life. Today she is 20 years old—and a sophomore at Notre Dame.

Megan’s story is about the unbounded power of a father’s love for a daughter.

But the slow and burdensome approval process at the Food and Drug Administration keeps too many advances, like the one that saved Megan’s life, from reaching those in need.

If we slash the restraints, not just at the FDA but across our Government, then we can be blessed with far more miracles like Megan.

In fact, our children will grow up in a Nation of miracles. But to achieve this future, we must enrich the mind—and the souls—of every American child.

Education is the civil rights issue of our time.

I am calling upon Members of both parties to pass an education bill that funds all disadvantaged youth, including millions of African-American and Latino children. These families should be free to choose the public, private, charter, magnet, religious or home school that is right for them.

Joining us tonight in the gallery is a remarkable woman, Denisha Merriweather. As a young girl, Denisha struggled in school and failed third grade twice. But then she was able to enroll in a private center for learning, with the help of a tax credit scholarship program. Today, she is the first in her family to graduate, not just from high school, but from college. Later this year she will get her master’s degree in social work.

We want all children to be able to break the cycle of poverty just like Denisha.

But to break the cycle of poverty, we must also break the cycle of violence.

The murder rate in 2015 experienced its largest single-year increase in nearly half a century.

In Chicago, more than 4,000 people were shot last year alone—and the murder rate so far this year has been even higher.

This is not acceptable in our society.

Every American child should be able to grow up in a safe community, to attend a great school, and to have access to a high-paying job.

But to create this future, we must work with—not against—the men and women of law enforcement. We must build bridges of cooperation and trust—not drive the wedge of division.

Police and sheriffs are members of our community. They are friends and neighbors, they are mothers and fathers, sons and daughters—and they leave behind loved ones every day who worry whether or not they’ll come home safe and sound. We must support the incredible men and women of law enforcement.

We must build bridges of cooperation and trust—not drive the wedge of division and division.

And we must support the victims of crime.

I have ordered the Department of Homeland Security to create an office to serve American Victims. The office is called VOICE—Victims Of Immigration Crime Engagement. We are providing a voice to those who have been ignored by our media, and silenced by special interests.

Joining us in the audience tonight are four very brave Americans whose government failed them.

Their names are Jamiel Shaw, Susan Oliver, Jenna Oliver, and Jessica Davis. Jamiel’s 17-year-old son was viciously murdered by an illegal immigrant gang member who had just been released from prison. Jamiel Shaw Jr. was an incredible young man, with unlimited potential who was getting ready to go to college where he would have excelled as a great quarterback. But he never got the chance. His father, who is in the audience tonight, has become a good friend of mine.

Also with us are Susan Oliver and Jacqueline Davis. Their husbands—Deputy Sheriff Danny Oliver and Detective Michael Davis—were slain in the line of duty in California. They were pillars of their community. These brave men were viciously gunned down by an illegal immigrant with a criminal record and a prior deportation—Deputy

Sitting with Susan is her daughter, Jenna. Jenna: I want you to know that your father was a hero, and that tonight you have the love of an entire country supporting you and praying for you.

To Jamiel, Jenna, Susan and Jessica: I want you to know—we will never stop fighting for justice. Your loved ones will never be forgotten, we will always honor their memory.

Finally, to keep America Safe we must provide the men and women of the United States military with the tools they need to prevent war and—if they must—to fight and to win.

I am sending the Congress a budget that builds the substance of the Defense sequester, and calls for one of the largest increases in national defense spending in American history.

My budget will also increase funding for our veterans.

Our veterans have delivered for this Nation—and now we must deliver for them.

The challenges we face as a Nation are great. But our people are even greater.

And none are greater or braver than those who fight for America in uniform.

We are blessed to be joined tonight by Carryn Owens, the widow of a U.S. Navy Special Operator, Senior Chief William “Ryan” Owens. Ryan died as he lived: a warrior, and a hero—battling against terrorism and securing our Nation.

I just spoke to General Mattis, who reconfirmed that, and I quote, “Ryan was a part of a highly successful raid that generated large amounts of vital intelligence that will lead to many more victories in the future against our enemies.” Ryan’s legacy is etched into eternity. For as the Bible teaches us there is no greater act of love than to lay down one’s life for one’s friends. Ryan laid down his life for his friends, for his country, and for our freedom—we will never forget him.

To those allies who wonder what kind of friend America will be, look no further than the heroes who wear our uniform.

Our foreign policy calls for a direct, robust and meaningful engagement with the world. It is American leadership based on vital security interests that we share with our allies across the globe.

We strongly support NATO, an alliance forged through the bonds of two
World Wars that dethroned fascism, and a Cold War that defeated communism. But our partners must meet their financial obligations.

And now, based on our very strong and deep convictions, they are beginning to do just that. We expect our partners, whether in NATO, in the Middle East, or the Pacific—to take a direct and meaningful role in both strategic and military operations, and pay their fair share of the cost.

We will respect historic institutions, but we will also respect the sovereign rights of nations.

Free nations are the best vehicle for expressing the will of the people—and America respects the right of all nations to chart their own path. My job is not to represent the world. My job is to represent the United States of America. But we know that America is better off, when there is less conflict—not more.

We must learn from the mistakes of the past—we have seen the war and destruction that have raged across our world.

The only long-term solution for these humanitarian disasters is to create the conditions where displaced persons can safely return home and begin the long process of rebuilding.

America is willing to find new friends, and to forge new partnerships, where shared interests align. We want harmony and stability, not war and conflict.

We want peace, wherever peace can be found. America is friends today with former enemies. Some of our closest allies, decades ago, fought on the opposite side of these World Wars. This history should give us all faith in the possibilities for a better world.

Hopefully, the 250th year for America will see a world that is more peaceful, more just and more free.

On our 100th anniversary, in 1876, citizens from across our Nation came to Philadelphia to celebrate America’s centennial. At that celebration, the country’s builders and artists and inventors showed off their creations. Alexander Graham Bell displayed his telephone for the first time. Remington unveiled the first typewriter. An early attempt was made at electric light. Thomas Edison showed an automatic telegraph and an electric pen. Imagine the wonders our country could know in America’s 250th year.

The bravery to express the hopes that stir our souls.

And the confidence to turn those hopes and dreams to action.

From now on, America will be empowered by our aspirations, not burred by our fears—inspired by the future, not bound by the failures of the past—and guided by our vision, not blinded by our doubts.

I am asking all citizens to embrace this Renewal of the American Spirit. I am asking all members of Congress to join me in dreaming big, and bold and daring things for our country.

And I am asking everyone watching tonight to seize this moment and—Believe in yourselves. Believe in your future. And believe, once more, in America. Thank you. God bless you, and God Bless these United States.

DONALD TRUMP.


MESSAGES FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, as the Speaker communicated to the Senate that the House had passed the following bills, in which it requests the concurrence of the Senate:

H.R. 88. An act to modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, to establish Park-er’s Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 699. An act to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon; to the Committee on Energy and Natural Resources.

H.R. 228. An act to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

H.R. 863. An act to facilitate the addition of park administration at the Colville National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1033. An act to amend titles 5 and 28, United States Code, to require the maintenance of databases on, awards of fees and other expenses to prevailing parties in certain adversarial proceedings and court cases to which the United States is a party, and for other purposes.

The message also announced that pursuant to 20 U.S.C. 2103(b), and the order of the House of January 3, 2017, the Speaker appoints the following individual to the Board of Trustees of the American Folklife Center in the Library of Congress: Mr. Boraas, representing the United States House of Representatives for a term of 6 years: Ms. Amy Kitchener of Fresno, California.

ENROLLED BILL SIGNED

At 2:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 609. An act to designate the Department of Veterans Affairs health care center in Center Township, Butler County, Pennsylvania, as the “Abbe Abraham VA Clinic.”

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 88. An act to modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, to establish Park-er’s Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 699. An act to amend the Omnibus Public Land Management Act of 2009 to modify provisions relating to certain land exchanges in the Mt. Hood Wilderness in the State of Oregon; to the Committee on Energy and Natural Resources.

H.R. 863. An act to facilitate the addition of park administration at the Colville National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

S. 90. A bill to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES DISCHARGED

The following bill was discharged from the Committee on the Judiciary and referred as indicated:

S. 281. A bill to provide for the expansion of certain salmon populations in the Northwest by identifying, protecting, and restoring their habitat; to make certain environmental improvements in the Pacific Northwest; to the Committee on Energy and Natural Resources.

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–844. A communication from the Director of the Office of Foreign Liaison, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Thiamethoxam; Pesticide Tolerance” (FRL No. 9957) relating to the hearing adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–485. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Agricultural Bioterrorism Protection Act of 2002;
Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations; Delay of Effective Date’’ (RIN0579–A080) (Doc. No. EC–869) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–848. A communication from the Deputy Assistant Secretary of Defense, performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled “Strategic and Critical Materials 2017 Report on Stockpile Requirements” to the Committee on Armed Services.

EC–848A. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month period report on the national emergency with respect to persons or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–850. A communication from the Assistant Secretary of the Navy (Research, Development, and Acquisition), performing the duties of the Assistant Secretary of the Navy (Research, Development, and Acquisition), transmitting, pursuant to law, a report relating to the fiscal year 2016 report on Department of Defense foreign assistance from foreign entities to the Committee on Armed Services.

EC–852. A communication from the Acting Secretary of the Navy (Research, Technology and Logistics), transmitting, pursuant to law, a report on a rule entitled “Strategic and Critical Materials Operation Report to Congress: Operations Under the Strategic and Critical Materials Stockpile Stewardship Program” to the Committee on Armed Services.

EC–854. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems, New Source Performance Standards’’ (FRDL No. 9959–4–OAR) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Environment and Public Works.

EC–858. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the Board’s semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–859. A communication from the Acting Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled “Fiscal Year 2015 Superfund Five-Year Review Report to Congress’’ to the Committee on Environment and Public Works.

EC–860. A communication from the Deputy Assistant Secretary of Defense, performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the fiscal year 2016 report on Department of Defense foreign assistance from foreign entities to the Committee on Armed Services.

EC–861. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Control of Communicable Diseases; Delay of Effective Date’’ (RIN0929–AA63) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Finance.

EC–861A. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Control of Communicable Diseases; Delay of Effective Date’’ (RIN0929–AA63) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–862. A communication from the Deputy Secretary of Defense for Personnel Policy, performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Annual Report of the Reserve Forces Policy Board for 2016; to the Committee on Armed Services.

EC–862A. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Select Committee of Performance of the act of General Herbert J. Carlisle, United States Air Force, and his advancement to the grade of general on the retirement list; to the Committee on Armed Services.

EC–863. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month period report on the national emergency with respect to Ukraine that was originally declared in Executive Order 13692 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–864. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month period report on the national emergency with respect to Venezuela that was originally declared in Executive Order 13692 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–865. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month period report on the national emergency with respect to person or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–866. A communication from the Assistant Secretary of the Navy (Research, Development, and Acquisition), performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled “Revisions to the Vaccine Injury Table; Delay of Effective Date’’ (RIN0909–AB01) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Health, Education, Labor, and Pensions.


EC-877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-660, “Youth Services Coordination Task Force Temporary Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-663, “Pharmaceutical Detailing License Exception Temporary Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21-666, “Youth Services Coordination Task Force Permanent Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.


EC-885. A communication from the Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, the rule of a report entitled “Revised Jurisdictional Thresholds for Section 7A of the Clayton Act” received in the President of the Senate on February 21, 2017; to the Committee on the Judiciary.

EC-886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Roma and San Isidro, Texas)” (MB Docket No. 05-142 (DA 17-124)) received in the Senate on February 17, 2017; to the Committee on Commerce, Science, and Transportation.

EC-887. A communication from the Acting Administrator, Office of Management and Budget, and the Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, a report relative to the Administration’s decision to place in contract with a private security company providing protective services to members of the Administration and Members of Congress while they are in the District of Columbia.

EC-888. A communication from the Acting Administrator, Office of Management and Budget, and the Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revisions to Public Inspection File Requirements—Broadcaster Correspondence File and Cable Principal Headend Location” (FCC 17-3) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2017; to the Committee on Commerce, Science, and Transportation.

EC-889. A communication from the Acting Administrator, Office of Management and Budget, and the Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revisions to Public Inspection File Requirements—Broadcaster Correspondence File and Cable Principal Headend Location” (FCC 17-3) received during adjournment of the Senate in the Office of the President of the Senate on February 17, 2017; to the Committee on Commerce, Science, and Transportation.


INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Ms. HAWKINS, Mr. DONNELLY, and Mr. TOOMY):

S. 462. A bill to require the Securities and Exchange Commission to refund or credit certain fees to the Comptroller of the Currency and the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

S. 463. A bill to amend title XVIII of the Social Security Act to establish a national Oncology Medical Home Demonstration Project under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; to the Committee on Finance.

By Mr. MARKEY (for himself, Mr. PORTMAN, Mr. BENNET, and Mr. CORBER):

S. 464. A bill to amend title XVIII of the Social Security Act to provide for a permanent Independence at Home medical practice program under the Medicare program; to the Committee on Finance.

By Mr. BURD (for himself, Mr. PORTMAN, Mr. BENNET, and Mr. CORBER):

S. 465. A bill to provide for an independent audit of the Indian Health Service; to the Committee on Indian Affairs.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 467. A bill to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2006 to include additional land in the Kaibab National Forest; to the Committee on Energy and Natural Resources.

By Mr. FLAKE:

S. 467. A bill to provide for the disposal of certain Bureau of Land Management land in Mohave County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FLAKE (for himself, Mr. MCCLAIN, Mr. HILLER, and Mr. HATCH):

S. 468. A bill to establish a procedure for resolving claims to certain rights-of-way; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself, Mr. BOOKER, Mr. CASEY, Mr. HINCHEN, Mr. KING, Mr. WHITEHOUSE, Ms. KLOUCHAR, Ms. GILLIARD, Mr. BROWN, Mr. BARR, Mr. BALKIN, Mr. HASSAN, Mr. UDALL, Ms. STABENOW, Ms. SHAHEEN, Ms. CANTWELL, Mr. VAN HOLLEN, Mr. BLUMENTHAL, and Mr. MANCHIN):

S. 469. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe drugs by wholesale distributors, pharmacies, and individuals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. WBROWN, Mr. SPARROW, and Mr. SPARBER):

S. 470. A bill to amend the Internal Revenue Code of 1986 to enhance the Child and Dependent Care Tax Credit and make the credit fully refundable; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. FRANKEN, Mr. VAN HOLLEN, Ms. HASAN, and Mr. BOOZMAN):

S. 471. A bill to preserve State authority to regulate carriers providing air ambulance service; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN:

S. 472. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER (for himself, Mr. FRANKEN, Mr. VAN HOLLEN, Ms. HASAN, and Mr. BOOZMAN):

S. 473. A bill to amend title 38, United States Code, to make qualification requirements for entitlement to Post-9/11 Education Assistance more flexible; to provide support of veterans receiving such educational assistance, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. GRAHAM (for himself, Mr. BLUNT, Mr. COTTON, Mr. SCOTT, Mr. CRUZ, Mr. BURRE, Mr. THUNE, Mr. ROBIO, and Mr. BOOZMAN):

S. 474. A bill to provide conditional assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens; to the Committee on Foreign Relations.

By Mr. UDALL (for himself and Mr. HINCHEN):

S. 475. A bill to increase research, education, and treatment for cardiovascular and cerebrovascular malformations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO:

S. 476. A bill to exempt health insurance of residents of United States territories from the annual fee on health insurance providers; to the Committee on Finance.

By Mr. DUERRIN (for himself and Mr. CASEY):

S. 477. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research and surveillance efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself, Mr. CASSIDY, Mr. COTTON, Mr. CORNYN, Mr. McCAIN, Mr. MCCONNELL, Mr. PERRY, Mr. ROBERTS, Mr. WICKER, and Mr. ENZI):

S.J. Res. 25. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans
under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCaIN (for himself and Mr. BROWN):
S. Res. 71. A resolution expressing the sense of the Senate that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

By Mr. PETERS (for himself and Ms. Stabenow):
S. Res. 72. A resolution celebrating the history of the Detroit River with the 50-year commemoration of the International Underground Railroad Memorial Monument, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada; to the Committee on Energy and Natural Resources.

By Mr. Brown (for himself, Mr. Barayso, Mr. Whitehouse, Ms. Warren, Mr. Markey, Mr. Coons, Mr. Wicker, Mr. van Hollen, Ms. Stabenow, Mrs. Feinstein, Ms. Klobuchar, Mr. Hatch, and Mr. Booker):
S. Res. 73. A resolution designating February 28, 2017, as "Rare Disease Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 14
At the request of Mr. Heller, the name of the Senator from Colorado (Mr. Gardner) was added as a cosponsor of S. 14, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 92
At the request of Mr. Cardin, the name of the Senator from New Hampshire (Ms. Shaheen) was added as a cosponsor of S. 27, a bill to establish an independent commission to examine and report on the facts regarding the extent of Russian official and unofficial transactions and other attempts to interfere in the 2016 United States national election, and for other purposes.

S. 96
At the request of Mr. McCaIN, the names of the Senator from Wisconsin (Ms. Baldwin), the Senator from New Hampshire (Ms. Shaheen) and the Senator from Oregon (Mr. Merkley) were added as cosponsors of S. 92, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the personal importation of safe and affordable drugs from approved pharmacies in Canada.

S. 145
At the request of Mr. Heller, the name of the Senator from Idaho (Mr. Risch) was added as a cosponsor of S. 145, a bill to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to the economic and national security and manufacturing competitiveness of the United States, and for other purposes.

S. 236
At the request of Mr. Wyden, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to re-form taxation of alcoholic beverages.

S. 242
At the request of Mr. Cassidy, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 242, a bill to amend title XVIII of the Social Security Act to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

S. 253
At the request of Mr. Cardin, the names of the Senator from Missouri (Mr. Blunt) and the Senator from New Hampshire (Ms. Shaheen) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient reha-bilitation therapy caps.

S. 266
At the request of Mr. Hatch, the names of the Senator from North Carolina (Mr. Tillis), the Senator from New Jersey (Mr. Menendez), the Senator from Arizona (Mr. McCain), the Senator from Virginia (Mr. Kaine) and the Senator from Delaware (Mr. Coons) were added as cosponsors of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 298
At the request of Mr. Tester, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 298, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 300
At the request of Mr. Tester, the name of the Senator from North Dakota (Ms. Heitkamp) was added as a cosponsor of S. 300, a bill to amend the Internal Revenue Code of 1986 to re-quire that return information from tax-exempt organizations be made available in a searchable format and to provide the disclosure of the identity of contributors to certain tax-exempt organizations.

S. 307
At the request of Mrs. Ernst, the name of the Senator from Indiana (Mr. Donnelly) was added as a cosponsor of S. 307, a bill to enhance the database of emergency response capabilities of the Department of Defense.

S. 314
At the request of Mr. Booker, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 314, a bill to place restrictions on the use of solitary confinement for juveniles in Federal custody.

S. 341
At the request of Mr. Crapo, the name of the Senator from North Carolina (Mr. Tillis) was added as a cosponsor of S. 341, a bill to clarify Congressional intent regarding the regula-tion of the use of pesticides in or near navigable waters, and for other purposes.

S. 342
At the request of Mr. Graham, the names of the Senator from Florida (Mr. Nelson) and the Senator from New Hampshire (Mrs. Shaheen) were added as cosponsors of S. 342, a bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the applica-tion of sanctions with respect to the Russian Federation, and for other purposes.

S. 379
At the request of Mr. Whitehouse, the names of the Senator from Minnesota (Ms. Klobuchar) and the Senator from Colorado (Mr. Bennet) were added as cosponsors of S. 379, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 407
At the request of Mr. Crapo, the name of the Senator from Colorado (Mr. Gardner) was added as a cosponsor of S. 407, a bill to amend the Internal Revenue Code of 1986 to perma-nently extend the railroad track main-tenance credit.

S. 410
At the request of Mrs. Gillibrand, the names of the Senator from California (Mrs. Feinstein) and the Senator from Louisiana (Mr. Kennedy) were added as cosponsors of S. 410, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 430
At the request of Mr. Blunt, the name of the Senator from Alaska (Mr. Sullivan) was added as a cosponsor of S. 430, a bill to encourage effective, voluntary investments to recruit,
employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes.

S. 445. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 446. A bill to designate the area bounded by Wisconsin Avenue, Northwest and Edmunds Street, Northwest and Wisconsin Avenue, Northwest and Davis Street, Northwest and Massachusetts Avenue, Northwest and Vermont Avenue, Northwest and Massachusetts Avenue, Northwest, and Constitution Avenue, Northwest, as ‘‘Boris Nemtsov Plaza’’, and for other purposes.

S. 449. A bill to designate the area between the intersections of Wisconsin Avenue, Northwest and Davis Street, Northwest and Wisconsin Avenue, Northwest and N Street, Northwest, and Constitution Avenue, Northwest, as ‘‘Boris Nemtsov Plaza’’, and for other purposes.

S. RES. 70. A resolution recognizing the 75th anniversary of Executive Order 9066, which resulted in the incarceration of individuals of Japanese ancestry, national origin, or religion who have served in the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Mr. CARPER).

S. 455. A bill to amend title XVIII of the Social Security Act to establish a Medicare demonstration project under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; to the Committee on Finance.

S. 459. A bill to designate the area bounded by Wisconsin Avenue, Northwest and Edmunds Street, Northwest and Wisconsin Avenue, Northwest and Davis Street, Northwest and Massachusetts Avenue, Northwest and Vermont Avenue, Northwest and Massachusetts Avenue, Northwest, and Constitution Avenue, Northwest, as ‘‘Boris Nemtsov Plaza’’, and for other purposes.

S. 462. A bill to amend title XVIII of the Social Security Act to establish a national Oncology Medical Home Demonstration Project under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; to the Committee on Finance.

S. 465. A bill to amend title XVIII of the Social Security Act to ensure timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 469. A bill to designate the area bounded by Wisconsin Avenue, Northwest and Edmunds Street, Northwest and Wisconsin Avenue, Northwest and Davis Street, Northwest and Massachusetts Avenue, Northwest and Vermont Avenue, Northwest and Massachusetts Avenue, Northwest, and Constitution Avenue, Northwest, as ‘‘Boris Nemtsov Plaza’’, and for other purposes.

S. 473. A bill to amend title XVIII of the Social Security Act to establish a national Oncology Medical Home Demonstration Project under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; to the Committee on Finance.

S. 496. A bill to amend title XVIII of the Social Security Act to establish a national Oncology Medical Home Demonstration Project under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; to the Committee on Finance.

S. 510. A resolution recognizing the 75th anniversary of Executive Order 9066, which resulted in the incarceration of individuals of Japanese ancestry, national origin, or religion who have served in the United States.

S. 512. A resolution recognizing the 75th anniversary of Executive Order 9066, which resulted in the incarceration of individuals of Japanese ancestry, national origin, or religion who have served in the United States.

S. 515. A resolution recognizing the 75th anniversary of Executive Order 9066, which resulted in the incarceration of individuals of Japanese ancestry, national origin, or religion who have served in the United States.

This Act may be cited as the ‘‘Cancer Care Payment Reform Act of 2017’’.

SEC. 2. ESTABLISHMENT OF ONCOLOGY MEDICAL HOME DEMONSTRATION PROJECT UNDER THE MEDICARE PROGRAM TO ENHANCE QUALITY OF CARE AND COST EFFICIENCY.

Title XVIII of the Social Security Act is amended by inserting after section 1866F (42 U.S.C. 1395cc–5) the following new section:

"SEC. 1866F. ONCOLOGY MEDICAL HOME DEMONSTRATION PROJECT.

"(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—Not later than 12 months after the date of the enactment of this section, the Secretary shall establish an Oncology Medical Home Demonstration Project (in this section referred to as the ‘‘demonstration project’’) to make payments in the amounts specified in subsection (f)(4)(A) for each participating oncology practice (as defined in subsection (b)).

"(b) DEFINITION OF PARTICIPATING ONCOLGY PRACTICE.—For purposes of this section, the term ‘‘participating oncology practice’’ means an oncology practice that—

"(1) submits to the Secretary an application to participate in the demonstration project in accordance with subsection (c);

"(2) is selected by the Secretary, in accordance with subsection (d), to participate in the demonstration project; and

"(3) is owned by a physician, or is owned by or attached to an entity that is owned by a physician who—

"(A) makes a claim in the prior year for an item or service for which payment may be made under part B.

"(B) furnishes services to an individual by the practice with services that are related to oncology services and that are furnished to such individual by practitioners (including oncology nurses) inside or outside the practice in order to ensure that such individual receives coordinated care;

"(C) meaningfully uses electronic health records;

"(D) will, not later than one year after the date on which the practice commences its participation in the demonstration project, be accredited as an Oncology Medical Home by the Commission on Cancer, the National Committee for Quality Assurance, or such other entity as the Secretary determines appropriate; and

"(E) in order to participate in the demonstration project, meet the performance standards established under subsection (e)(1)(A) and the patient experience of care standards set forth in paragraph (6)(A) and the patient experience of care standards established under section 1115A for oncology practices.

"(c) SELECTION OF PARTICIPATING PRAC- TICES.—In selecting oncology practices to participate in the demonstration project, the Secretary shall select oncology practices that—

"(1) DEVELOPMENT.—The Secretary shall, not later than 12 months after the date of the enactment of this section, select oncology practices to participate in the demonstration project in accordance with subsection (c); and

"(2) DIVERSITY OF PRACTICES.—In selecting oncology practices to participate in the demonstration project, meet the performance standards established under section 1115A for oncology practices.

"(d) MEASURES.—For purposes of this section—

"(1) agree not to receive the payments described in paragraphs (1) and (2) of subsection (b)(1)(B)(ii) in the case that the practice does not meet the performance standards established under section 1115A for oncology practices; and

"(2) agree not to receive the payments described in paragraphs (1) and (2) of subsection (b)(1)(B)(ii) in the case that the practice does not meet the performance standards established under section 1115A for oncology practices.

"(e) SELECTION OF PARTICIPATING PRAC- TICES.—In selecting oncology practices to participate in the demonstration project, the Secretary shall ensure that the participation of such oncology practices in the demonstration project is based on the extent to which such oncology practices meet the performance standards established under section 1115A for oncology practices.

"(f) PAYMENTS.—In the case of an oncology practice that—

"(1) agrees not to receive the payments described in subsection (a)(1) and (2) in the case that the practice does not meet the performance standards established under section 1115A for oncology practices, such payment may be made under part B.

"(2) submits an application to participate in the demonstration project, the Secretary shall make payments in the amounts specified in subsection (f)(1)(A) in the case that the practice does not, on a date that is not later than 60 days after the date on which the practice commences its participation in the demonstration project, meet the performance standards established under section 1115A for oncology practices.

"(3) agrees not to receive the payments described in paragraphs (1) and (2) of subsection (b)(1)(B) in the case that the practice does not meet the performance standards established under section 1115A for oncology practices.

"(4) will, not later than one year after the date on which the practice makes such election, submit to the Secretary a certification that the practice has agreed to participate in such model and that the practice will make such payments under such model for the period of time specified in such election.

"(e) MEASURES.—The Secretary shall establish such measures as the Secretary determines appropriate.

"(f) PAYMENTS.—In the case that the Secretary selects an oncology practice to participate in the demonstration project, such payments shall be made under part B, if the Secretary has determined that the practice has agreed to participate in such model.

"(g) MEASURES.—In the case that the Secretary selects an oncology practice to participate in the demonstration project, such payments shall be made under part B, if the Secretary has determined that the practice has agreed to participate in such model.

"(h) PAYMENTS.—In the case that the Secretary selects an oncology practice to participate in the demonstration project, such payments shall be made under part B, if the Secretary has determined that the practice has agreed to participate in such model.

This Act may be cited as the ‘‘Cancer Care Payment Reform Act of 2017’’.
February 28, 2017

CONGRESSIONAL RECORD — SENATE

S1503

“(A) IN GENERAL.—The Secretary shall use measures described in paragraph (2), and may use measures developed under paragraph (3), to assess the performance of each participating oncology practice, as compared to other participating oncology practices as described in paragraph (4)(A)(1).

(B) DETERMINATION OF MEASURES REPORTED.—In determining measures to be reported under subsection (c)(6)(A), the Secretary, in consultation with stakeholders, shall ensure that reporting under such subsection is not onerous and that those measures required to be reported are aligned with applicable requirements from other payors.

(2) MEASURES DESCRIBED.—The measures described in this paragraph, with respect to individuals who are attributed to a participating oncology practice, as determined by the Secretary, are the following:

(1) The percentage of such individuals who receive documented clinical or pathologic staging prior to initiation of a first course of cancer treatment.

(2) The percentage of such individuals who undergo advanced imaging and have been diagnosed with stage I or II breast cancer.

(3) The percentage of such individuals who undergo advanced imaging and have been diagnosed with stage I or II prostate cancer.

(4) The percentage of such individuals who, prior to receiving cancer treatment, had their performance status assessed by the practice.

(5) The percentage of such individuals who—

(i) undergo treatment with a chemotherapy regimen provided by the practice;

(ii) have at least a 20-percent risk of developing febrile neutropenia due to a combination of regimen risk and patient risk factors; and

(iii) have received from the practice either GCSF or white cell growth factor.

(6) With respect to such individuals who receive an oncology drug therapy from the practice, the percentage of such individuals who underwent a diagnostic test to identify specific genetic mutations, or characteristics prior to receiving an oncology drug therapy, where such a diagnostic test exists for a given cancer type.

(7) With respect to such individuals who receive chemotherapy treatment from the practice, the percentage of such individuals so treated who receive a treatment plan that are associated with qualified cancer diagnoses of the individuals.

(8) With respect to hospital admissions in a year by such individuals who are receiving active chemotherapy treatment administered by the practice as of the date of such visitations that are associated with qualified cancer diagnoses of the individuals.

(9) Survival rates for such individuals who have been diagnosed with stage I through IV breast cancer.

(10) Survival rates for such individuals who have been diagnosed with stage I through IV colorectal cancer.

(11) Survival rates for such individuals who have been diagnosed with stage I through IV lung cancer.

(12) With respect to such individuals who receive chemotherapy treatment from the practice, the percentage of such individuals who—

(i) receive chemotherapy treatment from the practice;

(ii) receive psychological screening.

(13) End-of-life care measures.—

(i) The number of times that such an individual received chemotherapy treatment from the practice within an amount of time specified by the Secretary, in consultation with stakeholders, prior to the death of the individual.

(ii) The percentage of such individuals who have a stage IV disease and have received chemotherapy treatment from the practice, the percentage of such individuals so treated who have had a documented end-of-life care conversation with a physician in the practice or an oncology drug therapy from the practice, the percentage of such individuals who is a member of the cancer care team of the practice.

(14) With respect to such an individual who is referred for hospice care by a physician in the practice or a health care provider who is a member of the cancer care team of the practice, regardless of the setting in which such care is furnished, the average number of days that the individual receives hospice care prior to the death of the individual.

(15) With respect to such individuals who die while receiving care from the practice, the percentage of such deceased individuals whose death occurred in an acute care setting.

(16) Modification or addition of measures.—

(A) IN GENERAL.—The Secretary may, in consultation with stakeholders, prior to the beginning of the period for the demonstration project described in subparagraph (B) and each of the following periods:

(i) The period that ends 6 months after the date on which the practice’s agreement period for the demonstration project begins, as determined by the Secretary.

(ii) The period that ends 12 months after the date on which the practice’s agreement period for the demonstration project begins, as determined by the Secretary.

(B) APPLICABILITY.—The measures described in subparagraph (A) shall be paid to a participating oncology practice for each such year.

(C) SOURCE OF PAYMENTS.—Performance incentive payments made to participating oncology practices under subparagraph (A) for the demonstration project described in subparagraph (B) shall be paid from the aggregate pool available for making payments for each such year determined under subparagraph (D), as available for each such year.

(D) AGGREGATE POOL AVAILABLE FOR MAKING PAYMENTS.—With respect to each of the following periods:

(i) The period that ends 6 months after the date on which the demonstration project begins, as determined by the Secretary.

(ii) The period that ends 12 months after the date on which the demonstration project begins, as determined by the Secretary.

(iii) The period that ends 18 months after the date on which the demonstration project begins, as determined by the Secretary.

(iv) The period that ends 24 months after the date on which the demonstration project begins, as determined by the Secretary.

(E) DISCRIMINATION.—The Secretary shall, in consultation with stakeholders, prior to the beginning of the period for the demonstration project described in subparagraph (B) and each of the following periods:

(i) The period that ends 6 months after the date on which the demonstration project begins, as determined by the Secretary.

(ii) The period that ends 12 months after the date on which the demonstration project begins, as determined by the Secretary.

(iii) The period that ends 18 months after the date on which the demonstration project begins, as determined by the Secretary.

(iv) The period that ends 24 months after the date on which the demonstration project begins, as determined by the Secretary.

(F) AMOUNT OF PAYMENT.—The Secretary shall, in consultation with stakeholders, prior to the beginning of the period for the demonstration project described in subparagraph (B) and each of the following periods:

(i) The period that ends 6 months after the date on which the demonstration project begins, as determined by the Secretary.

(ii) The period that ends 12 months after the date on which the demonstration project begins, as determined by the Secretary.

(iii) The period that ends 18 months after the date on which the demonstration project begins, as determined by the Secretary.

(iv) The period that ends 24 months after the date on which the demonstration project begins, as determined by the Secretary.

(G) END-OF-LIFE CARE MEASURES.—

(i) The percentage of such individuals who—

(A) PATIENT CARE MEASURES.—

(i) With respect to emergency room visits for such disease from the practice, the percentage of such individuals who is a member of the cancer care team of the practice.

(ii) With respect to such an individual who is referred for hospice care by a physician in the practice or a health care provider who is a member of the cancer care team of the practice, regardless of the setting in which such care is furnished, the average number of days that the individual receives hospice care prior to the death of the individual.

(iii) The number of times that such an individual received chemotherapy treatment from the practice within an amount of time specified by the Secretary, in consultation with stakeholders, prior to the death of the individual.

(B) APPROPRIATE STAKEHOLDERS DETERMINED BY THE SECRETARY.—In determining measures to be reported under subsection (c)(6)(A), the Secretary shall, in consultation with stakeholders, develop performance standards with respect to—

(i) the percentage of such individuals who receive chemotherapy treatment from the practice; and

(ii) the patient experience of care on which participating oncology practices agree to report to the Secretary under subsection (c)(5).

(2) PERFORMANCE INCENTIVE PAYMENTS.—

(A) IN GENERAL.—The Secretary shall, in consultation with stakeholders, prior to the beginning of the period for the demonstration project described in subparagraph (B) and each of the following periods:

(i) The period that ends 6 months after the date on which the demonstration project begins, as determined by the Secretary.

(ii) The period that ends 12 months after the date on which the demonstration project begins, as determined by the Secretary.

(iii) The period that ends 18 months after the date on which the demonstration project begins, as determined by the Secretary.

(iv) The period that ends 24 months after the date on which the demonstration project begins, as determined by the Secretary.

(B) APPLICABILITY.—The performance incentive payments made to participating oncology practices under subparagraph (A) for the demonstration project described in subparagraph (B) shall be paid from the aggregate pool available for making payments for each such year.
payments for each such year shall be determined by—

(i) estimating the amount by which the aggregate expenditures that would have been expended for items and services furnished to individuals attributable to participating oncology practices if the demonstration project had not been implemented exceed the aggregate expenditures for such individuals for such year of the demonstration project;

(ii) calculating the amount that is half of the amount estimated under clause (i); and

(iii) subtracting from the amount calculated under clause (ii) the total amount of payments made under paragraph (1) that have not been subtracted under clause (i) and estimated under clause (ii), previously been so subtracted from a calculation made under clause (ii).

(2) AMOUNT OF PAYMENTS TO INDIVIDUAL PRACTICES.

(i) PRACTICES THAT MEET PERFORMANCE STANDARDS.AND ACHIEVE SAVINGS.—

(1) IN GENERAL.—The Secretary may make appropriate revisions to the demonstration project under this section in order for participating oncology practices to enter into the demonstration project to meet the definition of an eligible alternative payment entity for purposes of section 1833(z).

(ii) WAIVER AUTHORITY.—The Secretary may waive such provisions of this title and title XI as the Secretary determines necessary in order to implement the demonstration project under this section.

(iii) ADMINISTRATION.—Chapter 35 of title 5, United States Code, shall not apply to this section.

By Mr. DURBIN (for himself and Mr. CASANOVA)

S. 477. A bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research and surveillance efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congenital Heart Futures Reauthorization Act of 2017”.

SEC. 2. NATIONAL CONGENITAL HEART DISEASE COHORT STUDY, SURVEILLANCE, AND AWARENESS CAMPAIGN.

Section 309V–2 of the Public Health Service Act (42 U.S.C. 280g–13) is amended—

(1) by striking the heading and inserting—

“National Congenital Heart Disease Surveillance System, and Awareness Campaign”;

(2) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—

(1) ACTIVITIES.—The Secretary shall—

(A) enhance and expand research and surveillance infrastructure to study and track the epidemiology of congenital heart disease (as in this section referred to as ‘CHD’) across the lifespan; and

(B) plan and implement a public outreach and education campaign regarding CHD across the lifespan.

(2) PERMISSIBLE ACTIVITIES.—The campaign under this subsection may—

(A) utilize collaborations or partnerships with other agencies, health care professionals, and patient advocacy organizations to outreach to individuals with CHD; and

(B) identify CHD as a condition that affects those diagnosed throughout their lives;

(3) PUBLIC ACCESS.—Subject to appropriate protections of personal information, including protections required under paragraph (4), data generated from the study under this subsection and through the Congenital Heart Disease Surveillance System under subsection (b) shall be made available for purposes of CHD research and to the public.

(4) PATIENT PRIVACY.—The Secretary shall ensure that the study under this subsection and the Congenital Heart Disease Surveillance System under subsection (b) are carried out in a manner that complies with the requirements applicable to a covered entity under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

(5) CONGENITAL HEART DISEASE AWARENESS CAMPAIGN.

(i) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall plan, develop, implement, and submit annual reports to the Congress on research and surveillance activities of the Centers for Disease Control and Prevention, including a cohort study to improve understanding of the epidemiology of congenital heart disease, from birth to adulthood, with particular interest in the following:

(A) Health care utilization and natural history of individuals affected by CHD.

(B) Demographic factors associated with CHD, such as age, race, ethnicity, gender, and family history of individuals who are diagnosed with the disease.

(C) Outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for CHD patients.

(ii) PERMISSIBLE CONSIDERATIONS.—The study under this subsection may—

(A) gather data on the health outcomes of a diverse population of those affected by CHD.

(B) consider health disparities among those affected by CHD which may include the consideration of prenatal exposures; and

(C) incorporate behavioral, emotional, and educational outcomes of those affected by CHD.

(iii) REPORT TO CONGRESS.—The Secretary shall establish a process for the acceptance of comments and the submission of necessary in order to implement the demonstration project under this section.

(iv) RECEIPT OF COMMENTS.—The Secretary shall be to facilitate'' and inserting the following:

“national congenital heart disease surveillance system, and awareness campaign”;

and (d).’’;

(k) ADMINISTRATION.—Chapter 35 of title 5, United States Code, shall not apply to this section.”.
S. RES. 72

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865; and

Whereas Africans forced into slavery were torn from their families and loved ones and stripped of their names and heritage; and

Whereas the faith and strength of character demonstrated by former slaves and the descendants of former slaves are an example for all people of the United States, regardless of background, religion, or race; and

Whereas tens of thousands of people of African descent bravely and silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas in October 2001, the City of Detroit, Michigan, joined with Windsor and Essex Counties in Ontario, Canada, to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprised of the Tower of Freedom Monument in Windsor, Ontario, and the Gateway to Freedom Monument in Detroit, Michigan;

Whereas the deep roots that slaves, refugees, and immigrants reached Canada from the United States created in Canadian society a tribute to the determination of the descendants of those slaves, refugees, and immigrants to record the history of the struggles and endurance of their forebears;

Whereas the observance of the 16-year commemoration of the Detroit Underground Railroad Memorial Monument will be celebrated during the month of October 2017; and

Whereas the Detroit Underground Railroad Memorial Monument represents a cooperative international partnership dedicated to education and research with the goal of promoting cross-border understanding, economic development, and cultural heritage tourism;

Whereas the observance of the 16-year commemoration of the Detroit Underground Railroad Memorial Monument will be celebrated during the month of October 2017; and

Whereas the Detroit Underground Railroad Memorial Monument represents a cooperative international partnership dedicated to education and research with the goal of promoting cross-border understanding, economic development, and cultural heritage tourism;

Whereas the observance of the 16-year commemoration of the Detroit Underground Railroad Memorial Monument will be celebrated during the month of October 2017; and

Whereas the Detroit Underground Railroad Memorial Monument represents a cooperative international partnership dedicated to education and research with the goal of promoting cross-border understanding, economic development, and cultural heritage tourism; and

Resolved, That the Senate—

(1) celebrates the history of the Detroit River with a 16-year commemoration of the International Underground Railroad Memorial Monument, comprised of the Gateway to Freedom Monument in Detroit, Michigan, and the Tower of Freedom Monument in Windsor, Ontario, Canada; and

(2) supports the official recognition, by national and international entities, of the Detroit River as an area of historic importance to the history of the Underground Railroad and the fight for freedom in North America.

S. RES. 73—DESIGNATING FEBRUARY 28, 2017, AS “RARE DISEASE DAY”

Mr. BROWN (for himself, Mr. BARRASSO, Mr. WHITEHOUSE, Ms. WARREN, Mr. MARKET, Mr. COONS, Mr. WICKER, Mr. VANDENHOLLE, Ms. STABENOW, Mrs. MCGRATH, Ms. KLOBUCAR, Mr. HATCH, and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:
Whereas a rare disease or disorder is one that affects a small number of patients and, in the United States, typically fewer than 200,000 individuals annually are affected by a rare disease or disorder;

Whereas, as of February 2017, nearly 7,000 rare diseases affect approximately 30,000,000 people in the United States and their families;

Whereas children with rare genetic diseases account for approximately ½ of the population affected by rare diseases in the United States;

Whereas many rare diseases are serious and life-threatening and lack effective treatments;

Whereas, as a result of Federal laws like the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049), there have been important advances made in research on, and treatment for, rare diseases;

Whereas the Food and Drug Administration has made great strides in gathering patient perspectives to inform the drug review process as part of the Patient-Focused Drug Development program, an initiative that originated under the Food and Drug Administration Safety and Innovation Act (Public Law 112–144; 126 Stat. 963);

Whereas, although nearly 600 drugs and biological products for the treatment of rare diseases are now approved by the Food and Drug Administration, millions of people in the United States have a rare disease for which there is no approved treatment;

Whereas lack of access to effective treatments and difficulty in obtaining reimbursement for life-altering, and even life-saving, treatments remain significant challenges for people with rare diseases and their families;

Whereas rare diseases and conditions include Von Hippel-Lindau syndrome, fibrous dysplasia, sickle cell anemia, spinal muscular atrophy, metachromatic leukodystrophy, dermatomyositis, cystic fibrosis, Friedreich’s ataxia, many childhood cancers, amyotrophic lateral sclerosis, epidermolysis bullosa, frontotemporal dementia, and metachromatic leukodystrophy;

Whereas people with rare diseases experience challenges that include—

(1) difficulty in obtaining accurate diagnoses;
(2) limited treatment options; and
(3) lack of qualified physicians or treatment centers with expertise in the rare diseases;

Whereas the rare disease community gained important new tools during the 114th Congress with the passage of the 21st Century Cures Act (Public Law 114–255), which—

(1) streamlines the review by the Commissioner of Food and Drugs of genetically targeted therapies;
(2) incentivizes the development of rare pediatric disease therapies;
(3) strengthens pediatric medical research; and
(4) adds billions of dollars of funding for the National Institutes of Health;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders (referred to in this preamble as “NORD”), a nonprofit organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, remains a critical public voice for people with rare diseases;

Whereas 2017 marks the 34th anniversary of the enactment of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and the establishment of NORD;

Whereas NORD sponsors Rare Disease Day in the United States and partners with many other major rare disease organizations to increase public awareness of rare diseases;

Whereas Rare Disease Day is observed each year on the last day of February;

Whereas Rare Disease Day is a global event, first observed in the United States on February 28, 2009, and was observed in more than 85 countries in 2016; and

Whereas Rare Disease Day is expected to be observed globally for years to come, providing hope and information for rare disease patients around the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2017, as “Rare Disease Day”;
(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and
(3) supports a national and global commitment to improving access to and developing new treatments, diagnostics, and cures for rare diseases and disorders.

AUTHORITY FOR COMMITTEES TO MEET

Ms. COLLINS. Mr. President, I have five 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 Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, February 28, 2017, at 10 a.m. to hold a hearing entitled “Iraq after Mosul.”

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, February 28, 2017, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Improving Outcomes for Youth in the Juvenile Justice System.”

COMMITTEE ON VETERANS’ AFFAIRS

The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Tuesday, February 28, 2017, at 2 p.m., in room SD–G90 of the Dirksen Senate Office Building.

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, February 28, 2017, from 2:30 p.m. to 3:30 p.m., in room SD–106 of the Senate Dirksen Office Building to hold an open hearing.

EXPRESSION OF CONCERN ABOUT THE ONGOING POLITICAL, ECONOMIC, SOCIAL AND HUMANITARIAN CRISIS IN VENEZUELA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 35.

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

The resolution (S. Res. 62) was agreed to.

(Pursuant to Rule XXVI, paragraph 5(a), of the Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate)

TARIAN CRISIS IN VENEZUELA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 35.

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

The resolution (S. Res. 62) was agreed to.

WHEREAS, as of February 2017, nearly 7,000 rare diseases affect approximately 30,000,000 people in the United States and partners with many

The preambles were agreed to.

The legislative clerk read as follows:

The resolution (S. Res. 35) was agreed to.

EXPRESSION OF CONCERN ABOUT THE ONGOING POLITICAL, ECONOMIC, SOCIAL AND HUMANITARIAN CRISIS IN VENEZUELA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 35.

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

The resolution (S. Res. 62) was agreed to.

(Pursuant to Rule XXVI, paragraph 5(a), of the Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate)

TARIAN CRISIS IN VENEZUELA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 35.

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

The resolution (S. Res. 62) was agreed to.

TARIAN CRISIS IN VENEZUELA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 35.

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

The resolution (S. Res. 62) was agreed to.

(Pursuant to Rule XXVI, paragraph 5(a), of the Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate)

TARIAN CRISIS IN VENEZUELA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 35.

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

The resolution (S. Res. 62) was agreed to.

(Pursuant to Rule XXVI, paragraph 5(a), of the Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate)
RARE DISEASE DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 73, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 73) designating February 28, 2017, as “Rare Disease Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. 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. 73) was agreed to.

The preamble was agreed to.

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following leader remarks on Wednesday, March 1, there be 20 minutes of debate, equally divided, prior to the confirmation vote on Executive Calendar No. 8, Ryan Zinke to be Secretary of the Interior, followed by up to 10 minutes of debate, equally divided, prior to the cloture vote on Executive Calendar No. 5, the nomination of Ben Carson to be Secretary of Housing and Urban Development, and if cloture is invoked, time be counted as if invoked at 1 a.m. that day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR RECESS AND ORDERS FOR WEDNESDAY, MARCH 1, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate recess until 8:25 p.m. that evening, the Senate to assemble at 8:30 p.m., recessed until 8:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. ROUNDS).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House of Representatives.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, James M. Morhard; the Secretary of the Senate, Julie E. Adams; and the Vice President of the United States, Michael R. Pence, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Donald J. Trump.

The address delivered by the President of the United States to the joint session of the two Houses of Congress is printed in today’s Record under “Submitted Resolutions.”

ADJOURNMENT UNTIL WEDNESDAY, MARCH 1, 2017, AT 10 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:16 p.m., the Senate adjourned until Wednesday, March 1, 2017, at 10 a.m.

EXECUTIVE NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

TODD PHILIP RASKELL, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

TULINABO SALAMA MUSHINGI, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on February 28, 2017 withdrawing from further Senate consideration the following nominations:

REBECCA K. AFFOLDT, of Wisconsin, to be a Member of the Board of Directors of the Legal Services Corporation for a Term Expiring July 13, 2019, VICE SHARON K. BRONK, RESIGNED, which was sent to the Senate on January 4, 2017.

CHARLES R. BREYER, of California, to be a Member of the Board of Directors of the Corporation for Human Radio Broadcasting for a Term Expiring January 31, 2022, (Reappointment), which was sent to the Senate on January 4, 2017.

JOSEPH FRANKLIN SELLERS, of South Carolina, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a Term Expiring January 31, 2022, (Reappointment), which was sent to the Senate on January 4, 2017.

MICHAEL P. LIBRY, of Pennsylvania, to be Inspector General, Social Security Administration, VICE ROBERT E. CARWELL, RESIGNED, which was sent to the Senate on January 4, 2017.

DAVID J. ARBOYO, of New York, to be a Member of the Board of Directors of the Corporation for Broadcasting for a Term Expiring January 31, 2022, (Reappointment), which was sent to the Senate on January 4, 2017.

CHARLES R. BREYER, of California, to be a Member of the Board of Directors of the Corporation for Human Radio Broadcasting for a Term Expiring January 31, 2018, (Reappointment), which was sent to the Senate on January 4, 2017.

JESSICA ROSENWORCEL, of the District of Columbia, to be Commissioner of the Federal Communications Commission for a Term Expiring December 15, 2018, (Reappointment), which was sent to the Senate on January 4, 2017.

BRENT FRANKLIN NELSEN, of South Carolina, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a Term Expiring January 26, 2023, VICE PATRICIA M. LOUI, TERM EXPIRED, which was sent to the Senate on January 4, 2017.

DAVEY A. Nachtigal, of Oregon, to be a Member of the Board of Directors of the United States Institute of Peace for a Term Expiring September 30, 2022, VICE THOMAS J. WHITE, RESIGNED, which was sent to the Senate on January 4, 2017.

CLAUDIA SLACK, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a Term Expiring September 30, 2022, VICE FRED J. DEANE, TERM EXPIRED, which was sent to the Senate on January 4, 2017.

JASON K. EARNS, of Colorado, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a Term Expiring September 30, 2022, VICE PATRICIA M. LOUI, TERM EXPIRED, which was sent to the Senate on January 4, 2017.

DAVID J. ARROYO, of New York, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a Term Expiring September 30, 2022, VICE FRED J. DEANE, TERM EXPIRED, which was sent to the Senate on January 4, 2017.

MARK J. MITCHELL, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a Term Expiring September 30, 2022, VICE FRED J. DEANE, TERM EXPIRED, which was sent to the Senate on January 4, 2017.

BIA, to be a Member of the Board of Directors of the Corporation for Urban Development and Housing, VICE ROBERT E. CARWELL, RESIGNED, which was sent to the Senate on January 4, 2017.

DAVID C. MURPHY, of Illinois, to be Commissioner of the Federal Communications Commission for a Term Expiring December 15, 2018, VICE ROBERT E. CARWELL, RESIGNED, which was sent to the Senate on January 4, 2017.

LAWRENCE L. SMITH, of Illinois, to be Commissioner of the Federal Communications Commission for a Term Expiring December 15, 2018, VICE ROBERT E. CARWELL, RESIGNED, which was sent to the Senate on January 4, 2017.

ANDREW F. PUDZIN, of Tennessee, to be Secretary of Labor, which was sent to the Senate on January 29, 2017.