United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163 WASHINGTON, TUESDAY, FEBRUARY 28, 2017 No. 35

Senate

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 a direct attack 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

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

you hear expressed right across the political spectrum. The President made a brilliant choice with Judge Gorsuch.

We are all looking forward to what the President has to say tonight. It is a big moment for him. More importantly, it is a big moment for our country. Americans are ready to move forward. They are ready to get our economy moving. They are ready to leave the failures of the status quo behind, such as ObamaCare, and move toward a more hopeful future. After 8 long years, believe me, it is something we can all use.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

PRESIDENT'S ADDRESS TO CONGRESS

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

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

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

That is the 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—not 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 isn't finished yet.

Tonight, the President might discuss his tax plan. He said that every decision on taxes would be made to ''benefit American workers 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 and working class.

So no matter what the President says tonight, we will have to look at the details of his proposal and see who it really helps, and every American should, as well.

Tonight, if past is prologue, the President will use populist rhetoric in his speech, but he won't back it up with real actions. He will use populist rhetoric in his speech to hide what he is actually doing, which is helping the special interests and making it harder to stay in the middle class. He talks like he favors working people, but his actions ultimately desert them.

He will present himself as a President for the forgotten man, 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, his speech tonight will mean nothing the very instant after it is delivered unless he backs up his words with real actions.

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 first 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 (Mr. FLAKE). 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 Presiding Officer 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 Presiding Officer 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 understand this by knowing what happened in the Gulf of Mexico and the implosion 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. Taking shortcuts when it comes to 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 that we have a Secretary who understands what our Nation's leading stewardship responsibilities are, understands what those special places are, like the Grand Canyon, and other places such as Mount Rainier, and makes sure they are protected.

I had hoped to be able to support Congressman ZINKE's nomination based on his assurances that he would manage the Department of the Interior as a Teddy Roosevelt Republican. However, I cannot ignore the Trump administration's plans for our 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 issues, and I note that President Trump has said to many people: ''My Cabinet is free to say whatever they want.'' So the fact that these important policies are going to be implemented that may erode what has been decades of policy for us in managing our public resources is quite concerning to me.

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

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

The administration has already suspended rules ensuring polluters on our public lands don't have to pay their fair share. The President has signed into law a measure gutting the Obama administration rule that would have prevented coal companies from dumping toxic chemicals into our Nation's rivers and streams. So it is clear to me 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 here about 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 impacting 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 impacted by this coal extraction. 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 underway, and we think it should be carried out. We think the taxpayer deserves a fair deal.

Unfortunately, I am not convinced that Congressman ZINKE will be willing or able to moderate the Trump administration's extreme views on exploiting our public lands, and I am not sure he will be willing or able to stand up to the President to protect the public interest and ensure that our public lands are managed and protected for the benefit of all Americans—not just the oil, gas, and 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 callus 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 stewardship protects these resources 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 oppose the transfer of 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—it wouldn't happen in Washington but might happen in some other State—decides to start managing that land and extracting resources. You might think that

couldn't possibly happen. I have news for you. That is the debate du jour. This is exactly—exactly—the debate today.

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

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

As somebody who enjoys the outdoors, I can state how important it is to be able to go and recreate. I have not been to Bears Ears, but I have heard incredible stories from climbers and those interested in seeing this unique terrain that it is a very special place.

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

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

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

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

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

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

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

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

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

''The other flow came from a fundamental change in the American people, who were waking up to the natural world and the treasures in their own presence. In Utah, there was recognition that we held those treasures. A national park was created in Canyonlands, and national monuments in Arches, Capitol Reef were elevated to national parks. Utahns of all creed 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 tour buses climbing to Bryce Canyon. No $8.17 billion per year.

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

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

''That blindness that can be sourced to Utah's one-party political system that has given us leaders who are out of touch with their constituents. Dismantling the Bears Ears was a slam dunk in the Utah Legislature last week, but it's an issue on which every poll has shown Utahns divided, a 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 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 have to 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 Utahns.''

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

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

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

EDITORIAL: THE WORLD IS NOT SO WELCOME NOW, AS OUTDOOR RETAILER EXIT SHOWS

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

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

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

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

In the 1960s, Utah found itself at a confluence. One flow was fed by a collection of downtown Chamber of Commerce types who hatched a longshot bid to obtain the 1972 Winter Olympics. They knew they wouldn't

win, but they saw it as a chance to sell Utah's ''Greatest Snow on Earth.'' It was the first time Utah took its outdoor tourism message to the world, and it was well received.

The other flow came from a fundamental change in the American people, 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 and Capitol Reef 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. We could be Hawaii, and instead our leaders 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 governor and the Legislature—of the unprecedented unity of five Indian nations coming together to protect their ancestral homeland. Instead of recognizing the significance, our leaders emboldened the local pioneer 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 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 Bishop pursued with his Public Lands Initiative. In that context, Utah 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 have to look forward to? What are Ogden-based companies supposed to do when their congressman—Bishop—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 Utahns.

Ms. CANTWELL. Mr. President, I think that editorial puts this debate squarely in front of my colleagues. We have a nominee who has been all over the map as it relates to public lands, and, certainly, he has been on record that he will implement the President's strategy. I know he plans to visit this area, and I am so concerned that it will be the first of many areas in which people run over the larger public and national interests in order to preserve special places just for immediate extraction when, in reality, the jobs from the outdoor economy are just as important and, if you add up numbers, may be more important economically in both the near term and the long term.

I should also note that those of us in Washington would gladly welcome the outdoor retailers with open arms. I am sure they will consider many different places, but we understand that protecting our most treasured places not only preserves them for this generation but for future generations, and it helps drive an economy.

In Utah, outdoor recreation is responsible for $12 billion in consumer spending—more than twice the value of oil and gas produced in that 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 is 6.1 million jobs and $646 billion in revenues from outdoor recreation, so this is a very valued part of the U.S. economy. It is also a very valued part of the American spirit.

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

A second major responsibility of the Secretary is to manage the mineral resources that are on public lands and waters. 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 that extraction and the leasing of that extraction, but we need to make sure that the taxpayers' interests and the costs of impact are well represented and that extraction is done in an efficient manner—that it protects the resources for the future, that it cleans up its mess, and that polluters pay.

An important principle is that our public lands be managed so that their use will not permanently harm the land or the environment and that, in allowing companies to mine on public land, they must minimize the harm they do, clean up the messes they make, and repair and pay for the damage. ''Polluter pays'' should be a basic principle.

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 Secretary, as 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 mineral valuation rule, and the 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. That is just 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 constituents 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 people have discussed here on the floor, the advent of natural gas and its cheap value has done more to drive down the use of coal than any of this discussion about whether taxpayers are getting a fair deal.

Finally, the Secretary of the Interior must be committed to 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 has been 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 these issues whether it is on the Antiquities Act or on coal leasing or on making sure that we live up to tribal sovereignty. In reality, it takes very little to sign an Executive order; it takes a lot to overrule the law of the land. Many of these issues will end up in court, and many of them will be battled for several years. I would suggest to my colleagues that we find a common interest in preserving our stewardship, in preserving our natural resources, and in continuing to develop this kind of economy 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 preserved, and we should continue to fight for something that is providing so many jobs and such a great connection for so many Americans.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

PRESIDENT'S ADDRESS TO CONGRESS

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 as President 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.

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

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

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

We finally have a President in the White House who will sign these bills into law that we pass here. I am glad the President is delivering on his promise to protect American jobs and to grow our economy, 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, for example, away from Washington to where they belong—with patients, their families, and their doctors. Actually, I think this is sort of the healthcare counterpart of what we did with the Every Student Succeeds Act, which was the follow-on to No Child Left Behind in moving more of the decision-making out of Washington and back to the States—back to the people most intimately affected and the people most interested in the results.

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

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

For our economy to grow, we have 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 in our budgeting process. He has already nominated and we have confirmed two incredibly strong leaders to key posts in his national security Cabinet. That would be Defense Secretary Mattis and Homeland Security Secretary Kelly. I am confident that these men will do a stand-up job. America is lucky to have them continuing to serve our Nation in these new positions, and I am grateful to them for their service. The safety of our communities and the safety of our country and world peace is our chief job.

As Ronald Reagan demonstrated, the best way to keep the world peaceful is for America to remain strong because when America retreats from the world stage, when America no longer leads or when we underfund our national security requirements, all it does is encourages the bullies and the tyrants and the thugs around the world to fill the gap. That is what we have seen time and time again, ranging from Vladimir Putin in Russia—the best message we can send to Vladimir Putin is not necessarily additional Russian sanctions, which I would vote in favor of, but to quit the reversing of our spending on national security priorities. That is something he understands—strength. That is something he will respect. He does not respect weakness. In fact, it is an enticement to him to dangerous activities, as we have seen not only in Crimea and Ukraine but also now in Syria and the Greater Middle East.

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

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

I look forward to hearing the President talk about some of his accomplishments in the 5 short weeks since he has been in office. You look at the stock market, for example, at historic

highs. I think there is a lot of anticipation, 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 Congress can continue to partner with our new President to make his administration a success, so that America can remain a success, and to make the rest of his campaign promises a reality.

ORDER FOR RECESS

Mr. President, I ask unanimous consent 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 reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDER—Continued

The PRESIDING OFFICER. The Senator 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, attended Oakwood University in Alabama, which is one of the special historically Black colleges and universities 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 important that the Secretary of Education have a basic working knowledge of history. It is one thing to appear for your confirmation and have no idea what the Individuals with Disabilities Education Act is or not have a working understanding of the Federal laws as they relate to education in this country, but it takes it to a whole new level that someone who is Secretary of Education would make the kind of statement that Secretary DeVos made in the last few days.

I want to read it aloud. This is the statement from the Secretary of Education following a listening session with historically Black college and university leaders. I want to pull 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 be clear about what historically Black colleges and universities 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 University of Alabama or do I want to go to a historically Black college and university? 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 African-American students?

You can't come here. You are not welcome. You are not allowed to darken 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 these land grant colleges. The second Morrill Act of 1890 required 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 established because someone thought there should be school choice. These schools were established because racism left Blacks without any choice. When Blacks tried to attend schools like the University of Alabama and the University of Mississippi, they were blocked and there were riots. The fact that Secretary DeVos doesn't understand this basic fact is appalling.

Her statement was wrong. It was offensive, and it should be corrected. We need the Secretary of Education to have a basic fundamental 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 anything that is more important than recognizing and understanding that for years in this country, young Black people could be punished for learning how to read? They would be told: You are not welcome, even if the universities were public universities.

So shame on Secretary DeVos. Shame on her for not understanding history, for trying to shoehorn the racist history in our country into her talking points about school choice. That is wrong, and it should be corrected.

I hope it was an oversight. If it was, I hope she will admit her mistake and acknowledge that historically Black colleges and universities in the United States of America were not about choice. They were about racism. They were about trying to provide an opportunity. 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 fundamental of opportunities that must be afforded to every single citizen.

So no, it wasn't about choice, Secretary DeVos. It was about something else. It is important that as the leader of education in this country, you acknowledge the history that is the underpinning of the importance of historically Black colleges and universities in our country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, I rise in opposition to the nomination of Representative ZINKE to become Secretary of the Interior.

As is always the case, I take this opposing position with some trepidation. Having served as the Governor of my State, I appreciate the importance of deference to a chief executive's decisions to build his or her team, but at the same time, I think we in the Senate 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 plenty.

As the chief land steward of our great Nation, the Secretary of the Interior will be asked to manage our collective interests in the conservation, use, and appropriate management of the abundant land, wildlife, mineral and other resources found on our public lands. For that reason alone, we should expect 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 resources, 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 take a closer look.

As you know, I live in a small State, Delaware, that is, as it turns out, getting smaller almost every day. With each passing tide and every coastal storm, a part of us—our land—disappears forever. We are fighting a valiant and, some would say, 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 in their entirety because tides, storms, and waves—assisted by the absence of ice that used to protect them from fierce winter storm surges—are literally eating away at their communities. I am trying to imagine what it would be like as a family to get the news that you have to leave a place that has been your home for generations, the place from which your ancestors derived their sustenance, honored their forbears, and raised their legacies.

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

It means a whole lot to us in Delaware that we take a very careful look at when and how we use the bounty of mineral resources under our public lands. At the very least, that should include—as Secretary Jewell's order envisioned—an assurance that we, as Americans, are paid a price for the coal and other public resources our lands provide that matches the value they represent.

It is the least among us who need our government's help, not those with the most.

We should also, as Secretary Jewell's policy recommended, be aware of and responsible about the climate change implications of the coal sales 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.

Given 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, unwise, unfair, and unacceptable.

I am also concerned with Mr. ZINKE's stance toward the use of the Antiquities Act by the President to designate lands as national monuments. Specifically, during his confirmation, we heard a willingness from Congressman ZINKE to take the legally 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—I believe 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 preserve and protect 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 I will take 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 urging and support.

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

The economic opportunities afforded to States with national monuments and national parks, as it turns out, are significant—quite significant. Each State with a park or monument sees economic benefits of at least $1 million, I am told, if not much more, in tourism and economic 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 look up all of the national parks and monuments across the country and decide which ones they might want to visit. The single most popular destination within the U.S. borders for tourists from other parts around the world, believe it or not, are our national parks. Isn't that extraordinary. The economic opportunities afforded to States with national monuments and national parks are significant—again, around $1 million or more.

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

Many years before that—maybe 150 years before that—the first Finns and Swedes came to America, and they landed in what is now Wilmington, DE. They sailed across the ocean in the Kalmar Nyckel and the Fogel Grip from Sweden and Finland. It was before 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 built a fort called Fort Christina, and they built a church, the Old Swedes Church. It is the longest continuously operating church in America.

About 15 miles south of that spot on the Delaware River is actually the river they sailed up on and planted their flag, the Christina River. They named it after the 12-year-old child Queen of Sweden, but about 50 miles south of the Christina River, further down the Delaware River, is a town of New Castle. There is a big statue of William Penn in the town of New Castle, and it is because William Penn first landed in America—not in an area

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 endures to this day.

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 one night many years ago—several hundred years ago—the British surrounded Lewes, DE, which was then inhabited by the Dutch, and they burned it to the ground. The next morning when the sun came up, there was one house standing in Lewes, DE, and it was Ryves 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 Dickinson Plantation, named after John Dickinson who was a penman, an early writer who spoke about and wrote some of the early writings that had been cited and encouraged the colonists in what is now America to rise up against the tyranny of the British Crown.

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, luckily, 25 early colonists decided to ratify the Constitution, which had come down the week before from Pennsylvania. We were the first State to ratify the Constitution.

A few years before that, a fellow named Caesar Rodney, who had been president of Delaware and later held any number of offices in the State even before it was a State, actually rode his horse right past the area where the Golden Fleece Tavern was—where the Constitution was ratified—and rode his horse all the way up to Philadelphia, PA, in order to cast the tie-breaking vote in favor of the Declaration of Independence. That is a little bit of the history of Delaware.

The National Park Service decided 3 years ago that the early colonial settlement leading up to the ratification of the Constitution is what made Delaware unique, and our national park includes a number of those different components. Think of it almost as a necklace with different stones of value and interest around our State. That is what it is.

That is the national park today. It started off really 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 to enjoy.

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

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Ms. 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 wind driving the rain sideways, but I was there with over 40 schoolchildren to plant Haleakala silverswords—a special, threatened plant that only grows in the harsh climate at the summit of Haleakala volcano. The silversword can live for almost 100 years before it flowers, spreads its seeds into the wind, and dies.

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

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

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

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

Our national parks are suffering from an overwhelming deferred maintenance backlog of $12 billion. Our national parks are also understaffed. Because of sequestration and a variety of other factors, 10 percent fewer people work in our national parks today than 5 years ago. This is at a time when visitors to our parks are ever growing. This means fewer rangers and support staff dedicated to maintaining parks like Haleakala and protecting species like the silversword. To add to this, the administration has put a 90-day hiring freeze in place that threatens nearly 2,000 permanent vacancies that are critical to helping our national parks function.

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

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

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

Earlier this year, I received a letter from Michael from Pahoa, who said that Representative ZINKE ''has consistently voted for carbon heavy energy sources. His anti-environmental record shows a leaning that could well move exploration and extraction to areas formerly closed to exploitation. With interests in oil pipelines, he has a conflict of interest in moving away from fossil fuels and into alternative and renewable resources. We have destroyed enough of the country for the enrichment of the 1% with little to no benefit to the rest of our citizens. He is a destroyer, not a fixer. Not someone for the environment or the people.''

Congressman ZINKE also does not share a commitment to protecting endangered and threatened species like the silversword. While in the House, Congressman ZINKE voted to block funding for any listed endangered species on which 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 the necessary funding to conduct these reviews. Cutting funding in this way would devastate conservation and recovery efforts for as many as 850 species across the Nation, 137 of which are in Hawaii and 1 of which is the Haleakala silversword.

During the confirmation process, I asked Congressman ZINKE if as Secretary he would work with Congress to ensure that the Fish and Wildlife Service would receive sufficient 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.'' I don't know what he means by ''appropriate,'' but I do have a feeling that my view of sufficient funding, which is the question I asked him, and his answer that he would support appropriate funding are probably very different. In fact, I wonder if, under Secretary ZINKE, there would have been the funding necessary to help Maui students plant their 1,000 silverswords on Haleakala's summit. This is wrong.

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

Washington, DC—do you notice how warm it is? It is 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 its top mission areas.

During his 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 role in 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 pursue their research 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 critical stage. I urge my colleagues to oppose his nomination.

I yield the floor.

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

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

During his confirmation hearing, I was excited to hear Congressman ZINKE refer to himself as a Teddy Roosevelt conservationist.

We all know the important role Teddy Roosevelt played in protecting our natural resources. During his Presidency, Roosevelt established 230 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 or Congress to set aside ''historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest'' in order to stop their destruction. With this act, he designated 18 national monuments, including several iconic areas.

A modern version of Teddy Roosevelt would 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 House Interior appropriations bill 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 restore and preserve this unique community.

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

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

Pullman workers also fought for fair labor conditions in the late 19th century. During the economic depression of the 1890s, the Pullman 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 success.

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

Bears Ears is special, as it is the first monument of its kind to be proposed and advocated for by a united coalition of five tribes, who sought 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 presidential proclamation bent far toward the same boundaries and shared management [Utah Rep. Rob] Bishop pursued with his Public Lands Initiative.''

Sadly, attacks on monument designations are nothing new.

One of our greatest conservation Presidents, Teddy Roosevelt, faced a great deal of opposition to his designation of a national monument you may be familiar with, the Grand Canyon. Most Americans can't imagine an America without the iconic Grand Canyon, a true national treasure.

But, at the time of its 1908 designation, groups were opposed to protecting this area. For years after its designation, oil and gas miners fought against additional protections for the Grand Canyon. In the end, conservationists won out, and by 1919, the Grand Canyon was made into a national park to be protected for future generations.

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

Since Roosevelt's time, we have made a lot of progress in protecting our lands and waters, but still have a long way to go. That is why the next Interior Secretary needs to take a step forward in protecting 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 call be rescinded.

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

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

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

ANTI-SEMITISM

Mr. SCHATZ. Mr. President, 20 is the number of bomb threats that were called into Jewish institutions in our communities across the country yesterday—in just 1 day. In Alabama, Delaware, Michigan, Maryland, Virginia, and in my home State of Hawaii, in my Temple Emanu-El, where I grew up and was bar mitzvahed. No one wants to be the parent who picks up the phone and finds out that they need to pick up their child from school because people are threatening violence—and all because of their faith.

Since 2017 began, 100 bomb threats have been called into Jewish schools and Jewish community centers. It sounds like it is from another time, but this is what rising anti-Semitism looks like in our country. Granted, we knew weird stuff was happening: Pepe, David Dukes—this is not normal America. But now the threat of violence is real. It is coming through the phone lines of American schools every day, and it is loud and clear. This rising threat demands leadership. It demands that we regularly and quickly denounce anti-Semitism and do everything we can do to stop it from growing. But that is not what we have seen so far from this administration.

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

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

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

I am worried.

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

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RUSSIA

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

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

Regardless of the partisan leanings of who was in government in the nations

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

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

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

It is hard to believe 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 such a sweeping, erroneous, dangerous statement about the most important alliance in the world and then send his Vice President out on a repair job? The President has surrounded himself with people like Steve Bannon, who reportedly once called himself a Leninist and seems bizarrely sympathetic to Putin's dictatorial model and weakening the European alliance.

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

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

President Trump visited Russia in 2013. He tweeted at the time: ''I just got back from Russia—learned lots & lots.''

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

In fact, the vast number and range of those attacked or insulted via Twitter is so significant that I need considerably more time here on the floor of the Senate to list all of the targets of President Trump's attacks on Twitter. So if you make any criticism or joke about President Trump, make any perceived slight, run a department store, lead a labor union, do just about anything, you may be a victim of one of his Twitter attacks, except, of course, if you happen to be a former Communist KGB official who now leads Russia, a nation that recently attacked our election.

How is it possible? How is it sensible? How is this not an abdication of the President's responsibilities? Russian President Putin launched a cyber attack and war on the United States and its democracy. November 8, 2016, is a day that will live in cyber infamy because of this Russian attack on the United States of America.

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

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

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

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

Can anyone here—anyone—imagine what would happen if the situation had been reversed? I can just imagine the howls of ''treason'' and ''impeachment.'' Not a single nominee would be confirmed until there were answers and accountability if this had happened and there was an effort by the Russians to influence an election in favor of the Democrats.

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

There was a time in Washington when national security issues were bipartisan. Politics used to stop at the water's edge. The security of the Nation meant putting aside partisan agendas to face a common threat. It is time 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 into 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, the 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 conclusions can be reached until there is a thorough, independent, credible investigation. I worry about using the Intelligence Committees for this purpose.

These committees and their activities are important, critical, but they are largely invisible and their deliberations are interminable. We are waiting, hoping that they will come up with information to help us spare the United States from a future attack by Russia or any other country on the sovereignty of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

HOME HEALTH CARE PLANNING IMPROVEMENT ACT

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

Nurse practitioners, physician assistants, certified nurse midwives, and clinical nurse specialists are all playing increasingly important roles in the delivery of healthcare services, particularly in rural and medically underserved areas of our country where 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 Medicare patients the home care that they need simply because a doctor is not readily available to sign the requisite form. The inability of these advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for our seniors in medically underserved areas, where these providers may be the only healthcare professionals who are readily available.

For example, needed home healthcare can be delayed for up to days at a time for Medicare patients in some rural towns in my State of Maine, where nurse practitioners are the only healthcare professionals and the supervising physicians are far away. A nurse practitioner told me about one of her cases in which her collaborating physician had just lost her father and, therefore, understandably, was not available. But here is what the consequence was. This 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 had been 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—of that patient regaining function—is going to be diminished if there is a gap between the physical and occupational therapy 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.

A lot of 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.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

FOREIGN AID

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

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

That brought 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

budget on foreign aid. I saw a poll recently, a legitimate poll conducted, and it asked people: How much of the Federal budget do you think goes out of the country? And the average was 26 percent. That is what people thought. Of course the truth is, it is nothing even close to that.

I want to begin by saying that today foreign aid as a part of our overall budget is less than 1 percent of the total amount the U.S. Government spends—less than 1 percent. The second thing people bring up is: Well, but we have so many problems in America. We do. We have real issues we need to confront. Why do we spend so much money on these other countries when we have so many problems here at home? That is a legitimate question. People should ask that. I think it is important for those of us who believe in global engagement and believe in the function of foreign aid to justify it, to never take it for granted, and to constantly examine it to make sure the money is being spent well and that it is worth spending at all. That is what I wanted to come to the floor to do today for a few minutes.

I know we are soon going to end a budget cycle. There will be debate, and every dollar in the budget should justify itself. I want to explain for a moment why I believe global engagement and foreign aid are so critical.

Here is the first reason. The world has always been interconnected, especially for America. We are not a small, obscure nation. We are the most influential, the most consequential nation on the planet. I can tell you that almost without exception, if there is a major crisis anywhere on this planet, it will eventually have a nexus to life in America in one way or another.

You think about one of the controversial issues that has been debated in Washington and being discussed politically is the Syrian refugees. I remember a couple of years ago that people would tell me: Well, it is very sad what is happening in Syria, but what does that have to do with us? Well, 2 or 3 years later, I think we all know the answer; that is, when refugees are created anywhere in the world, it is natural that a significant percentage of them want to come to the richest, freest, safest nation in the world, and that is the United States of America.

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 either 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 rebuilt Western Europe and in particular Germany. Through additional assistance, the United States provided aid to rebuild post-war Japan. For the Japanese, between 1946 and 1952, the United States invested $2.2 billion—or $18 billion in today's dollars—in Japan's reconstruction efforts. That amounts to more than one-third of the $65 billion in goods the United States exported to Japan just last year, in 1 year alone.

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

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

Some would say to me: Well, that was after the Second World War. That was a catastrophic event, but as a matter of course, what else has borne fruit? Isn't this just money we throw down a hole and never see results of? I would tell you that is not the case.

I would point to South Korea. It is hard to believe, but just a few decades ago South Korea was poorer than North Korea. South Korea had less money, less of an economy, less prosperity than North Korea. Today, South Korea is an industrialized, fully developed economy—one of the largest economies in the world. A nation that not long ago was a military dictatorship is now a vibrant, functioning democracy and a strong American ally.

Again, another example—do you want one in our own hemisphere? Look at the country of Colombia. Not long ago, Colombia was basically a failed state. That country had been overrun by drug gangs, the cartels—the Medellin Cartel, the Cali Cartel. The government was on the verge of collapse. Presidential candidates were being assassinated—an extraordinary source of instability in the Western Hemisphere. Colombia still has challenges, but in helping them move forward with Plan Colombia, today trade between the United States and Colombia is at $14 billion, and as of last year, it actually was a surplus.

What is more, Colombia is now a force multiplier for our cousins. For example, if you visit Honduras, as I did during the summer, and you see the Honduran police and the Honduran special forces being trained to take on the criminal elements and cartels in that country, do you know who is there training them alongside of our people? The Colombians—the Colombian military units who have the same uniform, the same training, the same weaponry, and the same practices as the Green Berets of the United States, and they are a force multiplier. Today, Colombia is doing the things America once had to do because of the aid we provided them, and they are perhaps our strongest ally in the Western Hemisphere.

It goes on and on from a human perspective. You think about America and America's Feed the Future Initiative. It is an initiative that has trained thousands of farmers in Tanzania over the last decade. Now our country exports to them, and exports to Tanzania from the United States have increased by 500 percent.

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

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

So there is an economic rationale for our investment around the world. We

are helping people to emerge from poverty and to ultimately become members of a global consumer class that buys American goods and services. We are, in essence, planting the seeds for markets to develop that we can trade with and that we can sell to. That 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 in three manufacturing jobs in America is tied to exports. You cannot 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 99-percent reduction in polio cases thanks to the efforts we have led in the vaccination program. The list goes on and on.

There is a national security component to this, and here it is: Imagine for a moment that you are a child born in Africa, that your parents had HIV, and that they survived because of American assistance. Imagine if you yourself were someone who survived HIV or malaria because of American assistance or 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 is the reason one is even alive today. That is the national security component, apart from allowing countries to become more stable and provide for their people and for themselves.

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—Israel. 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 abroad, as do many people whom I know, and we get the calls in our office from people who have kids who are studying abroad and have an issue and have to go to the consulate or the Embassy—this is 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 find some customers and maybe come 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 those connections for American businesses. That is part of this budget.

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

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

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

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

I have said this many times before, and in this I am guided by my faith. I believe that to whom much is given, much is expected. That is what the ancient words and Scripture teach us. I think that principle is true for people, and I think that principle is true for nations. I believe in the depth of my heart that our 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.

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.

Of all the Cabinet-level nominations that have an impact on my home State of Alaska, the Secretary of the Interior is almost certainly the most important and the most consequential. Two-

thirds of Alaska—nearly 224 million acres—is under Federal management. To put that into perspective, that is more land than is occupied by the entire State of Texas, and it is an area about 177 times larger than the State of Delaware. The vast majority of that land is controlled by agencies within the Department of the Interior, from the Bureau of Land Management, to the National Park Service, to the Fish and Wildlife Service. Again, significant parts of Alaska—more land than is occupied by the State of Texas—are held under Federal management. It is for this reason we in Alaska call the Interior Secretary our ''landlord.'' He might not necessarily like that fact, but that is what he is effectively.

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

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

Today, after a great deal of review and careful consideration, I am very pleased to be here to speak in strong support of our new President's nominee for this position, Representative 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 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. Congressman 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 the West. He lives 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 understands the need for 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 compelling vision 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 is responsible for being ''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 the purpose 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 what the consequences of each of those uses are. It's our public land. What I have seen most recently is our access is being shut off, roads are being shut off, and we're all getting older. And when you don't have access to hunting areas, traditional fishing areas, it makes it an elite sport.
>
> And I'm particularly 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 Muir 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 man to be an observer.
>
> 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, make sure there's NEPA. If you are doing something that's more intrusive, make sure you monitor the water. Everyone enjoys clean water and we should. I don't think necessarily they 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—recognizing 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.'' The second is to address the multibillion 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 ''ensure the professionals on 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 Sportsmen's Foundation, the National Rifle 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 substantive differences, we confirmed 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 almost a full month since we 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, and from the Bureau of Indian Affairs to U.S.-affiliated islands, Representative ZINKE really has his work cut out for him, and he needs to be allowed to get started as soon as he can.

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

I thank 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, and I urge every Member of the Senate to support his nomination.

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

I yield the floor.

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

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

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

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

Congressman ZINKE has committed to working with Alaska as a partner in opportunity, rather than acting as a roadblock to success. Why is this so important? This would be an enormously welcome change from the past administration. I served as Alaska's attorney general, as commissioner of natural resources in my great State, and now as a U.S. Senator, and I witnessed, unfortunately, how the former Obama administration tried to stop, stymie, and slow roll literally every economic project in Alaska—every one.

Alaska and so many States across our country have tremendous resources to be developed right now. America is undergoing an energy renaissance. We are once again the world's energy superpower, yet our Federal Government was not helpful in that renaissance at all. It can be now, and we are looking toward a bright future when we have a Federal Government that is going to be a partner in opportunity, not an obstacle. I am hopeful that we are going to see a new renaissance of economic growth and job creation in Alaska and across the country, buoyed by Federal agencies like the Department of the Interior under Congressman ZINKE's leadership that want to help us seize opportunities, not undermine them.

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

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

TRIBUTE TO BRIAN AND JOANNE LEBER

Mr. DURBIN. Mr. President, I would like to take a moment to recognize my constituents, Brian and Joanne Leber, of Leber Jeweler Inc. in Chicago, IL. A third-generation, family-owned business first established in 1921, 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 industry, but Brian and Joanne also have a deep history of activism and philanthropy, advocating for important policies that support human rights.

In 1999, Brian and Joanne developed and launched Earthwise Jewelry. Leber Jeweler Inc. was the first company in the United States to use conflict-free Canadian diamonds, and the landmark collection also utilizes fairly traded gemstones and recycled precious metals, all sourced, mined, designed, and produced with concerns for both the environment and fair-labor standards.

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

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

I have seen firsthand the efforts of people like Dr. Jo Lusi and Dr. Denis Mukwege, who founded the HEAL Africa Hospital and the Panzi Hospital, respectively, restoring health and dignity to the survivors of sexual violence. When I chaired the first-ever hearing in the U.S. Senate about the uses of rape as a weapon of war in 2008, Dr. Mukwege stressed the importance of not just treating the consequences of sexual violence in the Congo, but addressing the root causes.

Most people probably don't realize that the products we use and wear every day, from automobiles to our cell phones and even our wedding rings, may use one of these minerals and that there is a very real possibility it was mined using forced labor from an area of great violence. In 2009, I joined with 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 perpetuating such violence. For the first time, companies registered in the United States were required to report in U.S. Securities and Exchange Commission, SEC, disclosures any usage in their products of a small list of key minerals from the Congo or neighboring countries. Companies also had to include information showing steps taken, if any, to ensure the minerals are legitimately mined and sourced and that, by responsibly sourcing 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 repeatedly 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. According to the nongovernmental organization the Enough Project, an expert on the issue, more than 70 percent of the world's smelters and refiners for tin, tungsten, tantalum, or gold have now passed third-party conflict-free audits. In addition, the International Peace Information Service found that, as of 2016, more than three-quarters of tin, tantalum, and tungsten miners in eastern Congo are working in mines where no armed group involvement has been reported.

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

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

SELECT COMMITTEE ON INTELLIGENCE

RULES OF PROCEDURE

Mr. BURR. Mr. President, I ask unanimous consent that the Senate Select Committee on Intelligence's 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 filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

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 a written notice 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 5(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 the 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 sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being 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 not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports 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. Subcommittees shall deal with such legislation and oversight 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 created 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 concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing 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 seven 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 Chairman or the Vice Chairman to authorize 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 memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. Notice.—Witnesses required to appear before the Committee shall be given 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 Vice Chairman, testimony of witnesses may be given under oath or affirmation which may be administered by any member of the Committee.

8.3. Questioning.—Committee questioning of witnesses shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the 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 must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(c) Conduct of Counsel for the Witness. Counsel for witnesses appearing before the Committee shall conduct themselves in an ethical and professional manner at all times in their dealings with the Committee. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary 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 and request the Committee to propound such question to the counsel's client or to any other witness. The counsel for the witness also may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. Statements by Witnesses.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as 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 proceedings shall file a paper and 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 noncompliance 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 office 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 such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. Requests To Testify.—The Committee 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 public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request 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 forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to address such contempt 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 under this paragraph, the Vice Chairman shall be notified of such authorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

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 Minority Staff Director. At least one 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. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is strictly prohibited except as is necessary for the conduct of Committee business, and as provided by these Rules. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. ''Committee sensitive'' means information or material that pertains to the 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 work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

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 the recipients 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 those Committee staff members with 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 specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House 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 to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional 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.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

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

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

9.11 Attendance of agencies or entities that were not formally invited to a closed proceeding of the Committee shall not be admitted to the closed meeting except upon advance permission from the Chairman and Vice Chairman, or by the Staff Director and Minority Staff Director acting on their behalf.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such 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 duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, 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 material in the files of 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 the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of 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 Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

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

10.8. The Committee shall immediately consider action to be taken in the case of any 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 staff person's security clearance and immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. The audit element shall conduct audits and oversight projects that have been specifically authorized by the Chairman and Vice Chairman of the Committee, acting jointly through the Staff Director and Minority Staff Director. Staff shall be assigned to such element jointly by the Chairman and Vice Chairman, and staff with the principal responsibility for the conduct of an audit shall be qualified by training or experience in accordance with accepted auditing standards.

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

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

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

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

11.2. The Staff Director and/or Minority Staff Director may recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision 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 to the appropriate department 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 of such 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 one Congress to the next Congress unless they are changed as provided herein.

APPENDIX A

S. Res. 400, 94th Cong., 2d Sess. (1976)[1]

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

(A) two members from the Committee on Appropriations;

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

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

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

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

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) 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) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) 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 chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman 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 the Treasury.

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

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

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

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

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

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

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

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

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are 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 and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(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 product of 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 to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring

the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

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

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of 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) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

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

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

(d) It shall be the duty of the Select Committee on Ethics 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 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 breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *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.

(c) It is the sense of the Senate that 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 constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

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

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

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

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing 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 duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

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

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

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter 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 appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term ''intelligence activities'' includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, 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; (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 group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term ''department or agency'' includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

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

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

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

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

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

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

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

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

''(2) Except as provided in subsections (b) and (c), other committees with jurisdiction over the department or agency 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.

''(3) In this subsection, the term '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)(1) 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 Committee on the Judiciary and, if and 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 of 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 5 additional calendar days after the Senate reconvenes to report the nomination.

''(2) With respect to the confirmation of appointment to the position of Director of the National Security Agency, Inspector General of the National Security Agency, Director of the National Reconnaissance Office, or Inspector General or the National Reconnaissance Office, or any successor position to such a position, the nomination of any individual by the President to serve in such position, who at the time of the nomination is not a member of the Armed Forces on active duty, shall be referred to the Select Committee and, 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 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 nomination shall be automatically discharged from that committee and placed on the Executive Calendar.''.

APPENDIX B

INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH 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 Oversight.

(a) Establishment.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) Responsibility.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. 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 for intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C

RULE 26.5(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 closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

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

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

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

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

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

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

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

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

END NOTES

As amended by S. Res. 4, 95th Cong., 1st Sess. (1977), S. Res. 445, 108th Cong., 2d Sess. (2004), Pub. L. No. 109–177, §506, 120 Stat. 247 (2005), and S. Res. 50, 110th Cong., 1st Sess. (2007), S. Res. 470, 113th Cong., 2d Sess. (2014).

SELECT COMMITTEE ON ETHICS

RULES OF PROCEDURE

Mr. COONS. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent on behalf of Senator ISAKSON, chairman of the Select Committee on Ethics, and for myself as vice chairman of the committee, that the rules of procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the RECORD for the 115th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

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

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

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

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

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

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

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

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

(i) the conduct of—

(I) such member;

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

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

(ii) any complaint filed by the member; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For the purposes of this resolution—

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

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

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

(c)(1) No—

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

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

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

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

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

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

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

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as 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 reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

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

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

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

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

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

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold

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

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

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

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

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

(A) the Select Committee; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 8. * * *

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

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

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

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

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

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

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

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

''(1) 'employee' means—

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

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

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

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

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

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

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

''(2) 'foreign government' means—

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

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

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

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

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

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

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

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

''(6) 'employing agency' means—

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

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

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

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

''(b) An employee may not—

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

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

''(c)(1) The Congress consents to—

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

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

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

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

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

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

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

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

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

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

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a

State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will no t adversely affect the foreign relations of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) Each employing agency shall—

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

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

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

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

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

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

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

PART II: SUPPLEMENTARY PROCEDURAL RULES

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

RULE 1: GENERAL PROCEDURES

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

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

(c) MEETINGS:

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

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

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

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

(d) QUORUM:

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

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

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

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

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

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

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

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

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

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

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

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

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

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

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

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

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

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

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

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

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

(A) the staff member's own conduct;

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

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

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

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

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

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

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

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

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

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

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

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

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

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

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

(2) anonymous or informal complaints;

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

(4) information reported by the news media; or

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

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

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

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

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

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

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY: A ''preliminary inquiry '' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate

to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

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

(c) SCOPE OF PRELIMINARY INQUIRY:

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

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

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

(e) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

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

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

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

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE: Upon completion of an adjudicatory review , including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2(a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

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

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is

agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

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

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

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

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

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

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

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

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

(j) ADJUDICATORY HEARING PROCEDURES:

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

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

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

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

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

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

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

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

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

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record with in twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

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

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

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

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

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable.

If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

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

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

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

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

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

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

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

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

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

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

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

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

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

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

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

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

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

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

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

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

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

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

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

(A) they cannot agree,

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

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

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

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

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

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

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

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

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

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

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

RULE 13: PROCEDURES FOR WAIVERS

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

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

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

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

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

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

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

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

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

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

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any

complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

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

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

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

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

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

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

APPENDIX A—OPEN AND CLOSED MEETINGS

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

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

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

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

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

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

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

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

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

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

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—''SUPERVISORS'' DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

SELECT COMMITTEE ON ETHICS ANNUAL REPORT FOR 2016

Mr. COONS. Mr. President, 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 annual report of the Select Committee on Ethics for calendar year 2016 be printed in the RECORD. The committee issued this report on January 27, 2017, as required by the Honest Leadership and Open Government Act of 2007.

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

Annual Report of the Select Committee on Ethics, 115th Congress, First Session

The Honest Leadership and Open Government Act of 2007 (the ''Act'') calls for the Select Committee on Ethics of the United States Senate to issue an annual report not later than January 31st of each year providing information in certain categories describing its activities for the preceding year. Reported below is the information describing the Committee's activities in 2016 in the categories set forth in the Act:

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

(2) The number of alleged violations that were dismissed—

(A) For lack of subject matter jurisdiction or in which, even if the allegations in the complaint are true, no violation of Senate rules would exist: 43.

(B) Because they failed to provide sufficient facts as to any material violation of the Senate rules beyond mere allegation or assertion: 14.

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

(4) The number of alleged violations for which the Committee staff conducted a preliminary inquiry that resulted in an adjudicatory review: 0.

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

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

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

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

In 2016, the Committee staff conducted one new Member and staff ethics training session; 29 Member and committee office campaign briefings (includes one remedial training session); 21 employee code of conduct training sessions (includes one remedial training session); 8 public financial disclosure clinics, seminars, and webinars; 18 ethics seminars and customized briefings for Member DC offices, state offices, and Senate committees; seven private sector ethics briefings; and seven international briefings.

In 2016, the Committee staff handled approximately 9,736 telephone inquiries and 1,580 inquiries by email for ethics advice and guidance.

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

In 2016, the Committee received 3,198 public financial disclosure and periodic disclosure of financial transactions reports.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

RULES OF PROCEDURE

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

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

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

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

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

No public hearing shall be held if the Minority Members of the Subcommittee unanimously object, unless the Committee on Homeland Security and Governmental Affairs (the ''Committee'') approves of such public hearing by a majority vote.

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

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. A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the Committee, or staff officers designated by them, by the Chairman or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the Committee waive the 48 hour waiting period or unless the Chairman certifies in writing to the Chairman and Ranking Minority Member of the Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

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, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its date and hour. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

5. 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 Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony, provided that at least one member of the minority is present.

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

7. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts himself or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his or her representative, or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing and to advise such witness while he or she is testifying of his or her legal rights; *provided, however*, that in the case of any witness 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, 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, or association, or by personal counsel not representing another witness. This rule shall not be construed to excuse a witness from testifying in the event his or her counsel is ejected for conducting himself or herself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule 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 complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the Committee and the Ranking Minority Member 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 Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him or her. If the Chairman or designated Member overrules the objection, he or she may refer the matter to the Subcommittee or he or she may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by the Chairman or designated Member.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished 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 Subcommittee clerk. Subcommittee 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. Any 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 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the Ranking Minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during testimony, television, motion picture, and other cameras and lights, shall not be directed at him 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 own testimony, whether in public or executive session, shall be made available for inspection by witness or his or her counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his or her expense if he or she so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Subcommittee Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee, or by counsel of the Subcommittee.

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

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman, Staff Director, or Chief Counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or he or she was otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the Ranking Minority Member waive this requirement.

If a person requests to file his or her sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his or her sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Members of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the Minority Members of the Subcommittee.

18. The Ranking Minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the Minority and such other professional staff and clerical assistants as he or she deems advisable. The total compensation allocated to such Minority staff shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The Minority staff shall work under the direction and supervision of the Ranking Minority Member. The Minority Staff Director and the Minority Chief Counsel shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and Ranking Minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and Ranking Minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY 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 14, 2017, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Spending Oversight and Emergency Management adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Federal Spending Oversight and Emergency Management.

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

Rules of Procedure for the Senate

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Government Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term ''routine business'' includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Government Affairs any measures, matters, or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 48 hours, excluding Saturdays

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 Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48-hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Government 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 Chairman 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.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the 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) SUBCOMITTEE 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 Members 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 SUBPEONAS. 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 the approval of the Ranking Minority Member of the Subcommittee, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 24 hours excluding Saturdays and Sundays, of being notified of the subpoena. If the subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by a vote of the Members of the Subcommittee.

A written notice of intent to issue a subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman, or a staff officer designated by him or her, immediately upon such authorization, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to appropriate offices, unless the Chairman and Ranking Minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member that, in his or her opinion, it is necessary to issue the subpoena immediately.

BAHRAIN

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

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

That decision follows a year in which the regime has moved aggressively to close the space for peaceful opposition. Since last February, the regime disbanded the largest opposition party, al-Wifaq, doubled the prison sentence of the party's leader, Sheikh Ali Salman, and detained numerous human rights advocates like Nabeel Rajab simply for speaking out. Advocates told my staff recently that the regime's escalating violence over the past year reached levels unseen since the 2011 protests.

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

PRESIDENTIAL MESSAGE

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 American 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 allies 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, in 2016, the earth 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 quiet 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 millions of dollars by bringing down the price of the fantastic new F–35 jet fighter, and will be saving billions more dollars on contracts all across our Government. We have placed a hiring freeze on non-military and non-essential Federal workers.

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

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

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

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

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

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

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

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

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

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

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

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

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

According to data provided by the Department of Justice, the vast majority of individuals convicted for 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 values.

We cannot allow a beachhead 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.

And overseas, we have inherited a series of tragic foreign policy disasters.

Solving these, and so many other pressing problems, will require us to work past the differences of party. It will require us to tap into the American spirit that has overcome every challenge throughout our long and storied history.

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.

My economic team is developing historic tax reform that will reduce the tax rate on our companies 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, Abraham Lincoln, warned that the ''abandonment of the protective policy by the American 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. The current, outdated system depresses wages for our poorest workers, and puts great pressure on taxpayers.

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.

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—including 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. The time has 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 counties 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.

Here 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 us all.

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

If we slash the restraints, not just at the FDA but across our Government, then we 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 school choice for 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 masters 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 disunity 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, Jenna Oliver, and Jessica Davis.

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

Also with us are Susan Oliver and Jessica 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 two prior deportations.

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 rebuilds the military, eliminates the Defense sequester, and calls for one of the largest increases in national defense spending in American history.

My budget will also increase funding for our veterans.

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

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

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

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

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

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

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

We strongly support NATO, an alliance forged through the bonds of two

World Wars that dethroned fascism, and a Cold War that defeated communism.

But our partners must meet their financial obligations.

And now, based on our very strong and frank discussions, they are beginning to do just that.

We expect our partners, whether in NATO, in the Middle East, or the Pacific—to take a direct and meaningful role in both strategic and military operations, and pay their fair share of the cost.

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

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

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

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

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

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

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

On our 100th anniversary, in 1876, citizens from across our Nation came to Philadelphia to celebrate America's centennial. At that celebration, the country's builders and artists and inventors showed off their creations.

Alexander Graham Bell displayed his telephone for the first time.

Remington unveiled the first typewriter. An early attempt was made at electric light.

Thomas Edison showed an automatic telegraph and an electric pen.

Imagine the wonders our country could know in America's 250th year.

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.

Millions lifted from welfare to work is not too much to expect.

And streets where mothers are safe from fear—schools where children learn in peace—and jobs where Americans prosper and grow—are not too much to ask.

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.

THE WHITE HOUSE, *February 28, 2017*.

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, 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 Parker's Crossroads Battlefield as an affiliated area of the National Park System, and for other purposes.

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

H.R. 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.

H.R. 863. An act to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes.

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

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

ENROLLED BILL SIGNED

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

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

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

MEASURES REFERRED

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

H.R. 88. An act to modify the boundary of the Shiloh National Military Park located in Tennessee and Mississippi, to establish Parker'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.

MEASURES 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 of 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;

Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations; Delay of Effective Date'' ((RIN0579–AE08) (Docket No. APHIS–2014–0095)) 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–846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''VNT1 Protein in Potato; Exemption from the Requirement of a Tolerance'' (FRL No. 9957–97) received in the Office of the President of the Senate on February 27, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–847. A communication from the Deputy Assistant Secretary of Defense, performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Strategic and Critical Materials 2017 Report on Stockpile Requirements''; to the Committee on Armed Services.

EC–848. A communication from the Deputy Assistant Secretary of Defense, performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled ''Strategic and Critical Materials Operation Report to Congress: Operations Under the Strategic and Critical Materials Stock Piling Act During Fiscal Year 2016''; to the Committee on Armed Services.

EC–849. 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 purchases from foreign entities; to the Committee on Armed Services.

EC–850. 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, a report relative to all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

EC–851. A communication from the Deputy Assistant Secretary of Defense for Military Personnel Policy, performing the duties of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Annual Report of the Reserve Forces Policy Board for 2016; to the Committee on Armed Services.

EC–852. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Herbert J. Carlisle, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–853. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Ukraine that was originally declared in Executive Order 13660 of March 6, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–854. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Venezuela that was originally declared in Executive Order 13692 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–855. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic 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–856. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice for Hearings'' (RIN7100–AE55) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–857. A communication from the Chair of the Board of Governors, Federal 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, the report of a rule entitled ''Revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources'' (FRL No. 9959–43–OAR) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Environment and Public Works.

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

EC–860. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs); Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model; Delay of Effective Date'' ((RIN0938–AS90) (CMS–5519–F2)) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Finance.

EC–861. A communication from the Regulations Coordinator, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, transmitting, pursuant to law, the report of a rule entitled ''Control of Communicable Diseases; Delay of Effective Date'' (RIN0920–AA63) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–862. A communication from the Regulations Coordinator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Confidentiality of Substance Use Disorder; Delay of Effective Date'' (RIN0930–AA21) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–863. A communication from the Regulations Coordinator, Division of Select Agents and Toxins, Centers for Disease Control and Prevention, transmitting, pursuant to law, the report of a rule entitled ''Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review and Enhanced Biosafety Requirements; Delay of Effective Date'' (RIN0920–AA59) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–864. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table; Delay of Effective Date'' (RIN0906–AB01) received during adjournment of the Senate in the Office of the President of the Senate on February 22, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–865. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–597, ''Notice in Case of Emergency Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–610, ''William Jackson Way Designation Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–611, ''Closing of a Public Alley in Square 126, S.O. 14–17521, Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–612, ''Washington Metropolitan Area Transit Authority Compact Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–613, ''Extension of Time to Dispose of the Strand Theater Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–614, ''Janice Wade McCree Way Designation Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–615, ''Closing of a Public Alley in Square 453, S.O. 14–17847, Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–616, ''Council Independent Authority Clarification Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–617, ''Skyland Town Center Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–618, ''Medical Marijuana Dispensary Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–619, ''Campaign Finance Reform and Transparency Temporary Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–643, ''Certified Business Enterprise Bonding Liability Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–644, ''Healthy Public Buildings Assessment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–660, ''Youth Services Coordination Task Force Temporary Amendment Act of 2017''; to the Committee on Homeland Security and Governmental Affairs.

EC–879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–661, ''Medical Respite Services Exemption Temporary Amendment Act of 2017''; to the Committee on Homeland Security and Governmental Affairs.

EC–880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–662, ''Chancellor of the District of Columbia Public Schools Salary and Benefits Authorization Temporary Amendment Act of 2017''; to the Committee on Homeland Security and Governmental Affairs.

EC–881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–663, ''Pharmaceutical Detailing Licensure Exemption Temporary Amendment Act of 2017''; to the Committee on Homeland Security and Governmental Affairs.

EC–882. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–667, ''Stun Gun Regulation Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–883. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 21–675, ''Fisheries and Wildlife Omnibus Amendment Act of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–884. A communication from the Deputy Chief Information Security Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's 2015 Federal Information Security Management Act (FISMA) and Agency Privacy Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–885. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Jurisdictional Thresholds for Section 7A of the Clayton Act'' received in the Office 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, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Roma and San Isidro, Texas)'' ((MB Docket No. 05–142) (DA 17–124)) received in the 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, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Joe Foss Field Sioux Falls Regional Airport (FSD); to the Committee on Commerce, Science, and Transportation.

EC–888. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Public Inspection File Requirements—Broadcaster Correspondence 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 resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELLER (for himself, Ms. HEITKAMP, Mr. DONNELLY, and Mr. TOOMEY):

S. 462. A bill to require the Securities and Exchange Commission to refund or credit certain excess payments made to the Commission; 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 under the Medicare program for the purpose of changing the Medicare payment for cancer care in order to enhance the quality of care and to improve cost efficiency, and for other purposes; to the Committee on Finance.

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

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

By Mr. 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 Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest; to the Committee on Energy and Natural Resources.

By Mr. FLAKE:

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

By Mr. FLAKE (for himself, Mr. 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 Resources.

By Mr. SANDERS (for himself, Mr. BOOKER, Mr. CASEY, Mr. HEINRICH, Mr. KING, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. BROWN, Mr. REED, Mr. FRANKEN, Ms. BALDWIN, Ms. HASSAN, Mr. UDALL, Ms. STABENOW, Mrs. SHAHEEN, Ms. CANTWELL, Mr. VAN HOLLEN, Mr. BLUMENTHAL, and Mr. MANCHIN):

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

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

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

By Mr. TESTER:

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

By Mr. MORAN:

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

By Mr. TESTER (for himself, Mr. FRANKEN, Mr. VAN HOLLEN, Ms. HASSAN, and Ms. KLOBUCHAR):

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

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

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

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

S. 475. A bill to increase research, education, and treatment for cerebral cavernous 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 efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S.J. Res. 25. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to accountability and State plans

under the Elementary and Secondary Education Act of 1965; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

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. WARREN, Mr. MARKEY, Mr. COONS, Mr. WICKER, Mr. VAN HOLLEN, Ms. STABENOW, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. HATCH, and Mr. BOOKER):

S. Res. 73. A resolution designating February 28, 2017, as ''Rare Disease Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 14

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

S. 27

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

S. 92

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

S. 96

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 96, a bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications.

S. 145

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

S. 236

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

S. 242

At the request of Mr. CASSIDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 242, a bill to amend title 38, United States Code, to permit veterans to grant access to their records in the databases of the Veterans Benefits Administration to certain designated congressional employees, and for other purposes.

S. 253

At the request of Mr. CARDIN, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 253, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 266

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. TILLIS), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Virginia (Mr. KAINE) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 298

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

S. 300

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

S. 307

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

S. 329

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.

S. 340

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.

S. 341

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 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.

S. 379

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

S. 407

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 407, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 422

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 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 438

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.

S. 445

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.

S. 446

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. 455

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 455, 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 nonprovider setting for purposes of making Medicare direct and indirect graduate medical education payments.

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, Northwest and Edmunds Street, Northwest in Washington, District of Columbia, as ''Boris Nemtsov Plaza'', and for other purposes.

S. RES. 70

At the request of Ms. 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 expressing the sense of the Senate that policies that discriminate against any individual based on the actual or perceived race, ethnicity, national origin, or religion of that individual would be a repetition of the mistakes of Executive Order 9066 and contrary to the values of the United States.

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.

S. 463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. ESTABLISHING AN ONCOLOGY MEDICAL HOME DEMONSTRATION PROJECT UNDER THE MEDICARE PROGRAM TO IMPROVE QUALITY OF CARE AND COST EFFICIENCY.

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 an Oncology Medical Home Demonstration Project (in this section referred to as the 'demonstration project') to make payments in the amounts specified in subsection (f) 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 by the Secretary, in accordance with subsection (d), to participate in the demonstration project; and

''(3) is owned by a physician, or is owned by or 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 the practice with services that are related to such oncology services and that are furnished to such 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 commences its participation in the demonstration project, be accredited as an Oncology Medical Home by the Commission on Cancer, the National Committee for Quality Assurance, or such other entity as the Secretary determines appropriate;

''(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 oncology 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 subclauses (I) and (II) 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 performance 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)(A) and the patient experience of care on which the practice has agreed to report under paragraph (6)(B); 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 medical plan of the individual and that maintain provider flexibility to tailor care of 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 in accordance with subsection (c) 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 practice in the demonstration project does not, on the date on which the practice commences its participation in the demonstration project—

''(A) increase the total number of practices participating in the demonstration project to a number that is greater than 200 practices (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) NO PENALTY FOR CERTAIN OPT-OUTS 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—

''(A) prior to the receipt by the practice of any payment for such model that would not otherwise be paid in the absence of such model; and

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

''(e) 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)(i).

''(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 undergo advanced imaging and 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—

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

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

''(III) have received from the practice either GCSF or white cell growth factor.

''(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 biomarkers, 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 for such individuals, the extent to which such drugs are administered in accordance with evidence-based guidelines or pathways that are compliant with guidelines published by the National Comprehensive Cancer Network or such other entity as the Secretary determines appropriate.

''(B) RESOURCE UTILIZATION MEASURES.—

''(i) With respect to emergency room visits in a year by such individuals who are receiving active chemotherapy treatment administered by the practice as of the date of such visits, the percentage of such visits that are associated with qualified cancer diagnoses of the individuals.

''(ii) 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 visits, the percentage of such admissions that are associated with qualified cancer diagnoses of the individuals.

''(C) SURVIVORSHIP MEASURES.—

''(i) Survival rates for such individuals who have been diagnosed with stage I through IV breast cancer.

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

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

''(iv) With respect to such individuals who receive chemotherapy treatment from the practice, the percentage of such individuals so treated who receive a survivorship plan not later than 45 days after the completion of the administration of such chemotherapy.

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

''(D) END-OF-LIFE CARE MEASURES.—

''(i) The number of times that such an individual receives chemotherapy treatment from the practice within an amount of time specified by the Secretary, in consultation with stakeholders, prior to the death of the individual.

''(ii) 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 average 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.

''(3) MODIFICATION OR ADDITION OF MEASURES.—

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

''(B) APPROPRIATE STAKEHOLDERS DESCRIBED.—For purposes of subparagraph (A), the term 'appropriate stakeholders' includes oncology societies, oncologists who furnish oncology services to one or more individuals for which payment may be made under part B, allied health professionals, health insurance issuers that have implemented alternative payment models for oncologists, patients and organizations that represent patients, and biopharmaceutical and other medical technology manufacturers.

''(4) ASSESSMENT.—

''(A) IN GENERAL.—The Secretary shall, for each year in which the demonstration project is conducted, assess—

''(i) the performance of each participating oncology practice for such year with respect to the measures on which the practice has agreed to report to the Secretary under subsection (c)(6)(A), as compared to the performance of other participating oncology practices with respect to such measures; and

''(ii) the extent to which each participating oncology practice has, during such year, used breakthrough or other best-in-class therapies.

''(B) PERFORMANCE STANDARDS.—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)(6)(B).

''(f) PAYMENTS FOR PARTICIPATING ONCOLOGY PRACTICES AND ONCOLOGISTS.—

''(1) CARE COORDINATION MANAGEMENT FEE DURING FIRST TWO YEARS OF DEMONSTRATION PROJECT.—

''(A) IN GENERAL.—The Secretary shall, in addition to any other payments made by the Secretary under this title to a participating oncology practice, pay a care coordination management fee to each such practice at each of the times specified in subparagraph (B).

''(B) TIMING OF PAYMENTS.—The care coordination management fee described in subparagraph (A) shall be paid to a participating oncology practice at the end of each of the following periods:

''(i) The period that ends 6 months after the date on which the practice's agreement period for the demonstration project begins, as determined by the Secretary.

''(ii) The period that ends 12 months after the date on which the practice's agreement period for the demonstration project begins, as determined by the Secretary.

''(iii) Subject to subsection (c)(7)—

''(I) the period that ends 18 months after the date on which the practice's agreement period for the demonstration project begins, as determined by the Secretary; and

''(II) 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) AMOUNT OF PAYMENT.—The Secretary shall, in consultation with oncologists who furnish oncology services for which payment may be made under part B in a manner determined by the Secretary, determine the amount of the care coordination management fee described in subparagraph (A).

''(2) PERFORMANCE INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—Subject to subparagraphs (C) and (E), the Secretary shall, in addition to any other payments made by the Secretary under this title to a participating oncology practice, pay a performance incentive payment to each such practice for each year of the demonstration project described in subparagraph (B).

''(B) TIMING OF PAYMENTS.—The performance incentive payment described in subparagraph (A) shall be paid to a participating oncology practice as soon as practicable following the end of the third, fourth, and fifth years of the demonstration project.

''(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 subparagraph (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 for each such year shall be determined by—

''(i) estimating the amount by which the aggregate expenditures that would have been expended for the year under parts A and B 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 estimated under clause (i); and

''(iii) subtracting from the amount calculated under clause (ii) the total amount of payments made under paragraph (1) that have not, in a prior application of this clause, previously been so subtracted from a calculation made under clause (ii).

''(E) AMOUNT OF PAYMENTS TO INDIVIDUAL PRACTICES 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 subparagraph (B) unless the practice meets or exceeds the performance standards developed under subsection (e)(4)(B) for the year with respect to—

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

''(II) 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 the 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 making payments for such year determined under subparagraph (D), as available for such year.

''(3) ISSUANCE 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).

''(g) SECRETARY REPORTS TO PARTICIPATING ONCOLOGY PRACTICES.—The Secretary shall inform each participating oncology practice, on a periodic (such as quarterly) basis, of—

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

''(2) the estimated amount by which the expenditures that would have been expended under parts A and B for items and services furnished to individuals attributed to the practice if the demonstration project had not been implemented exceeds the actual expenditures for such individuals.

''(h) APPLICATIONS FROM ENTITIES TO PROVIDE ACCREDITATIONS.—Not later than the date that is 18 months after the date of the enactment of this section, the Secretary shall establish a process for the acceptance and consideration of applications from entities for purposes of determining which entities may provide accreditation to practices under subsection (c)(4) in addition to the entities described in such subsection.

''(i) REVISIONS TO DEMONSTRATION PROJECT.—The Secretary may make appropriate revisions to the demonstration project under this section in order for participating oncology practices under such demonstration project to meet the definition of an eligible alternative payment entity for purposes of section 1833(z).

''(j) WAIVER AUTHORITY.—The Secretary may waive such provisions of this title and title XI as the Secretary determines necessary in order to implement the demonstration project under this section.

''(k) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.''.

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 efforts and to improve public education and awareness of congenital heart disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congenital Heart Futures Reauthorization Act of 2017''.

SEC. 2. NATIONAL CONGENITAL HEART DISEASE COHORT STUDY, SURVEILLANCE, AND AWARENESS CAMPAIGN.

Section 399V–2 of the Public Health Service Act (42 U.S.C. 280g–13) is amended—

(1) by amending the section heading to read as follows: ''NATIONAL CONGENITAL HEART DISEASE COHORT STUDY, SURVEILLANCE SYSTEM, AND AWARENESS CAMPAIGN'';

(2) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) ACTIVITIES.—The Secretary shall—

''(A) enhance and expand research and surveillance infrastructure to study and track the epidemiology of congenital heart disease (in this section referred to as 'CHD') across the lifespan; and

''(B) plan and implement a public outreach and education campaign regarding CHD across the lifespan.

''(2) GRANTS.—The Secretary may award grants to eligible entities to carry out the activities described in subsections (b), (c), and (d).'';

(3) in subsection (b)—

(A) in the heading, by striking ''PURPOSE'' and inserting ''NATIONAL CONGENITAL HEART DISEASE SURVEILLANCE SYSTEM''; and

(B) by striking ''The purpose of the Congenital Heart Disease Surveillance System shall be to facilitate'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall establish a Congenital Heart Disease Surveillance System for the purpose of facilitating'';

(4) in subsection (c)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly; and

(C) by redesignating such subsection (c) as paragraph (2) of subsection (b) and adjusting the margin accordingly;

(5) by striking subsections (d) and (e) and inserting the following:

''(c) NATIONAL CONGENITAL HEART DISEASE COHORT STUDY.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall plan, develop, implement, and submit annual reports to the Congress on research and surveillance activities of the Centers for Disease Control and Prevention, including a cohort study to improve understanding of the epidemiology of CHD across the lifespan, from birth to adulthood, with particular interest in the following:

''(A) Health care utilization and natural history of individuals affected by CHD.

''(B) Demographic factors associated with CHD, such as age, race, ethnicity, gender, and family history of individuals who are diagnosed with the disease.

''(C) Outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for CHD patients.

''(2) PERMISSIBLE CONSIDERATIONS.—The study under this subsection may—

''(A) gather data on the health outcomes of a diverse population of those affected by CHD;

''(B) consider health disparities among those affected by CHD which may include the consideration of prenatal exposures; and

''(C) incorporate behavioral, emotional, and educational outcomes of those affected by CHD.

''(3) PUBLIC ACCESS.—Subject to appropriate protections of personal information, including protections required under paragraph (4), data generated from the study under this subsection and through the Congenital Heart Disease Surveillance System under subsection (b) shall be made available for purposes of CHD research and to the public.

''(4) PATIENT PRIVACY.—The Secretary shall ensure that the study under this subsection and the Congenital Heart Disease Surveillance System under subsection (b) are carried out in a manner that complies with the requirements applicable to a covered entity under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(d) CONGENITAL HEART DISEASE AWARENESS CAMPAIGN.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish and implement an awareness, outreach, and education campaign regarding CHD across the lifespan. The information expressed through such campaign may—

''(A) emphasize the prevalence of CHD;

''(B) identify CHD as a condition that affects those diagnosed throughout their lives; and

''(C) promote the need for pediatric, adolescent, and adult individuals with CHD to seek and maintain lifelong, specialized care.

''(2) PERMISSIBLE ACTIVITIES.—The campaign under this subsection may—

''(A) utilize collaborations or partnerships with other agencies, health care professionals, and patient advocacy organizations that specialize in the needs of individuals with CHD; and

''(B) include the use of print, film, or electronic materials distributed via television, radio, Internet, or other commercial marketing venues.'';

(6) by redesignating subsection (f) as subsection (e); and

(7) by adding at the end the following:

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2017 through 2021.''.

SEC. 3. CONGENITAL HEART DISEASE RESEARCH.

Section 425 of the Public Health Service Act (42 U.S.C. 285b–8) is amended by adding the end the following:

''(d) REPORT FROM 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 IN 1913 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:

S. RES. 71

Whereas John Arthur ''Jack'' Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American world heavyweight boxing champion;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the ''great white hope'';

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the ''Battle of the Century'';

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans throughout the United States;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some for simply for being ''too familiar'' with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the ''White Slave Traffic Act'' or the ''Mann Act'') (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce ''for the purpose of prostitution or debauchery, or for any other immoral purpose'';

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an ''immoral purpose'' in violation of the Mann Act;

Whereas the charges against Jack Johnson under the Mann Act were dropped when the woman refused to cooperate with Federal authorities and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of ''prostitution and debauchery'';

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the heavyweight championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the heavyweight championship title;

Whereas Jack Johnson served the United States during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame; and

Whereas, on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

Resolved, That it remains the sense of the Senate that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

SENATE RESOLUTION 72—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

Mr. PETERS (for himself and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 72

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were torn from their families and loved ones and stripped of their names and heritage;

Whereas the faith and strength of character demonstrated by former slaves and the descendants of former slaves are an example for all people of the United States, regardless of background, religion, or race;

Whereas tens of thousands of people of African descent bravely and silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas in October 2001, the City of Detroit, Michigan, joined with Windsor and Essex Counties in Ontario, Canada, to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprised of the Tower of Freedom Monument in Windsor, Ontario, and the Gateway to Freedom Monument in Detroit, Michigan;

Whereas the deep roots that slaves, refugees, and immigrants who reached 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 International Underground Railroad Memorial Monument will be celebrated during the month of October 2017;

Whereas the 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 over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African-Americans and their fight for freedom is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

Resolved, That the Senate—

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

(2) supports the official recognition, by national and international entities, of the Detroit River as an area of historic importance to the history of the Underground Railroad and the fight for freedom in North America.

SENATE RESOLUTION 73—DESIGNATING FEBRUARY 28, 2017, AS ''RARE DISEASE DAY''

Mr. BROWN (for himself, Mr. BARRASSO, Mr. WHITEHOUSE, Ms. WARREN, Mr. MARKEY, Mr. COONS, Mr. WICKER, Mr. VAN HOLLEN, Ms. STABENOW, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. HATCH, and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:

S. RES. 73

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. 993);

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, Duchenne 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) difficulty finding physicians or treatment centers with expertise in the rare diseases;

Whereas the rare disease community gained important new tools during the 114th Congress with the passage of the 21st Century Cures Act (Public Law 114–255), which—

(1) streamlines the review by the Commissioner of Food and Drugs of genetically targeted therapies;

(2) incentivizes the development of rare pediatric disease therapies;

(3) strengthens pediatric medical research; and

(4) adds billions of dollars of funding for the National Institutes of Health;

Whereas both the Food and Drug Administration and the National Institutes of Health have established special offices to advocate for rare disease research and treatments;

Whereas the National Organization for Rare Disorders (referred to in this preamble as ''NORD''), a nonprofit organization established in 1983 to provide services to, and advocate on behalf of, patients with rare diseases, remains a critical public voice for people with rare diseases;

Whereas 2017 marks the 34th anniversary of the enactment of the Orphan Drug Act (Public Law 97–414; 96 Stat. 2049) and the establishment of NORD;

Whereas NORD sponsors Rare Disease Day in the United States and partners with many other major rare disease organizations to increase public awareness of rare diseases;

Whereas Rare Disease Day is observed each year on the last day of February;

Whereas Rare Disease Day is a global event, first observed in the United States on February 28, 2009, and was observed in more than 85 countries in 2016; and

Whereas Rare Disease Day is expected to be observed globally for years to come, providing hope and information for rare disease patients around the world: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 28, 2017, as ''Rare Disease Day'';

(2) recognizes the importance of improving awareness and encouraging accurate and early diagnosis of rare diseases and disorders; and

(3) supports a national and global commitment to improving access to and developing new treatments, diagnostics, and cures for rare diseases and disorders.

AUTHORITY FOR COMMITTEES TO MEET

Ms. COLLINS. Mr. President, I have five requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing 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 February 28, 2017, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Improving Outcomes for Youth in the Juvenile Justice System.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Tuesday, February 28, 2017, at 2 p.m., in room SD–G50 of the Dirksen Senate Office Building.

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, February 28, 2017, from 2 p.m. to 3:30 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 Red River Gradient Boundary Survey Act, 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:

A resolution (S. Res. 62) authorizing expenditures by committees of the Senate for the periods March 1, 2017 through September 30, 2017, October 1, 2017 through September 30, 2018, and October 1, 2018 through February 28, 2019.

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.

(The resolution is printed in the RECORD of February 16, 2017, under ''Submitted Resolutions''.)

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 PROCEDURE

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 for the joint session of Congress provided under the provisions of H. Con. Res. 23; that upon dissolution of the joint session, the Senate adjourn until 10 a.m., Wednesday, March 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session to resume consideration of the Zinke nomination as under the previous order.

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

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 8:25 p.m.

Thereupon, the Senate, at 5:30 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.

Thereupon, the Senate, 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 two 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 HASKELL, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO,

TULINABO SALAMA MUSHINGI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on February 28, 2017 withdrawing from further Senate consideration the following nominations:

REBECCA EMILY RAPP, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2019, VICE SHARON L. BROWNE, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

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

DAVID J. ARROYO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2022, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

BRENT FRANKLIN NELSEN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2022, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

JESSICA ROSENWORCEL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2015, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

MICHAEL P. LEARY, OF PENNSYLVANIA, TO BE INSPECTOR GENERAL, SOCIAL SECURITY ADMINISTRATION, VICE PATRICK P. O'CARROLL, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

TULINABO SALAMA MUSHINGI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA–BISSAU, 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.

ELIZABETH A. FIELD, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, OFFICE OF PERSONNEL MANAGEMENT, VICE PATRICK E. MCFARLAND, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

ROBERT P. STORCH, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY, (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JANUARY 4, 2017.

MARY ELLEN BARBERA, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2018, VICE JONATHAN LIPPMAN, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2017.

DAVID V. BREWER, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2019, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2017.

WILFREDO MARTINEZ, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2019, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2017.

CHASE ROGERS, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2018, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2017.

CLAUDIA SLACIK, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT–IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2019, VICE PATRICIA M. LOUI, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2017.

GAYLE A. NACHTIGAL, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2018, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

CHRISTOPHER JAMES BRUMMER, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING JUNE 19, 2021, VICE MARK P. WETJEN, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

BRIAN D. QUINTENZ, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2020, VICE SCOTT O'MALIA, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

JASON E. KEARNS, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING DECEMBER 16, 2024, VICE DEAN A. PINKERT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

TODD PHILIP HASKELL, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO, WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

CHARLES R. BREYER, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2021, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

DANNY C. REEVES, OF KENTUCKY, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR A TERM EXPIRING OCTOBER 31, 2019, VICE RICARDO H. HINOJOSA, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 17, 2017.

ANDREW F. PUZDER, OF TENNESSEE, TO BE SECRETARY OF LABOR, WHICH WAS SENT TO THE SENATE ON JANUARY 20, 2017.