

S. RES. 454

Whereas José Daniel Ferrer García is a Cuban democracy and human rights activist who has dedicated his life to promoting greater political pluralism and respect for fundamental freedoms in Cuba;

Whereas Mr. Ferrer was born in Cuba on July 29, 1970, in the province of Santiago de Cuba;

Whereas, in the late 1990s, Mr. Ferrer joined the Christian Liberation Movement (MCL), a peaceful political movement led by late Cuban activist Oswaldo Payá;

Whereas, through coordination with the MCL, Mr. Ferrer helped lead the Varela Project, an initiative to collect the signatures of citizens to petition the Government of Cuba for democratic reforms and protections for freedom of speech, freedom of the press, and freedom of assembly;

Whereas, in March 2003, as part of a series of sweeping arrests of 75 democracy activists, Mr. Ferrer was arrested by Cuban authorities for his work on the Varela Project and sentenced to 25 years in prison;

Whereas, in March 2004, Amnesty International declared the group of 75 democracy activists, including Mr. Ferrer, to be prisoners of conscience and called for their immediate and unconditional release;

Whereas, in 2009, Mr. Ferrer was honored with the Democracy Award given annually by the National Endowment for Democracy;

Whereas, in March 2011, as part of an agreement brokered by the Catholic Church, Mr. Ferrer refused to abandon his homeland and was released from prison to remain in Cuba;

Whereas, in August 2011, Mr. Ferrer founded the Patriotic Union of Cuba (UNPACU), a nonviolent political movement dedicated to promoting human rights, democratic principles, and fundamental freedoms in Cuba;

Whereas, on June 7, 2012, Mr. Ferrer testified via digital video conference at a hearing of the Committee on Foreign Relations of the Senate;

Whereas, since he was released from jail in March 2011, Mr. Ferrer has been frequently harassed, regularly surveilled, and repeatedly jailed by Cuban authorities for his role in UNPACU;

Whereas, on October 1, 2019, Mr. Ferrer was imprisoned arbitrarily by Cuban authorities for his leadership of UNPACU and outspoken advocacy for human rights and democratic principles in Cuba;

Whereas, on October 1, 2019, Cuban authorities detained 3 other members of UNPACU, Fernando González Vailant, José Pupo Chaveco, and Roilán Zarraga Ferrer;

Whereas a letter from Mr. Ferrer was smuggled out of prison stating that he had been tortured, mistreated, and denied proper medical attention, and that his life was put in danger while in detention;

Whereas the family of Mr. Ferrer has been permitted to visit him only twice since he was imprisoned arbitrarily on October 1, 2019, and the wife of Mr. Ferrer reported that she saw evidence that he had been physically abused and mistreated; and

Whereas, on November 28, 2019, the European Parliament approved a resolution condemning the arbitrary detention of Mr. Ferrer and calling for his immediate release; Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the arbitrary imprisonment of leading Cuban democracy and human rights activist José Daniel Ferrer and calls for his immediate and unconditional release;

(2) urges Cuban authorities to grant Mr. Ferrer immediate access to medical care and independent legal counsel;

(3) calls for the immediate and unconditional release of all members of the Patriotic

through their work and actions, promoting the safety and freedom of all Americans;

Whereas employees of the Department of State and the United States Agency for International Development are a central component of our defense against international terrorism and the proliferation of weapons of mass destruction;

Whereas employees of the Department of State and the United States Agency for International Development work to preserve peace and freedom and promote economic prosperity and mutual understanding around the world;

Whereas employees of the Department of State and the United States Agency for International Development daily work to reduce poverty, end hunger and malnutrition, fight disease, combat international crime and illegal drugs, and address environmental degradation;

Whereas employees of the Department of State and the United States Agency for International Development daily work to promote economic development, commercial enterprises, economic prosperity, and United States job and trade promotion;

Whereas employees of the Department of State and the United States Agency for International Development daily work to promote American ideals and values, human rights, freedom, gender equality, and democracy;

Whereas employees of the Department of State and the United States Agency for International Development daily work to provide emergency and humanitarian assistance aid to respond to crises around the globe;

Whereas there are almost 50,000 local employees at posts that aid and support the work of the United States and the Department of State around the world;

Whereas at least 250 United States citizen employees, as well as family members, and many more locally employed staff, of the Department of State and the United States Agency for International Development have made the ultimate sacrifice on behalf of their Nation;

Whereas employees of the Department of State and the United States Agency for International Development personify the virtues of patriotism, sacrifice, service, and duty;

Whereas the families of employees of the Department of State and the United States Agency for International Development make important and significant sacrifices for the United States;

Whereas multiple career Foreign Service and civil service employees of the Department of State upheld their oaths to defend the Constitution, uphold the law, and provide testimony in response to lawful subpoenas from congressional oversight hearings, risking their careers and personal safety for service to their nation;

Whereas these courageous employees of the Department of State, individuals who have served the Nation with distinction and represent our Nation's finest, include Ambassador Marie Yovanovitch, a distinguished career public servant who dedicated 33 years of her life as a Foreign Service Officer; Ambassador William Taylor, a diplomat who started his 50-year public service as a West Point cadet and served in every Administration since 1985; George Kent a career foreign service officer with multiple postings throughout the Department since 1992; Jennifer Williams, a 13-year veteran of the Foreign Service who has served overseas in Beirut and Jamaica, managed the United States Government's humanitarian assistance program for Syrian refugees from 2011 to 2014, and, most recently, has served as the Vice President's assistant on European and Russian affairs

since April 2019; Ambassador David Hale, who has served around the world for more than three decades with the Department, including as Ambassador to Pakistan, Lebanon and Jordan, and in his current role as Under Secretary of State for Political Affairs; David Holmes, who joined the foreign service in 2002 and was awarded the William Rivkin award for Constructive Dissent in 2014; Peter Michael McKinley, whose career in the foreign service spanned more than 35 years and included service as ambassador to Peru, Colombia, Afghanistan and Brazil, and Senior Adviser to Secretary Mike Pompeo; Philip Reeker, a 27-year veteran of the foreign service, including as acting assistant secretary of the Bureau of European and Eurasian Affairs; Catherine M. Croft, who has served as a special advisor for Ukraine in the State Department and on the National Security Council staff; and Christopher Anderson, a foreign service officer since 2005, who served at the United States Embassy in Kyiv from 2014 to 2017 and as the special adviser for Ukraine negotiations from August 2017 to July 2019; and

Whereas the Department of State has represented to Congress that “no employee has faced any adverse action by the Department for testimony before Congress” and committed that “the Department will not discipline any Department employee for appearing before Congress in response to a subpoena”; Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the employees of the Department of State and the United States Agency for International Development;

(2) calls on the people of the United States to reflect on the service and sacrifice of employees of the Department of State and the United States Agency for International Development, wherever they serve, past, present, and future;

(3) thanks the local employees for their aid and support in the mission of the Department of State and the United States Agency for International Development;

(4) expresses the deep appreciation of a grateful Nation to the employees of the Department of State and the United States Agency for International Development who each and every day courageously and publicly stand up for their country and defend the Constitution, including those who have provided testimony to Congress in response to lawful subpoenas;

(5) urges the Department to fully and faithfully implement all its stated commitment to assist employees called to testify before Congress with the cost of legal fees; and

(6) calls on the Department to ensure that no personnel will face any retaliatory action, adverse personnel action, or other negative consequence for testifying or providing requested information to Congress, and emphasizes that any reprisal for testifying before Congress would be a violation of law.

**SENATE RESOLUTION 454—CALLING FOR THE IMMEDIATE RELEASE OF CUBAN DEMOCRACY ACTIVIST JOSE DANIEL FERRER AND COMMENDING THE EFFORTS OF JOSE DANIEL FERRER TO PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN CUBA**

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

Union of Cuba (UNPACU) that have been arbitrarily imprisoned;

(4) commends Mr. Ferrer for his unwavering commitment to advance democratic principles, human rights, and fundamental freedoms in Cuba; and

(5) recognizes the important contributions of UNPACU and all of its members for their efforts to promote greater respect for democratic principles, human rights, and fundamental freedoms in Cuba.

**SENATE RESOLUTION 455—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF RICHARD ARJUN KAUL V. SENATOR CHARLES SCHUMER, ET AL**

Mr. McCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 455

Whereas, Senator Charles Schumer has been named as a defendant in the case of *Richard Arjun Kaul v. Senator Charles Schumer, et al.*, Case No. 19-CV-13477-BRM-JAD, currently pending in the United States District Court for the District of New Jersey;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Schumer in the case of *Richard Arjun Kaul v. Senator Charles Schumer, et al.*

Mr. McCONNELL. Mr. President, I send to the desk a resolution authorizing representation by the Senate Legal Counsel and ask for its immediate consideration.

Mr. President, this resolution concerns a civil action pending in New Jersey Federal court against Senator Schumer and various private entities. The plaintiff previously brought a lawsuit arising out of the revocation of his medical license by the New Jersey State Board of Medical Examiners, and that lawsuit was dismissed. In this lawsuit, plaintiff asserts a conspiracy among Senator Schumer and two large insurance companies, a bank, a law firm, and a media company, to obstruct and undermine plaintiff's previous lawsuit by having the Senator use his influence over the presiding judge to dismiss the case. Plaintiff's claims against Senator Schumer are subject to dismissal for failure to State a claim and on jurisdictional grounds. This resolution would authorize the Senate Legal Counsel to represent Senator Schumer in order to seek dismissal of the claims against him.

**SENATE CONCURRENT RESOLUTION 30—RECOGNIZING THE NEED TO IMPROVE PHYSICAL ACCESS TO MANY FEDERALLY FUNDED FACILITIES FOR ALL PEOPLE OF THE UNITED STATES, PARTICULARLY INDIVIDUALS WITH DISABILITIES**

Mr. BLUMENTHAL (for himself, Mr. CASEY, Mr. BROWN, Ms. CANTWELL, Mr.

MERKLEY, Ms. HASSAN, Ms. DUCKWORTH, Mr. MURPHY, Ms. HARRIS, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. COONS, Mrs. MURRAY, and Ms. HIRONO) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 30

Whereas the First Amendment to the Constitution of the United States—

(1) prevents Congress from making any law respecting an establishment of religion, prohibiting the free exercise of religion, or abridging the freedom of speech, the freedom of the press, the right to peaceably assemble, or the right to petition for a governmental redress of grievances; and

(2) was ratified on December 15, 1791, as 1 of the 10 amendments that constitute the Bill of Rights;

Whereas the Bill of Rights, specifically the First Amendment to the Constitution of the United States, calls for the right of all individuals to peaceably assemble, meaning that all individuals, regardless of their physical ability, shall be offered equal opportunity to access all amenities that are federally funded, in whole or part, with the exception of certain sites of historical importance approved by the Architectural and Transportation Barriers Compliance Board (referred to in this preamble as the “United States Access Board”) or a nonpartisan commission convened by the United States Access Board;

Whereas, in the 29 years since the signing of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), there have been advances in technologies that benefit individuals with disabilities, such as automatic doors;

Whereas, in 2018, the Centers for Disease Control and Prevention reported that—

(1) 61,000,000 individuals in the United States have a disability that impacts major life activities;

(2) 1 of every 7 adults experience a mobility impairment, which is the most common form of disability; and

(3) as people age, disability becomes increasingly common, affecting an estimated 2 of every 5 older adults;

Whereas, as significant advances in medical treatment result in improved health outcomes, the incidence of disability has increased over time;

Whereas, in 2016, an estimated 25.1 percent of veterans in the United States, or more than 2,000,000 individuals, reported having a service-connected disability;

Whereas the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.) (commonly known as the “Architectural Barriers Act of 1968”), was enacted to ensure that certain federally funded facilities are designed and constructed to be accessible to individuals with disabilities;

Whereas title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.)—

(1) prohibits discrimination against a person with a disability in programs and activities funded by the Federal Government;

(2) requires the elimination of architectural barriers for Federal employees and applicants with disabilities; and

(3) established the United States Access Board;

Whereas the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)—

(1) prohibits discrimination against a person with a disability by a State or local government, including any department, agency,

special purpose district, or other instrumentality of a State or local government, in programs and activities, transportation, communications, and the built environment;

(2) prohibits discrimination against a person with a disability in the activities of a place of public accommodation, which is an entity that is—

(A) generally open to the public; and

(B) within a category described in that Act, such as a restaurant, movie theater, school, day care facility, or doctor's office; and

(3) requires a newly constructed or altered place of public accommodation or commercial facility (such as a factory, warehouse, or office building) to comply with the Standards for Accessible Design;

Whereas the Fair Housing Act (42 U.S.C. 3601 et seq.)—

(1) prohibits discrimination on the basis of disability in multifamily housing, including military family housing; and

(2) requires the elimination of architectural barriers in common areas;

Whereas the United States Access Board has developed new guidelines for public rights-of-way that address various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain;

Whereas the new guidelines developed by the United States Access Board cover pedestrian access to sidewalks and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way;

Whereas the aim of the United States Access Board in developing the new guidelines includes ensuring that—

(1) access for individuals with disabilities is provided wherever a pedestrian way is newly built or altered; and

(2) the same degree of convenience, connection, and safety afforded the public generally is available to pedestrians with disabilities;

Whereas, on the date on which the Attorney General adopts the new guidelines, the guidelines will become enforceable standards under title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); and

Whereas the United States was founded on the principles of equality and freedom, and such principles require that all individuals, including individuals with disabilities, are able to engage as equal members of society: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes the importance of equal opportunity for individuals with disabilities in the United States;

(2) recognizes that too many facilities of Federal, State, and local governments remain inaccessible to individuals with disabilities due to architectural and other barriers;

(3) reaffirms its support of and requires full compliance with—

(A) the Act entitled “An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped”, approved August 12, 1968 (42 U.S.C. 4151 et seq.) (commonly known as the “Architectural Barriers Act of 1968”);

(B) title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.);

(C) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(D) the Fair Housing Act (42 U.S.C. 3601 et seq.); and

(4) pledges to make universal and inclusive design a guiding principle for all infrastructure bills and projects and will continue working to identify and remove the barriers that prevent all people of the United States,