

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2328

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 “Pay Our Military Act of 2018”.

SEC. 2. CONTINUING APPROPRIATIONS FOR PAY AND DEATH BENEFITS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—There are hereby appropriated for fiscal year 2018, out of any money in the Treasury not otherwise appropriated, for any period during which interim or full-year appropriations for fiscal year 2018 are not in effect—

(1) such sums as are necessary to provide pay and allowances to members of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code), including reserve components thereof, who perform active service, including drill, during such period;

(2) such sums as are necessary for the payment of death benefits authorized by subchapter II of chapter 75 of title 10, United States Code, for individuals who die during such period;

(3) such sums as are necessary to provide pay and allowances to the civilian personnel of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1) and in connection with the payment of benefits described in paragraph (2); and

(4) such sums as are necessary to provide pay and allowances to contractors of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1) and in connection with the payment of benefits described in paragraph (2).

(b) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerning the Coast Guard.

SEC. 3. TERMINATION.

Appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation (including a continuing appropriation) for any purpose for which amounts are made available in section 2; (2) the enactment into law of the applicable regular or continuing appropriations resolution or other Act without any appropriation for such purpose; or (3) September 30, 2018.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1908. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the

United States, and for other purposes; which was ordered to lie on the table.

SA 1909. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 195, supra; which was ordered to lie on the table.

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SA 1911. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 195, supra; which was ordered to lie on the table.

SA 1912. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 195, supra; which was ordered to lie on the table.

SA 1913. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 195, supra; which was ordered to lie on the table.

SA 1914. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 195, supra; which was ordered to lie on the table.

SA 1915. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 195, supra; which was ordered to lie on the table.

SA 1916. Mr. DURBIN (for himself, Mr. REED, Mr. TESTER, Mr. KAINE, Mr. WARNER, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY, Ms. DUCKWORTH, Ms. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. JONES, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MACHIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BOOKER, Mr. CARDIN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1913 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 195, supra; which was ordered to lie on the table.

SA 1917. Mr. MCCONNELL proposed an amendment to the bill H.R. 195, supra.

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TEXT OF AMENDMENTS

SA 1908. Mr. PAUL (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON USE OF FUNDS TO QUERY CERTAIN COLLECTIONS OF COMMUNICATIONS OBTAINED UNDER CERTAIN PROVISIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Except as provided in subsection (b), none of the amounts appropriated or otherwise made available by this Act may be used to conduct a query of information acquired under Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in an effort to find communications of or about a particular United

States person or a person inside the United States.

(b) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subsection (a) shall not apply to a query for communications related to a particular United States person or person inside the United States if—

(1) such United States person or person inside the United States is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805, 1824, 1881b, and 1881d), or under title 18, United States Code, for the effective period of that order;

(2) the entity carrying out the query has a reasonable belief that the life or safety of such United States person or person inside the United States is threatened and the information is sought for the purpose of assisting that person;

(3) such United States person or person in the United States is a corporation; or

(4) such United States person or person inside the United States has consented to the query.

(c) QUERIES OF FEDERATED DATA SETS AND MIXED DATA.—In addition to subsection (a), none of the amounts appropriated or otherwise made available by this Act may be used to conduct a query of a data set, or of federated data sets, that includes any information acquired under Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), unless the system has been configured to not return such information unless the officer or employee enters a code or other information indicating that—

(1) the person associated with the search term is not a United States person or person inside the United States; or

(2) if the person associated with the search term is a United States person or person inside the United States, one or more of the conditions of paragraph (2) is satisfied.

(d) MATTERS RELATING TO EMERGENCY QUERIES.—In the event that a query for communications related to a particular United States person or a person inside the United States is conducted pursuant to an emergency authorization authorizing electronic surveillance or a physical search described in subsection (b)(1) and the application for such emergency authorization is denied, or in any other case in which the query has been conducted and no order is issued approving the query, none of the amounts appropriated or otherwise made available by this Act shall be used—

(1) to introduce or otherwise disclose information obtained or evidence derived from such query in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; or

(2) to use or disclose information concerning any United States person acquired from such query in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

SA 1909. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used by the Department of Justice for activities that are not in compliance with the February 14, 2014, Department of Justice memorandum from James M. Cole, Deputy Attorney General, entitled "Guidance Regarding Marijuana Financial Crimes", and the memoranda incorporated therein.

SA 1910. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, to prevent the State from implementing State laws that authorize the use, distribution, possession, or cultivation of marijuana on non-Federal lands within the respective jurisdiction of the State.

SA 1911. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION F—NO BUDGET, NO PAY

SEC. 6001. SHORT TITLE.

This division may be cited as the "No Budget, No Pay Act".

SEC. 6002. DEFINITION.

In this division, the term "Member of Congress"—

(1) has the meaning given the term under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 6003. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year and have not passed all the regular appropriations bills for the next fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year and all the regular appropriations bills.

SEC. 6004. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET AND THE APPROPRIATIONS BILLS.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 6005.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate or the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives under section 6005, at any time after the end of that period.

SEC. 6005. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 6003 and whether Senators may not be paid under that section;

(B) determine the period of days following each October 1 that Senators may not be paid under section 6003; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives for certification of determinations made under subparagraphs (A) and (B) of paragraph (2).

(2) DETERMINATIONS.—The Chairpersons of the Committee on the Budget and the Committee on Appropriations of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 6003 and whether Members of the House of Representatives may not be paid under that section;

(B) determine the period of days following each October 1 that Members of the House of Representatives may not be paid under section 6003; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 6006. EFFECTIVE DATE.

This division shall take effect on February 1, 2019.

SA 1912. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COMPENSATION FOR FEDERAL EMPLOYEES AFFECTED BY A LAPSE IN APPROPRIATIONS.

Section 1341 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking "An officer" and inserting "Except as specified in this subchapter or any other provision of law, an officer"; and

(2) by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'covered lapse in appropriations' means any lapse in appropriations that begins on or after January 19, 2018; and

"(B) the term 'excepted employee' means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

"(2) Each Federal employee furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee's standard rate of pay, at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

"(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law governing the use of leave by the excepted employee, for which compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates."

SA 1913. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

EXTENSION OF CONTINUING APPROPRIATIONS ACT, 2018

SEC. 101. The Continuing Appropriations Act, 2018 (division D of Public Law 115-56) is amended by striking the date specified in section 106(3) and inserting "January 20, 2018".

SA 1914. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMERGENCY APPROPRIATION OF FUNDS TO PROVIDE FOR VETERANS BENEFITS AND SERVICES.

(a) APPROPRIATION OF FUNDS FOR VETERANS BENEFITS AND SERVICES.—During a funding gap impacting the Department of Veterans Affairs, the Secretary of the Treasury shall make available to the Secretary of Veterans

Affairs, out of any amounts in the general fund of the Treasury not otherwise appropriated, such amounts as the Secretary of Veterans Affairs determines necessary to continue to administer and provide benefits and services to veterans, dependents, and survivors provided under chapters 11, 13, 15, 18, 21, 23, 30, 31, 33, 35, and 39 of title 38, United States Code.

(b) **FUNDING GAP DEFINED.**—In this section, the term “funding gap” means any period of time after the beginning of a fiscal year for which interim or full-year appropriations for the Department of Veterans Affairs for that fiscal year have not been enacted.

SA 1915. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —EMERGENCY APPROPRIATIONS FOR MILITARY AND SUPPORTING CONTRACTOR PAY

SEC. —01. SHORT TITLE.

This title may be cited as the “Ensuring Pay for Our Military Act”.

SEC. —02. EMERGENCY APPROPRIATION OF FUNDS TO PROVIDE PAY AND ALLOWANCES FOR MEMBERS OF THE ARMED FORCES AND SUPPORTING CIVILIAN AND CONTRACTOR PERSONNEL DURING FUNDING GAP IMPACTING THE DEPARTMENT OF DEFENSE OR DEPARTMENT OF HOMELAND SECURITY.

(a) **APPROPRIATION OF FUNDS FOR MILITARY PAY AND ALLOWANCES.**—During a funding gap impacting the Armed Forces, the Secretary of the Treasury shall make available to the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard), out of any amounts in the general fund of the Treasury not otherwise appropriated, such amounts as the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) determines to be necessary to continue to provide pay and allowances (without interruption) to the following:

(1) Members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, including reserve components thereof, who perform active service during the funding gap.

(2) At the discretion of the Secretary of Defense, such civilian personnel of the Department of Defense who are providing support to the members of the Armed Forces described in paragraph (1) as the Secretary considers appropriate.

(3) At the discretion of the Secretary of Defense, such personnel of contractors of the Department of Defense who are providing direct support to the members of the Armed Forces described in paragraph (1) as the Secretary considers appropriate.

(b) **FUNDING GAP DEFINED.**—In this section, the term “funding gap” means any period of time after the beginning of a fiscal year for which interim or full-year appropriations for the personnel accounts of the Armed Forces for that fiscal year have not been enacted.

SA 1916. Mr. DURBIN (for himself, Mr. REED, Mr. TESTER, Mr. KAINE, Mr. WARNER, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DONNELLY,

Ms. DUCKWORTH, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. JONES, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MANCHIN, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. BOOKER, Mr. CARDIN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 1913 submitted by Mr. SCHUMER and intended to be proposed to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —CONTINUING APPROPRIATIONS FOR PAY AND DEATH BENEFITS FOR MEMBERS OF THE ARMED FORCES

SEC. —01. SHORT TITLE.

This title may be cited as the “Pay Our Military Act of 2018”.

SEC. —02. CONTINUING APPROPRIATIONS FOR PAY AND DEATH BENEFITS FOR MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—There are hereby appropriated for fiscal year 2018, out of any money in the Treasury not otherwise appropriated, for any period during which interim or full-year appropriations for fiscal year 2018 are not in effect—

(1) such sums as are necessary to provide pay and allowances to members of the Armed Forces (as defined in section 101(a)(4) of title 10, United States Code), including reserve components thereof, who perform active service, including drill, during such period;

(2) such sums as are necessary for the payment of death benefits authorized by subchapter II of chapter 75 of title 10, United States Code, for individuals who die during such period;

(3) such sums as are necessary to provide pay and allowances to the civilian personnel of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1) and in connection with the payment of benefits described in paragraph (2); and

(4) such sums as are necessary to provide pay and allowances to contractors of the Department of Defense (and the Department of Homeland Security in the case of the Coast Guard) whom the Secretary concerned determines are providing support to members of the Armed Forces described in paragraph (1) and in connection with the payment of benefits described in paragraph (2).

(b) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of Defense with respect to matters concerning the Department of Defense; and

(2) the Secretary of Homeland Security with respect to matters concerning the Coast Guard.

SEC. —03. TERMINATION.

Appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs: (1) the enactment into

law of an appropriation (including a continuing appropriation) for any purpose for which amounts are made available in section 02; (2) the enactment into law of the applicable regular or continuing appropriations resolution or other Act without any appropriation for such purpose; or (3) September 30, 2018.

SA 1917. Mr. MCCONNELL proposed an amendment to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; as follows:

On page 1, line 6 of the House Amendment Strike “February 16” and insert “February 8”

SA 1918. Mr. MCCONNELL proposed an amendment to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; as follows:

At the end add the following.

“This act shall be effective 1 day after enactment.”

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES E. GRASSLEY, intend to object to proceeding to the nomination of David J. Ryder, of New Jersey, to be Director of the Mint for the Department of Treasury, dated January 19, 2018.

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

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

The bill clerk proceeded to call the roll.

(Mr. TILLIS assumed the Chair.)

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

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

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017—Continued

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the