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 on 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 promised that health choices would increase, but they plummeted down to just one exchange provider in nearly half of our counties. 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 create more jobs. I look forward to hearing what the President has to say on all of these matters.

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 day he signed an order that made it easier for larger oil, gas, and mining companies to hide payments—potentially bribes—they make to foreign governments.

That is the Swamp. 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—just tweeting about a few hundred jobs at Carrier plants staying in the United States—is nowhere 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 hasn’t finished yet.

Tonight, the President might discuss his tax plan. He said that every decision on taxes would be made to “benefit America and 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. 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.

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.

His speech tonight will be nothing if his Cabinet of billionaires and bankers, his main advisers who seem to favor the wealthy, and an agenda far away from what America wants, continue to govern from the hard right, which is very far from the American mainstream and even the Republican mainstream. His speech tonight will mean nothing if he continues to do as he has done these past few months since being elected—breaking promises to working people and putting an even greater burden on their backs while making it easier to be wealthy and well-connected in America.

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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

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

The bill clerk read the nomination of RYAN ZINKE, of Montana, to be Secretary of the Interior.

The Presiding Officer. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise today to speak about the nomination of Congressman RYAN ZINKE to be Secretary of the Interior.

The Secretary of the Interior is one of the most important jobs in the Federal Government and even more so for people in the West. I know the President would agree with that.

The Department of the Interior has an incredibly broad portfolio. It is responsible for managing our Nation’s public lands, our national parks, our national wildlife refuges, and overseeing mineral and energy development on our public lands and in our Federal waters offshore, making sure that the taxpayers of the United States get a fair deal for the resources that the public— the public—actually owns. The responsibilities of the Department of the Interior also include ensuring that tribal trust responsibilities are met, as well as attending to our insular affairs. The Secretary of the Interior also manages a large part of water resources in Western States— again, which I know the President Office knows so well because there are so many issues related to drinking water and hydroelectric facilities that affect millions of our citizens.

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 imposition 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. That shows when it comes to the 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, however, like the Land and Water Conservation Fund, and others, to understand what our Nation’s leading stewardship responsibilities are, understand what those special places are, like the Grand Canyon, and other places such as Mount Rainier, and make sure that 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 Teddie Roosevelt Republican. However, I cannot ignore the Trump administration’s plans for 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 positions where the President and 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 simply opening up as much Federal land as possible to coal mining and energy development.

The administration has already suspended rules ensuring polluters on our public lands and waters to pay a fair share. The President has signed into law a measure gutting the Obama administration rule that would have prevented coal companies from dumping toxic chemicals into our Nation’s rivers and streams. The President even reversed a rule 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 as to how much 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- ing State 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 not a commodity. 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.

The 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 under way, 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 mining 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 these lands are managed and 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 preserve the Federal lands to the States, which 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. I wouldn’t happen. If Washington might happen in some other State—decides to start managing that land and extracting resources. You might think that
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 most pointed 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 are 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 their 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 and color united in their pride of our shared national icons."

I am sure the Presiding Officer also agrees 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 tourist 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 embodied the local pioneer descend- ants who were claiming their 150 years of ranching against 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 person in Utah showed 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’ vehemence 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 are 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 their 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 treasured public lands. And in the process, there was recognition that we held those treasures. A national park was created in Canyonlands, and national monuments in Arches and Canyon de Chelly were elevated to national parks. Utahns of all creed and color united in their pride over our shared national icons.

Where 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 inviting the world to appreciate Utah. As Grand County Commissioner Maryann Haggard and I, and my colleagues want 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 U.S. Senate. That unprecendented unity of five Indian nations coming together to protect their ancestral homeland. Instead of recognizing the significance of the Senate’s role, our中华er descendants, who were claiming their 150 years of ranching took precedent over centuries of Indian presence in the Bears Ears. The tribes had no choice but to go to the president.

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. Dismantling the Bears Ears was a slam dunk in the Utah Legislature last week, but it’s an issue on which every poll has shown Utahns divided, a division encouraged by the false narrative that the monument was a trade-off between 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 goes away. The presidential proclamation has broadened the landscape and shared management Bishop pursued with his Public Lands Initiative. In that context, Utah political leaders’ vested interest 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 have to do with creating jobs? How can we warn our constituents about how these companies to mine on 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 interests in order to preserve sacred sites 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. That is why we must act.

We 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 all the oil and gas that Utah State. 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 brings in $8.1 billion to local and state 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 and water. One of the fundamental principles of the public resource management is that the American people should receive a fair market value for the energy and minerals that are extracted from our public lands. These resources are owned by every American.

I think, sometimes, people get confused that these are the rights of these industries, that they own them. We have allowed and even encouraged the snowpack upon which their products glide?

Are we reeding 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 $8 billion. It is about who we are and who we are to get there, we need leaders with a better appreciation of the magnificient gifts God has given everyone, not just Utahns.

Ms. CANTWELL. Mr. President, I think the Interior 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 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. The previous, I 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 more 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 or, in another way of saying that whether the taxpayer is getting a fair deal by allowing these companies to mine these Federal resources has not really been evaluated 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.

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 constituencies expect.

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 get a fair deal for the leasing of that land. As I have made clear, even disused coal, 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 upholding our trust and treaty obligations for our country’s 567 federally recognized tribes. That Secretary must be committed to recognizing tribal sovereignty and self-determination, protecting tribal lands and waters and mineral resources, and supporting adequate resources for tribal education, social services, and infrastructure.

Congressman Zinke was a strong advocate of the Crow Tribes’ coal resource in his home State; and while I respect his responsibility to his district, he will be required as Secretary of the Interior to have a much different position in representing all tribes across the United States.

I know that some of my colleagues think that one can be expedient on any
of the National Security 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 litigated 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 country 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 continue to fight for something that is providing so many jobs and such a great connection for so many Americans.

The PRESIDING OFFICER. The majority speaks.

Mr. CORNYN. 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 talk 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.

Pork 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 advisors 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 already 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, and he is willing to work with Congress to do just that.

Another area in which Congress and the administration are working together is in repealing and replacing ObamaCare. ObamaCare is, perhaps, President Obama's signature legacy. 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 $24,000 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 in its 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 to care 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 think it's wonderful to have a stable and safe country, though, where our people can flourish. That brings me to President Trump's latest promise to restore national security as the number one priority.

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 American marks 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 again, 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 benefiting—
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
Sumner 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 knowl-
edge 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 leaders. She pulled out the
quote that I think is important for
us to dwell on today. The quote is as
follows: “Historically black colleges
and universities are real pioneers when
it comes to school choice.”

Now, let’s talk 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 Afri-
can-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,
Black students were prohibited by law
from attending those 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, but because
the Universities were established because racism left
Blacks without any choice. When
Blacks tried to attend schools like the
University 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 working 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.

So shame on Secretary DeVos.
Shame on her for not understanding
history, for trying to shoehorn the rac-

ist history in our country into her
talking points about school choice.
That is wrong, and it should be cor-
rected.

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.

So, it wasn’t about choice, Sec-
retary DeVos. It was about something
else. It is important that as the leader
of education in this country, you ac-
knowledge the history that is the un-
derpinning of the importance of his-
torically Black colleges and univer-
sities in our country.

I yield the floor.

Mr. CARPER. Mr. President, I ask
unanimous consent that 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 provide our
consent because in the end not all
nominees 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 plen-
ty.

As the chief land steward of our great
Nation, the Secretary of the Interior
is charged with multiple 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 that.

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 va\-\lintant battle, and, I would say, a futile war 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 the tides and waves—assisted by the absence of ice—threaten to erode the 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 a Secretary Jewell's order on oil and gas leases from public lands. If we humans, as Mr. ZINKE admits, are responsible for our changing climate and the fact that my State is slowly eroding away, then we should embrace—not ignore—the commonsense wisdom of the former Secretary of the Interior. Given the chance to agree with this common sense in his response to questions from my colleagues on the Energy and Natural Resources Committee, Mr. ZINKE repeatedly demurred.

Continuing on this theme, Mr. ZINKE, in response to questions from Energy and Natural Resource Committee members, supported the Congressional Review Act resolution to eliminate the Obama administration's rule to curb wasteful releases of methane from Bureau of Land Management land-based operations—yet another example of willingness to sell the American people short in favor of a handful of energy companies.

Wasted gas is wasted public revenue. Let me say that again. Wasted gas is wasted public revenue. Wasted methane is adding yet more of a very potent greenhouse gas to our atmosphere.

We should embrace—not ignore—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 in agreement 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 to support or not the one uncertain step of revisiting the use of the Antiquities Act by the President to designate lands and historic sites across the Nation as national monuments.

Undermining the Antiquities Act is—believe me and a lot of people believe—bad for conservation, is bad for historical preservation, and is bad for economic development opportunities associated with national monuments and our national parks.

For those who don't know, the Antiquities Act has been used by Presidents dating back to the early 20th century—roughly 100 years—to protect and preserve our Nation's historic sites and preserve Federal lands for all of us—all of us—to enjoy.

During his time in office, President Obama utilized the Antiquities Act to safeguard and preserve Federal lands and cultural and historic sites. Ultimately, he designated over 550 million acres of land as national monuments, including what we call the Delaware national monument.

Delaware, as it turns out, has a special history with the Antiquities Act, which is just a 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 urgent and support.

Before Delaware was recognized, 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 terms of tourism and economic development, 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 begin to think about the 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 around the world, Delaware's and Alaska's shorelines, and countless others from across the world plan their vacations around America's national monuments and parks.

Delaware's rich colonial history celebrates Delaware's national park. We were 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 they 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 were the first Finns and Swedes to land in Delaware.

The economic opportunities afforded to States with national monuments and national parks are significant—again, around $1 million or more.

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close to Philadelphia where they have Penn’s Landing. He landed in New Castle, DE, and he brought with him the deeds to the land that later became Pennsylvania and Delaware.

Further down the coast toward where the Delaware Bay meets the Atlantic Ocean is a town called Lewes, DE. Lewes, DE, was settled by the Dutch, the first time unsuccessfully. The settlers lost their lives. The second time they came back in greater numbers and successfully settled Lewes, DE, and it ended up being the largest settlement on this part of Delmarva.

The Brits didn’t much like the idea that the Dutch had a foothold in that part of Delmarva, in what is now Sussex County, DE, and it was Ryve Holt House. It is believed to be one of the oldest standing houses in all of North America.

If you drive up from Lewes headed north on Route 1 toward Dover Air Force Base, just before the Dover Air Force Base is a colonial plantation called the Golden Fleece Tavern, and that was the place where, on December 7, 1787, after three days and nights of debate and discussion, the Constitution was ratified. The next morning when the sun came up, there was one house standing in Lewes, DE, and it was Ryve Holt House. It is believed to be one of the oldest standing houses in all of North America.

As you go a little further up Route 1 to Dover and go to downtown Dover, you come across an area where there used to be a tavern called the Golden Fleece Tavern, and that was the place where, on December 7, 1787, after three days and nights of debate and discussion, the Constitution was ratified. The next morning when the sun came up, there was one house standing in Lewes, DE, and it was Ryve Holt House. It is believed to be one of the oldest standing houses in all of North America.

That is the national park today. It started off as a national monument from the Antiquities Act. Given 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 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 consider doing the same.

The senior assistant legislative clerk proceeded to call the roll.

Ms. HIRONO. 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. HIRONO. 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 through it, 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 concerted efforts to protect the silverswords from feral goats and sheep and 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, our parks don’t have the personnel to 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 as a member of the Committee, 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 benefits for the enrichment of 0.1% 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 February was 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 U.S. Geological Survey, the USGS, an agency that lists climate change as one of the silverwords. During the confirmation process, I asked Congressman Zinke if he would try to limit the USGS’s work on climate change in any way. Unfortunately, Congressman Zinke did not provide a definitive answer—only saying that he would need to learn about the USGS’s climate change research. His answer did not reassure me that he will allow USGS and other agencies in his Department to continue to make climate change research a priority or to protect the right of these scientists to study their field without interference. This is particularly concerning in light of the Trump administration’s ongoing efforts to silence our Federal workers, including those within the National Park Service, who are speaking out about the threat of climate change.

We need a Secretary of the Interior who will protect our public lands, 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 time, 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 learn that 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 set aside 150 million acres of public lands. In 1901, he created the U.S. Forest Service and established 150 national forests. In 1906, he signed into law the Antiquities Act, legislation that allowed either the President to use the Antiquities Act to designate 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 be a wonderful selection to head the Department of Interior. But, after closely examining Representative Zinke’s record, he doesn’t appear to be a Teddy Roosevelt conservationist.

Last Congress, Representative Zinke voted in favor of an amendment to the Antiquities Act that 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 3 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 promote and preserve this unique community. The Pullman neighborhood was originally developed a century ago by rail car magnate George Pullman as a model 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 community was the catalyst for the first industry-wide strike in the United States, 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 Bear Ears National Monument will no doubt build on this tradition.

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.

Bear’s 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 saw 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.”
"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 does go away. The 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 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, developers, conservationists won out, and by 1919, the Grand Canyon was made into a national park to be protected for future generations.

But it is this kind of 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 and make sure 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.

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 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 not just 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 call be rescinded.

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.
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 working to those agreements 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, last night, just a day after the Senate to list all of the targets of President Trump’s attacks on Twitter. So if you happen to be a former Communist KGB official who now leads Russia, a nation that recently attacked our coalition, 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?

How is it that this is 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.

When 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, Lt. Gen. 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 elections. It turns out that the just-resigned National Security Advisor, Lt. Gen. 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.

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President Putin interfered in our election and tried to influence the selection of the American people in 2016. We are told that there was an effort by the Russians to influence an election in favor of the Democrats. It just wasn’t done under previous administrations. There 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 “impeachment,” that somehow the American people we trusted could 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.

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 a tradition that for some reason he seemed to return to that tradition. We need an independent, transparent investigation of this Russian involvement in our Presidential election. We know the voters list in my home State of Illinois was hacked. We know that some 17 different intelligence agencies have told us unequivocally that Russia did everything in its power to try to change the outcome of this last election. We are told that there could have been up to 1,000 Russian trolls sitting in headquarters in Moscow, trying to hack the computers of people in the United States to influence the outcome of this election. We know that, coincidentally, some 2 hours after a very controversial, negative story came out against Donald Trump, Russians released information that they had hacked from the campaign of Hillary Clinton.

Two hours. A coincidence? Not likely. There is a lot of information that needs to be followed up on. No conclusion can be reached until there is a thorough, independent, credible investigation. I worry about using the Intelligence Committees for this purpose.
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 in my State of 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.

Nurses, physician assistants, nurse practitioners, 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 physicians may be in scarce supply.

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 scope 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 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 getting needed care for Medicare patients. The home care that they need simply be 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 seniors in these providers may be 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 consequences were: 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—a skilled nursing home—and that patient is ready to go home, but the chances of successful treatment of that patient—that of that patient regaining function—is going to be diminished if there is a gap between the physical and occupational therapy they receive in the home and the home 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.

Some times we deal with healthcare issues that are extraordinarily complex, and it is difficult for us to figure out what the answer is. This is not one of those cases. This is a commonsense reform that will improve and expedite services to Medicare beneficiaries, whether they are our disabled citizens or our seniors. It will help them get the home health care they need without undue delay. 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.

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

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 said, “Mr. Rubio.” I thought it was about 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 here perhaps have seen them visit around the Capitol.

I thought it was about global engagement, but I had 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 hear around here as well from 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 helped rebuild 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. 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. Is the world a better place because the United States provided aid to rebuild post-war Japan? Without a doubt.

It also impacts our allies. We have seen it in Europe where a tremendous strain has been placed upon our allies in Europe. A significant amount of the budget in Germany, where I was recently just visiting, is being spent on dealing with the refugee crisis and the impact it is having on them. I would tell you that what happens in the world has a direct consequence to the United States.

Here is another fact for why it matters to America. This is a key fact that I was able to pull up today—or my staff was. Twelve of the fifteen top trading partners of the United States were once recipients of U.S. foreign assistance.

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 helped rebuild 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.

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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. That is, if we can sell to them. This is one of the reasons it is so important.

That is one of the reasons that today one out of five American jobs is tied to international trade and that one out of three manufacturing jobs in America is tied to international trade. Nor can export unless there are people on the other end of the deal to buy it from you, and we want as many people in the world as possible to be able to afford to buy things from us. 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 37 percent reduction in the number of 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 and that the American assistance you got 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-Americanism and anti-American terrorism if the United States of 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 be rescinded.

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.

I believe he will be a strong Secretary of the Interior. 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, and that we can send to them. 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, 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 around, 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 embassy or 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 land, and some come from the United States of America 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 as safe as possible.

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 principle is true for people, and I think that principle is true for nations. I believe in the depth of my heart that our Creator has 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.

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 I say it today. I am grateful for my faith and 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 Creator has 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.
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 wildlife are 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 suffer while our State’s economy is at stake, and our future is 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 on 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 Department of the Interior, Ryan 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 sportsman. 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 as an energy consultant. Even more notably, he is a Navy SEAL, a term in the military 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 in Montana and grew up 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 that he wants the Department to 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 complimentary 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 should be “the 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 the issue of multiple-use as it relates to our public lands. Yet, in outlining the concept of multiple-use that 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 that 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 am 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 Music 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 one. There are special places in our country that deserve that recognition. But a lot of it is traditional uses of what we find in North Dakota and Montana where you can hunt and fish, you can drill an oil well. Make sure there is a reclamation project. Make sure there is a permit, well, and a DEPFA. If you are doing something that’s more intrusive, make sure you monitor the water. Everyone enjoys clean water and we should. I think necessity of the times are in conflict, I think you have to do it right.

I think it is important to put those comments of Representative Zinke on the record because it is clear that, again, he recognizes the multiple uses of our public lands. There are certain places that are special but ensuring, again, that the doctrine of multiple-use is respected as initially intended.

Representative Zinke also told us that he would have three main tasks if he is confirmed as Secretary of the Interior. The first, he said, is to “restore trust by working with rather than against local communities and states.” And that, he said, is key to “ensuring that our Federal lands are protected and that the people who know and care about the lands are included in the dialogue and decision-making.”

The second is to address the multi-billion dollar maintenance backlog at the National Park Service so that we preserve the crown jewels of our public lands for future generations. And the third is to “coordinate” our public lands. So, in the front line, our rangers and field managers, have the right tools, right resources, and flexibility to make the right decisions that give a voice to the people they serve.

So those were the three priorities as outlined by Representative Zinke, and I believe all three of those missions are necessary. I am hardly alone in supporting Representative Zinke as the right choice to fulfill them. Within the committee, he drew bipartisan support when we reported his nomination to the full Senate on January 31. He has drawn widespread support from dozens and dozens of stakeholder groups all across the country: from the Alaska Federation of Natives, the Blackfeet Tribe, the Choctaw Nation, the National Congress of American Indians, Safari Club International, Ducks Unlimited, the Congressional Sportsman’s Foundation, the National Association, the Public Lands Council, and the American Exploration & Mining Association. These are just a few of the many stakeholders that have praised or endorsed Representative Zinke to be our next Secretary of the Interior.

I am glad we are finally here today on the verge of confirming Representative Zinke to this position. I would remind the Senate that despite many differences, President Obama’s first nominee for Interior Secretary on inauguration day back in 2009—not so with Representative Zinke. It has now been 6 weeks since we held his nomination hearing and no one has reported his nomination from our committee—again on a strong bipartisan basis. I am disappointed, of course, that it has taken this long to get to this point, particularly with regard to a nominee who I think, by all accounts, is not controversial or unqualified.

Now we need to confirm Representative Zinke without any further delay.
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, Secretary Zinke 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 lifelong sportsman. 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. The clerk will call the roll. The legislative clerk proceeded to call the roll. There was no objection. 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 Jeweler Inc. in Chicago, IL. A third-generation, family-owned business established in 1926, Brian and his wife, Joanne, are dedicated to socially conscious and eco-friendly fine jewelry. Leber Jeweler Inc. has been instrumental in not only serving as a model for responsible and ethical sourcing in the jewelry sector but also 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 MUKOWSKI, 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. The clerk will call the roll. The legislative clerk proceeded to call the roll. Mr. McCONNEL. 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

MORNING BUSINESS

Mr. McCONNEL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Sergeant at Arms permitted to speak therein for up to 10 minutes each. The PRESIDING OFFICER. Without objection, it is so ordered.
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 conflict. In 2009, I led then-Senators Brownback and Feingold—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 perpetrating 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 these minerals, 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 have been upheld. 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. A look 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 Commission, an organization, just to name a few, has been a trailblazer in its own right from the start as well.

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.

SELECT COMMITTEE ON INTELLIGENCE

RULES OF PROCEDURE

Mr. BURR. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence has determined that the Rules of Procedure be printed in the RECORD.

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

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every Tuesday of each month that the Senate is in session, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting of the Committee filed with the Clerk of the Committee, such meetings shall not be held without the presence of the Chairman, or the Vice Chairman if the Chairman is absent.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing written requests with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 3(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present, the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present, the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee which, in the opinion of the Chairman, or the Vice Chairman, or any other member of the Committee, shall not be considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote adopts any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittee shall deal with oversight and review of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority of the Committee concurs.

4.2. In any case in which the Committee is unable to reach an unanimous decision, separation of views or reports filed by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, major, or additional views or reports shall file a written notice with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than 7 days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a response to the Committee’s background questionnaire and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the investigation and authorized such an investigation. Authorized investigations may be conducted by members.
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 or Vice Chairman, or by a representative 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 reasonable notice and all witnesses shall be furnished a copy of these Rules.

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

8.3. Conduct of Committee—Committee questioning of witnesses shall be conducted by members of the Committee and such Committee staff as are present at the Committee and such Committee staff as are present at the Committee shall conduct themselves in an ethical and professional manner at all times having regard to the Committee's responsibilities to protect the Committee and such Committee staff shall be conducted by the Chairman, or other presiding member.

8.4. Counsel for the Witness.—(a) Generally. Any witness may be accompanied by counsel subject to the requirement of paragraph (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 shall provide the Committee with 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 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 any 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 Committee's commitment to the Committee and such Committee staff must. Counsel appearing before the Committee shall exercise reasonable control over any action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(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 such question to the counsel's client or to any other witness. The counsel for the witness may also 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 testimony. Such statements shall not exceed a reasonable time limit determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the hearing shall file a paper 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 before 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 upon by the Chairman or other presiding 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 witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the presence of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. 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 to the transcript 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. Request to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a hearing, or any comment made by a Committee member or other presiding member, may tend to affect adversely his or her privacy interests in writing to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the questioning of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. Contempt Procedures.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be considered by the Committee unless the Chairman and Vice Chairman shall be notified of such authority. Upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to contest such recommendation or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. Release of Name of Witness.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness to the press, however, the Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if release of such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress.

9.1. Committee staff offices shall operate under strict security procedures administered by the Committee Security Director under the direct supervision of the Staff Director, and shall be given to the United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Unclassified documents and material shall be stored in authorized security containers located within the Committee's Senate Office Building Information Facility (SCIF). Copying, duplication, or removing from the Committee offices of such documents and other materials is strictly prohibited unless as is necessary in the conduct of Committee business, and as provided by these Rules. All classified documents or materials removed from the Committee offices for authorized purposes must be returned to the Committee's SCIF for over-night storage.

9.3. "Committee sensitive" means information, material, or testimony that provides the Committee with confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the product of a Committee staff member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) deemed as such by the Select Committee on Intelligence, or by the Staff Director and Minority Staff Director, acting on their behalf.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to all members advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to the Committee staff and shall be released only to appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. 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 information received by, or in the possession of, the Committee to any other person, except as authorized by the Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive Office of the House of Representatives or the Permanent Select Committee on Intelligence, and the members and staff of the
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 under direction by a protected individual); (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 in the possession of 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 a referral to the 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 the 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 clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

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, under the direct supervision of the Committee, 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 confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify to the Financial Clerk of the Senate in writing that 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 formed, and Committee staff personnel and day-to-day operations, including security and control of classified or committee sensitive 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 presented to the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in preparing a flowing 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, or in the event of the termination of the Committee, in 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 in a manner that does not divulge 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 Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress, and to the Committee’s code of conduct. As a precondition for employment on the Committee, each member of the Committee staff must, prior to employing any new or continuing member of the Committee staff, be notified of the Committee’s code of conduct.

10.7. As a condition of employment, each member of the Committee staff must, at the request of the Committee, at a time sufficiently prior to the commencement 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 the Committee’s code of conduct.

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

10.9. 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 Committee staff shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee. The Committee staff, through the Staff Director and Minority Staff Director, shall be assigned to such an audit jointly by the Chairman and Vice Chairman, and staff assigned to the audit shall be limited to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information for an official governmental purpose. Public disclosure of classified information. 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 as 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 consideration of the termination of employment with the Committee.

10.10. All personnel actions affecting the staff of the Committee shall be free from illegal, unethical, or improper influence. Such influence shall not be used in any manner to influence or modify the employment of any member of the Committee staff.

11.1. Under direction of the Chairman and the Vice Chairman designate 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.

11.2. The Staff Director and/or Minority Staff Director may recommend to the Chairman and the Vice Chairman that the Committee staff be given access to any information of departments and agencies with intelligence functions. The audit element shall be limited to persons with appropriate security clearances and immediate dismissal from the Committee staff.

11.3. 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 8 of S. Res. 400 of the 94th Congress, and to the Committee’s code of conduct.

11.4. 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 8 of S. Res. 400 of the 94th Congress, and to abide by the Committee’s code of conduct.

11.5. As a condition of employment, each member of the Committee staff must, at the request of the Committee, at a time sufficiently prior to the commencement 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 the Committee’s code of conduct.

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

11.7. 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 Committee staff shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee. The Committee staff, through the Staff Director and Minority Staff Director, shall be assigned to such an audit jointly by the Chairman and Vice Chairman, and staff assigned to the audit shall be limited to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information. 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 as 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 consideration of the termination of employment with the Committee.

11.8. All personnel actions affecting the staff of the Committee shall be free from illegal, unethical, or improper influence. Such influence shall not be used in any manner to influence or modify the employment of any member of the Committee staff.

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 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 amendment 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 to any subcommittee or agency of the Government for reports thereon.
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 48 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, 94th Cong., 2d Sess. (1976)

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. 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.

SEC. 2. (a) 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 of any standing committee referred to in subsection (1)(A) through (D) which furnish intelligence information to the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairperson of the select committee and the Minority Leader shall select a vice chairperson for the select Committee. The vice chairperson shall act in the place and stead of the chairperson in the absence of the chairperson. Neither the chairperson nor the vice chairperson of the select committee shall at the same time serve as chair or ranking minority member of any committee or subcommittee of any standing committee.

(c) The select Committee may begin its activities by appointing subcommittees. Each subcommittee shall have a chairperson and a vice chairperson who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

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, and other agencies of the Department of Defense, the Department of State, the Department of Justice, and the Department of Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization is the successor to, or the reorganization of 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 subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the successor agency, department, or subdivision has a function or responsibility to perform any function or responsibility of any other department, agency, bureau, or subdivision activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2), (5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter in accordance with the provisions of such committee.

(b)(2) The select Committee shall, at the request of any standing committee, be referred to such standing committee for its consideration of such matter in accordance with the provisions of such committee.

(c) 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.

(d) 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 prompt access to the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 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 any other appropriate committee of the Senate any matters referred to such committee. And the select committee shall report to the Senate on any proposed legislation within that 5 day period, the Senate provides otherwise.

(b) 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.
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) By 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 disclose any such information 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) (1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) request any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session during the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of the matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to approve, disapprove, or neither of the one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule KM of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c) Subpoenas authorized by the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate receive such information. The committee shall give such information to the appropriate committee of the House of Representatives.

Sect. 9. The select committee is authorized to—

(a) request any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant unauthorized disclosure 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.

(b) if the select committee designated by the Chairman of the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant unauthorized disclosure 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.

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(a) request any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant unauthorized disclosure 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.

(b) if the select committee designated by the Chairman of the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant unauthorized disclosure 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.

(c) The select committee may, if it reasonably believes that the public interest would be served by such disclosure, disclose any information to any person or persons.

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 disclose any such information 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) (1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) request any portion of the matter back to the committee, in which case the committee shall make the final determina-
SIRC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all 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 constituted with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such committee: Provided, 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.

SIRC. 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 committee informed and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department and agency:

(b) It is the sense of the Senate that the head of each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the Constitution or laws of any person, violation of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each such department or agency shall report such actions which have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SIRC. 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 same 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 Community.

SIRC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each matter, all relevant reports of the select committee with respect to 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 charters 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 costs of intelligence activities; to improve the morale of the personnel of the foreign intelligence agencies;

(4) The conduct of covert and clandestine activities 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 continuing need for secrecy;

(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; procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their activities with respect to the safeguarding of sensitive intelligence information;

(8) The authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(b) The select committee may, in its discretion, omit from the special study required by this section any matters it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems advisable no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SIRC. 14. (a) As used in this resolution, the term “intelligence community” includes:

(1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, the military force, movement or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities;

(2) activities taken to counter similar activities directed against the United States;

(3) covert or clandestine activities affecting the relations of the United States with any foreign government, political party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities;

(b) Except as provided in subsections (b) and (c), other committees with jurisdiction over the Department 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.

(c) “Intelligence community” means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(b) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Senate Committee on the Judiciary. When reported, to the Select Committee for not to exceed 20 calendar days, except that in cases
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 Select Committee reports 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, if 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 Select 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 nomination, the Select Committee shall be automatically discharged from that committee and placed on the Executive Calendar.

APPENDIX B
INTELLIGENCE PROVISIONS IN S. RES. 445, 100TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 99TH CONG., 2D SESS. (1976)

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 as soon as possible after the convening of the 109th Congress.

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

APPENDIX C
RULE 25(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

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 no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be so closed. Such a closed meeting vote shall be by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed either cannot or will not be taken at such meeting or meetings.

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

(2) will relate solely to matters of committee staff personnel or internal staff management;

(3) will tend to charge an individual with an offense that is required to be kept secret in the interests of effective law enforcement;

(4) will disclose information relating to the trade secrets of financial or commercial interests of effective law enforcement or the confidential conduct of the foreign relations of the United States;

(5) will disclose information pertaining specifically to a given individual who at the time of the nomination is a member of the Armed Forces on a confidential basis, or

(6) will disclose information relating to the professional standing of an individual, or

(7) will tend to expose an individual to public hatred or contempt or obloqui, or will represent a clearly unwarranted invasion of the privacy of an individual;

(8) will tend to charge any officer or employee the member or members of the committee or subcommittee or of the Senate or the House of Representatives with the commission of any offense that is required to be kept secret in the interests of effective law enforcement;

(9) will tend to expose any officer or employee the member or members of the committee or subcommittee or of the Senate or the House of Representatives with respect to any offense that is required to be kept confidential under other provisions of law or Government regulations.

END NOTES


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. 358 AS AMENDED

S. Res. 358, 108th Cong., 2d Sess. (1964)

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

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to 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 of the Senate. The Select Committee shall not affect the authority of the Senate to be known as 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.

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

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

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

(i) the conduct of—

(I) such member;

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

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

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee 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 provisions of Law 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 to the Senate.

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

Sec. 2. — The Select Committee shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

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

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

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

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

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

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

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

(6) by a majority vote of the full committee, by a recorded vote, determine —

(A) that a Member, officer, or employee has violated any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(B) that a violation of conduct and violations of rules and regulations of the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties;

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

(b) For the purposes of this resolution—

(1) the term "preliminary inquiry" means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate, to have occurred prior to the effective date of the appointment of the Select Committee, to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c)(1) No—

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

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

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

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

(d) (1) When the Select Committee receives a sworn complaint or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by the sworn complaint, allegation or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as so on as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e) (1) Any individual who is the subject of a preliminary inquiry, hearing, or adjudicatory review pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, together with the Select Committee by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate, or delegate, shall promptly transmit the notice of the appeal to the Select Committee, to the proper Federal and State authorities, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

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

(f) (1) Any individual who is the subject of a preliminary inquiry, hearing, or adjudicatory review pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, together with the Select Committee by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate, or delegate, shall promptly transmit the notice of the appeal to the Select Committee, to the proper Federal and State authorities, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

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

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

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold
such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournments of periods of adjournment; (4) require by subpoena or otherwise the attendance of all persons, and the production of any evidence, including such correspondence, books, papers, and documents; (5) administer oaths; (6) take such testimony orally or by deposition; (7) employ or retain counsel to conduct, direct, or advise with respect to 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 intermittent or special services of outside counsel, or other consultants or experts, by contract or otherwise, to advise with respect to the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate with respect to the request for such advisory opinion. The advisory opinions rendered by the Select Committee with respect to the request for such advisory opinion shall not, as a result of 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 such advisory opinion was rendered. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide an opportunity to the individual concerned to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued under this section shall be printed, compiled, indexed, reproduced, and made available on a periodic basis.

(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, in its written decision, state that the advisory opinion is rendered.

Sec. 4. 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, and the Select Committee shall, to the extent practicable, provide for the secrecy of the proceedings of the Select Committee. The Select Committee shall, in its written decision, state that the advisory opinion is rendered.

Sec. 5. As used in this resolution, the term “officer 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, or any person who is, or who may be, employed by any person referred to in such subsection (a), who is retired or separated from the Senate, or who is a public employee of the United States or in any territory thereof who has served in the Senate or who is or has been a member of the Senate before retirement.

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or distribution of franked mail under section 3120, 3121, 3122, 3122(e) or 3124, and in connection with the operation of section 3125, title 39, United States Code. Upon the request of any Member of the Senate, or any Member-elect, surviving spouse of any of the foregoing, or any Senate official, entitled to receive franked mail under section 3120, 3121, 3122, 3122(e) or 3124, and in connection with the operation of section 3125, title 39, United States Code, the Select Committee shall prescribe regulations governing the proper use of the franking privilege under those sections.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, has occurred or is about to occur, shall be docketed and investigated subject to notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, shall conduct a hearing or other appropriate deletions to assure the privacy of the individual concerned.

(c) Any violations of title 39, United States Code, or any regulation of the Senate, any person who has been found to have committed or attempted to commit any such offense shall be subject to removal from the Senate or any other Senate official, entitled to receive franked mail under section 3120, 3121, 3122, 3122(e) or 3124, and in connection with the operation of section 3125, title 39, United States Code, shall be referred to the select committee.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions by such persons.

(e) The select committee shall, by general order, or otherwise, in the case of any employee of his office, furnish to the person so referred to in such subsection (a), who is retired or separated from the Senate, or who is a public employee of the United States or in any territory thereof who has served in the Senate or who is or has been a member of the Senate before retirement, a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate, except in the offices of the select committee or such other places as the committee may direct.
SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION.

SEC. 8. * * *

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

(2) The select committee may, under such regulations as the committee shall prescribe, 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, officer, or employee of the Senate received such information. No Member of the Senate, or no committee which, receives any information under this subsection shall release such information except in a closed session of the Senate.

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

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure of classified 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 any other action under section 3106 of this title (except the Vice President) and any Delegate to the Congress; and

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

(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 any governmental agency 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’ mean a device, medal, badge, insignia, emblem, or award rendered by, or received from, a foreign government;

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

(A) on January 1, 1981, and at 3 year intervals thereafter, ‘minimal value’ shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretaries, subject to subsection (a) or (b) of this section, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

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

(6) ‘employing agency’ means—

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

(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving ap- propriations or the payment) specified in subsections (c)(2)(A), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

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

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

(b) An employee may not—

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

(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d); and

(c)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for 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, subject to such terms and conditions as it may prescribe.

(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 An- chorage, or by the Secretary of the United States Senate. No such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, unless the Secretary of State, subject to such terms and conditions as it may prescribe, (A) to a agency or instrumentality of (i) the United States, (ii) a
Section or who fails to deposit or report such gifts; and

(b) Each employing agency shall—

(1) the name and position of the employee;

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

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

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

(5) Except for an adjudicatory hearing or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the Majority Party and one member of the Minority Party. During the transaction of business adjourned by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is a pending hearing at an earlier date, such notice will be given at the earliest possible time.

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

(7) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include both the verbatim transcript of that portion 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 by the witness, his or her counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by any witness in an 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 Procedures for Conducting Executive Session.)
(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, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 313, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(3) The determination of whether any person other than the Chairman or the Vice Chairman is authorized to make any report or recommendation with respect to a preliminary inquiry or adjudicatory review may be referred to the Committee in connection with any of its activities or proceedings may be released to any individual or group whether government or nongovernment, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 313, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(4) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(a) Any member of the Committee shall be deemed ineligible to participate in any Committee proceeding in other circumstances relating to a member of the Committee in a manner described in subparagraph (1) of this paragraph (k).

(b) The determination of whether any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review, and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review shall be deemed to be made solely by the member who is ineligible or disqualifies himself or herself from participating in such proceeding.

(c) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or disqualifies himself or herself from participating in any such proceedings from the member who is ineligible or disqualifies himself or herself from participating in such proceedings.

Rule 2: Procedures for Complaints, Allegations, or Information:

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

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

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

(2) anonymous or informal complaints;

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

(4) information reported by the news media; or

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

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

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

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

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

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

Rule 3: Procedures for Conducts A Preliminary Inquiry:

(a) DEFINITION OF PRELIMINARY INQUIRY: A “preliminary inquiry” is a proceeding undertaken by the Committee following the receipt of a complaint, an allegation of, or information about, misconduct by a Member, officer, or employee of the Senate pending before the Committee and the determination of a preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review, and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review shall be deemed to be made solely by the member who is ineligible or disqualifies himself or herself from participating in such proceedings.

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

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

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

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

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate by the Committee 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 designee to present, either in writing or in oral statement, to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing such 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) RECOMMENDATION: 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.

(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, and recommendation relating to such an admonitory letter of admonition may be made, except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW: An “adjudicatory review” is a proceeding under which the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the event 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 inquiry, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any respondent or known subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action or issue an order of restitution, or both. Pursuant to S. Res. 338, as amended, subsection (f), subsection (f) of this rule, the Committee may make any of the following recommendations for a hearing if it determines not to use outside counsel or if the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature.

(1) Any individual who is the subject of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal. 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 the Committee resolution may be made, except by the affirmative recorded vote of not less than four members of the Committee. The Committee shall promptly initiate an adjudicatory review in accordance with Rule 4.

No action may be taken by a Member, officer, or employee of the Senate that is subject to appeal to the Senate. The issuance of a letter of admonition, which shall not be considered discipline by the full Senate, and sub-
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 proceeding, adjudicatory hearing, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it begins an adjudicatory hearing; and any hearing which is possible and practicable. A hearing against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(b) SUBPOENA POWER: The Committee may by recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is possible and practicable. A hearing against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(c) ADJUDICATORY HEARINGS: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is possible and practicable. A hearing against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered by the Presiding Officer, or in his absence, by any Committee member.

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any matter to be conducted by it, in accordance with Rule 1(f).

(f) 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 or staff, in public or outside, may present his or her own testimony, and any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(A) Request to testify personally before the Committee to testify in his or her own behalf; or

(B) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may prevent the reading or display of decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) A list of proposed witnesses to be called at the hearing;

(ii) Copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) A brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in paragraphs (i) and (ii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents be exchanged under this subparagraph 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, the Committee may, by recorded vote of not less than four members of the Committee, direct the respondent to provide the information and documents described in paragraphs (i) and (ii) of subparagraph (A) to the Committee.

(E) With respect to witnesses called by a respondent, the information and documents described in subparagraph (A) shall be provided by the Committee to the witness if the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may submit additional sworn testimony for the record in any matter before the Committee written questions proposed to be asked by a witness or witness's counsel. 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 Vice Chairman acting jointly within five days after the testimony is received.

(3) OTHER HEARINGS: In any proceeding, adjudicatory hearings shall be conducted as provided in Rule 4(d).

(4) ADJUDICATORY HEARING PROCEEDINGS:

(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 paragraphs (i) and (ii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents be exchanged under this subparagraph 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, the Committee may, by recorded vote of not less than four members of the Committee, direct the respondent to provide the information and documents described in paragraphs (i) and (ii) of subparagraph (A) to the Committee.

(E) With respect to witnesses called by a respondent, the information and documents described in subparagraph (A) shall be provided by the Committee to the witness if the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may 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 Vice Chairman acting jointly within five days after the testimony is received.

(F) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence 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 evidence should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any proceeding involving allegations of sexual discrimination, including sexual harassment, sexual misconduct, a member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(D) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(E) TRANSCRIPTS: The Committee may approve by recorded vote of not less than four members of the Committee, any request for the transcrip
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) If a deposition is taken in public hearing which is closed to the public, each transcript shall be printed as soon as 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 Committee shall furnish each witness with a copy of the transcript at a location determined 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.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be administered the oath by an authorized officer of the United States, and such oath shall certify on the transcript that the witness to changes in this procedure.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed and 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 that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, who shall furnish with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee, in writing, any fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the Chairman or Vice Chairman make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee to participate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATES; MANDATORY RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, has occurred, it shall refer such possible violation to the proper Federal and state authorities.

(1) PEJRURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate, or to one or more of its standing or select committees, or to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, rule, or regulation which was in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the Select Committee on Ethics or on the merits by the Committee of Committees.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review, or other proceeding; or to investigating techniques and procedures used by the Select Committee.

(2) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review, or other proceeding; or to investigating techniques and procedures used by the Select Committee.

(b) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review, or other proceeding; or to investigating techniques and procedures used by the Select Committee.

(2) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review, or other proceeding; or to investigating techniques and procedures used by the Select Committee.

(3) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review, or other proceeding; or to investigating techniques and procedures used by the Select Committee.
(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the classified documents or materials available to any Member of the Senate who is not a Member of the Committee, or to a staff person of a Committee member in response to a specific request to which the request is made as well as the specific factual situation with respect to the conduct or proposed conduct of the person seeking the advisory opinion.

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 staff shall prepare a written advisory opinion proposing the coverage activities in an orderly and unobtrusive manner.

(b) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(c) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents’ Galleries.

(d) The Committee shall make available a written advisory opinion proposing the coverage by still photography to the press photographers’ gallery committee of the Senate.

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 staff or with the orderly process of the Committee members and staff, or with the orderly process of the meeting or hearing.

(b) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(c) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents’ Galleries.

(d) The Committee shall make available a written advisory opinion proposing the coverage by still photography to the press photographers’ gallery committee of the Senate.

(e) The Committee shall make available a written advisory opinion proposing the coverage by television and radio media and by still photography to members of the news media.

(f) Personnel providing coverage by television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: OPPORTUNITY FOR COMMENT

(a) Requests for an advisory opinion shall be directed in writing to the Chairman and Vice Chairman on behalf of the Committee members.

(b) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insulate confidentiality, and interest groups will be asked to submit their comments in writing to the Committee within ten days.

(c) All relevant comments received on a timely basis will be considered.
(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, and the rules may be relied upon by:

(A) Any person involved in any specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific facts involved;

(B) Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with paragraph (1) shall be subject to any sanction provided in subsection (a) or (b) of section 102 of the Ethics in Government Act of 1978, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying any rule or regulation of the Senate or any rule or regulation of the Senate within its jurisdiction.

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying any rule or regulation of the Senate or any rule or regulation of the Senate within its jurisdiction. The Committee may at any time, revise, withdraw, or elaborate on any advisory opinion.

(b) REQUEST FOR RULING: A request for such a ruling must be directed to the Committee for a ruling.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) it cannot be adopted;

(B) it requires an interpretation of a significant question of first impression; or

(C) either requests that it be taken to the Committee for a ruling, the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee may publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time, revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AFFIRMATIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the Code of Official Conduct, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate or any rule or regulation of the Senate within its jurisdiction.

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by an interpretation of the Code of Official Conduct, the Code of Official Conduct, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate or any rule or regulation of the Senate within its jurisdiction.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the Committee shall notify the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 102(a)(2)(D) of the Ethics in Government Act of 1978, as amended, authorizes the Committee to grant a waiver of the requirements of the Code of Official Conduct, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying any rule or regulation of the Senate or any rule or regulation of the Senate within its jurisdiction.

(b) REQUESTS FOR WAIVERS: A request for a waiver under any of the provisions of paragraph (a) shall be made in writing and must specify the nature of the request and the facts alleged to justify a waiver. In the case of a request submitted by an employee, the request shall be in writing and must specify the nature of the request and the facts alleged to justify a waiver. In the case of a request submitted by an employee, the request shall be in writing and must specify the nature of the request and the facts alleged to justify a waiver.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 14: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in this chapter, the term "officer or employee" means:

(1) An employee of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee of the Senate, or any committee of the Senate, and any person employed by the official reporters of the Senate in connection with the performance of their official duties;

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

(4) An employee of the Secretary of the Senate, whose compensation is disbursed by the Secretary of the Senate;

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

(6) An employee of the Senate, whose compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Senate; or

(8) Any officer or employee of any department or agency of the Federal Government whose compensation is full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XII(3) of the Standing Rules of the Senate.

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

(2) Each member of the staff shall be professional and demonstrate 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 retained or appropriate for any action regarding any
complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by an officer or employee of the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review governed by this rule, or conduct any investigation, review, or other proceeding, which in the determination of the Committee, is more appropriate to be conducted by an officer or employee of the Government of the United States as a regular employee. The Committee, by a vote of not less than fourteen calendar days may be closed to the public on a committee or a subcommittee thereof. Paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate shall be applicable to the conduct of any meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof. The following procedures for the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 1st Session, Section 2(a), that a subcommittee of S. Res. 110 (April 11, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except for any act, relationship, or transaction which was in effect prior to the enactment of the Senate Code of Official Conduct, rule, or regulation which was in effect before the violation was not a violation of law, was in effect before the enactment of the Senate Code of Official Conduct, rule, or regulation which in the determination of the Select Committee shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law of the Committee or subcommittee thereof, which is required to be kept secret in the interest of national defense or the confidential conduct of the foreign relations of the United States; and

(b) Senate Resolution 338, 88th 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 notice when written notice of the proposed change has been provided each member of the Committee.

During the tenure of the Select Committee on Ethics, the Committee staff or outside counsel may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chair and Vice Chair, or jointly, shall approve the dismissal of any staff member.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chair and Vice Chair, or jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general supervision of the Chair, Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that the notice or call is made by a Senator. When the Committee finds it necessary to maintain order, he shall take such action as he deems necessary to prevent undue injury to the interests of the Committee. The Chair may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chair and Vice Chair, or jointly, shall approve the dismissal of any member of the Committee.

(f) PUBLIC LAW 95–105, SECTION 515, RELATING TO THE USE OF THE MAIL FRANKING PRIVILEGE BY SENATORS, OFFICIALS, CITIZENS, AND EMPLOYEES OF THE UNITED STATES AS A REGULAR EMPLOYEE.

(g) PREAMBLE TO SENATE RESOLUTION 266, 90TH CONGRESS, 1ST SESSION, SECTION 2(A), THAT A SUBCOMMITTEE OF S. RES. 110 (APRIL 11, 1977), AND AS AMENDED BY SECTION 3 OF S. RES. 222 (1999), PROVIDES:

(h) THE CODE OF ETHICS FOR GOVERNMENT SERVICE, H. CON. RES. 175, 85TH CONGRESS, 2D SESSION, JULY 11, 1958 (72 STAT. B12). EXCEPT FOR ANY ACT, RELATIONSHIP, OR TRANSACTION WHICH OCCURRED PRIOR TO THE EFFECTIVE DATE OF THE APPLICABLE PROVISION OF THE CODE. THE SELECT COMMITTEE MAY INITIATE AN ADJUDICATORY REVIEW OF ANY ALLEGED VIOLATION OF A RULE OR LAW OF THE COMMITTEE OR SUBCOMMITTEE THEREOF, WHICH IS REQUIRED TO BE KEPT SECRET IN THE INTERESTS OF NATIONAL DEFENSE OR THE CONFIDENTIAL CONDUCT OF THE FOREIGN RELATIONS OF THE UNITED STATES; AND...
Annual Report of the Select Committee on Ethics, 115th Congress, First Session

The Honorable Joseph E. Kennedy III, Chairman, Senate Select Committee on Ethics, 115th Congress, First Session

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 each year. The Committee, on non-legislative matters, has authorized the Chairman to set the agenda for the Committee meeting in consultation with other Members of the Committee.

Members of the Committee have received a number of inquiries for advice about the ethics rules. A total of 1,580 inquiries were received. Of these, 340 were by email for ethics advice and 1,240 were by telephone inquiries and messages. The Committee decided to expand its activities for the preceding year. These include the development of ethics seminars and customized briefings for training sessions (includes one remedial training session, which the Committee conducted for newly elected Members). In 2016, the Committee received 3,198 public inquiries which the Committee staff conducted a preliminary inquiry: 5. (This figure includes 2 matters from the previous year carried into 2016.)

In 2016, the Committee wrote approximately 3,198 public inquiries which the Committee staff conducted a preliminary inquiry: 5. (This figure includes 2 matters from the previous year carried into 2016.)

In 2016, the Committee conducted one trial: 1. The Committee conducted one trial: 1. 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. The decision of the Chairman or the Majority Staff Director, or the Minority Chief Counsel. Preliminary inquiries may be undertaken by the Majority Staff Director or the Minority Chief Counsel. Preliminary inquiries may be undertaken by the Majority Staff Director or the Minority Chief Counsel. Investigations may be undertaken with the approval of the Chairman and the Ranking Minority Member with notice of such approval to all Members of the Subcommittee.

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 designated by him or her, with notice to the Ranking Minority Member.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This material was ordered to be printed in the RECORD, as follows:

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 therefor to the Clerk, and on or before that date the requested special meeting is to be held within 7 calendar days after the filing of such request, a special meeting will be held which the Committee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony in any given case or subject matter.

5. For public or executive sessions, one Member of the minority shall be present during the testimony of a witness at any public or executive hearings; nor shall this rule be construed as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Majority Member of the Subcommittee that such hearing may request the Sergeant at Arms of the Senate, his or her representative, or any law enforcement official to eject any person from the hearing room.

6. 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 rights; provided, however, that in the case of one who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, or corporation or association, or by counsel representing another witness, creates a conflict of interest, and that the witness may only be represented during interrogation by Subcommittee staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, association, or personal counsel not representing another witness. This rule shall not be construed to exempt a witness from testifying in the event he or she is represented by counsel other than himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearing; nor shall the Chairman, the Clerk, or the Chief Counsel be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from testifying in compliance with subpoena or deposition notice.


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

9.2 Counsel. Witnesses may be accompanied at a deposition by an attorney at law to administer oaths. Questions shall be propounded orally by Subcommitteee staff. Objections to the form in which 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 of his or her personal safety, distraction, harassment, or waiver of privileges under their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined under oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommitteee staff. Objections to the form in which 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 of his or her personal safety, distraction, harassment, or waiver of privileges under their legal rights, subject to the provisions of Rule 8.

9.4 Filing. The Subcommitteee staff shall see that the transcript is transcribed or electronically recorded. If it is transcribed, the transcript shall be filed 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 transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommitteee clerk. Subcommitteee staff may stipulate 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. 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 at least thirty (30) days prior to the time at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommitteee 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, audiovisual and electronic devices be removed from the witness box or her. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

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 in written or oral form, or in closed or open session, shall be available for inspection by the witness or his or her counsel under Subcommitteee supervision; a copy of any testimony recorded in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be available to the witness at his or her expense if he or she so requests.
MACHINERY. 

BEFORE THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS TO INVESTIGATE THE STATE OF BAHRAIN.

S1494 CONGRESSIONAL RECORD — SENATE February 28, 2017

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 Majority Member of the Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, no subpoena shall be issued for at least 48 hours from the date of the delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chair authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

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.

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.

There being no 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 shall constitute a quorum for the transaction of business other than the administering of oaths and the taking of testimony, provided that one Member of the minority 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 for the production of books, papers, documents, and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him or her, or by a staff officer designated by the Chairman or any other Member of the Subcommittee, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member when the Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue a subpoena immediately.

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.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

(The message received today is printed at the end of the Senate proceedings.)
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 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 values 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.

Then, all too often, the same kind of mentality that turned the world upside down during the Great Depression, shifted beneath our feet. The rebellion started as a quiet 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.

But then the voices became a loud chorus—as thousands of citizens now spoke out together, from cities small and large, all across our country.

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 billions 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 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.
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 principles.

We cannot allow a headchead of terrorism to form inside America—we cannot allow our Nation to become a sanctuary for extremists. That is why my Administration has been working on improved vetting procedures, and we will shortly take new steps to keep our Nation safe—and to keep out those who would do us harm.

As promised, I directed the Department of Defense to develop a plan to demolish and destroy ISIS—a network of lawless savages that have slaughtered Muslims and Christians, and men, women, and children of all faiths and beliefs. We will work with our allies, including our friends and allies in the Muslim world, to extinguish this vile enemy from our planet.

I have also imposed new sanctions on entities and individuals who support Iran’s ballistic missile program, and reaffirmed our unbreakable alliance with the State of Israel.

Finally, I have kept my promise to appoint a Justice to the United States Supreme Court—from my list of 20 judges—who will defend our Constitution. I am honored to have Maureen Scalia with us in the gallery tonight. Her late, great husband, Antonin Scalia, will forever be a symbol of American justice. To fill his seat, we have chosen Judge Neil Gorsuch, a man of incredible skill, and deep devotion to the law. He was confirmed unanimously to the Court of Appeals, and I am asking the Senate to swiftly approve his nomination.

Tonight, as I outline the next steps we must take as a country, we must honestly acknowledge the circumstances we inherited.

Ninety-four million Americans are out of the labor force. Over 43 million people are now living in poverty, and over 43 million Americans are on food stamps.

More than 1 in 5 people in their prime working years are not working.

We have the worst financial recovery in 65 years.

In the last 8 years, the past Administration has put on more new debt than nearly all other Presidents combined.

We’ve lost more than one-fourth of our manufacturing jobs since NAFTA was approved, and we’ve lost 60,000 factories since China joined the World Trade Organization in 2001.

Our trade deficit in goods with the world last year was nearly $800 billion dollars.

Nations around the world, like Canada, Australia and many others—have a merit-based immigration system. It is a basic principle that those seeking to enter a country ought to be able to support themselves financially. Yet, in America, we do not enforce this rule, straining the very public resources that our poorest citizens rely upon. According to the National Academy of Sciences, our current immigration system costs America’s taxpayers many billions of dollars a year.

But to accomplish our goals at home and abroad, we must restart the engine of the American economy—making it easier for companies to do business in the United States, and much harder for companies to leave.

Right now, American companies are taxed at one of the highest rates anywhere in the world.

Economic team is developing historic tax reform that will reduce the corporate tax rate so they can compete and thrive anywhere and with anyone. At the same time, we will provide massive tax relief for the middle class.

We must create a level playing field for American companies and workers.

Currently, when we ship products out of America, many other countries make us pay very high tariffs and taxes—but when foreign companies ship their products into America, we charge them almost nothing.

I just met with officials and workers from a great American company, Harley-Davidson. In fact, they proudly displayed five of their magnificent motorcycles, made in the USA, on the front lawn of the White House.

At our meeting, I asked them, how are you doing, how is business? They said that it’s good. I asked them further how they are doing with other countries, mainly international sales. They told me—without even complaining because they have been mistreated for so long that they have become used to it—that it is very hard to do business with other countries because they tax our goods at such a high rate. They said that in one case another country taxed their motorcycles at 100 percent.

They weren’t even asking for change.

But I am.

I believe strongly in free trade but it also has to be FAIR TRADE.

The first Republican President, Abra- ham Lincoln, warned that the “abandonment of the protective policy by which our Government [will] produce want and ruin among our people.”

Lincoln was right—and it is time we heeded his words. I am not going to let America and its great companies and workers, be taken advantage of anymore.

I am going to bring back millions of jobs. Protecting our workers also means reforming our system of legal immigration. An outdated system depresses wages for our poorest workers, and puts great pressure on taxpayers.

Nations around the world, like Can- ada, Australia and many others—have a merit-based immigration system. It is a basic principle that those seeking to enter a country ought to be able to support themselves financially. Yet, in America, we do not enforce this rule, straining the very public resources that our poorest citizens rely upon. According to the National Academy of Sciences, our current immigration system costs America’s taxpayers many billions of dollars a year.

Switching away from this current system of lower-skilled immigration, and instead adopting a merit-based system, will have many benefits: it will save countless dollars, raise workers’ wages, and help struggling families—especially immigrant families—enter the middle class.

Another Republican President, Dwight D. Eisenhower, initiated the last truly great national infrastructure program—the building of the interstate highway system. And that is what we have come for a new program of national rebuilding.

America has spent approximately six trillion dollars in the Middle East, all this while 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.

Tonight, 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.

Obamacare 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 consumers 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 imploding 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 Governors 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 all of us.

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 advantages, 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 will 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 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 distrust and 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.

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, Jenny 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 Jenny 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.

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 military, and kills 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.

We 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 moral 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 seek 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.

How fitting, 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. In 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.

Think of the marvels we can achieve if we simply set free the dreams of our people.

Cures to illnesses that have always plagued us are not too much to hope.

American footprints on distant worlds are not too big a dream.

When we have all of this, we will have made America greater than ever before. For all Americans.

This is our vision. This is our mission.

But we can only get there together. We are one people, with one destiny. We all bleed the same blood. We all salute the same flag. And we are all made by the same God.

And when we fulfill this vision; when we celebrate our 250 years of glorious freedom, we will look back on tonight as when this new chapter of American Greatness began.

The time for small thinking is over. The time for trivial fights is behind us. We just need the courage to share the dreams that fill our hearts. 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 burdened 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 announced that the House has 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 Parkers’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 Coltsville National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

MESSURES DISCHARGED

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

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.

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, the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Thiamethoxam; Pesticide Tolerance” (FRL No. 9957–00) 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–845. 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;
EC-856. 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 undermining democratic processes 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-857. A communication from the Chair of the Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-858. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Strategic and Critical Materials 2017 Report on Stockpile Requirements"; to the Committee on Armed Services.


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 domestic and foreign purchases from foreign entities; to the Committee on Armed Services.

EC-861. A communication from the Principal Civilian Deputy 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, the report of the Navy Reserve Forces Policy Board for 2016; to the Committee on Armed Services.

EC-862. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Annual Report of the Reserve Forces Policy Board for 2016; 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 13662 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 13685 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

Requirements; Delay of Effective Date’’ (RIN0929- AA99) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Homeland Security and Governmental 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 Venezuela that was originally declared in Executive Order 13685 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.
S1500

CONGRESSIONAL RECORD — SENATE
February 28, 2017

EC-875. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–619, “Campaign Finance Re-
form and Modernization Act of 2016”; to the
Committee on Homeland Security and Govern-
mental Affairs.

EC-876. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–645, “Certified Business Enter-
preneur and Small Business Development Lo-
gislation Amendment Act of 2016”; to the
Committee on Homeland Security and Gov-
ernmental Affairs.

EC-877. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–644, “Healthy Public Build-
ings Act of 2016”; to the Committee on
Homeland Security and Governmental Af-
fairs.

EC-878. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–660, “Youth Services Coordi-
nation Task Force Temporary Amendment Act
of 2016”; to the Committee on Homeland Secu-
rit y and Governmental Affairs.

EC-879. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–682, “Chancellor of the Dis-
trict of Columbia Public Schools Salary and
Benefits Authorization Temporary Amend-
ment Act of 2017”; to the Committee on
Homeland Security and Governmental Af-
fairs.

EC-880. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–683, “Pharmaceutical Detail-
ing License Exemption Temporary Amend-
ment Act of 2017”; to the Committee on
Homeland Security and Governmental Af-
fairs.

EC-881. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–687, “Fisheries and Wildlife
Omnitius Amendment Act of 2016”; to the
Committee on Homeland Security and Gov-
ernmental Affairs.

EC-882. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–687, “Stun Gun Regulation
Amendment Act of 2017”; to the Committee
on Homeland Security and Governmental Af-
fairs.

EC-883. A communication from the Chair-
man of the Council of the District of Colum-
bia, transmitting, pursuant to law, a report
on D.C. Act 21–675, “Firearms and Wildlife
Nature and Omnibus Amendment Act of 2016”; to the
Committee on Homeland Security and Gov-
ernmental Affairs.

EC-884. A communication from the Deputy
Chief Information Security Officer, Depart-
ment of Homeland Security, transmitting,
pursuant to law, a report on November 2, 2015
Federal Information Security Management Act
(FISMA) and Agency Privacy Management
Report; to the Committee on Homeland Secu-
rit y and Governmental Affairs.

EC-885. A communication from the Secre-
tary of the Commission, Bureau of Com-
petition, Federal Trade Commission, trans-
mitting, pursuant to law, the report of a rule
titled “Revised Jurisdictional Thresholds
for Section 7A of the Clayton Act” received in
the hands of the President of the Senate on
February 15, 2017; to the Committee on
the Judiciary.

EC-886. A communication from the Chief of
Staff, National Intelligence Coordinations
Commission, transmitting, pursuant to law,
the report of a rule entitled “Amend-
ment of Section 73.202(b), FM Table of Allot-
ments, FM Broadcast Stations (Roma and
San Isidro, Texas)” ((MB Docket No. 08–142
(DA 17–124)) received in the office of the
President of the Senate on February 17, 2017;
to the Committee on Commerce, Science,
and Transportation.

EC-887. A communication from the Acting
Administrator, Department of Homeland Secu-
rit y, transmitting, pursuant to law, a re-
port relative to the Administration’s deci-
sion to enter into a contract with a private
security screening company to provide
screening services at Joe Foss Field Sioux
Falls Regional Airport (FSF); to the Com-
mittee on Commerce, Science, and Transpor-
tation.

EC-888. A communication from the Chief of
Staff, Media Bureau, Federal Communica-
tions Commission, transmitting, pursuant to
law, the report of a rule entitled “Revisions
to Public Inspection File Requirements—
BroadcastCorrespondence File and Cable
Principal Headend Location” ((MB Docket
No. 16–161) (FCC 17–3)) received during
adjournment of the Senate in the Office of
the President of the Senate on February 22, 2017;
to the Committee on Commerce, Science,
and Transportation.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolu-
tions were introduced, read the first
and second times by unanimous con-
sent, and referred as indicated:

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

S. 462. A bill to require the Securities and
Exchange Commission to refund or credit
certain excess payments made to the Com-
mission; to the Committee on Banking,
Housing, and Urban Affairs.

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

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

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

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

By Mr. ROUNDS:

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

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

S. 466. A bill to clarify the description of
certain Federal land under the Northern Ar-
izona 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 Re-
sources.

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 pur-
poses; to the Committee on Energy and Nat-
ural Resources.

By Mr. FLAKE (for himself, Mr.
MCCAIN, Mr. HELLER, 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 Re-
sources.

By Mr. SANDERS (for himself, Mr.
BOOKER, Mr. CASEY, Mr. HINCHLIFF,
Mr. KING, Mr. WHITEHOUSE, Ms. KLO-
HUGHER, Mrs. GILLIBRAND, Mr. BROWN,
Mr. REED, Mr. BUCSHON, Mr. BALD-
WIN, Mr. HARRIS, Mr. UDALL, Ms.
STABENOW, Mrs. SHAHEEN, Ms. CANT-
WELL, 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 im-
portation of affordable and safe drugs by
wholesale distributors, pharmacies, and indi-
viduals; to the Committee on Health, Edu-
cation, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. WYDEN, Mr. BROWN, Ms. STABENOW,
Mrs. MURRAY, Mr. CARDIN, and Mr.
MENENDEZ):

S. 470. A bill to amend the Internal Rev-
eue 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:

S. 471. A bill to preserve State authority
to regulate carriers providing air ambu-
care 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 Af-
fairs.

By Mr. TESTER (for himself, Mr.
FRANKEN, Mr. VAN HOLLEN, Mr. HAS-
SAN, and Mr. NYN):

S. 473. A bill to amend title 38, United
States Code, to make qualification require-
ments for entitlement to Post-9/11 Education
Assistance more lenient; to provide sup-
port 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. BOOMAN):

S. 474. A bill to provide condition assistance
to the West Bank and Gaza on steps by the Pales-
tinian Authority to end violence and ter-
rorism against Israeli citizens; to the Com-
mittee on Foreign Relations.

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

S. 475. A bill to increase research, edu-
cation, and treatment efforts for congenital
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. DURbin (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 ef-
forts and to improve public education and
awareness of congenital heart disease, and
for other purposes; to the Committee on

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

S.J. Res. 25. A joint resolution providing
for congressional disapproval under chapter 8
of the 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. BUSTEY): 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 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; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself, Mr. BARRASSO, Mr. WHITEHOUSE, Ms. WAREN, Mr. MARKSY, Mr. COONS, Mr. WICKER, Mr. VAN HOLLEN, Ms. STABENOW, Mrs. FEINSTEIN, Ms. KLOBUCAR, Mr. HATCH, and Mr. BOOKER): S. Res. 73. A resolution designating February 28, 2017, as "Rare Disease Day"; considered and agreed to.

ADDITIONAL COSPONSORS

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.

At the request of Mr. HELLER, 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.

At the request of Mr. BOOKER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 329, a bill to place restrictions on the use of solitary confinement for juveniles in Federal custody.

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 340, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Hampshire (Ms. SHAYHAN) were added as cosponsors of S. 341, a bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes.

At the request of Mr. WHITEHOUSE, the names of the Senator from Minnesota (Ms. KLOBUCAR) 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.

At the request of Mr. CARPO, 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 permanently extend the railroad track maintenance credit.

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. 422, a bill to amend title III, 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.

At the request of Mr. BLUNT, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 438, 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.

At the request of Ms. Collins, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of 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.

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 446, a bill to allow reciprocity for the carrying of certain concealed firearms.

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to count resident time spent in a critical access hospital as resident time spent in a non-acute care facility for purposes of making Medicare direct and indirect graduate medical education payments.

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. McCAIN) was added as a cosponsor of S. 459, a bill to designate the area between the intersections of Wisconsin Avenue, Northwest and Davis Street, Northwest and Wisconsin Avenue, Northeast and North 16th Street, Northeast and North 15th Street, Northeast, as “Boris Nemtsov Plaza”, and for other purposes.

At the request of Mr. HIRONO, the names of the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 70, a resolution recognizing the 75th anniversary of Executive Order 9066 and the establishment of the Japanese American National Historic Sites Act of 2000, and calling upon the Secretary of Interior to ensure that the internment sites are properly maintained.

At the request of Ms. HIRONO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of 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.

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 446, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 459

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. McCAIN) was added as a cosponsor of S. 459, a bill to designate the area between the intersections of Wisconsin Avenue, Northwest and Davis Street, Northwest and Wisconsin Avenue, Northeast and North 16th Street, Northeast and North 15th Street, Northeast, as “Boris Nemtsov Plaza”, and for other purposes.

At the request of Mr. HIRONO, the names of the Senator from Illinois (Ms. DUCKWORTH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 70, a resolution recognizing the 75th anniversary of Executive Order 9066 and the establishment of the Japanese American National Historic Sites Act of 2000, and calling upon the Secretary of Interior to ensure that the internment sites are properly maintained.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

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.

SEC. 1. SHORT TITLE.

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 MEDI CARE PROGRAM TO IMPROVE QUALITY OF CARE AND COST EFFECTIVENESS.

Title XVIII of the Social Security Act is amended by inserting after section 1866E(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 a national Oncology Medical Home Demonstration Project (in this section referred to as the ‘demonstration project’) to make payments in the amounts specified in this section to each participating oncology practice (as defined in subsection (b)).

"(b) DEFINITION OF PARTICIPATING ONCOLOGY 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, in accordance with subsection (d), to participate in the demonstration project; and

"(3) is owned by a physician, or is owned by or affiliated with a hospital, that submitted a claim for payment in the prior year for an item or service for which payment may be made under part B.

"(c) APPLICATION TO PARTICIPATE.—An application by an oncology practice to participate in the demonstration project shall include an attestation to the Secretary that the practice—

"(1) furnishes physicians’ services for which payment may be made under part B;

"(2) coordinates oncology services furnished to an individual by practitioners (including oncology nurses) inside or outside the practice in order to ensure that each such individual receives coordinated care;

"(3) meaningfully uses electronic health records;

"(4) will, not later than one year after the date on which the practice commenced 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;

"(5) will repay all amounts paid by the Secretary to the practice under 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’s agreement period for the demonstration project begins, as determined by the Secretary, submit an application to an entity described in paragraph (4) for accreditation as an Oncology Medical Home in accordance with such paragraph;

"(6) will, for each year in which the demonstration project is conducted, report to the Secretary, in such form and manner as is specified by the Secretary, on—

"(A) the performance of the practice with respect to measures described in subsection (e) as determined by the Secretary, subject to subsection (e)(1)(B); and

"(B) the experience of care of individuals who are furnished services by the practice for which payment may be made under part B, as measured by a patient experience of care survey based on the Consumer Assessment of Healthcare Providers and Systems survey or by such similar survey as the Secretary determines appropriate;

"(7) agrees not to receive the payments described in clauses (1) and (2) of subsection (f)(1)(B)(iii) in the case that the practice does not report to the Secretary in accordance with paragraph (6) with respect to performance of the practice during the 12-month period beginning on the date on which the practice’s agreement period for the demonstration project begins, as determined by the Secretary;

"(8) will, for each year of the demonstration project, meet the standards developed under subsection (e)(4)(B) with respect to each of the measures on which the practice has agreed to report under paragraph (6); and

"(9) has the capacity to utilize shared decision-making tools that facilitate the incorporation of the patient needs, preferences, and circumstances of an individual into the treatment options available to the individual based on the full range of test and treatment options available to the individual.

"(d) SELECTION OF PARTICIPATING PRACTICES.—

"(1) IN GENERAL.—The Secretary shall, not later than 15 months after the date of the enactment of this section, select oncology practices that submit an application to the Secretary under section (b) to participate in the demonstration project.

"(2) MAXIMUM NUMBER OF PRACTICES.—In selecting an oncology practice to participate in the demonstration project under this section, the Secretary shall ensure that the participation of such oncology practice in the demonstration project does not, on the date on which the practice commences participation in the demonstration project—

"(A) increase the total number of practices participating in the demonstration project to a number that is greater than 1,500 oncologists (or such number as the Secretary determines appropriate); or

"(B) increase the total number of oncologists who participate in the demonstration project to a number that is greater than 1,500 oncologists (or such number as the Secretary determines appropriate).

"(3) DIVERSITY OF PRACTICES.—

"(A) IN GENERAL.—Subject to subparagraph (B), in selecting oncology practices to participate in the demonstration project under this section, the Secretary shall, to the extent practicable, include in such selection—

"(i) small-, medium-, and large-sized practices; and

"(ii) practices located in different geographic areas.

"(B) INCLUSION OF SMALL ONCOLOGY PRACTICES.—In selecting oncology practices to participate in the demonstration project under this section, the Secretary shall, to the extent practicable, ensure that at least 20 percent of the participating practices are small oncology practices (as determined by the Secretary).

"(4) PENALTY FOR CERTAIN OUTFILS BY PRACTICES.—In the case that the Secretary selects an oncology practice to participate in the demonstration project under this section that has agreed to participate in a model established under section 1115A for oncology services, such practice may not be assessed a penalty for electing not to participate in such model if the practice makes such election.

"(5) IN General.—

"(A) prior to the receipt by the practice of any payment for such model that would not otherwise be paid under the terms of such model; and

"(B) in order to participate in the demonstration project under this section.

"(6) MEASURES.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), in selecting oncology practices to participate in the demonstration project under this section, the Secretary shall, to the extent practicable, ensure that at least 20 percent of the participating practices are small oncology practices (as determined by the Secretary).

"(B) PENALTY FOR CERTAIN OUTFILS BY PRACTICES.—In the case that the Secretary selects an oncology practice to participate in the demonstration project under this section that has agreed to participate in a model established under section 1115A for oncology services, such practice may not be assessed a penalty for electing not to participate in such model if the practice makes such election.

"(C) IN General.—

"(A) prior to the receipt by the practice of any payment for such model that would not otherwise be paid under the terms of such model; and

"(B) in order to participate in the demonstration project under this section.

"(D) MEASURES.—

"(1) DEVELOPMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), in selecting oncology practices to participate in the demonstration project under this section, the Secretary shall, to the extent practicable, ensure that at least 20 percent of the participating practices are small oncology practices (as determined by the Secretary).

"(B) PENALTY FOR CERTAIN OUTFILS BY PRACTICES.—In the case that the Secretary selects an oncology practice to participate in the demonstration project under this section that has agreed to participate in a model established under section 1115A for oncology services, such practice may not be assessed a penalty for electing not to participate in such model if the practice makes such election.

"(C) IN General.—

"(A) prior to the receipt by the practice of any payment for such model that would not otherwise be paid under the terms of such model; and

"(B) in order to participate in the demonstration project under this section.

"(D) MEASURES.—

"(1) DEVELOPMENT.—
(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 overly burdensome 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:

(A) PATIENT CARE MEASURES.—

(i) The percentage of such individuals who receive documented clinical or pathologic staging prior to initiation of a first course of cancer treatment.

(ii) The percentage of such individuals who undergo advanced imaging and have been diagnosed with stage I or II breast cancer.

(iii) The percentage of such individuals who have been diagnosed with stage I or II prostate cancer.

(iv) The percentage of such individuals who, prior to receiving cancer treatment, had their performance status assessed by the practice.

(v) The percentage of such individuals who—

(A) undergo treatment with a chemotherapy regimen provided by the practice;

(B) have at least a 20-percent risk of developing febrile neutropenia due to a combination of regimen risk and patient risk factors; and

(C) have received from the practice either G-CSF or white cell growth factor.

(vi) 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.

(vii) With respect to such individuals who receive chemotherapy treatment from the practice, the percentage of such individuals so treated who receive a treatment plan prior to the administration of such chemotherapy.

(viii) With respect to chemotherapy treatments administered to such individuals by the practice, the percentage of such treatments that adhere to guidelines published by the National Comprehensive Cancer Network or such other entity as the Secretary determines appropriate.

(ix) With respect to antiemetic drugs dispensed by the practice to individuals as part of moderately or highly emetogenic chemotherapy regimens, the extent to which such drugs are administered in accordance with evidence-based guidelines or pathways that are compliant with guidelines established by the National Comprehensive Cancer Network or such other entity as the Secretary determines appropriate.

(B) RESOURCE UTILIZATION MEASURES.—

(i) 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, the percentage of such individuals that are associated with qualified cancer diagnoses of the individuals.

(ii) With respect to each participating oncology practice for a year by such individuals who have been diagnosed with stage I through IV breast cancer.

(iii) Survival rates for such individuals who have been diagnosed with stage I through IV colorectal cancer.

(iv) With respect to such individuals who receive chemotherapy treatment from the practice, the percentage of such individuals who received psychological screening.

(D) END-OF-LIFE CARE MEASURES.—

(i) The number of times that such an individual received 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) With respect to such individuals who have a stage IV disease and have received treatment for such disease 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 another health care provider who is a member of the cancer care team of the practice.

(iii) With respect to such an individual who is referred to 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 number of days that the individual receives hospice care prior to the death of the individual.

(iv) 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.

(E) MODIFICATION OR ADDITION OF MEASURES.—

(A) IN GENERAL.—The Secretary may, in consultation with appropriate stakeholders, modify, replace, remove, or add to the measures described in paragraph (2).

(B) AMOUNT OF PAYMENT.—For purposes of subparagraph (A), the term ‘appropriate stakeholders’ includes oncology societies, oncologists who furnish oncology services, oncology practices for which payment may be made under part B, allied health professionals, health insurers that have implemented alternative payment models for oncology services, patients and organizations that represent patients, and biopharmaceutical and other medical technology manufacturers.

(F) PAYMENTS FOR PARTICIPATING ONCOLOGY PRACTICES AND ONCOLOGISTS.—

(1) PERFORMANCE INCENTIVE PAYMENTS.—

(A) IN GENERAL.—The Secretary shall, in consultation with the appropriate stakeholders described in paragraph (3)(B) in a manner determined by the Secretary, develop performance standards with respect to:

(i) each of the measures described in paragraph (2), including those measures as modified or added under paragraph (3); and

(ii) the patient experience of care on which participating oncology practices agree to report to the Secretary under subsection (c)(7).

(B) AMOUNT OF PAYMENT.—The care coordination management fee described in subparagraph (A) shall be paid to a participating oncology practice for each of the following periods:

(1) 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.

(2) 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.

(3) The period that ends 24 months after the date on which the practice’s agreement period for the demonstration project begins, as determined by the Secretary.

(C) SOURCE OF PAYMENTS.—Performance incentive payments made to participating oncology practices under subparagraph (A) for each of the years of the demonstration project described in subparagraph (B) shall be paid from the aggregate pool available for making payments for each such year determined under paragraph (D), as available for each such year.

(D) AGGREGATE POOL AVAILABLE FOR MAKING PAYMENTS.—With respect to each of the years of the demonstration project described in subparagraph (B), the aggregate pool available for making performance incentive payments—
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 attributed to participating oncology practices if the demonstration project had not been implemented exceeds such aggregate expenditures for such individuals for such year of the demonstration project;

(ii) calculating the amount that is half of the amount determined under clause (i); and

(iii) subtracting from the amount calculated under clause (ii) the total amount of payments made under paragraph (i) that have been subtracted from this clause, previously been so subtracted from a calculation made under clause (ii).

(E) AMOUNT OF PAYMENTS TO INDIVIDUAL PRATICES THAT MEET PERFORMANCE STANDARDS AND ACHIEVE SAVINGS.—

(I) PAYMENTS ONLY TO PRACTICES THAT MEET PERFORMANCE STANDARDS.—The Secretary may not make performance incentive payments to a participating oncology practice under subparagraph (A) with respect to a year of the demonstration project described in subsection (e)(3)(B) unless the practice meets or exceeds the performance standards developed under subsection (e)(4)(B) for the year with respect to—

(1) the measures on which the practice has agreed to report to the Secretary under subsection (c)(6)(A); and

(2) the patient experience of care on which the practice has agreed to report to the Secretary under subsection (c)(6)(B).

(II) CONSIDERATION OF PERFORMANCE ASSESSMENT.—The Secretary shall, in consultation with appropriate stakeholders described in subsection (e)(3)(B) in a manner determined by the Secretary, determine the amount of a performance incentive payment to a participating oncology practice under subparagraph (A) for a year of the demonstration project described in subparagraph (B). In making a determination under the preceding sentence, the Secretary shall take into account the performance assessment of the practice under subsection (e)(4)(A) with respect to the year and the aggregate pool available for distribution for the demonstration project determined under subparagraph (D), as available for such year.

(III) ISSUE OF GUIDANCE.—Not later than the date that is 12 months after the date of the enactment of this section, the Secretary shall issue guidance detailing the methodology that the Secretary will use to implement subparagraphs (D) and (E) of paragraph (2)."
SEC. 3. CONGENITAL HEART DISEASE RESEARCH.

Section 425 of the Public Health Service Act (42 U.S.C. 232b–8) is amended by adding the end the following:

“(d) Report on NIH.—Not later than 1 year after the date of enactment of the Congenital Heart Futures Reauthorization Act of 2017, the Director of NIH, acting through the Director of the Institute, shall provide a report to Congress—

“(1) outlining the ongoing research efforts of the National Institutes of Health regarding congenital heart disease; and

“(2) identifying—

“(A) future plans for research regarding congenital heart disease; and

“(B) the areas of greatest need for such research.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 71—EXPressing the sense of the Senate that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation

Mr. McCain for himself and Mr. Booker submitted the following resolution; which was referred to the Committee on the Judiciary:

The Senate urged and respectfully requests that the President do all that may be necessary to ensure that:

(1) celebrates the history of the Detroit River with a 16-year commemoration of the Underground Railroad Memorial Monument, comprised of the Gateway to Freedom Monument in Windsor, Ontario, and the Tower of Freedom Monument in Detroit, Michigan.

(2) supports the official recognition, by national and international entities, of the Detroit River as an area of historic importance.

The Senate urged and respectfully requests that the President do all that may be necessary to ensure that:

Resolved, That the Senate—

(1) celebrates the history of the Detroit River with a 16-year commemoration of the Underground Railroad Memorial Monument, comprised of the Gateway to Freedom Monument in Windsor, Ontario, and the Tower of Freedom Monument in Detroit, Michigan; and

(2) supports the official recognition, by national and international entities, of the Detroit River as an area of historic importance.

Whereas the deep roots that slaves, refugees, and immigrants to Canada from the United States created in Canadian society are a tribute to the determination of the descendants of those slaves, refugees, and immigrants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 16-year commemoration of the Underground Railroad Memorial Monument will be celebrated during the month of October 2017;

Whereas the Underground International 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 deep roots that slaves, refugees, and immigrants to Canada from the United States created in Canadian society are a tribute to the determination of the descendants of those slaves, refugees, and immigrants to safeguard the history of the struggles and endurance of their forebears;
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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 have been 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, Pompe disease, muscular dystrophy, 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) a lack of reliable, 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 200,000 individuals annually are affected by a rare disease in the United States, typically fewer 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 2 p.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 Select Senate 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 5:30 p.m., in room SD-106 of the Senate Dirksen Office Building to hold an open hearing.

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 3:30 p.m. to 5:30 p.m. in room SH-219 of the Senate Hart Office Building to hold a closed hearing.

DISCHARGE AND REFERRAL—S. 90

Mr. MCCONNELL. Mr. President, I ask unanimous consent that S. 90, the Other Major Rare Disease Organizations Act of 2017, be discharged from the Committee on the Judiciary and referred to the Committee on Energy and Natural Resources.

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

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 8, S. Res. 62.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:


There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 62) was agreed to.

EXPRESSING PROFOUND 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 clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 35) expressing profound concern about the ongoing political, economic, social and humanitarian crisis in Venezuela, urging the release of political prisoners, and calling for respect of constitutional and democratic processes, including free and fair elections.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I 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.

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

The resolution (S. Res. 35) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 1, 2017, under “Submitted Resolutions.”)
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.

The resolution, with its preamble, is printed in today’s RECORD under ‘‘Submitted Resolutions.’’

ORDER OF PROCEEDINGS

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. tonight and, upon reconvening, proceed as a body to the Hall of the House of Representatives.

Thereupon, the Senate, at 8:30 p.m., recessed until 8:25 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.

The President, preceded by the Deputy Sergeant at Arms, James 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 Houses of Congress is printed in the proceedings of the House of Representatives in today’s RECORD.

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.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

TODD PHILIP KASSEL, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CONSULSOR, 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 CONSULSOR, 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:


GLENN FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE JON T. SHREYER, RENOSSIGN, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.


MICHAEL P. LIBBY, OF PENNSYLVANIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE P. O’CARROLL, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.


CAROLYN N. LERNER, OF MARYLAND, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.


S. Res. 73 — For Wednesday, March 1, 2017, at 10 a.m. CONGRESSIONAL RECORD — SENATE S1507