

(D) investigate all allegations of human rights violations committed in the Anglophone regions and take the necessary measures to prevent arbitrary detention, torture, enforced disappearances, deaths in custody, and inhumane prison conditions;

(E) to promote the rule of law through more transparent accountability mechanisms;

(F) promptly charge or release all those detained in the context of the Anglophone crisis, including all Anglophone activists arrested in Nigeria, and ensure that any future detainees are treated with due process, in accordance with Cameroon's penal code and international human rights norms;

(G) ensure that detainees are treated fairly and humanely, with proper judicial proceedings, including a registry of those detained by the Cameroonian security forces, and with full access to legal resources;

(H) release human rights defenders, civil society activists, political prisoners, journalists, trade unionists, teachers, and any other citizens who have been arbitrarily arrested and detained without trial or charge; and

(I) work with United States law enforcement to thoroughly investigate and prosecute Charles Wesco's murder; and

(5) urges the separatist groups in Anglophone areas to—

(A) engage with government officials to peacefully express grievances and credibly engage in nonviolent efforts to resolve the conflict;

(B) immediately stop committing human rights abuses, including killings of civilians, torture, kidnapping, and extortion;

(C) end the school boycott and immediately cease attacks on schools, teachers, and education officials, and allow for the safe return of all students to class; and

(D) immediately release all civilians illegally detained or kidnapped.

SENATE RESOLUTION 734—AUTHORIZING THE SENATE LEGAL COUNSEL TO REPRESENT THE SENATE IN TEXAS V. UNITED STATES, NO. 4:18-CV-00167-O (N.D. TEX.)

Mr. MANCHIN (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. JONES, Mr. CARPER, Ms. BALDWIN, Mr. BROWN, Mr. KAINE, Mr. UDALL, Mr. DURBIN, Mr. REED, Mr. VAN HOLLEN, Mr. SANDERS, Mr. HEINRICH, Mr. BENNET, Ms. KLOBUCHAR, Ms. SMITH, Mr. TESTER, Mrs. MCCASKILL, Ms. HIRONO, Ms. WARREN, Mr. DONNELLY, Mr. CASEY, Mr. MURPHY, Ms. CORTEZ MASTO, Mr. KING, Mr. LEAHY, Ms. DUCKWORTH, Mr. WHITEHOUSE, Mr. MARKEY, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. CARDIN, Mr. MENENDEZ, Mr. BOOKER, Ms. HASSAN, Ms. HARRIS, Ms. STABENOW, Mr. PETERS, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 734

Whereas Texas, Wisconsin, Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Paul LePage (Governor of Maine), Mississippi (by and through Governor Phil Bryant), Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and West Virginia have filed suit in the United States District Court for the Northern District of Texas, arguing that the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119), is unconstitutional and should be

enjoined, by asserting that the Act's requirement to maintain minimum essential coverage (commonly known as the "individual responsibility provision") in section 5000A(a) of the Internal Revenue Code of 1986, is unconstitutional following the amendment of that provision by the Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Public Law 115-97) (commonly known as the "Tax Cuts and Jobs Act");

Whereas these State and individual plaintiffs also seek to strike down the entire Patient Protection and Affordable Care Act as not severable from the individual responsibility provision;

Whereas, on June 7, 2018, the Department of Justice refused to defend the constitutionality of the amended individual responsibility provision, despite the well-established duty of the Department to defend Federal statutes where reasonable arguments can be made in their defense;

Whereas the Department of Justice not only refused to defend the amended individual responsibility provision, but it affirmatively argued that this provision is unconstitutional and that the provisions of the Patient Protection and Affordable Care Act guaranteeing issuance of insurance coverage regardless of health status or pre-existing conditions (commonly known as the "guaranteed issue provision"), sections 2702, 2704, and 2705(a) of the Public Health Service Act (42 U.S.C. 300gg-1, 300gg-3, 300gg-4(a)), and prohibiting discriminatory premium rates (commonly known as the "community rating provision"), sections 2701 and 2705(b) of the Public Health Service Act (42 U.S.C. 300gg(a)(1), 300gg-4(b)) must now be struck down as not severable from the individual responsibility provision; and

Whereas the district court in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.) issued an order on December 14, 2018 declaring that the individual responsibility provision in section 5000A(a) of the Internal Revenue Code of 1986 is unconstitutional and that all the provisions of the Patient Protection and Affordable Care Act are not severable and therefore are invalid: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Senate in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter and related proceedings; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SENATE RESOLUTION 735—CONDEMNING THE MASS ATROCITIES COMMITTED AGAINST THE ROHINGYA IN BURMA AND URGING ACCOUNTABILITY FOR THE BURMESE MILITARY

Mr. MARKEY (for himself, Mr. RUBIO, Mr. CARDIN, Ms. COLLINS, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 735

Whereas, in recent decades, the Rohingya people have lost, through systematic discrimination by Burmese national, state, and local authorities, a range of civil and political rights, including citizenship, and face barriers today such that they have been rendered stateless;

Whereas, beginning on August 25, 2017, the Government of Burma military and security forces, as well as civilian mobs, carried out widespread attacks, rapes, killings, and the burning of villages throughout Rakhine State, resulting in approximately 730,000 Rohingya fleeing to Bangladesh and bringing the total Rohingya refugee population in Cox's Bazar to over 900,000;

Whereas international observers widely agree that Burma has not made progress on the "more crucial" of the 88 recommendations of the Rakhine Advisory Commission that addresses the root causes of conflict and ensures the rights and dignity of the Rohingya: freedom of movement, civil documentation, and a transparent pathway to citizenship;

Whereas, since the beginning of the violence in August 2017, humanitarian and media access to Rakhine State has been extremely limited;

Whereas Reuters journalists Wa Lone and Kyaw Soe Oo were arrested on December 12, 2017, for their work to report on the Burmese military's violent campaign against the Rohingya;

Whereas, on November 14, 2018, Vice President Mike Pence said, "This is a tragedy that has touched the hearts of millions of Americans. The violence and persecution by military and vigilantes that resulted in driving 700,000 Rohingya to Bangladesh is without excuse."

Whereas, to date, though the refugee crisis is not of their making, the Government of Bangladesh has accommodated the rapid and massive influx of Rohingya refugees into Cox's Bazar;

Whereas Burma's civilian government, led by State Counsellor Aung San Suu Kyi and President Win Myint, has yet to take the necessary steps to address the violence directed against the Rohingya, has failed to create the necessary conditions for returns (including by actively impeding access to northern Rakhine by UNHCR, UNDP, humanitarian organizations, and journalists), and has failed to fully implement recommendations from the Rakhine Advisory Commission that address the root causes of conflict in Rakhine;

Whereas, on August 27, 2018, the United Nations International Fact Finding Mission on Myanmar released a report stating that, "The Mission concluded . . . that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State.";

Whereas, on August 25, 2018, Secretary of State Mike Pompeo stated that "[a] year ago, following deadly militant attacks, security forces responded by launching abhorrent ethnic cleansing of ethnic Rohingya in Burma," and continued, "The U.S. will continue to hold those responsible accountable. The military must respect human rights for Burma's democracy to succeed.";

Whereas, on August 17, 2018, the Department of the Treasury announced sanctions on five Tatmadaw officers and two Tatmadaw units for human rights abuses in Rakhine, Kachin, and Shan states;

Whereas, on September 24, 2018, the Department of State released a report entitled "Documentation of Atrocities in Northern Rakhine State" that stated the military "targeted civilians indiscriminately and often with extreme brutality" and that the violence in northern Rakhine State was "extreme, large-scale, widespread and seemingly geared toward both terrorizing the population and driving out the Rohingya residents" and that the "scope and scale of the

military's operations indicate that they were well-planned and coordinated";

Whereas, on November 29, 2018, the Public International Law and Policy Group, which was contracted by the Department of State to collect evidence for the Department's report, issued its own report that concluded "there is a reasonable basis to conclude that war crimes, crimes against humanity, and genocide were committed against the Rohingya population";

Whereas the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948, declares that genocide "means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group" and that "[t]he following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide"; and

Whereas the United States Holocaust Memorial announced on December 3, 2018, that "there is compelling evidence that Burmese authorities have intentionally sought to destroy the Rohingya people because of their ethnic and religious identity," and concluded there was compelling evidence genocide was committed: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the atrocities and displacement inflicted on Burma's Rohingya population by the Burmese military and security forces since August 2017;

(2) calls on the Secretary of State, based on credible evidence, to make a formal determination on whether the crimes committed since August 2017, amount to genocide;

(3) commends the role of the Government of Bangladesh in receiving Rohingya refugees to date and urges the Government of Bangladesh to continue allowing the full participation of UNHCR and human rights organization in accessing refugee camps;

(4) calls upon Facebook and other social media platforms to take the appropriate steps to guard against the dissemination of hate speech exploiting ethnic divisions in Burma;

(5) calls on the Government of Burma to immediately release Reuters journalists Wa Lone and Kyaw Soe Oo;

(6) urges the President to impose additional sanctions on senior members of Burma's military and security forces, including Burmese military owned companies and entities, who are responsible for genocide and human rights abuses against the Rohingya; and

(7) calls upon the President to maintain the status of the United States as a top international donor to the humanitarian response in Burma and Bangladesh and to submit a budget request for fiscal year 2020 that reflects that longstanding United States commitment.

SENATE RESOLUTION 736—URGING THE ESTABLISHMENT OF A CYBER LEAGUE OF INDO-PACIFIC STATES TO ADDRESS CYBER THREATS

Mr. GARDNER (for himself and Mr. COONS) submitted the following resolution;

tion; which was referred to the Committee on Foreign Relations.:

S. RES. 736

Whereas the world has benefitted greatly from technological innovations under the leadership of the United States in the post-World War era, including the creation of the World Wide Web which has provided an entirely new platform for wealth creation and human flourishing through cyber-commerce and connectivity;

Whereas cybercrime affects companies large and small, as well as infrastructure that is vital to the economy as a whole;

Whereas a 2018 study from the Center for Strategic and International Studies, in partnership with McAfee, estimates that the global economic losses from cybercrime are approximately \$600,000,000,000 annually and rising;

Whereas, according to the Pew Charitable Trust, 64 percent of people in the United States had fallen victim to cybercriminals as of 2017;

Whereas, on July 9, 2012, General Keith Alexander, then-Director of the National Security Agency, termed theft of United States intellectual property "the greatest transfer of wealth in history";

Whereas, on September 25, 2015, the United States and the People's Republic of China announced a commitment that "neither country's government will conduct or knowingly support cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors";

Whereas the People's Republic of China nonetheless continues to contribute to the rise of cybercrime, exploiting weaknesses in the international system to undermine fair competition in technology and cyberspace, including through theft of intellectual property and state-sponsored malicious actions to undermine and weaken competition;

Whereas, according to the 2018 Worldwide Threat Assessment by the Director of the National Intelligence: "China will continue to use cyber espionage and bolster cyber attack capabilities to support national security priorities. . . . China since 2015 has been advancing its cyber attack capabilities by integrating its military cyber attack and espionage resources in the Strategic Support Force, which it established in 2015";

Whereas, from 2011 to 2018, more than 90 percent of cases handled by the Department of Justice alleging economic espionage by or to benefit a foreign country involved the People's Republic of China;

Whereas more than 3/4 of the cases handled by the Department of Justice involving theft of trade secrets have a nexus to the People's Republic of China;

Whereas experts have asserted that the Made in China 2025 strategy of the Government of the People's Republic of China will incentivize Chinese entities to engage in unfair competitive behavior, including additional theft of technologies and intellectual property;

Whereas the Democratic People's Republic of Korea has also contributed to the rise of cybercrime and according to the 2018 Worldwide Threat Assessment by the Director of the National Intelligence: "We expect the heavily sanctioned North Korea to use cyber operations to raise funds and to gather intelligence or launch attacks on South Korea and the United States. . . . North Korean actors developed and launched the WannaCry ransomware in May 2017, judging from technical links to previously identified North Korean cyber tools, tradecraft, and operational infrastructure. We also assess that these ac-

tors conducted the cyber theft of \$81 million from the Bank of Bangladesh in 2016";

Whereas section 2(a)(8) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9201(a)(8)) states, "The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks, including against Sony Pictures Entertainment and other United States persons.";

Whereas the United States has taken action on its own against international cybercrime, including through—

(1) the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122), which imposed mandatory sanctions against persons engaging in significant activities undermining cybersecurity on behalf of the Democratic People's Republic of Korea; and

(2) criminal charges filed by the Department of Justice on October 25, 2018, in which the Department alleged that the Chinese intelligence services conducted cyber intrusions against at least a dozen companies in order to obtain information on a commercial jet engine;

Whereas the March 2016 Department of State International Cyberspace Policy Strategy noted that "the Department of State anticipates a continued increase and expansion of our cyber-focused diplomatic efforts for the foreseeable future"; and

Whereas concerted action by countries that share concerns about state-sponsored cyber theft is necessary to prevent the growth of cybercrime and other destabilizing national security and economic outcomes: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President to propose and champion the negotiation of a treaty with like-minded partners in the Indo-Pacific to ensure a free and open Internet free from economically crippling cyberattacks;

(2) calls for the treaty, which can be referred to as the Cyber League of Indo-Pacific States (in this resolution referred to as "CLIPS"), to include the creation of an Information Sharing Analysis Center to provide around-the-clock cyber threat monitoring and mitigation for governments that are parties to the treaty; and

(3) calls for members of CLIPS—

(A) to consult on emerging cyber threats;

(B) to pledge not to engage in cyber theft;

(C) to introduce and enforce minimum criminal punishment for cyber theft;

(D) to extradite alleged cyber thieves;

(E) to enforce laws protecting software license holders;

(F) to ensure that government agencies use licensed software;

(G) to minimize data localization requirements (consistent with the Agreement between the United States of America, the United Mexican States, and Canada, signed at Buenos Aires November 30, 2018 (commonly known as the "United States-Mexico-Canada Agreement"));

(H) to accept international certifications as the basis for commercial information and communications technology reviews;

(I) to provide for public input when devising legislation on cybersecurity; and

(J) to cooperate on the attribution of cyberattacks and retribution to deter future attacks.