

Security Administration had mistakenly put them in the NICS system, their legal fees would still have to be incurred by the individual, despite the fact that they had no responsibility for this.

I agree something ought to be done in this area, but I am not fully confident this rule gets it exactly right. My preferred outcome here, my ideal, would be for the Social Security Administration to produce a new rule—one that takes into account these legitimate concerns that have been raised, especially by people in the disability rights community. I would look forward to working with the Social Security Administration, and I could very well support such a rule, and I would support such a rule if they addressed these things properly.

I would further say that we have time to do this. As I mentioned earlier, while the rule has been finalized, it has not yet gone into effect. It doesn't go into effect until December 19 of this year. We have over 10 months to reconsider and get this right.

Some have suggested, wait a minute, we will never have a chance to redo this if we pass the Congressional Review Act, which repeals this rule because it will preclude the Social Security Administration from promulgating a new version of the rule.

People say that because the Congressional Review Act states that if we enact this resolution of disapproval "a new rule that is substantially the same as such a rule may not be issued."

It is my opinion that a new rule issued by the Social Security Administration that addresses appropriately the concerns I mentioned would certainly not be substantially the same as the current rule. It would be a very different rule. Since it would not be substantially the same, it would be permissible under the Congressional Review Act for the Social Security Administration to correct these flaws and come up with a new rule.

I want to ask the senior Senator from Texas, the majority whip and a member of the Senate Judiciary Committee, is it your opinion that if subsequent to passage of the Congressional Review Act with respect to this rule, if the Social Security Administration promulgated a new rule that met the standards I have set forth, that in that case, the new rule would not be substantially the same as the current rule and therefore would not be precluded by passage of the Congressional Review Act; is that the opinion of the Senator from Texas?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I agree with my friend and colleague from Pennsylvania. If the Social Security Administration were to amend the rule to include the front-end due process and a finding of dangerous mental illness, that would be a fundamentally different rule that is not substantially similar.

Under the current rule, merely filing for a disability benefit on the grounds of a condition, for example, like anxiety can trigger a permanent deprivation of constitutional rights without any physician or adjudicative body finding the person is dangerously mentally ill.

I certainly agree with the concerns raised by my friend and our colleague from Pennsylvania that the rule he is describing would not be substantially similar to the rule currently in effect and that would be no bar to the Social Security Administration writing a substitute rule in accordance with the views he has expressed.

There may still be a few differences between us in terms of what exactly the rule would be, but there is no distance between us in terms of the conclusion that a replacement rule that provides for due process would not be substantially similar and would not be barred under the Congressional Review Act.

Mr. TOOMEY. I thank the Senator from Texas for joining me in this discussion. We certainly share the view about the possibility of a future different rule, and I look forward to working with the Senator from Texas as well as people at the Social Security Administration to achieve that.

Mr. President, I yield the floor.

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

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

#### 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.

#### RUSSIAN ATROCITIES IN ALEPPO

Mr. LEAHY. Mr. President, we have heard a lot about President Trump's admiration of Russian President Vladimir Putin, whom most objective observers regard as a murderous thug and a kleptocrat. As we consider the President's statements lauding Putin for being a "strong leader" and his silence about the imprisonment and assassinations of Putin's critics and Russia's invasion of Ukraine, annexation of Crimea, and atrocities in Syria, I am reminded of the remarks delivered on December 13 by Samantha Power, former Permanent Representative to the United Nations, at the U.N. Security Council.

Ambassador Power delivered a passionate appeal to the Security Council

to take action to protect civilians under assault in Aleppo, including to hold in contempt the governments of Syria, Russia, and Iran for their war crimes in Syria. Her remarks stand as a stark contrast to what we are hearing from the White House today. This is a time to condemn Vladimir Putin's aggressions against the people of Russia, of Ukraine, and of Syria—not to regard him as an example of a leader to emulate.

It is also a time for Republicans to stand up for our own democracy, after the Russian Government, at Putin's direction, actively sought to sway the outcome of the U.S. Presidential election. The unanimous conclusion of U.S. intelligence agencies is that Putin, a former KGB agent, ordered a cyber attack on our electoral system in favor of Donald Trump. Russia's goals "were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency." Yet the White House and Republican leaders in Congress have been silent, apparently unconcerned about a foreign assault on our electoral system, refusing to even support an independent investigation. Imagine what they would be saying if their candidate had lost. They would be demanding a new election and trying to shut down the government.

I ask unanimous consent that Ambassador Power's remarks be printed in the RECORD to serve as a reminder of the scale of the humanitarian disaster in Syria perpetrated by Bashar al-Assad and Vladimir Putin and our moral obligation to pursue accountability for those responsible.

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

Remarks at a UN Security Council Emergency Briefing on Syria  
Ambassador Samantha Power  
U.S. Permanent Representative to the United Nations  
U.S. Mission to the United Nations  
New York City  
December 13, 2016

AS DELIVERED

Thank you. Here is what is happening right now in eastern Aleppo. Syrians trapped by the fighting are sending out their final appeals for help, or they are saying their good-byes. A doctor named Mohammad Abu Rajab left a voice message: "This is a final distress call to the world. Save the lives of these children and women and old men. Save them. Nobody is left. You might not hear our voice after this." A photographer named Ameen Al-Halabi wrote on Facebook: "I am waiting to die or be captured by the Assad regime. Pray for me and always remember us." A teacher named Abdulkafi Al-Hamdo said: "I can tweet now but I might not do it forever. Please save my daughter's life and others. This is a call from a father." Another doctor told a journalist: "Remember that there was a city called Aleppo that the world erased from the map and history."

This is what is happening in eastern Aleppo. This is what is being done by Member States of the United Nations who are sitting around this horseshoe table today. This is what is being done to the people of eastern

Aleppo, to fathers, and mothers, and sons, and daughters, brothers, and sisters like each of us here.

It is extremely hard to get information, of course, out of the small area still held by the opposition. You will hear this as an alibi as a way of papering over what video testimony, phone calls, and others are bringing us live. You will hear this invoked—that it is hard to verify. It is deliberate. The Assad regime and Russia backed by Iran using militia on the ground have done everything they can to cut off the city. So you will hear, “well, we don’t really know, maybe it’s made up”—but they are hiding what is happening from the world. It would be easy for independent investigators to get in along with food, health workers, and others; but instead, the perpetrators are hiding their brutal assault from the world willfully. But consider the accounts that have made it out—so many of them—first responders describing children’s voices from beneath the rubble of collapsed buildings. There are no first responders or equipment left to dig them out, and no doctors left to treat them. Bodies lying in the streets of eastern Aleppo, but no one dares collect them, for fear of getting bombed or shot to death in the process. Up to a hundred children are reportedly trapped right now, in a building under heavy fire. Terrorists. Clearly—young children—they must be terrorists because everybody being executed, everybody being barrel bombed, everybody who’s been chlorine attacked, you’re going to be told they are all terrorists—every last one of them, even the infants.

The regime of Bashar Al-Assad, Russia, Iran, and their affiliated militia are the ones responsible for what the UN called “a complete meltdown of humanity.” And they are showing no mercy:

No mercy despite their territorial conquests—even now, no mercy. In the last 24 hours alone, pro-Assad forces reportedly killed at least 82 civilians, including 11 women and 13 children.

These forces are reportedly entering homes and executing civilians on the spot, as we have heard. And according to the Office for the High Commissioner for Human Rights, foreign militias like Iraqi Harakat Al-Nujaba organization are involved in these killings. Where civilians are able to run the gauntlet and make it across the frontlines, Syrian intelligence agencies are pulling people aside and sending them away, perhaps to be gang-pressed to the front lines, likely to the same prisons where we know the Assad regime tortures and executes those in its custody.

In light of these reports, we join others, especially the Secretary-General, in one of his final appeals, reiterating our call to the Assad regime and Russia to stop their assault on Aleppo, to protect civilians. We call on Russia and Assad to allow impartial, international observers into the city to oversee the safe evacuation of the people who wish to leave, but who justifiably fear that if they try, they will be shot in the street or carted off to one of Assad’s gulags.

The Assad regime and Russia appear dead set on seizing every last square inch of Aleppo by force, no matter how many innocent bodies pile up in their wake. But we keep insisting on answering the UN call for access, for safe and orderly evacuation, because we are not willing to accept that innocent men, women, and children can be butchered simply because they happen to live in a conflict area. Our shared humanity and security demands that certain rules of war hold, the most basic. And it is up to each and every one of us here to defend those rules.

To the Assad regime, Russia, and Iran—three Member States behind the conquest of

and carnage in Aleppo—you bear responsibility for these atrocities. By rejecting UN-ICRC evacuation efforts, you are signaling to those militia who are massacring innocents to keep doing what they are doing. Denying or obfuscating the facts—as you will do today—saying up is down, black is white, will not absolve you. When one day there is a full accounting of the horrors committed in this assault of Aleppo—and that day will come, sooner or later—you will not be able to say you did not know what was happening. You will not be able to say you were not involved. We all know what is happening. And we all know you are involved.

Aleppo will join the ranks of those events in world history that define modern evil, that stain our conscience decades later. Halabja, Rwanda, Srebrenica, and, now, Aleppo. To the Assad regime, Russia, and Iran, your forces and proxies are carrying out these crimes. Your barrel bombs and mortars and airstrikes have allowed the militia in Aleppo to encircle tens of thousands of civilians in your ever-tightening noose. It is your noose. Three Member States of the UN contributing to a noose around civilians. It should shame you. Instead, by all appearances, it is emboldening you. You are plotting your next assault. Are you truly incapable of shame? Is there literally nothing that can shame you? Is there no act of barbarism against civilians, no execution of a child that gets under your skin, that just creeps you out a little bit? Is there nothing you will not lie about or justify?

To the members of this Council, and all Member States of the United Nations: Know that the ghastly tactics we are witnessing in Aleppo will not stop if the city falls. The regime and its Russian allies will only be emboldened to replicate their starve-and-surrender-and-slaughter tactics elsewhere. This will be their model for attempting to retake cities and towns across Syria.

It will not end with Aleppo. And it will not focus on terrorists. It never has, and there is no evidence that it will.

This is why it is so essential that each of us right here—no matter how small a country you are, no matter what your view of sovereignty, if you share our view that terrorism is one of the singular causes on earth worth fighting, it doesn’t matter—you have a responsibility to denounce these atrocities. We have just heard the Secretary-General state it plainly. You have to tell those responsible that they must stop. This isn’t the time for more equivocation, for self-censoring, for avoiding naming names, for diplomatic niceties of the kind that are so well-practiced here on the Council. Say who is responsible. Appeal to Moscow, to Damascus, to Tehran, that they have to stop. Use every channel you have—public, private, bankshot, through someone who knows someone. The lives of tens of thousands of Syrians still in eastern Aleppo—between 30,000–60,000 people—and hundreds of thousands more across the country who are besieged, depend on it.

I thank you.

## COMMITTEE ON ARMED SERVICES

### RULES OF PROCEDURE

Mr. MCCAIN. Mr. President, the rules governing the procedure of the Committee on Armed Services have not changed for the 115th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator REED, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

UNITED STATES SENATE COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE, 115TH CONGRESS

1. **REGULAR MEETING DAY**—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. **ADDITIONAL MEETINGS**—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. **SPECIAL MEETINGS**—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. **OPEN MEETINGS**—Each meeting of the 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 the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) 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 below in clauses (a) through (f) 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—

(a) 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;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a 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;

(d) 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;

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

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

(2) 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

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

5. **PRESIDING OFFICER**—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. **QUORUM**—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from