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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The PRESIDENT pro tempore. The Reverend Randy Cash, the American Legion's national chaplain, from Lincolnton, NC, will lead the Senate in prayer.

The guest chaplain offered the following prayer:

Let us pray.

Almighty and Everlasting God, in whose Name we trust and pray, it is fitting to pause, if but momentarily, to recognize You, the One in whom does finally reside all authority and power and by whose grace we are allowed to exercise that which You have committed to us. Accept our homage, O Lord, and hear us when we pray for wisdom to lead with integrity, compassion, and vision.

We are mindful that around the world today our soldiers, sailors, airmen, marines, and coastguardsmen are standing watch to safeguard our peace and liberty. Grant to all who serve, and their families, Your blessings. Accept, O Lord, these prayers and may we perceive and know what things to do, and receive grace and power to fulfill what is expected of us. We commit our best efforts and our Nation to Your keeping. Amen.

The PRESIDENT pro tempore. Thank you, Reverend Cash. We are grateful to have you here, and for your service.

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.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Carolina.

WELCOMING THE GUEST CHAPLAIN

Mr. BURR. Mr. President, I want to take 60 seconds before the two leaders speak to welcome a North Carolinian, Randy Cash, who was appointed the national chaplain of the American Legion on August 28, 2014, at their annual convention in Charlotte, which I attended, as well as the President.

Randy is a native of North Carolina. He spent part of his life in Myrtle Beach, SC, but he attended a number of schools throughout the region. He was commissioned as a Navy chaplain in 1980 and he entered Active Service in 1983. He was assigned to Destroyer Squadron Six out of Charleston, SC. His next tour was staff chaplain, Naval Education and Training Center in Newport, RI, and his life continued from spot to spot.

Randy has served as chaplain during Desert Shield, Desert Storm, while he was stationed at Naval Air Station Oceana in Virginia Beach. He also had a turn at Guantanamo Bay in Cuba, which we all talk about today, and was transferred to the 2nd Marine Division at Camp Lejeune, NC, where he served as regimental chaplain.

Let me say this is a decorated chaplain. Randy Cash retired from Active Duty in 2009. His military awards and decorations include the Legion of Merit, two awards, and the Bronze Star. He is a man of conviction, he is a tremendous North Carolinian, and over the next year he will serve as the national chaplain of the American Legion in a most effective way.

Reverend Cash, we are delighted to have you here.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 534 AND S. 535

Mr. MCCONNELL. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will report the bills by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (S. 534) to prohibit funds from being used to carry out certain executive actions related to immigration and for other purposes.

A bill (S. 535) to promote energy efficiency.

Mr. MCCONNELL. In order to place these bills on the calendar under the provisions of rule XIV, I object to further proceedings en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 240.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 5, H.R. 240, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

KEYSTONE BILL

Mr. MCCONNELL. Mr. President, the Congress is sending the President of the United States another piece of bipartisan legislation today. Americans of both parties are calling on him to sign it. There is no good reason not to. The Keystone jobs bill is just common sense. Construction of this important infrastructure project would support thousands of American jobs. It would pump billions into our economy and the President's own State Department

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

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told us this could be achieved with minimal—minimal—environmental impact. That is why this jobs and infrastructure bill passed both Houses of Congress with bipartisan support.

I know powerful special interests and political extremists are pressuring the President to veto American jobs. I hope President Obama will join with us in standing for the middle class instead. It is hard to even imagine what a serious justification for a veto might be. Excuses related to the review process obviously won't work, since this bipartisan bill is a solution for fixing a review the Obama administration broke as it ignored deadlines and interfered for political reasons. Plus, the President has called on Congress to send him infrastructure projects, and Keystone is an important infrastructure project that is shovel ready.

Americans are urging President Obama to finally heed scientific conclusions his own State Department already reached. There is no reason for the President to ignore that science any longer. Republicans and Democrats, labor unions and businesses—we are all calling on him to finally allow American workers to build an infrastructure project that just makes good sense.

Mr. President, last night I took action to allow the Senate to consider commonsense legislation that every Democrat should want to support. This targeted measure would address the President's most recent overreach from November.

The bill isn't tied to DHS funding. There is no excuse for our friends on the other side to oppose it. That is especially true of the Democrats who led their constituents to believe they would stand up for democratic principles in this debate. These colleagues have hidden behind all manner of excuses to avoid upsetting the far left. Well, this bill removes the excuses and it sets up a simple political equation: Either stand in defense of extreme overreach or stand with constituents in support of shared democratic values.

As I have said already, my preference remains with the legislation that has already passed the House. It is still the simplest way forward. But as long as Democrats continue to prevent us from even debating that bill, I am ready to try another way. I hope our friends across the aisle will demonstrate similar flexibility.

I am calling on Senators of good faith to work with us and move the bill forward as quickly as possible. So let's get to work.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I do appreciate—and that is an understatement—what the majority leader has to go through to try to please the extreme voices on his side. The fact remains we are 4 very short days away from a Homeland Security shutdown—a shutdown, Mr. President. We have a couple of bills on the floor that, unless there is unanimous consent, we can't get to in 4 days. Funding expires on Friday, yet last night the majority leader moved to bring a bill to the floor that does absolutely nothing to fund Homeland Security—nothing.

If the majority leader wanted a vote on this bill, he shouldn't have wasted a month repeating the same failed procedural vote four times with the same result. Albert Einstein said that is the definition of insanity, when you keep doing the same thing over and over again, getting the same result.

We have said all along that we are more than happy to have an immigration debate once Homeland Security is funded. Nevada so badly needs full funding of Homeland Security. State and local governments demand full funding of Homeland Security. It is not only for Nevada, it is all across the country, because the homeland cannot be protected the way the law is now set up unless the Secretary of the Department of Homeland Security has the ability to grant. If there is full funding, it would be almost $2 billion worth of programs to allow the homeland to be protected by State and local governments.

So we are happy to have a debate on immigration, but we have to fully fund Homeland Security. We have said that all along. We have said it not once, not twice, but we have said it many different times.

In fact, there was a proposal brought to the Senate floor 3 weeks ago, sponsored by Senators MIKULSKI and SHAHEEN, only to have the Republicans object to that.

We want a debate on immigration. We are happy to have a debate on immigration. We are eager to debate immigration now or any other time, but we can't do that until we fully fund the Department of Homeland Security. We have been saying that for 4 weeks and nothing has changed in the last 24 hours.

The majority leader should allow a vote on the Mikulski-Shaheen funding, which is sitting on the floor right now. It is on the calendar. That is the only way to resolve this mess which the Republicans created. The only thing that can pass the Senate is a clean bill to fund Homeland Security. And then, once that is done, there is a consent pending here on the Senate floor that says once that is done and the President signs that, we will be happy to debate immigration for whatever time the Republicans deem necessary.

Would the Chair announce the business of the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided, and with the Democrats controlling the first half and the Republicans controlling the final half.

The assistant Democratic leader.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. DURBIN. Mr. President, by calculation, we have today and 3 more days before the Department of Homeland Security is shut down.

Think about what happened this last weekend all across America. It was disclosed publicly that an extremist group, a terrorist group—Al-Shabab—had some communication among their membership targeting malls in America for extremism and terrorism. God forbid that ever happens.

I know those who are managing these malls look at the terrible situation that occurred in Africa and want to make certain it is never repeated anywhere, let alone in the United States. They are making extraordinary efforts to protect people across America, not only as they are shopping in malls but in other places, as they should.

What is the lead agency to protect America against terrorism? What is the lead agency to make sure we never ever again in our history experience 9/11? The Department of Homeland Security. That Department was created after 9/11, because we felt the way we were protecting America wasn't good enough. We took 22 different Federal agencies and put them under the roof of the Department of Homeland Security and said to that Department: Now focus; focus all your time and efforts to keep us safe. They have done a good job. I am sure they have made some mistakes along the way, but they have really dedicated themselves—all the men and women who work there—to keeping America safe.

Now what has Congress done for the Department of Homeland Security? Last December, when we considered the appropriations—the budget—for the Department of Homeland Security, the Republicans insisted we take that Department out of the regular budget process and give it only temporary funding, a continuing resolution—temporary funding—which limits the authority of the Secretary of Homeland Security to do his best job to keep America safe. Why would the Republicans pick this appropriation, the single appropriation to keep America safe from terrorism and decide they don't want to properly fund it? They are only giving it temporary funding and a continuing resolution because they disagree with President Obama's position on immigration. That is it.

They want this issue of immigration, separate and apart from the budget of the Homeland Security, to be debated, and they insist they will not fund the Department of Homeland Security until it is debated. So come February

27, in just a few days, this Department of Homeland Security is going to shut down. It is going to shut down.

Many of the employees are essential. They will be asked to come to work even though there is only a promise of a paycheck, and they will show up because they are loyal to this country and they want to do their job to keep it safe. Why won't the Senate and the House do its job?

Why can't we pass a clean appropriations bill for the Department of Homeland Security? Before we took a break last week for President's week I made a unanimous consent request on the floor to do just that—pass a clean appropriations bill for the Department of Homeland Security. The majority leader, Senator MCCONNELL of Kentucky, objected. He objected to funding the Department of Homeland Security. I don't understand it. It doesn't make sense for us to put in jeopardy the security of America over a political debate on immigration.

What is ironic is that now that the Republicans have the majority control of the House and the Senate they can call any bill they wish. After funding the Department of Homeland Security, they can turn immediately to a debate on immigration. It is their right. They pick the topics, they dictate the calendar, and those of us in the minority have to accede to their wishes. They are in the majority. They are controlling, but still Speaker BOEHNER and Senator MCCONNELL, the Republican majority leader, refuse to pass a clean appropriations bill to the Department of Homeland Security.

Luckily some Republicans are stepping up and saying this is wrong. I commend the following Senators on the Republican side who have publicly stated that Congress should pass a clean Homeland Security bill and stop this tactic that came from the House of Representatives. Those Senators include: Senator DEAN HELLER of Nevada, Senator MARK KIRK of Illinois, Senators JEFF FLAKE and JOHN MCCAIN of Arizona, Senator LINDSEY GRAHAM of South Carolina, and Senator RON JOHNSON of Wisconsin. We need eight more Republican Senators to come forward and say we need a clean appropriations bill and we need to pass it now. If eight Republican Senators today will say that, then we can move forward and pass this bill. We can fund this Department and stop this gamesmanship. Then, if the leaders want to move to a debate on immigration, so be it. But let's have eight more Republicans step forward and join us to make this a reality.

I don't understand, frankly, the thinking of many of the Republicans who oppose the President's approach to immigration. Here is what it comes down to. If the President used every penny given to him by Congress to deport those who are undocumented in the United States, he could reach about 4 percent of those who are eligible for deportation—4 percent. What the President has said is: Let me focus then on deporting those who are most dangerous to the United States.

President Obama has said there are people who have been here for years. They are part of our communities. They have good jobs. They have raised families. They go to our churches. We see them every day. They are no threat to us. Let's focus on deporting those who are dangerous—the felons, the criminals. The President has basically said we shouldn't set out to deport families, we ought to deport felons. We shouldn't set out to deport children, we ought to deport criminals. So his priority is deportation of those most dangerous to the United States, and the Republicans have opposed that. Why? Primarily because the President supports it. It has reached that point in the debate. It is so divisive.

The President doesn't want to waste any resources in deporting those who are not dangerous. He wants to get those who are dangerous out of the United States first, and Republicans object to that.

There is something else they want to do too. The House of Representatives wants to challenge the President's right to Executive orders when it comes to prioritizing those who can stay in the United States.

Several years ago at the request of 20 or more Senators, the President initiated an Executive action known as DACA. This Executive action said that if someone qualified as a DREAMer, they would be allowed to stay without threat of deportation. We estimate that 2 million young people in America would qualify as DREAMers, and 600,000 have this protection now. What the Republicans want to do in the House of Representatives is to eliminate this.

Who are these young people? They are young folks in America brought to this country as toddlers and infants, young boys and girls who grew up in this country, went to school in this country, have no problems in their criminal record and want to be part of America. That is it.

What the Republicans have said in the House is we want to deport these people—deport them because they are here undocumented, despite the fact that we have educated them and many of them are successes in life and want to be part of our future. The Republicans have said deport them.

The senior Senator from Maine has authored a bill to address this subject, but as much as I respect her and count her as a friend, it falls short of protecting the DREAMers who are in this country under DACA. I have to say that as one learns the stories of those who are protected by the President's Executive order, we wonder what are the Republicans thinking.

I have tried to tell these stories in light of individuals, not statistics, and here is one I wish to tell everyone today. It is about a young man who came to America when he was 9 years old from Thailand. His name is Jirayut New. He was brought here at the age of 9 from Thailand by his parents.

He grew up in San Francisco and he said:

> I forced myself to read mystery novels, dictionary in hand, in order to expand my vocabulary, one word at a time. I mispronounced words, even in the face of ridicule, until I mastered the English language.

It is amazing. These stories have happened many times in the past, but it is incredible to think of a 9-year-old facing that ridicule but learning the English language in San Francisco.

This young man became an excellent student and his dream was to be a doctor. Throughout high school New worked 30 hours a week in his family's Thai restaurant. Here is what he said about that experience:

> I spent most of my time in the restaurant working as a waiter, cashier and chef, scrubbing toilets, washing dishes, and mopping floors. It taught me to have faith, work hard, and persevere.

His work paid off. He graduated salutatorian of his high school class with a 4.3 grade point average. He was admitted to the University of California at Berkeley, one of the top schools in California and the Nation. He won a scholarship that would have covered most of his tuition, but he couldn't accept it because he was undocumented.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. DURBIN. Despite this setback, New persevered. In May of 2012 he graduated with honors from Berkeley with a 3.7 grade point average and a major in molecular and cellular biology. One month after he graduated, President Obama issued his Executive order, DACA, and now New was protected from deportation. As a result he was able to pursue his dream to become a doctor.

Last fall New went to medical school at the University of California in San Francisco. Now what does he do in his spare time as a medical student? He volunteers at a homeless clinic run by students at the University of California in San Francisco. He has cofounded Pre-Health Dreamers, a national network of more than 400 DREAMers who are pursuing careers in health care.

New and other similar DREAMers have so much to contribute to America. But if the Republicans have their way, this man is going to be deported. Instead of being able to stay in the United States as a doctor, to realize his life's dream and make this a better and stronger nation, he will be deported. Will America be better or worse if this young man leaves? I think the answer is obvious.

So why do the Republicans persist? Why are they determined to take this amazing young man and deport him? They have forgotten our legacy in

America. We are a nation of immigrants, and our immigrants have come to this country from all over the world because they appreciate the values and opportunity of America. I am lucky. My mother was an immigrant to this country, and I stand on the Senate floor representing the great State of Illinois. It is my story, my family's story, and it is America's story.

The time is clearly upon us to fund the appropriations of the Department of Homeland Security but not at the expense of this amazing young man. Let us fund this Department to keep America safe but also let us dedicate ourselves to passing legislation which fixes our broken immigration system and helps this young man and others like him to be a part of America's future.

I yield the floor.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for 15 minutes.

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

Mrs. BOXER. Mr. President, before the Senator from Illinois leaves the floor, I just want to thank him for his amazing leadership on this whole issue of immigration.

The Senator and I share a similar background because my mother also was an immigrant, and the thought of our moms being ripped out of our lives is just untenable. We are not going to let it happen.

I wish to thank him so much because he has been, I would say, the grandfather of the whole DREAMer movement. So thank you, Senator.

We all know Republicans won in huge numbers in the 2014 election and they took over the Senate and they run it. They run it—or at least they are trying to run it.

Let's be clear. Less than 8 weeks after they took over the Senate we are facing a shutdown, a shutdown of the very agency that protects the health, the safety, the lives of the American people—the Department of Homeland Security.

We are 4 days away, and even if they come up with a continuing resolution, a small little patch, they are shutting down the programs that fund our firefighters and our first responders back home. So any way we look at it, this is a national disgrace.

Think about what our friends abroad and those who are not our friends are thinking about this. Republicans say we are in danger. We have to go to war, put combat troops on the ground. But they are willing to shut down the Department that protects Americans in the homeland from a terrorist attack.

This is a self-inflicted crisis made up by the Republicans. It is dangerous. It is the height of irresponsibility and it is unnecessary.

Let me tell you, how does it make sense in the very same week that terrorists are threatening our shopping malls that we would shut down the very agency charged with protecting those malls?

How does it make sense at a time when we are facing serious threats to our national security to furlough 30,000 Department of Homeland Security workers and to force more than 100,000 frontline Homeland Security personnel to work without pay? Why don't these Senators go without their pay? Give up your pay. Do you want to come to work every day and stand there and look for threats to our homeland and worry about how you are going to pay the bills for your kids? Go without pay before you do this. You tell me how that makes sense not to pay people who are in charge of our security. It is a disgrace.

Give up your pay—give up your pay, give up your health care, give up your benefits, if this is so important to you.

Oh, no. They will collect their pay. Tell me, how does it make sense to shut off the grants that protect our cities, our ports from terrorist attacks, and how does it make sense to stop local communities from being able to hire police officers and firefighters?

The Department of Homeland Security is very large. When it was created I was troubled by that because it includes so many important things in one department, including FEMA. So when we have a natural disaster such as an earthquake, fire or flood, that is the Department that deals with it. How does it make sense to disrupt disaster recovery operations such as the efforts in California to recover from our devastating Napa Earthquake and the Rim Fire in Yosemite?

So not only are they disrupting Homeland Security and the protections of our perhaps most-targeted places in America, but they are disrupting recovery from natural disasters, and God forbid if we have another one. And the reason they are throwing a hissy fit is because the President stepped in and has a policy to take care of immigration. Why did the President step in? Because Republicans refused to take up a bipartisan bill, pass it, and take care of the immigration problem the way they are supposed to. They are paralyzed on that point. They cannot do it.

We had a bill that garnered 68 votes in the last Congress. All they have to do is bring it up, pass it here, and then pass it in the House. It will pass with overwhelming majorities. The President will sign it, and that would make his Executive order unnecessary. The only reason he issued an Executive order is that we are facing a crisis in this country. There are 11 million undocumented folks. Some of those undocumented folks are DREAMers. To me, that is the most important category. They are young people who were brought here when they were children. They know no other home. All they want to do is stay here and give back to America. Republicans want to deport them and their parents. They want to deport the parents of American citizens. I thank God these people were not in charge of Congress when I was growing up or else they might have deported my mother. It took her awhile to get through her naturalization. What if they passed something such as what the Republicans are proposing?

I thought they were the party of family values. Show me where that is true—ripping families apart. I thought they were the party of economic prosperity. Show me how that is true when we know from study after study that one of the greatest things we can do for our economy and job creation is to get people out of the shadows so they can go and buy a home and hold a good job. They can't or won't pass an immigration bill. They will not do their job.

So when the President steps in and does his job, they say: Oh, this is terrible. Let's shut down a totally unrelated department, the Department of Homeland Security.

Again I say, let's look at fiscal responsibility. According to the Center for American Progress, it would cost more than $50 billion to deport the entire population that the President is protecting. And here is the deal: I never heard a Republican—and I will stand corrected if any Republican corrects me—complain when President Eisenhower used his Executive power to help immigrants or when President Nixon did the same thing to protect immigrants or when President Ronald Reagan, their hero, protected immigrants or when George Bush, Sr., protected immigrants or when George W. Bush protected immigrants. They all used their authority. Show me one Republican who stood up and said: This is outrageous. Let's impeach the President. But they are annoyed because it is President Obama, and he won twice. Sorry. Wake up and smell the roses. He is the President, and he is doing the right thing for America because he loves America and he understands that these people, who the Republicans want to deport, are going to help America move on to an era of greatness and keep us going.

Let's look at some of the young people Republicans want to deport. Alexis Bux is a 21-year-old student from central California. He is the oldest of three siblings. His younger two siblings were born in the United States, but he was not. So these great family-value Republicans want to rip away the oldest child from this family. His parents were farm workers in the fields of San Joaquin Valley. Alexis received immigration relief under DACA in 2012, and he will transfer to UC San Diego this fall where he will pursue his dream of a career in biomedical engineering.

Tell me, Republicans, how our country is better off when you deport a young man such as him. He hopes to use his education to develop a sophisticated medical application and tools that will help cure deadly diseases. All he wants to do is contribute to the Nation he loves.

If the Republicans had their way, they would deport people such as Ana Albarrán, who left Mexico at age 8. She came to this country with her younger

brother and sister to join her parents. Her parents worked 11 hours a day as trimmers for a landscaping company in downtown Los Angeles.

After Ana received immigration relief, she felt confident enough to begin applying for jobs, and now she is finishing her final year at UC Merced so she can begin her career as a bilingual first grade teacher.

Tell me, Republicans, how does it make sense to deport people such as Ana and split her up from her parents when all they want to do is contribute to the country they love? How does it make sense just because you are too incompetent to hold a vote on your immigration plan? If you want to kick people out of the country, put it to a vote. Let's go. If you want to deport 11 million people, then put it to a vote. Don't hide behind the Homeland Security bill and hold the President's work hostage. You never did it to the other Presidents. Don't do it to this President. How does it make sense to deport these moms, these dads, and these young kids?

I mentioned before that I am the daughter of an immigrant mother. I tried to think of what my life would have been like without my mother. She gave me my conscience. She gave me my values. She gave me all the love and support I needed to pursue my dreams. I am the daughter of an immigrant mother who never graduated from high school. I am a Senator in the U.S. Senate. But they would have deported my mother. I would not be here today if it were not for my mom. So tell me how it makes sense to deport moms and dads and rip apart the lives of children.

Our national security is at stake, our family values are at stake, and our economy is at stake here. So get over the fact that you don't like the President. We get it. You couldn't beat him. It is too bad for you. You are in charge here in the Senate. Do your job. Bring an immigration bill to the floor. Let's let this Homeland Security bill go. It is a bipartisan bill. It is funding for the most important issue we are dealing with today. Let's get to it. Don't hold it hostage because of your hatred of this President—and I use that word because that is what I think. That is what I think.

In California alone, the President's Executive actions could boost California's economy by as much as $27.5 billion. The President's action will aid our economy. It will raise the Nation's gross domestic product by up to $90 billion over the next 10 years by expanding the labor force and allowing immigrant workers the flexibility to seek new jobs.

Why is that the case? Why does every independent study show us this is the case? The reason is simple. When workers come out of the shadows, their wages rise, they open bank accounts, buy homes, start businesses, and spend money in their communities.

So I say this to my Republican friends. There is a Presidential race coming up. Forget the last one. Get over it. Let's work together.

Listen, I served with five Presidents. I am a strong Democrat. Everyone will tell you that. But I have respect for the office of the Presidency. If I didn't agree with Ronald Reagan, I came down here and said it. We had respect back and forth. If we lost, we lost, and we moved on. That went both ways.

I know how it feels not to like the policies of a President. I get it. But don't overdo it and make it so personal. Get on with it. Grow up. Do your job. Have respect for the Office of the President. Don't suddenly say Executive orders are bad when the President you don't like does it, but you don't say one word when a Republican President does the same thing. It doesn't pass the smell test.

Three things could not be more important in this battle. We need to fund our Department of Homeland Security—especially when we are facing serious threats to our security. We need to uphold our family values and not split up loving families, and we need to protect and grow our economy.

We can do this in the simplest way. First, I say to House Speaker BOEHNER—because under the Constitution all funding bills start in the House: Send us a clean bill. Send us the bill that everybody supported before you took it hostage on this immigration issue. Send it over clean. Let's fund everything in that bill to protect our shopping malls, to give grants to our first responders, and to give grants to our local fire departments. Send it over. We will pass it, and immediately following that, we will bring up an immigration bill.

We have it all ready for you. It passed with 68 votes. There is not much work to do. If you do that, the President's Executive order will not be necessary because we will have taken the steps ourselves to fix our broken immigration system.

Let's stop the lawsuits. We have one judge who said there was overreach, but the next judge may say there is no overreach. Let's keep this out of the courts. Let's do our job. Let's stop the self-inflicted crisis. Let's stop the shadow that is hanging over the Nation. Let's do the right thing here.

We can protect the American people from threats to our national security. We can protect and grow our economy, and we can treat hard-working immigrants and their families with the dignity and respect they deserve. It all lies in the hands of Speaker BOEHNER and Leader MCCONNELL.

When you took over the Senate, you said: no more threats of shutdowns. Eight weeks later—not even 8 weeks—we are facing a shutdown of one of the most important departments. This is a disgrace, and it is self-inflicted. All you have to do is talk to Speaker BOEHNER. Send over a clean bill so we can vote on it. Then we will take up immigration, and you can show us all your great ideas on immigration.

Let's hear it. Do you want to deport the DREAMers? Come on with it, and we will have a vote. You want to deport the parents? Come on with it, and we will have a vote. You want to kick 11 million people out of this country? Come on with it, and we will have a vote and debate on it. But don't hold the Department of Homeland Security hostage because of this issue.

If there is one thing the American people hate more than anything else, it is attaching unrelated matters to spending bills. I don't care if they are conservative Republicans or liberal Democrats or Independent voters. They think it is the dumbest idea. They really do. They don't understand it.

Pass your funding bills. Then battle your ideological issues separately and apart from that. Don't hold these departments hostage to your decision that President Obama did the wrong thing. If you don't like what he did, put forward your own bill. You have not even done that.

I have been here a long time. I will tell you something. I have never seen anything like this. It is a self-inflicted wound. Who gets hurt? Not the Republicans—they will keep getting their pay. They are fine. The people who will be hurt are those whom we trust and count on and the families that thought they could stay together. They are on the verge of that. That is what this party—the Grand Old Party, the GOP—have brought to us, but they can get out of it in 5 minutes.

Speaker BOEHNER can pass a funding bill that will pass in a heartbeat. Send it over here, and we will pass it, turn to immigration, and then we can have it out on that subject. I think it is worthy of a debate. But don't hold an important funding bill hostage to that debate. It is ridiculous, unnecessary, destructive, and cruel.

With that, 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. CARDIN. 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.

HARRIET TUBMAN AND THE HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK

Mr. CARDIN. Mr. President, I rise to celebrate the life of Harriet Tubman and the establishment of the Harriet Tubman Underground Railroad National Historical Park. Harriet Tubman was an American hero who championed freedom and was most famously known as a leader of the Underground Railroad whose roots were on the Eastern Shore of Maryland.

Harriet Tubman was an iconic figure in our Nation's history for whom liberty and freedom were not just ideas

but were God-given rights she fought tirelessly and at great personal peril to spread to others in bondage. The woman who is known to us as Harriet Tubman was born in approximately 1822 in Dorchester County, MD, and given the name Araminta ''Minty'' Ross. Born into slavery, she spent nearly 30 years of her life toiling for various families on Maryland's Eastern Shore.

Even as a young, enslaved girl, she demonstrated impressive mental and physical strength. One of her jobs was to set and check muskrat traps in the swamps of the Blackwater River during blazing hot summers and freezing cold winters. Even though Harriet was slight in physical stature, she frequently worked with the men in the forest cutting timber and carrying logs.

It was in this work setting, where both free and enslaved people worked together harvesting timber, that she first heard stories about what life was like for free Blacks in Northern States.

As a teenaged slave, one of her first acts of defiance was sticking up for an enslaved boy who was being harassed by a shopkeeper. In helping the boy out of this situation, she took a serious blow to the head when the shopkeeper threw a lead weight that struck her in the head. Tubman recalled later in life that the mark of the weight on her skull never fully healed and after this incident she would see visions that later inspired her to escape slavery.

As an adult she took the first name Harriet, and when she was 24 years old she married John Tubman. In her late twenties, Harriet Tubman escaped from slavery in 1849. She fled in the dead of night, navigating the maze of tidal streams and wetlands that to this day comprise the Eastern Shore's landscape. She did so alone, demonstrating courage, strength, and fortitude that became her hallmark.

Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to places of her enslavement in Dorchester and Caroline Counties where, under the most adverse conditions, she led away many family members and other slaves to freedom in the Northeastern United States and Canada.

She helped develop a complex network of safe houses and recruited abolitionist sympathizers residing along secret routes connecting the Southern slave States and Northern free States.

No one knows exactly how many people she led to freedom or the number of trips between the North and the South she led, but the legend of her work was an inspiration to the multitude of slaves seeking freedom and to abolitionists fighting to end slavery. Tubman became known as the Moses of her people by African Americans and White abolitionists alike.

Tubman once proudly told Frederick Douglass that in all her journeys she ''never lost a single passenger.'' She was so effective that in 1856 there was a $40,000 reward offered for her capture in the South. She is the most famous and the most important conductor of the network of resistance known as the Underground Railroad.

But Tubman was more than a conductor on the Underground Railroad. She was a scout and a spy for the Union Army, she was active in the women's suffrage movement after the Civil War, and ultimately she served aging African Americans by running a home for the aged in Auburn, NY.

In 1903 she bequeathed the Tubman home to the African Methodist Episcopal Zion Church in Auburn, where it stands to this day. Just this month I was able to attend the midwinter meeting of the Board of Bishops/International Ministers and Lay Association of the AME Zion Church, where we honored Sojourner Truth, Frederick Douglass, and Harriet Tubman.

The AME Zion Church, or the ''Freedom Church,'' as many refer to it, was an important part of Harriet Tubman's life and was involved in the forefront of both the abolition and civil rights movements. She was a dedicated member of the church and actively supported the construction of the Thompson AME Church in Auburn, NY, where she lay in state after her death. Harriet Tubman died in Auburn in 1913, and she is buried in the Fort Hill Cemetery.

Fortunately, many of the structures and landmarks in New York remain intact, in relatively good condition. For the past 7 years, I have championed legislation to establish the creation of the Harriet Tubman Historical Parks in Maryland and New York. The creation of these parks has been years in the making and long overdue, and I am very grateful for the support my colleagues gave this bill in the last Congress.

Recently I was able to celebrate this park's formal designation during a ceremonial event at the Harriet Tubman Museum and Educational Center in Cambridge, MD, just a few miles from where she grew up. I was able to meet some of Harriet Tubman's descendants, which was incredibly meaningful to me.

I am so pleased Harriet Tubman's legacy will live on in these parks. My cosponsors and I all share a deep appreciation for how establishing this park is preserving the legacy of this remarkable historic figure in American history and will also show how important this park will be to communities where they are located.

Every February our Nation's children learn lessons about the many contributions African Americans have made to our democracy and to the growth and prosperity of our Nation. Preserving places significant to Harriet Tubman's life story for future generations creates a learning opportunity that our kids and grandkids can't get in the classroom or learn from a textbook.

The park will educate the public about the historical significance of the Underground Railroad and Harriet Tubman's early life and also is expected to increase tourism, create jobs, and strengthen local economies.

The final passage of this bill to create the park was the result of an unyielding bipartisan effort, including Representative ANDY HARRIS, Senator MIKULSKI, and me, along with our partners from New York, Senators SCHUMER, GILLIBRAND, and former Secretary Clinton when she represented New York in this body, along with Congressmen Dan Maffei and RICHARD HANNA.

This was a bipartisan effort and involved Members from both New York and Maryland. The effort on this legislative work was started by my predecessor, Senator Sarbanes, when he passed legislation commissioning the national service to conduct a special resource study on Harriet Tubman.

The establishment of the national historical park commemorating the life of Harriet Tubman and protecting the serene and almost untouched landscape is an ideal way to celebrate and honor the outstanding life and incredible work of Harriet Tubman, while establishing an important destination for tourists to come visit, learn, and experience Maryland's Eastern Shore.

The vision for the Tubman National Historical Parks is to preserve the places significant to the life of Harriet Tubman and tell her story through interpretive activities, while continuing to discover aspects of her life and the experiences of passage along the Underground Railroad through archaeological research and discovery.

The buildings and structures in Maryland have mainly disappeared. Slaves were forced to live in primitive buildings even though many slaves were skilled tradesmen who constructed the substantial homes of their owners.

Not surprising, few of the structures associated with the early years of Tubman's life remain standing today. The landscape of the Eastern Shore of Maryland, however, is still evocative of the time when Harriet Tubman lived there. Farm fields and loblolly pine forests dot the lowland landscape, which is also notable for its extensive network of tidal rivers and wetlands that Tubman and the people she guided to freedom used under cover of night. In particular, a number of places significant to Tubman's life—including the homestead of Ben Ross, her father; Stewart's Canal, where he worked; the Brodess Farm, where she worked as a slave; and others—are within the master plan boundaries of the Blackwater National Wildlife Refuge. Similarly, Poplar Neck, the plantation from which she escaped, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are currently protected by various conservation easements. Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led freedom

seekers of all ages to the North. This park helps connect people today to America's history.

Only recently has the Park Service begun establishing units dedicated to the lives of African Americans. Places such as Booker T. Washington National Monument on the campus of Tuskegee University in Alabama, the George Washington Carver National Monument in Missouri, the National Historic Trail commemorating the march for voting rights from Selma to Montgomery, and most recently the Martin Luther King, Jr. Memorial on the Mall are all important monuments and places of historical significance that help tell the story of the African-American experience.

As the National Park Service continues its important work to commemorate and preserve African-American history by providing greater public access and information about the places and people who have shaped the African-American experience, there are very few units dedicated to the lives of African-American women. This historic park is the first national park in honor of a woman—obviously the first historical park for an African-American woman.

As we celebrate Black history this month and women's history next month, I cannot think of a more fitting hero than Harriet Tubman to be the first African-American woman to be memorialized with national historical parks. These parks tell both her personal story and her lifelong fight for justice and freedom, from her fight against the cruel institution of slavery and the establishment of the Underground Railroad that she led, to her work in the women's suffrage movement.

I encourage my colleagues to seek inspiration from the heroes of their own States and work to preserve the physical remnants of their legacy so that future generations of Americans might better know who helped form this great Nation.

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

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

ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senate resumes the motion to proceed to H.R. 240 at 2:15 p.m. today, Senators be permitted to speak for up to 10 minutes each.

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

WORKING TOGETHER FOR AMERICA

Mr. THUNE. Mr. President, at a press conference the day after the elections in November, President Obama said: ''I am eager to work with the new Congress to make the next 2 years as productive as possible.''

Well, Republicans couldn't have been happier to hear that. After years of dysfunction in the Democrat-led Senate, Republicans were eager to get Washington working again for Americans and working with the President to get things done for the American people. We are still eager to work with the President, but, unfortunately, despite his words, the President hasn't shown much of an inclination to work with Congress.

Between January 7 and February 10 of this year, President Obama issued a total of 13 veto threats. That is more than two veto threats per week during that period. He has announced his intention to veto everything from a bipartisan jobs bill to national security legislation to bills to protect the unborn. And, of course, he has threatened to veto the Keystone XL Pipeline bill—a threat he is likely to make good on this week.

One would think that if President Obama were at all serious about wanting to work with Congress, Keystone would be the first bill he would sign. The American people support Keystone by a wide margin. Unions support Keystone because they are eager for the jobs that it would create. Substantial numbers of Democrats support Keystone.

Here is what one Democrat had to say about the pipeline: ''We have everything to gain by building this pipeline, especially since it would help create thousands of jobs right here at home and limit our dependence on foreign oil.'' That is from a Democrat here in the Senate.

Approving Keystone is a no-brainer. It would support 42,000 jobs during construction, would contribute billions to our economy, and would bring in substantial revenue to State and local governments which would mean more money for local priorities such as schools and teachers, roads and bridges. It would do all of this without spending a dime—not a single dime of taxpayer money.

The President's refusal to approve this legislation is a signal of just how unserious he is about wanting to work with Congress to get things done. Unfortunately, after a promising start Democrats in the Senate are starting to imitate President Obama's obstruction. Yesterday Democrats again voted to filibuster the Department of Homeland Security appropriations bill for the fourth time this month. What is their reason? They are desperate to protect the President's Executive action on immigration.

Before President Obama decided to implement his Executive amnesty, he said 22 times he did not have the authority to take this action. In fact, in March of 2011 he told an audience:

> With respect to the notion that I can just suspend deportation through executive order, that is just not the case, because there are laws on the books that Congress has passed. . . . we've got three branches of government. Congress passes the law. The executive branch's job is to enforce and implement those laws.

That is from the President of the United States in March of 2011. At least eight Democrats have expressed similar concerns. This is from a Democrat here in the Senate: ''I have to be honest, how this is coming about makes me uncomfortable.''

An independent Senator from Maine stated: ''I also frankly am concerned about the constitutional separation of powers.''

This is an example of the reservations that have been expressed by Democrats right here in the Senate about the President's Executive amnesty.

Last week a Federal judge agreed with the legal concerns the President had raised and ordered the administration to halt amnesty proceedings. Despite this, Democrats continue to try to protect funding for the President's unconstitutional action by preventing consideration of the Homeland Security appropriations bill.

If Democrats object to parts of the bill, they need to vote to get on the bill so they can offer proposals to amend it. That is the way this place works. Republicans have made it very clear that we are ready and willing to vote on Democratic amendments. The leader on our side has said that when we get on the bill we will alternate amendments. It will be a free-flowing process, just as we committed to when we took the majority in the Senate.

The Democrats object to the bill's lack of funding for the President's amnesty. Then they should offer amendments to restore the funding. That is simply how it works in the Senate. All we have to do is get on the bill. That just takes six Democrats to get us onto that legislation to give us an opportunity to actually debate this.

When the Republicans took over the Senate in January, we made it our goal to get Washington working again. That is exactly what we have done. Our Democrat-controlled Senate was run on a strictly partisan line basis. The minority party was shut out of the debate and the amendment process, and the Senate spent much of its time on narrow, partisan legislation.

Under Republican control the Senate floor has become once again an open forum for debate and amendments by Members of both parties. Republicans have allowed almost three times as many amendments in January alone as Democrats allowed in the entire calendar year of 2014.

The Keystone XL Pipeline bill was passed with bipartisan support with amendments from Members of both parties. Republicans are eager to continue this bipartisan process going forward. That is why the obstruction of

the President and the Democrats in this particular circumstance is so disappointing.

Nobody around here expects Democrats and Republicans to always agree. They certainly don't expect the President to never issue a veto threat. But the President's apparent determination to obstruct everything is pretty discouraging.

If the President continues to make veto threats at the same rate he has so far, we will be looking at almost 90 veto threats by the end of 2015. The American people deserve and expect better. Americans sent a clear message in the last election. They were tired of business as usual in Washington. They want Members of Congress and the President to work together to address the challenges facing our Nation. Clearly, the President still hasn't managed to process that message.

THE PRESIDENT'S FOREIGN POLICY

Mr. THUNE. Mr. President, before I close, I would like to take a minute to talk about the President's foreign policy. The Congress has received the President's request for authorization for the use of military force in Iraq and Syria, and we will take a hard look at this request. But we still haven't seen a comprehensive strategy from the President for confronting and defeating ISIS. ISIS represents a barely comprehensible level of evil. Wherever its members go they leave a trail of blood. Their reign of terror in the Middle East has included the systematic persecution and murder of Christians and other minorities, rape, torture, burnings, beheadings, as well as reports of the crucifixion and burying alive of children.

Just 2 weeks ago ISIS beheaded 21 Coptic Christians in Libya. The men's only crime was professing their faith. This morning's news included reports of another 90 Assyrian Christians being abducted by ISIS from a village in northern Syria.

My heart sinks each time I hear any report of abductions of this nature because we know the fate that is likely in store for these people. Evil like this cannot be ignored. It must be confronted. The United States should be a leader in the effort to defeat this hellish organization and its reign of brutality.

The President should have articulated a plan for responding to ISIS months ago, but, unfortunately, his lack of decision is par for the course when it comes to this administration's foreign policy. Time and again, the President has been confronted with a foreign policy crisis and has simply failed to respond. That needs to end now. With crises multiplying around the world, it is time for the President to step up and start leading. We cannot afford for him to sit on the sidelines any longer.

I yield the floor.

ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m., with all other provisions of the previous order remaining in effect.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, Senators are permitted to speak for up to 10 minutes each.

Mr. BENNET. 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. BROWN. 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. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

BLACK HISTORY MONTH

Mr. BROWN. Mr. President, this week marks the final week of Black History Month, an annual tradition that celebrates Black history and culture but also is a call to action to continue our Nation's march, as halting as it sometimes is, toward equality.

This week we take an important step toward awarding a Congressional Gold Medal to the foot soldiers who participated in Bloody Sunday, Turnaround Tuesday, or the Selma to Montgomery Voting Rights March. Senator SCOTT and I and Senators SHELBY and SESSIONS and the banking committee moved forward on that earlier today. I am proud to be one of the 65 cosponsors. I am also introducing a resolution this week instructing the Postal Service to issue a commemorative stamp honoring the 50th anniversary of the Selma marches.

It is far past time for us to honor the brave men and women who risked life and limb to demand full participation in our democracy. We can do this on the Senate floor. We can do it by traveling to Selma. Next week Senator SCOTT and I will lead a delegation to Selma for the anniversary of the march. I understand my colleague from Ohio may be joining us. I took my daughters Emily and Elizabeth there a number of years ago. I look forward to the journey to Selma with my wife in a couple of weeks, marking the 50th anniversary.

Fifty years ago, Dr. King led thousands in that 54-mile march—the second Selma bridge crossing, if you will. They arrived in Montgomery 4 days later to a crowd of 25,000 Black and White supporters. In his speech that day, Dr. King told a story of one of the marchers: Sister Pollard, a 70-year-old African-American women who lived in Montgomery during the bus boycott a little less than a decade earlier.

She was asked if she wanted a ride during the march instead of walking. She said: ''No.''

The person said: ''Aren't you tired?''

She said: ''My feet are tired, but my soul is rested.''

Progress is never easy, and as we celebrate Black History Month, we are reminded of the long journey we have traveled and how far we still have to go.

This month we celebrate the contributions African Americans have made to the fabric of our Nation.

When Carter G. Woodson started what became Black History Month in 1926, my State of Ohio—the Presiding Officer's State—had already produced 19th-century poet Paul Laurence Dunbar; Columbus native Granville T. Woods had already invented the telegraph device that sent messages between moving trains and train stations; Mary Jane Patterson had already become the first Black woman to graduate from Oberlin College, in my part of Ohio; Garrett Morgan, a Clevelander, had already invented the traffic signal; Ohio State Representative John P. Green had introduced a bill to establish Labor Day in Ohio, which later became Labor Day, which we all celebrate; and COL Charles Young, who found freedom in Ripley, OH, in the Presiding Officer's old congressional district, became the highest ranking African-American commanding officer in the U.S. Army in 1894—120 years ago—and the first African-American superintendent of a national park.

This month we celebrate these and other pioneering Ohioans: two Pulitzer Prize winners—Nobel Prize-winning writer Toni Morrison from Lorain and former Poet Laureate of the United States Rita Dove from Akron.

Olympic Gold Medalist Jesse Owens grew up in Cleveland. Jesse Owens spoke at my brother's high school graduation in Mansfield.

Howard Arthur Tibbs from Salem served with the Tuskegee Airmen, and I was honored to meet his family in 2007 when this body posthumously awarded him the Congressional Gold Medal.

Congressman Louis Stokes, who so many in this body know, rose from one of the first Federal housing projects in the Nation, in Cleveland, to prominence as a lawyer and legislator. Yesterday Louis Stokes celebrated his 90th birthday. He argued before the Supreme Court in his legal practice, and during his two decades in Congress he was a forceful advocate for the city he loves.

This month we honor them and many others. These achievements have come in the face of centuries of oppression, making these achievements all the more remarkable. They have not come to be recognized simply through chance. It took a century of concerted effort—longer than that, really—led by Black Americans such as Dr. King, to give voice to the struggles and the stories, the triumphs and the traditions of the African Americans who have shaped who we are as a country and as a people. These stories are the ones we celebrate this month and the ones we must do more to honor and tell.

This month I am introducing legislation to begin the process of designating the Parker House in Ripley, OH, as a national monument. John Parker was a slave who purchased his freedom, became a successful businessman, and helped many others to freedom on the Underground Railroad through crossing the Ohio River and heading north, some to Oberlin and ultimately many to Canada.

Stories such as these are too often untold and overlooked. They show us how African Americans have shaped their own destiny in this country.

I hope today my colleagues will join me in honoring the African Americans who have made us who we are as a nation. I would add that I hope this 50th anniversary, this trip that a number of colleagues and I will take to Selma, will mark progress in voting rights.

We took huge strides in voting rights in the last 50 years. In fact, in 1964 it was a conservative Republican Congressman from north of Dayton by the name of William McCullough, who was the senior Republican on the House Judiciary Committee—Jacqueline Kennedy and others credited Congressman McCullough, perhaps more than any other single Member—even more than Hubert Humphrey or Everett Dirksen—for the Civil Rights Act and Voting Rights Act passing the U.S. House of Representatives and the Senate and being signed by the President.

Unfortunately, in the last few years we have seen State legislators and far too many Members of this body try to scale back and roll back some of those gains in voting rights—all in the name of stopping fraud, when in fact voting fraud is much exaggerated by them. It barely exists. But the efforts to roll back voting rights has resulted from that. It is wrong, and it is shameful, especially as we celebrate the 50th anniversary.

I am hopeful we can move forward in spite of what this very conservative Supreme Court has done, move forward in voting rights as we honor Black History Month, as we honor 50 years of Selma, and as we honor the work African Americans and Whites have done to make this country a better place to live.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, as my colleagues know, for weeks now Senate Democrats have repeatedly blocked the Senate from even considering a $40 billion funding bill for the Department of Homeland Security that would extend through the end of the fiscal year, the end of September. They have done it not once, not twice, not three times, but four times. Four times they have filibustered this Department of Homeland Security funding bill that would pay the salaries of the men and women who protect our ports, our airports, and our border.

Meanwhile, our friends across the aisle are telling the American people: No, it is not us blocking this funding, it is the Republicans. Well, I beg to differ. The House of Representatives has actually passed a Homeland Security appropriations bill—the bill we tried to get on four different times and the Democrats don't seem satisfied with the ability to offer amendments to change it or modify it in any way that they can command 60 votes to do. Their attitude is: We are not even going to consider it unless we get everything we want right upfront.

I guess I can kind of understand why they are of that frame of mind because over the last few years, the Senate has become completely dysfunctional. Under the previous majority leader, there wasn't any opportunity to offer amendments and get votes on those amendments on legislation. It was a ''my way or the highway'' proposition.

In other words, what I am saying is the Senate was broken, and after years of running the Senate as an incumbent protection program and voting on only poll-tested messages and blocking amendments, last November the American people said, enough is enough; no more dysfunction. Let's have a Senate and a Congress that represents our interests, not the interests of protecting incumbents against taking tough votes.

I believe our colleagues who have blocked consideration of this funding amendment should be, frankly, ashamed of themselves. It doesn't seem as though they have gotten the message.

The senior Senator from New York, Senator SCHUMER, who is a member of the leadership and my friend, told the Huffington Post recently that ''it is really fun to be in the minority.'' By that, I guess he means it is fun to block Homeland Security appropriations bills not once, not twice, not three times, but four separate times. But filibustering this critical funding for the men and women who protect us every day is not my idea of fun, nor is it, I suspect, for the thousands of men and women who work in the Department of Homeland Security, from the Coast Guard to the Border Patrol to all of the people who work day in and day out to try and help keep us safe in the homeland.

When given the opportunity four times over the last few weeks to fully fund the Department of Homeland Security while rolling back the President's unconstitutional Executive action, four times Senate Democrats have taken the low road and continued to obstruct.

Over the last several weeks, we pointed out the tough talk that came from some Senate Democrats last fall when the President issued his Executive action on immigration back when the President made his intent clear to follow through with a series of unilateral actions that he had previously said, on 22 different occasions, he didn't have the authority to do. Twenty-two times the President said publicly he didn't have the authority to do it, and last November, after being encouraged to wait until after the election so it didn't have a negative blowback on people running for the Senate, he went ahead and did it anyway.

As I noted before, some of our colleagues on the other side expressed their concerns at the time. Some said it made them feel uncomfortable, and some said: I wish he wouldn't do it. Well, no kidding.

When the President usurps the authority given under the Constitution to the legislative branch of government and seeks to arrogate to himself the power to unilaterally change the law, they should feel uncomfortable. One by one these same folks who were so concerned and so uncomfortable with what the President did last November have come down to the floor and voted in lockstep. They voted, in effect, to reaffirm the President's actions.

In justifying these votes, we heard the common refrain, we don't necessarily agree with the President's Executive actions, but an appropriations bill is not the proper vehicle to address them. That is what they said time and time again. So now we have a pretty simple and straightforward message to our Democratic friends who were so concerned and so uncomfortable and who wished the President had not gone around Congress on immigration. We are here to say: Here is your chance.

This week the Senate will take up a bill that will address the President's Executive actions that were announced last November. Senator MCCONNELL, the majority leader, made it clear last night that this targeted bill is not tied to the Department of Homeland Security funding.

Under the regular rules of the Senate, the process he set in order last night will come to fruition on Friday, and that will be the time for all of our colleagues on this side of the aisle and

the ones on the other side of the aisle who expressed disapproval of the President's Executive action to vote for a bill that expresses that disapproval—the so-called Collins bill.

My strong preference would be to pass the House bill—that has been filibustered four separate times by our Democratic friends—because it fully funds the Department while reining in the President's overreach. But since the Democrats have refused on four different occasions to even allow the bill to come to the floor with the excuse that it is tied to the Department of Homeland Security funding, we are going to give them an opportunity to put their money where their mouth is. In other words, we are going to see if they can take yes for an answer.

If all of the occasions where my colleagues said they were uncomfortable with the President's actions are not enough—if the 22 times the President himself said he didn't have the authority to issue this Executive action—well, we now know that during the recess last week a Federal judge in Texas has given us one more reason.

A week ago U.S. District Judge Andrew Hanen in Brownsville, TX, ruled in a lawsuit brought by 26 different States, including Texas, that what the President did was illegal. He issued a temporary injunction blocking implementation of the President's Executive action.

If that were the end of it, any amount of money that was appropriated by the Congress to fund the Department of Homeland Security could not legally be used to fund the President's Executive action because there is an injunction in place issued by a Federal court that says you can't do it, and, indeed, the administration has acknowledged that. They stood down, but now they have come back to the judge and asked for a stay of the judge's temporary injunction. They said if they don't get that, they will go to the Fifth Circuit Court of Appeals in New Orleans and ask the appellate court to stay the judge's temporary injunction.

Judge Hanen's ruling enforces what I and many others have been saying for a long time, that the President acted outside of the law when he went around Congress to unilaterally change our Nation's immigration laws.

But the judge's ruling gets to a broader issue, and there is one part of it that I found particularly important. In writing his opinion explaining his ruling, Judge Hanen looked at the Obama administration's case and imagined how you could take their argument and apply it across the board.

It is easy to overlook and overreach what the President has said if you perhaps agree with what he actually accomplished, which is, in effect, to give legal status to roughly 5 million people. If you think that is a good idea, you are likely to turn a blind eye to the way the President did it. But if the courts establish the precedent that this President—or any future President, Republican or Democrat—can pick and choose which laws to enforce, what could end up happening? Well, it doesn't take a lot of imagination. Judge Hanen writes: ''then a lack of resources''—which is the argument that was made by the administration—''would be an acceptable reason to cease enforcing environmental laws, or the Voting Rights Act, or even the various laws that protect civil rights and equal opportunity.''

That is what Judge Hanen said in his opinion in repudiating the argument made by the administration that the President had this authority and talked about what kind of dangerous precedent it would set if it were accepted by the court as legal.

I am sure I am not the only one who would hate to see our country head down that sort of lawless path where the laws don't make any difference, it is just the preference of whoever is President which determines the direction the country should take. That is a dangerous path. It is completely inconsistent with who we are as a country that believes in the rule of law.

So now that the President's actions have been settled in the court of public opinion, where they are deeply unpopular, and ruled upon by a court of law, my friends from the other side of the aisle need to take note because they have a very clear choice. They can continue to give excuses for why they are filibustering this $40 billion Homeland Security appropriations bill or, as I said, they can put their money where their mouth is and vote to stop the President's 2014 Executive action separate and apart from any issue of funding of the Department of Homeland Security.

At the end of the day, the Senate will make sure the people who protect our borders and our ports and our skies get paid because that is the responsible thing to do. Senate Democrats, who were so concerned and so uncomfortable with what the President did last fall, are out of excuses, and they are going to have a chance to vote on the Collins amendment on Friday or at some other time mutually agreed upon by the majority and the minority.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DURBIN. Mr. President, I listened carefully to the remarks of my friend and my colleague from Texas.

If my friend has a moment as he walks out this door, he should take a sharp left and stop at the staircase and look up. At the top of the staircase the Senator from Texas will see this amazing portrait that has been copied and referred to over and over again. It is an incredible painting that shows President Abraham Lincoln signing the Emancipation Proclamation in the midst of the Civil War while surrounded by his Cabinet. This Emancipation Proclamation freed 3 million slaves in America from involuntary servitude.

Was the President signing a bill that had been passed by Congress? No. He was signing an Executive order—the same type of Executive order used by President Obama to address the issue of immigration.

All right, Senator DURBIN, you found one moment in history. According to arguments you heard on the floor, there could not be very many more. Let's fast forward to the late 1940s with President Harry Truman. President Harry Truman, after World War II, decided to finally end racial discrimination in the ranks of our military. How did he do it? Did he do it by signing a law passed by Congress? No. He signed an Executive order ending the discrimination and segregation taking place in our military.

I don't argue that Presidents can exceed their constitutional powers. It has happened. But to argue that Executive orders that have been used by President after President are inherently unconstitutional defies any accurate, honest reading of history.

Here are some realities. The immigration system in the United States of America today is broken—broken terribly—to the point where we may have 12 to 13 million undocumented people in this country, where our borders are stronger now than they have ever been, but still have to be fortified to make sure we don't have the unnecessary migration of people into the United States in an illegal status. There are so many things we need to do to fix this broken immigration system, and we addressed them.

Two years ago eight Senators came together—four Democrats and four Republicans. I was honored to be part of it. We sat down for months and wrote a comprehensive immigration reform bill. We brought it to the floor of the Senate after considering 100 amendments in the Senate Judiciary Committee, and it passed on the floor with 68 positive votes. Fourteen Republicans joined the Democrats for the bipartisan bill which was supported by the Chamber of Commerce, the AFL–CIO, and conservatives and liberals across America.

Pretty good work for a Congress that is blamed many times for just being obstructionists. We passed it with 68 votes, sent it to the House of Representatives, where it languished for almost 2 years, never being called for a vote—never.

At that point the President stepped forward and said: I have to do something to deal with the problems of illegal immigration in America. Here is what he proposed—two things, basically. He said: If you are here in America and are the parent of a child who is a U.S. citizen or the parent of a child who is a legal resident alien, you can come forward, pay about $500 as a fee, subject yourself to a criminal background check. If you clear it or you committed no serious crimes and are no threat to America, then we will give you a temporary work permit to be in

the United States and work. We want to know who you are, where you live, the members of your family, and where you work. That is what the President proposed, and that is what they want to stop.

We would continue the current situation with millions of undocumented people working without background checks, working without any registration to this government, so we know their whereabouts and what they do. That is what they want to end. They think the President went way too far in setting up this process. I think they are wrong.

The Republicans had a chance to pass a comprehensive immigration bill and they refused. In refusing, they left the President no alternative. He is trying to make sense out of a broken immigration system. It would be better if the Republicans joined us in the House and the Senate in a bipartisan effort to achieve that.

The last point I want to make is this: I think one of the most heartless things I have seen in my time in the House and Senate is the effort by the Republicans to end DACA. DACA was the protection the President gave to DREAMers. DREAMers are children brought to America—children, infants, toddlers, and young kids—by their parents, who grew up in America and went to school, have no serious criminal issues in their background, and who simply want the chance to be part of America's future. That is all they are asking for.

The President's Executive order gives them that chance to prove themselves, and the Republicans want to eliminate that order. I don't understand it. If they take the time to meet some of these young people, they would realize what a waste it would be of such great skill and talent and love of America.

I will close—and I see my friend and colleague Senator MURRAY—and say this: We are a nation of immigrants. Our diversity is our strength. The people who are willing to risk everything in their lives to come to this country, to be part of this great American experiment, to have an opportunity for their next generation to have a chance for a better life, that is what defines us. That is who we are.

I stand here—and I have said it so many times and proudly so—the son of an immigrant mother who was brought here at the age of 2. She was the first DREAMer in my house, and she raised a son to serve in the U.S. Senate. That is my story. That is my family's story. That is America's story.

It is time for us to fund the Department of Homeland Security and protect America and then have an honest debate about an immigration policy consistent with American values.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Illinois for his passionate remarks. That rings so true to all of us. I thank him for all his work on the DREAM Act and making sure young people who are raised in this country have the opportunities that all of us do.

As we count down the final days before funding for the Department of Homeland Security potentially runs out, I want to take a few minutes to talk about how we got to this point. As this deadline gets closer and closer, I have been continually reminded we have been down this road many times before. This is a manufactured crisis, and it is no different than so many others we have faced in Congress over the last few years. What is happening in Congress right now is not a debate over government spending policies or priorities. That much is certain. This is not a debate over how the Department of Homeland Security should function. It is certainly not a debate about our national security. This is, pure and simple, a political fight Republicans are having with themselves across the two Chambers of the Capitol and across the different factions of the Republican Party. That is not the case for every Republican in the Senate. Several Members have said clearly we should fund the Department of Homeland Security without any strings attached.

The fact remains some Republicans are making it clear they are willing to hold hostage the basic operation of our government over rightwing politics and nothing else. While this process might seem complicated, it is actually very simple.

Democrats—along with national security experts, law enforcement experts, State and local officials, and three former Secretaries of Homeland Security, including two Republicans—want to do nothing more than fund the Department of Homeland Security cleanly, no strings or unrelated political amendments attached. But because they are so angry about the President's actions months ago to improve our country's immigration laws, some Republicans are demanding to pass a bill that will tear apart families who are working hard to make it in America, put our security at risk, and seriously threaten all of the work we have done recently—including the budget agreement I reached with Congressman PAUL RYAN—to keep our government functioning. That is not only bad policy. It doesn't make any sense.

The bill passed by Speaker BOEHNER and House Republicans would be devastating to families across the country, and it would make day-to-day operations for the Department of Homeland Security needlessly difficult. For example, TSA agents who work to keep our airports safe and secure would be forced to work without pay. These men and women should be worrying about doing their jobs, not knowing whether they are going to be able to pay their bills and put food on their table. That is not what we want them worrying about. But because of political pressure from the extreme anti-immigration, rightwing party, that is what Republican leaders in the House are demanding.

This looming shutdown of the Department of Homeland Security has become to them nothing more than collateral damage. The national impacts of not funding the Department of Homeland Security have been discussed for weeks now. This would also cause problems all the way down to individual fire departments in our local communities.

Right now the Whatcom County Fire District 18 located in my State—close to the northern Canadian border and it is about an hour north of Seattle—is applying for an assistance to firefighters grant which is funded through the Department of Homeland Security. This is a very rural fire district. They only have one paid employee—it happens to be the fire chief—along with a volunteer firefighting force of 16 and a volunteer EMT force of 6.

They have applied for a very small $24,000 Federal grant to replace their heavily used and outdated equipment—everything from boots and helmets to gloves and fire hoods—that are now over 11 years old. I have been working with them to help them get that needed equipment which protects those volunteers who put their lives on the line to save others, but if Congress does not fund this department those grants are at risk. That is unacceptable. It is proof this political mess the Republicans have made is not a hypothetical problem. It is something that will have real impacts on every one of our communities across the country.

My colleagues are not going to give in and let the Republicans play politics with the Department of Homeland Security. For years now we have seen that strategy doesn't work. It holds us back. I am encouraged the majority leader has said they are willing to bring up a clean Department of Homeland Security appropriations bill to the floor. We need the same commitment from the Speaker of the House of Representatives. Time is running out. The country is waiting. We need to fund Homeland Security.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

KEYSTONE XL PIPELINE APPROVAL ACT—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on S. 1, which the clerk will read and which will be spread in full upon the Journal.

The legislative clerk read as follows:

Veto message to accompany S. 1, a bill to approve the Keystone XL Pipeline.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the veto message on S. 1 be considered as having been read; that it be printed in the RECORD, spread in full upon the Journal, and held at the desk; and that the Senate proceed to its consideration at a time to be determined by the majority leader in consultation with the Democratic leader but no later than March 3.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The veto message of the President is printed in today's RECORD under ''Presidential Messages.'')

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

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

Mr. SESSIONS. Madam President, a number of things have been happening today with regard to the funding for the Department of Homeland Security. There has been a lot of spin that somehow the Republicans are blocking the funding of the Department of Homeland Security. This gives new meaning to the word obfuscation, I suppose, or disingenuousness.

The truth is the House of Representatives has fully funded the Department of Homeland Security. It has provided the level of funding the President asked for. It has kept all accounts in Homeland Security as approved through the congressional process. It simply says: Mr. President, we considered your bill—this amnesty bill—that would provide work permits, photo IDs, Social Security numbers, Medicare benefits, and Social Security benefits, and you can't do that. We consider that and reject it. So we are not going to fund that.

Now, the President has already told us and the staff they have across the river in Crystal City where they are leasing a new building, and this building is going to house 1,000 workers paid for by the taxpayers of the United States as part of Homeland Security. Are those 1,000 workers going to be utilized to enforce the laws of the United States? Are they going to process applications for citizenship or visas? No, those 1,000 people—costing several hundred million dollars, in truth—are going to be processing and providing these benefits to people unlawfully in America.

So Congress said: Wait a minute. We didn't authorize money for that. You can't spend money to fund exactly the opposite of what we have enacted. So we are just going to put some language in the bill—the normal bill that funds Homeland Security—and say you can't spend the money to violate the law. You can only spend the money to enforce the law, as it was created to do.

The bill then comes to the Senate; and what spectacle do we have? We have Democratic Members in lockstep unity blocking even proceeding to this bill, contending we are not funding Homeland Security. Can you imagine that?

Now, my colleague, the senior Senator from Illinois, Mr. DURBIN, the Democratic whip, came down a couple of weeks ago and said: I am trying to figure out what is blocking this bill. So I took the floor and I said: Senator DURBIN, you and your filibusterers are filibustering the bill. That is why it is not being passed.

Does anybody want to dispute that? The Republican Senate has repeatedly brought up this bill and filed cloture to move to the bill so we can fund Homeland Security, and the Democrats are relentlessly and unanimously filibustering it, blocking even moving to the bill. Although Senator MCCONNELL said if we did move to the bill, he would allow them to have amendments. So this is the situation we are in.

Colleagues, this goes to the core of our constitutional principles about who controls the money in America. Congress is a coequal branch. It is not subordinate to the President. If anything, the legislative branch, through the Constitution, provides maybe even more power to Congress than it does to the Executive and more than it provides the courts. And the most powerful power of Congress is the power of the purse.

Congress is not obligated to pay for anything it believes is unwise, and it has an absolute duty not to fund anything that is unconstitutional or illegal, which is what we are dealing with here. So Congress—the House of Representatives—acted wisely and properly in funding Homeland Security and not allowing activities to be carried out that are unlawful and that Congress has rejected.

This is so fundamental, so basic. How my colleagues have the gall to come to the floor and have a press conference this afternoon and blame Republicans for shutting down Homeland Security is beyond me. I don't believe the American people are buying it.

Now, there are some, even on the Republican side, who say: Oh gosh, the President will blame us even if it is not our fault. So we might as well cave in and give him what he wants. But what he wants is something he can't be given. What he wants is for Congress to capitulate and erode its powers and responsibility. He wants Congress to violate its duty to fund something that is illegal and contrary to Congress's wishes. He can't demand that. He has no right to demand that.

Congress cannot fund—cannot and must not fund—an illegal action in hopes that another branch of government will intervene. Now, I say that because some have said: Well, a court in Texas has ruled that a part of this action by the President is unlawful. The court was narrow in its decision. It fundamentally said something similar to: It looks like a regulation to me, and if you are going to pass a regulation, you need to go through a process. And the President didn't go through a process. It is not lawful. It is not legal. You can't enforce it. The judge issued an injunction barring the President from carrying out these plans, he announced, which is plain law, it seems to me. They didn't even go into some of the other ideas of the constitutionality and separation of powers. He just blocked it on that basis.

So we are hearing it said that we can fully fund Homeland Security without any restrictions, allowing the President to do this, because the courts stopped it. I think that is unwise for a number of reasons. The first one is we don't know what the courts are going to do. This Congress has a duty to fund only things it believes are appropriate and lawful. So Congress shouldn't fund it on that basis, period. We should stand up for Congresses in years to come—for our children and grandchildren and great-grandchildren—and defend the power of the purse and defend the integrity of this Congress.

We know how this country was founded. It was founded on an understanding of the British Parliament, and the British Parliament wrested from the king the power of taxes and money. That was a huge historical development, and it has been part of our tradition since, that Congress has the power of the purse. The Executive can't do it. So we replaced the king with the President, and we adhered in our Constitution to that great tradition of restraint on the Executive by the legislative branch—by the Congress, by the Senate.

In the Texas court's injunction, let me go further and note the reasons why I think it is unwise for Congress to say that we, the Senate, have no duty to speak on this issue. The House has already spoken and said we are not going to fund this. But the Senate needs to ask what its position will be.

I would point out that the Texas court's injunction addresses only a part of Obama's lawless actions and could be lifted at any time. So the injunction could be lifted at any time. It only covers a part of his actions. If Congress relinquishes the power of the purse, then nothing will be able to prevent the lawlessness or amnesty from going forward.

As the Texas court noted in issuing its injunction, ''This genie would be impossible to put back in the bottle.''

That is absolutely true. He is evaluating whether to issue an injunction.

Sometimes you don't have to issue an injunction because there is not anything much happening right then. But he says, correctly, that: If this goes forward and millions of people are given amnesty, you can't put that genie back in the bottle in any practical sense. It would be a nightmare to try to do that.

Let me point this out:

One, the Texas court's injunction only addresses a small part of the President's recent Executive actions in November.

The Texas lawsuit challenges only the President's November 20 unconstitutional Executive action. And of that, the injunction prevents the administration from implementing only deferred action for parents of Americans and lawful permanent residents.

The Texas court injunction does not address the problematic enforcement priorities encompassed in the President's Executive actions.

He set all kinds of priorities that Congress disapproves of and that are bad—unless you don't want the laws enforced, in which case it is good. And we have some who believe in open borders in this country. They deny it when challenged, but they vote that way every time.

On November 20, 2014, the memo revised the administration's enforcement priorities which do not encompass certain criminal aliens nor do they encompass all aliens deemed to be subject to mandatory custody under the Immigration and Nationality Act. In fact, these new priorities effectively gut the enforcement of our immigration laws for all but a few select criminal aliens.

Congress passed the law that requires the deportation of persons involved in criminal activities and convicted of those activities. The President eviscerated large portions of that in this order, and he should not be allowed to do so. The judge did not address it.

Indeed, in response to the ruling, Secretary Johnson stated that the Texas court's order does not ''affect this Department's ability to set and implement enforcement priorities.''

Well, that is a big deal. They set priorities that violate statutory law, and they should not be allowed to do that. We can't effectively eviscerate law by prosecutorial guidelines.

According to a February 18, 2015 email from Customs and Border Protection Commissioner R. Gil Kerlikowske regarding the injunction, he said:

> Officers and agents should continue to process individuals consistent with the enforcement priorities announced by the Secretary in his memorandum of November 20, 2014, titled Policies for the Apprehension, Detention and Removal of Undocumented Immigrants.

It deals in large part with criminal activities, people convicted of crimes who are supposed to be deported.

The funding bill the House passed would do much more to stop President Obama's unlawful Executive actions on immigration, so the administration does not intend to change its course as it is still actively preparing for its rollout of Executive amnesty.

On February 17, just a few days ago, the President told reporters that the administration is still ''doing the preparatory work because this is a big piece of business.'' He said:

> The Department of Homeland Security will continue in the planning because we want to make sure as soon as these legal issues get resolved, which I anticipate they will in our favor, that we are ready to go.

So he is telling the Department of Homeland Security to spend money now to be ready to move forward and immediately process his Executive amnesty—providing Social Security numbers, photo IDs, Medicare and Social Security benefits for people here unlawfully. He says go ahead and do it.

The Texas court injunction is only temporary and could be set aside at any time. The administration has already filed for a stay of the injunction in the district court and has announced its intention to appeal.

Indeed, as I just read, the President said he expects to win. I don't think he will, but it is a technical part of the ruling. The judge still has many more that he could deal with that could overrule the President's action. He just chose one of them, and that one is rather technical. So who knows for sure what a court might rule.

In addition, the ruling does not address the substance of the case. It will take many months to resolve this litigation, and during that time there is a reasonable chance that some court will lift the stay and allow the President to begin implementing the amnesty pending a final ruling on the merits of the case. But Congress can stop it and has a duty to stop it in its appropriations bill.

In addition, Democrats refused to fund the lawful functions of the Department of Homeland Security. And this is important: The House-passed Department of Homeland Security funding bill funds all of the lawful, statutorily authorized functions of the Department, including the immigration law enforcement component of the agencies that, under the Obama administration, has been prevented from enforcing the laws.

Colleagues, Immigration and Customs Enforcement officers—now, I guess, 2 years ago—filed a lawsuit against their own supervisors declaring that they were being forced to violate their oath to enforce the laws of the United States.

I have never seen that. It is so bad that the ICE officers have filed a lawsuit to stop the administration from ordering them to violate plain law.

Let me note that the President has already shut down the Department by ordering immigration officers and agents to violate the laws and sabotaging enforcement in a number of ways. These are direct orders of this administration, dismantling systemic enforcement of our laws.

So I think the Senate Democrats and the President must answer why they believe funding Executive amnesty and unlawful immigration policies would make this country safer.

They say: Well, you won't pass a Homeland Security bill like we want it. You are not making America safe.

I say their policies eviscerating law enforcement are making America less safe, as the Immigration and Customs agents do, the ones who process the applicants.

Ken Palinkas, the President of the National Citizenship and Immigration Services Council, has written that: This amnesty executed by the President will make us less safe.

His amnesty makes us less safe. Passing a bill that stops his amnesty will make us more safe. As a matter of fact, he said that more than one time—a number of times. He is very concerned, as his officers are, that if they carry out these policies, the American people are going to be less safe. In fact, they have said explicitly there is no way they can carry out in any effective manner the unlawful orders of the President of the United States.

Is anybody listening to the people who do the work every day? Does anybody care what they think? Apparently not.

So they are going to come to the floor and accuse Republicans in the House and on this side of the aisle of not making America safe when their own officers say the President's policies are making America less safe.

They say there is no way they can effectively process the individuals they are asked to process. They can't process the numbers today, much less what will happen under this bill when they have to process another 5 million. It is just a very unwise thing.

So what did the courts say? I think this is an important quote from the Texas court. A Federal court found that the President had overstepped his bounds. That is what the court fundamentally declared, stating:

> It is Congress, and Congress alone, who has the power under the Constitution to legislate in the field of immigration.

That is absolutely true. It is in the Constitution. As he said:

> It is Congress, and Congress alone, who has the power under the Constitution to legislate in the field of immigration.

So after the President issued his order and his Department issued orders of amnesty on November 20, 2014, the President, amazingly, said this: ''I just took an action to change the law.'' Don't we know from elementary school that Congress passes the law? The President doesn't pass the law. He said 22 times that he didn't have the power to do this, but now he has moved forward and admitted he is changing the law.

Well, some of our colleagues think: Oh, if we resist this, the President is going to accuse us of not funding Homeland Security, not protecting the Republic.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. But I don't think that is so.

They say: Well, the press is unfair.

Well, not always. I think sometimes we Republicans are right to complain but not always.

This is what the headlines are today. The headlines aren't saying Republicans are blocking the bill.

Politico: ''Democrats filibuster Department of Homeland Security bill.''

The Hill: ''Shutdown looms as Dems block DHS bill.''

McClatchy: ''Filibuster continues as Senate Dems block DHS funding bill.''

CNN: ''Senate Dems block Homeland Security funding bill again.''

Washington Post: ''Senate Democrats block DHS spending bill targeting Obama's immigration actions.''

Associated Press: ''Dems Block Action on DHS-Immigration Bill.''

New York Times: ''Senate Democrats Block Vote on Homeland Security Bill.''

Politico: ''Dems filibuster DHS bill.''

Well, that is absolutely true. We are bringing the bill to the floor. We are not blocking it. We want to fully fund Homeland Security. We want the laws enforced. We don't want to spend money from Homeland Security to eviscerate the law of the United States and undermine immigration law in America, and we don't want to fund an unlawful action by the President.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

KEYSTONE PIPELINE

Ms. CANTWELL. Mr. President, I rise today to applaud the President's veto of legislation that would have rubberstamped the construction of the Keystone Pipeline. This legislation allowed a circumvention of Federal review processes and allowed corporations not to adhere to various environmental safety standards that are important for the American people. So I am glad the President is vetoing this legislation.

The rules for siting cross-border pipelines are well established, and time and time again TransCanada has shown that it doesn't want to play by the rules. So with this veto by the President of the United States, he is clearly saying TransCanada must play by the rules.

The President's veto recognizes three important implications for Congress in the intervening and trying to pass this Keystone Pipeline process.

First, this bill was premature because it authorized the construction of the pipeline while legal and administrative processes were still ongoing in Nebraska and North and South Dakota and where landowners and tribes are seeking review in the courts and before regulatory bodies.

The legislation also eliminates the need for a national interest determination, which is associated with the process of the pipeline, which was a key authority for the U.S. Government to insist on safety and environmental regulations. It is a process that should have allowed the State Department and the President to insist on pipeline safety conditions.

Finally, this legislation did not address the loophole for tar sands oil companies to avoid paying for oilspill cleanups.

By vetoing this bill, the President refused to throw hundreds of conditions out the window. These are things from 59 different pipeline safety conditions that would have been legally binding—but not if the legislation had passed.

My colleagues also remember that we talked about work—that we now have concerns on the existing Keystone Pipeline. So I am glad the President of the United States vetoed this legislation.

I hope we will get on to working on other important energy opportunities. I hope my colleagues will not try to override this veto but instead focus on renewing the energy tax credits that help employ hundreds of thousands of people in various industries—anything from solar, to wind, to hybrid electric vehicles—and get on to the other issues that are so important for us in talking about a 21st-century energy strategy.

Again, I am glad the President of the United States has vetoed this legislation that would have been a rubberstamp by Congress for a special interest. Instead, let's make sure all environmental and safety conditions are met.

I thank the Presiding Officer, and 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 role.

Mr. SESSIONS. 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. SESSIONS. Mr. President, one of the measures that took place in this Executive amnesty that has been too little commented upon since the President signed these orders in November is another program which has not been authorized by law which would add several hundred thousand new workers to our country.

This is the headline from an article today: ''DHS Extends Eligibility for Employment Authorization to Certain H–4 Dependent Spouses of H–1B Nonimmigrants Seeking Employment-Based Lawful Permanent Residence.''

The H–1B program was set up for certain individuals to come and work for 3 years and then extend maybe another 3 years only, to take a job in those industries and fields where there is a shortage of workers, and it does allow the spouses to come. But since its beginning it has barred spouses from working; otherwise we would be doubling the number of workers. So this bill now just up and approves spouses of H–1B workers to work.

The U.S. Citizenship and Immigration Service, USCIS, estimates that ''the number of individuals eligible to apply for employment authorization under this rule could be as high as 179,600 in the first year and 55,000 annually in subsequent years.'' This is a very large addition to the workforce.

One might say: Well, it is good that spouses can work.

Well, what if your child wants a job? What if you want a job? What if your spouse wants a job and is looking for a job? Now we will have another 250,000 job applicants, contrary to law.

There are many other aspects of the President's Executive order that have not been given attention. I think this one is worth commenting about.

There has been no sense at all by President Obama, the Department of Homeland Security, Jeh Johnson, the Democratic Members of this Congress—no concern about the employment prospects of lawful immigrants, green card holders, and native-born Americans. We have high unemployment and the lowest percentage of Americans in the working age group actually holding jobs in America that we have had since 1970. Wages are down. Professor Borjas at Harvard documents that excessive immigration pulls down wages. Since 2007 wages of median-income families are down $4,000.

I would say to colleagues that the first thing we should do is focus on getting jobs for Americans who are unemployed. Are we going to keep Americans on welfare and benefits while we bring in more and more foreigners to take jobs when we have Americans ready and willing to take those jobs?

They like to suggest these guest workers are doing farm work. They are not. The overwhelming majority of guest workers admitted to the U.S. are not farm workers, but are taking jobs throughout the economy. A farm worker program, with temporary labor, if properly managed, is a good program. I do not oppose that. People come and work for a period of time, and if they return home and come back the next season and make enough money to take care of their families maybe for the whole year, that can work if properly managed. But look at this. The H–1Bs are people with high-tech degrees, high-tech skills. They are competing against college graduates who have computer skills and other skills.

This is what we get. This is how it is working in this country. A bunch of companies got together and they signed a letter to Speaker BOEHNER and NANCY PELOSI, the Democratic leader in the House, asking for immigration reform back in September 2013. They said they needed more H–1B workers, and they pushed for that.

I would just note this: Byron York from the Washington Examiner has written about this, and this is what the facts are. They are not hiring people. They don't have a shortage of workers. They are laying off workers in very large numbers. Hewlett-Packard had 29,000 job cuts in 2012—29,000. They signed the letter. Cisco Systems eliminated 4,000 jobs in August 2013 in addition to 8,000 cut in the last 2 years. They signed the letter asking for more H–1B workers. United Technologies cut 3,000 jobs in 2013; American Express, 5,400 jobs in 2013; Procter & Gamble, 5,700 jobs in 2012; and T-Mobile, 2,250 layoffs in 2012. These are companies that are asking for more foreign workers.

This is another report that was in the Los Angeles Times just a few days ago: ''A loophole in immigration law is costing thousands of American jobs.''

Since last summer, [Southern California] Edison—

The biggest utility company in California—

which serves nearly 14 million customers, has been firing its domestic IT workers and replacing them with outsourced employees from India. . . . The pay for Edison's domestic IT specialists is about $80,000 to $160,000 not including benefits.

Good pay.

The two Indian outsourcing firms providing workers to Edison, Tata Consultancy Services and Infosys, pay their recruits an average of about $65,000 to $71,000, according to federal filings.

They are laying off hundreds and requiring the California Edison employees to train the H–1B workers who shouldn't be coming into America unless there is a job need that is unfilled. How can you say we don't have qualified people? They are doing the job, and they are expected to train them. This is the kind of thing that is out of control. Somebody needs to defend the legitimate interests of middle America.

We need to ask ourselves: Does this make sense? Should the President be doubling up on it with his Executive amnesty that would add 179,600 new workers in the first year of his order and 55,000 more annually on top of the H–1B flow? We have legislation that has moved in this Senate that would more than double the number of H–1B workers coming into the country when the evidence indicates they are not needed. It might make businesses happy; they can pay half the salary of what they would otherwise be paying. But it would not be good for Americans who invested in education, trained themselves, worked themselves into a good job, and have it pulled out from under them.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

PRESIDENTIAL LEADERSHIP

Mr. PORTMAN. Mr. President, I wish I could rise today to talk about the underlying legislation we are supposed to be talking about, which is a bill to fund the Department of Homeland Security, and also address the President's Executive order on immigration, which went around the Congress but also went around the American people.

A judge in Texas agrees with those of us on this side of the aisle who look at this as an illegal act. Instead, the President ought to work with us. The President should work with the House and the Senate and the elected representatives of the American people to actually pass a law to help fix what is broken in our immigration system.

We are not able to get on that legislation, and it is not because we have differences about the bill that we could talk about. We could have votes on amendments and debate this issue, but there are those on the other side of the aisle who have decided they don't even want us to have the opportunity to hash out those differences so we can vote. I think the constituents I represent in Ohio expect us to have that debate, and they want us to have that debate. I hope those on the other side of the aisle will let us have that debate, and we could have a good, honest discussion about this and address both of these problems—the need to fund the Department and also the need to address this Executive order. I think it is another example where Washington has let down the people I represent.

In the meantime, this is no time for political games. It is a dangerous world. We have a real problem, not just here at home in protecting the homeland, but also with fires burning all around the world. It is time we showed some leadership both here in this Chamber and down the street at 1600 Pennsylvania Avenue. It is time for Presidential leadership.

If you turn on the TV tonight, what you will see is those fires burning. You will see a world more dangerous than the one we had after 9/11. You will see threats to the United States and our allies that seem to grow with every passing day. But even as these threats grow, it seems as though our President is increasingly hesitant to lead.

Iran, despite the platitudes of the Obama administration, which seems really eager to find an agreement and make a deal, continues its march toward developing nuclear weapons.

ISIS, the group the President once described as the JV team when they were in Iraq flying the black flag of Islam extremism over cities such as Fallujah and Mosul, cities where American marines gave their lives to liberate—the President called them the JV team.

Russian soldiers now move freely through eastern Ukraine, and the separatists there are using Russian equipment, they are trained by the Russian military, led by Russian special forces, and they continue to wage war on an American ally, Ukraine. While we all hoped the recent cease-fire would hold, all indications are that Russia and its proxies are taking advantage of that cease-fire in Ukraine to continue their aggression.

Across Europe—in France, Denmark, and Belgian—innocent people have been murdered. Some were murdered for opposing terrorists aims, and some for the simple fact they are Jewish. These attacks are not random, as has been suggested by the administration. Unfortunately, they are designed to incite fear and weaken our resolve to oppose Islamic terrorism wherever we find it.

We must not allow them to succeed any more than we must stand silent in the face of Iranian threats and Russian aggression. What we must do is take a long, hard look at how we got here and what we must do going forward to change the situation.

In my view, a lot of the chaos we are seeing across the globe stems from a lack of leadership. Into that void, chaos ensues. The defining themes in the Obama administration's approach to foreign policy have been a preference for disengagement and an unwillingness to shoulder the responsibility of global leadership the way previous Presidents—Democrat and Republican alike—have done. As the administration itself has said, they prefer to lead from behind.

The President has said that ''the trajectory of this planet overall is one toward less violence, more tolerance.'' I don't know about that. I don't think history moves inexorably toward more justice and more peace. These trajectories don't just happen, people make them happen. Leadership is the key.

When America is strong, when we stand unequivocally for freedom and justice and the right of all people to choose their own destiny, when we do not back down in the face of threats and intimidation, that is when we see a world that is more stable, less dangerous, and more free.

More wars, more conflicts, more threats to our security—these don't typically arise from American strength. They arise from American weakness. When we look around the world—whether it is in Gaza or Eastern Europe or Iraq or Iran or Syria, the increase in violence and instability has coincided with the growing perception that the United States of America is either unwilling or unable to take a stand against threats to international security and stability. Addressing these complex challenges—and many of them are very complex—requires a sustained and proactive American leadership role and American engagement. It requires strategies that seek to shape outcomes, not be shaped by them.

There is a lot at stake. Events in Ukraine, the Middle East, and elsewhere are a direct challenge to the United States-led international order, which has led to unprecedented global prosperity and stability for both the United States and for the world. Confidence in America's willingness to use our unmatched economic, political, and military capabilities to uphold our system deters potential challengers and incentivizes other countries to

play by the rules, which reduces the chances of war. If the credibility of this commitment is in doubt, then the stability and openness upon which U.S. economic prosperity and national security depend is jeopardized and the chance for violence, instability, and economic collapse increases. The world is watching. They are watching to see whether this American-led order can withstand these challenges or if we really are entering into a period of the post-American world.

In Ukraine, the administration's response has been incomplete, reactionary, and ineffective. There are many political and economic dimensions of this conflict, and Ukraine needs Western support to implement crucial reforms in these areas. But there is also a military dimension to this crisis that we cannot continue to ignore. Sanctions alone have not worked. The so-called cease-fire agreements have not worked. As President Obama, Angela Merkel, and Francois Hollande debate and discuss cease-fires and timelines, Russia is deciding the outcome on the ground in eastern Ukraine this afternoon as we talk. Unless we help provide Ukraine with the tools they need to prevent that from happening, any future agreements will only solidify this reality. Let's allow them to defend themselves. Russia continues to believe that military force is a viable option to achieve its goals, and unless the United States and its European allies and NATO help the Ukrainians prove otherwise, this behavior is unlikely to change.

It is well known by now that the President has refused to adopt policies that actually provide Ukraine with the capabilities it needs. A bipartisan coalition, on the other hand, has emerged here in Congress on the need to do more, and we will continue to advocate for a change in course and pursuit of a proactive, comprehensive strategy that actually works.

In the Middle East, proactive American leadership requires upholding our commitment to stand unequivocally with Israel. No other nation in the world would be expected to put up with tunnels into their cities with rockets raining down on people's homes. The press got it wrong last year, and with all due respect, I believe the President got it wrong too. There is no moral equivalence in Gaza.

I have made a few trips to Israel. I met with their people. I have walked the streets of Sderot and have seen the remains of missiles that were targeted against innocents with hatred and an intent to kill and maim. I have been out to the bomb shelters and the indoor fortified playgrounds built so children can have a chance to play without fear. I have spent time with an Iron Dome battery crew outside Ashkelon. I can tell you this: From what I have learned, the people of Israel want peace.

Unfortunately, we know the biggest winner from this administration's wavering support of Israel is Iran. Iran continues to stall on negotiations meant to end their nuclear weapons program. They continue to ask for more time, and the administration continues to grant it. Meanwhile, Prime Minister Benjamin Netanyahu is coming to the United States next week to speak of the threat that Iran poses not only to Israel but to the world, and the President seems to be too busy to meet with him. Truly, the world has turned upside down.

A key test of U.S. leadership is ensuring that Iran does not retain nuclear capability in their continued march toward weaponization. If it were in my power, I would put the Kirk-Menendez Iran sanctions bill—of which I am an original cosponsor—here on the floor on the Senate today, and, by the way, it would pass. I believe it would pass with over 60 votes because Republicans and Democrats alike recognize that Iran will not negotiate in good faith unless the United States is unequivocal in our commitment to ending the nuclear threat Iran poses.

You will recall that this legislation does not impose new sanctions that would be imposed now. These sanctions would be imposed if the Iranians do not agree to halt their nuclear weapons program as required, by the way, by the United Nations. These are leveraged for the White House, and the White House should use that leverage.

American leadership is needed for a more stable and peaceful world. I believe the future does not belong to bigotry and hate, but to freedom-loving people of the world, and the United States of America must lead the way.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PORTMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to talk about the funding for the Department of Homeland Security and the continuing need for immigration reform.

We need to fund the Department of Homeland Security and we should pass a clean DHS funding bill. That is the only bill that can pass the Senate, and that is the only bill that should pass the Senate. Once that bill has passed the Senate and the House and becomes law, then we can and should move on to consider immigration legislation.

Republican leadership in the Senate has wasted a lot of time over the past month politicizing immigration and mixing it up with the issue of funding this Federal agency that helps to protect the United States from terrorists and other threats, and those threats are real. Just this past weekend, the terrorist organization al-Shabaab issued a threatening video suggesting that the Mall of America in my State of Minnesota could be a target for a terrorist attack.

Look, this issue is not something we should be politicizing. We should enact into law a clean funding bill for DHS, and we should fund the Department for the whole year and not make the Department run for a short time on a continuing resolution and just revisit the issue in the near future. That is not what we want. And then we should and can debate immigration.

I have always believed the best way to accomplish meaningful and sustainable immigration reform is through congressional action. In the last Congress, the Senate took such action. As a member of the Judiciary Committee, I was very proud to play an active role in the comprehensive immigration bill the Senate passed with broad bipartisan support. For me, this was a model of how the Senate was supposed to work. Four Senators from each side of the aisle, known as the Gang of 8, came together and crafted a bill which we then marked up in the Judiciary Committee, and I was very pleased that a number of my amendments were included in the bill, which then went to the Senate floor and passed with 68 votes. That bill would have provided a real and comprehensive overhaul of our broken immigration system.

It would have significantly strengthened our border security, and it would have helped a lot of people—from small businesses to families in our legal immigration system to the many undocumented immigrants who would have an opportunity, through a tough but fair path, to get right with the law. There are millions of people in our country who want the same things that all of us want—a steady job, excellent education for our children, and a brighter future for their families. But they are living in limbo and often in fear. Our bill would help them come out of the shadows and get right with the law.

The Senate passed our bill in June of 2013. I was very hopeful the House would take up and pass the Senate bill. If the House had allowed a vote on the Senate bill, it would have passed the House and been enacted into law. That would have meant real and lasting reform to our broken immigration system. Unfortunately, over the course of the next year and a half the Republican leadership in the House failed to act on the bipartisan immigration reform bill passed in the Senate—again, with 68 votes. The President took a step forward that will help a lot of people and will help to address fixing our broken immigration system.

While I still believe Congress needs to act, I think we need to keep the Executive actions in place until we do. I will not support any legislative effort to undo President Obama's Executive actions. We are presented with a choice. Once we pass a bill into law to fund the Department of Homeland Security, we can take a step forward and help a lot more people by passing comprehensive immigration reform or we can take a step backward and harm a lot of people without getting any closer to the comprehensive immigration reform we need.

I will vote to move forward, not backward. We need a fully funded Department of Homeland Security, and we need a comprehensively overhauled immigration system.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. AYOTTE). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CHILDHOOD POVERTY

Mr. BENNET. Mr. President, it is a privilege to be here with my colleague from Colorado.

I rise to talk about our schools and really to talk about our values and our morality—what we stand for as a country—and to ask whether we are able to look forward and create a better future for our children.

To set the record straight, let me be clear. When it comes to our children, I have fallen short, you have fallen short, and this body has fallen short. Let me explain why.

We have learned in the last couple of weeks that over half of the public school children in this country are now poor enough that they qualify for free or reduced lunches at school—children who, through no fault of their own, are reaping the whirlwind of 15 years of stagnant middle-class family income and the effects of the worst recession since the Great Depression.

By many measures, as the Presiding Officer knows, Colorado's economy leads the Nation. But even in our home State, we see more children living in poverty. In fact, the number of children in poverty is growing faster in Colorado than in most of the other 50 States.

As a country and as a State, we are making a lot of progress in a number of dimensions, but we are headed in the wrong direction when it comes to our kids. That is a bad sign for any country but particularly for a democracy that aspires to be the land of opportunity.

A girl in poverty in the United States is five times more likely to be a young single mother than a child from a middle-class family, and a boy in poverty is twice as likely to be incarcerated as his middle-class peers. Children from low-income families in this country are about three times less likely to graduate from high school. Someone from a family in poverty stands only a 9-in-100 chance of earning a college degree. Think about that. There are 100 seats in this Chamber. There are 100 desks in this Chamber. If they represented children living in poverty in the United States, that desk, that desk, that desk, those three desks, and three of those desks would represent college graduates. The entire rest of this Chamber would be people that would never earn a college degree or its equivalent and who would be constrained to the margins of our economy and our democracy as a result after that.

Interestingly enough, the equivalent number for children in the top quarter of income earners is almost 80 out of 100. So 80 of these desks from a more affluent family—80 of these desks would represent a person who graduated with a college degree or its equivalent, and 20 would represent people that had fallen short, but nine poor children would have a college degree. In other words, in a way that is profoundly at war with our founding ideals, poverty breeds deeper poverty, lack of educational achievement reaps deeper academic failure, and broken families are the surest predictor of more broken families in the next generation and the generations beyond that. This is a sentence of unequal opportunity for all poor Americans, no matter the color of their skin. It is a generational sentence for 7 out of 10 children who will remain at the bottom of the income scale their entire lives.

Are there people who defy these odds? Of course there are. As superintendent of the Denver public schools and in this job, I have met scores of children who have overcome the odds—sometimes alone—but often also with the help of a parent who wouldn't quit, a teacher who wouldn't take ''no'' for an answer, a former gang member whose sworn duty is to keep young people out of gangs, a philanthropist who insisted that Denver's kids would go to college. In these exceptional children I have seen the indomitable nature of the human spirit persevere against all odds and have recognized how little I and most of us have achieved by comparison.

I have met kids who take three buses both ways to school leaving as early as 5:30 in the morning just to have the benefit of a better school all the way on the other side of town, kids who can't get up in the morning because they have to work until 11 o'clock or 12 o'clock at night in a fast food restaurant to help pay the rent, kids who pour their heart and soul out into their studies and communities only to learn that college is not for them because of an immigration status they did not even know that they had.

I met kids who were the primary caregivers of younger brothers and sisters who are taking care of ailing parents and grandparents, who have made it to college for the first time in their family's history who are that 9 in 100, who represent the best of our human spirit. They are our heroes.

As one of our Denver public school students, Chaunsea Dyson from South High School, recently told a radio reporter, ''When you are growing up in poverty, when you are 15 or 16 that means you are grown.''

That means you are grown.

As the father of three girls who are 15, 14, and 10, I would say that is an awful lot to expect of a 16-year-old, especially one coming from circumstances few in this Chamber could overcome. My point is that while there are many heroic people in our schools—kids, teachers, principals—succeeding in our school system today, heroism is not a standard we tend to count on for the success of human enterprise. We simply can't scale heroism. I wish we could—but we can't—to address the scope of our achievement gap. It is too much to ask, and it is not fair to our kids who have no control over the circumstances of their birth.

I don't think there is one Member in this Chamber who could come and say that is not true, that a child could control somehow the circumstances of his or her birth, because one of the enduring truths of being a human being is that we don't get to choose our parents. We don't choose to be born into a home of wealth or poverty, a home that values books or learning or a home which for whatever reason does not. That is a matter of good and bad luck. Yet those circumstances beyond our children's control—absolutely beyond their control—today almost always determine educational outcomes in the United States of America.

So the question is, What is our obligation? What is our obligation as a nation to remedy the burden of bad luck for millions of American children?

I believe at a minimum it means we have a moral duty to assure that our less lucky children have educational opportunities that let them make the most of their God-given potential. That is certainly what I would want for my own daughters. If we are honest, then by any reckoning we are failing to meet this moral duty and I would say failing very badly. If we ask ourselves why we are failing to do our duty—how can this be—in my mind it comes down to a sad and simple reality: We are treating America's children as if they were someone else's children rather than our own.

To demonstrate this let's consider what conditions we have allowed to exist for a child born, through no fault of her own, into poverty in the United States of America in the year 2015. We know that by the age of 4 she will have heard 30 million fewer words than her more affluent peers—30 million. Ask any elementary schoolteacher in the country whether that will make a difference in how prepared she is for kindergarten. Fewer than half of poor children start school with the skills they need to be ready to succeed in kindergarten. Every elementary schoolteacher in America knows that. What are the odds her neighborhood school will meet her needs? How about a school 1 mile away? How about a school 5 miles away? It is not likely in many American cities and rural communities.

When she reaches the fourth grade her odds are no better. She is 9 years old and there are 30 children in her classroom. On average, 24 of her classmates cannot read at grade level—24 out of 30. Her chances of being a proficient reader—20 percent—one in five.

One in five poor children cannot read at grade level in the fourth grade in the United States of America this week, today, this year. Would any of us accept those odds or outcomes for our own children? Would any one person in this Chamber accept that? Would any of us still be in Washington engaged in the Potemkin debates we are having if our child couldn't read by the fourth grade? Of course not—of course we wouldn't. But we act as if it is not our children who are the casualties, and so we smile and we stroke our chins on the cable TV and pretend this is all somehow out of our hands, too hard to solve, someone else's problem.

Here is where it ends. In this knowledge-based global economy, this unforgiving global economy, only 9 out of 100 kids, as I said in poverty, will graduate with a college degree or its equivalent and 91 will not. These are the results we have produced for our children in this unforgiving global economy.

But for once let's put aside the finger-pointing and the blame—although we should take our fair share of responsibility—and let's ask the questions our children might reasonably ask to judge their Nation's leaders.

For example, they might ask: Why do we trail behind 35 other developed countries in our math scores? Why does the United States rank 20th in increasing educational attainment from one generation to the next—20th; the least likely country to produce more educated people coming after us than there were before us.

Why are American children much more likely to be stuck in the economic class into which they are born than children in at least 12 other countries, including Canada, Japan, Germany, Australia, and Denmark?

These seem like reasonable questions. You wouldn't know they were on anybody's mind around here with what concerns us on this floor, but I can tell you it is of concern to people at home.

Why are we consigning, they might ask, our children and ourselves to a social economic framework that is increasing, not decreasing, inequality in this country, when other countries in the world are headed in the opposite direction?

Why are we putting up with a set of circumstances in which income and equality in America has grown significantly much faster than other industrialized countries in the world? If I were a child living in poverty in this country, those are the questions I would want to know, in addition to the fact that I can't find a school, not just down the street, not just in my neighborhood but in my city or even in the region of my State to go to. To put it another way, I can't find a school in my community that any Member of the Senate would be proud to send their child to.

Why can't I find that school?

I didn't pick my parents. That was a question of good luck or bad luck. In my case it was bad luck.

I know there are profound disagreements about whether the Federal, State or local government should serve our kids and how. I am even sympathetic, believe me, as a former school superintendent, to many arguments about how poorly Washington is often situated to help. But surely as a nation, one way or another, we have a moral obligation. That is our legacy as Americans ''in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . .''

Imagine how less powerful the Preamble to the Constitution would have been if it stopped with ourselves, period—but it didn't. It resolves the question in favor of our posterity—our posterity, not someone else's—our children, not someone else's. What would this debate sound like if we were serious about this moral obligation?

Without deciding today who would deliver and pay for these important social goods, something we should debate and understand, consult with our States and our school districts, our parents and our communities; but, without making those decisions today, if we just were treating the country's children as our own children, what would this debate sound like? What would we do?

We surely would provide every parent and her child with the choice to access early childhood education from birth to age 5 in order to attack that 30 million word deficit. Surely we would do that.

I am not saying we should do it. I don't think we should do that from here, but as a nation we should do that. Surely we would ensure that every child, without exception and regardless of where they live, has the choice to attend a high-performing school from kindergarten to 12th grade. Surely we would do that.

We would enable every young person, consistent with most of our postwar history, the chance to attain a college degree or other advanced technical training without bankrupting their family. I saw some data this weekend about this that showed that in 1975—and admittedly it was the high-water mark—the Pell grants covered roughly 76 percent of what it cost to go to college, the average cost of college. Do you know what that number is now? It is 22 percent, mostly because the cost of college has increased so much.

Bankruptcy is a real issue. These goals—early childhood education, a great K–12 school, affordable college—might seem obvious and even unimaginative to many of us in this Chamber, but that might be because we take them for granted for our own children. Of course we want high-quality early childhood education, of course we want a high-quality K–12 school, of course we want our young people to have access to college without bankrupting our family, and that is the experience of a lot of people in this Chamber. The terrible reality for most poor children in America in 2015 is that these simple goals are as out of reach as flying to the Moon, all over this country.

Some say we can't afford to change, and I say we can't afford not to change. The costs of failure, as we know, are simply too high. Since the Industrial Revolution, we have had the greatest economy the world has ever known, and if we are to remain so in the 21st century, we must educate our people. We have no other choice. They are our greatest asset. We can do it.

I am not proposing today a new Federal program of any kind. However, I will say if it were left up to me, we would have a standing committee in the Senate focused exclusively on our children and their future. Such a committee would, for example, examine every funding stream in the Federal budget related to kids and ask what is working and what is not working. What redundancies exist? How are we going to align every single taxpayer dollar or tax credit to help support the health, education, and well-being of our children?

I suspect that in addition to increasing efficiency, we would decide to spend more of our resources in and around schools. That is where our kids are, after all, and that is where the people who have served them in our communities need to be instead of tied up in the redtape of compliance and outdated and unimaginative Federal rules and regulations.

In addition to that, we need to explore more efficient ways to finance social welfare programs, promote more creative ways to weave our social safety net in this country, and reform our criminal justice system. A good start would be to graduate children from high school, since around 80 percent of our prison inmates are high-school dropouts. That would help a lot. We need to better engage with the private and nonprofit sectors when the government isn't working well enough. This is all part of a broader but essential conversation, one this body continues to avoid while it wanders from one phony conflict to the next, and one that becomes more difficult and more expensive the longer we wait.

Our kids are waiting for us to have this conversation. We are wasting their time. It is one thing for us to waste our own time—although the capacity for doing that around here is beyond belief—but we ought to stop wasting our kids' time. As I said, it is only going to become more difficult and more expensive the longer we wait.

In the meantime, we have before us the potential to rewrite the Elementary and Secondary School Act. Fixing so-called No Child Left Behind is only one piece of the puzzle. Given where we are, this is all pretty modest stuff. There are some very encouraging signs, although the law has plenty of flaws. In fact, I said many times that if we had a rally out in front of the Capitol to keep No Child Left Behind the

same—if that is what the rally was for—not a single person in America would show up for that rally.

Incidentally, while we have this reauthorization in front of us, it is a reauthorization that should have happened 7 years ago. It expired 7 years ago. We are running education policy in this country by waivers from the Department of Education because this Congress cannot do its job. Almost 40 of 50 States have waivers from the law as it exists today. Let's change the law. Let's write it properly. Let's do our work around here instead of spending our time on things the American people don't want us to spend our time on.

Although everybody loves to hate No Child Left Behind, and I put myself in that category, it has some good things. It required us to face the facts about how our kids in poverty are doing in our schools. It shed light for the first time on the achievement gap—the brutal achievement gap—we have in this country, and some school districts stepped up. Denver Public Schools is one such district.

Over the last decade, Denver Public Schools has implemented a number of changes and has seen real results. My schoolboard and my principals and my teachers and our kids and I would be the first to say we have not yet gotten to a place where you can say the ZIP Code you were born into doesn't determine the education you are going to get, but we are a lot closer in Denver. We are a lot closer there than we are in a lot of other cities in this country. We have seen some real results.

Almost 30 percent more students graduated and went to college last year than in 2005. That is not enough. We are not satisfied with that. But if you could say that about every single city in this country, that we were graduating and sending 30 percent more students to college than we were in 2005, that might give us some hope for the future. That might suggest that some outcomes other than the ones we have been seeing with the result of 9 out of 100 poor kids getting a college degree is not where we have to end up, is not where we have to land.

I am here to tell you, not as a U.S. Senator, but as someone who was a superintendent of the Denver Public Schools, this is possible. It is possible to change these outcomes in urban districts and in rural districts for children who are unlucky enough to be born into poverty in the greatest Nation on the planet—unlucky enough to be born poor and not born rich.

Denver has recognized the importance of providing access to high-quality, early childhood education, and now an estimated 70 percent of Denver's 4-year-olds are enrolled in preschool. That was not true in 2005.

As the Presiding Officer knows, we live in a State that doesn't require or pay for 5-year-olds to go to kindergarten. That is a shame. But because of the changes we made in Denver, our 5-year-olds go to kindergarten—a full day if they want it, which most of them do—and 70 percent of the fourth graders in Denver have early childhood education, and it is not only delivered by the Denver Public Schools, but by other providers as well and the Denver public schools.

This seems to be having an effect as kids who attend the Denver preschool program track higher in school readiness. They know more about the alphabet, words, and books. They have a higher vocabulary and are able to comprehend basic math. And in kindergarten, first, and second grade, they showed better literacy and math skills than their peers.

The dropout rate in Denver has decreased since 2005 by 60 percent. Incidentally, the teen pregnancy rate has also fallen by 60 percent. Denver Public Schools has gone from being the district with the lowest rate of academic growth among major districts in the State to the highest for 3 straight years. I am not taking responsibility for that. I am here, not there.

Last year DPS students from low-income families had stronger growth in math and writing than nonfree- and reduced-lunch students Statewide. And Denver's nonfree- and reduced-lunch students showed more growth than their State counterparts in math by nine points.

This was once labeled the failing school district in our State, but because of the data that we have as a result of No Child Left Behind, we can actually see what is happening—which kids are growing and which kids are not, which schools are driving growth among kids and which schools are not.

You can look at a map of our city and find a school that looks just like your low-performing school with the same percentage of free- and reduced-lunch kids where kids are succeeding beyond their wildest dreams. Then what parents can do is say: I want that school, not this school, for my kid. Because we have a robust system of choice in Denver, parents are able to take advantage of that data, and we simply would not have had the proliferation of high-performing charter schools if it had not been for No Child Left Behind. In addition, Denver has gone beyond that.

We have 33 innovation schools where teachers and administrators have the flexibility to modernize their teaching practices and have more autonomy to make decisions at the school level to better meet the needs of individual students. And it is not just Denver. We have seen progress all across the country—not remotely enough, but we have seen progress, and we cannot go backward.

In the 3 decades prior to No Child Left Behind being passed—30 years—the average 9-year-old's reading score on the National Assessment of Educational Progress increased only 4 points—4 points in 30 years. Is that acceptable? Contrast that to the gains from 1990 to 2012, which is roughly the life of No Child Left Behind. During that span, 9-year-olds gained 9 points in reading, about 7 times as much annual progress. We have seen similar progress in math—9-year-olds only increased 2 points from 1990 to 1999, but from 1999 to 2012, they gained 12 points. In that same span, African-American students improved by 15 points and Latino students improved by 21 points.

The achievement gap shrunk as well. In reading, the gap between White and African-American 9-year-old students dropped from 35 to 23 points. It is still too big, but it is moving in the right direction. This represents progress, but as I have said, in the face of stiff competition worldwide, it is nowhere near enough.

Since the year 2000, we have dropped from second to twelfth in the world in the production of college graduates. We need to write a bill that builds on our successes and turns us away from the failed practices of the past, and we cannot do it if we are constrained by the typical politics—the small politics of Washington. We cannot afford to have the same tired fights. We won't always agree on everything, but I know we can find a way to pass a bill that helps our schools and school districts to make the decisions they think are best for the kids they are educating.

The PRESIDING OFFICER. The Senator's time has expired.

We are under a 10-minute time limitation.

Mr. BENNET. Mr. President, I ask unanimous consent for 7 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. I appreciate the indulgence of my colleague from Louisiana.

In a significant demonstration of leadership around here, Chairman ALEXANDER and Senator MURRAY have told us they intend to write a bipartisan bill. Their process has the potential to be a rare exception to the gridlock that has gripped this Senate, along with our bipartisan work on the farm bill and immigration.

Senators ALEXANDER and MURRAY have both expressed a willingness to work together because they appreciate the importance of this task. They understand the consequences of failure. They know enough about this issue, and they care enough about it.

In January of 1941, during one of the Nation's most difficult times—the height of the Great Depression and on the eve of our entry into the Second World War, Franklin Roosevelt declared that there were four universal freedoms that all persons possessed—freedom of speech, freedom of worship, freedom from want, and freedom from fear.

Today, in the 21st century, some of these freedoms may be obtainable, but an honest assessment tells us it would be impossible to achieve all of them without something additional, and that is freedom from ignorance. In the end, freedom from ignorance is the surest relief from the shackles of poverty.

Where does this leave us as we begin this important but long overdue national conversation on the reauthorization of the Elementary and Secondary School Act?

First, for all the reasons I have mentioned, America's children would benefit if we treated our work less as legislators than as parents and grandparents with a real stake in the outcome of what we decide.

Second, we must be clear-eyed about the Federal Government's proper role in American education and what is not. As a superintendent, I learned there are many things the Federal Government cannot and should not do when it comes to educating our children. And above all else, Washington cannot and should not micromanage our schools or our school districts or cultivate systems driven by compliance rather than creativity.

I believe the evidence of our failures and our successes over the last 15 years suggest three primary Federal responsibilities: equity, accountability, and innovation. After all, the deep and intractable inequities that persisted along lines of race and class and geography in America of the 1960s drove Lyndon Johnson to pass the first Elementary and Secondary Schools Act. They drove the creation of title I, specific funds targeted to the kids who needed the greatest support.

Sadly, for all the reasons I said, half a century later the data reveals these profound inequities persist and our students need our help now more than ever. But there is also reason for hope in this data, and maybe that is the most important message I can bring. We now have evidence that sustains support to make the difference in closing the pernicious gaps that remain for low-income kids around the country. Our deep commitment to equity, therefore, is as important today as it was in 1963.

This means not just committing title I resources, but continuing to expand efforts to open the best schools and attract the best teachers and principals to our communities in the greatest need. In particular, we must help teachers who are saying they want better preparation, they want an excellent principal in their school, they want a better compensation system and opportunities for leadership that allow them to continue working with students.

At DPS we have made some strides. We created the Denver Teacher Residency Program and introduced differentiated pay. We used Federal innovation dollars to help us improve and expand early on. We are creating leadership roles for teachers who demonstrate results with their students. We survey our teachers every year, and their satisfaction rates are higher than the national average. But there is still much more for us to do.

Second, those of us working in the field know we must have a clear, shared system of accountability, a system that allows us to monitor, understand, and improve outcomes for students. This requires annual assessments that monitor progress and growth across all our cities and States. It requires breaking down data to show how and if we are closing the gaps for all students in our school districts. It means requiring States to take courageous action to turn around those schools that consistently fail our children.

That is not just about paying attention to how we are serving our low-income students in Detroit or Denver. It means examining how well we serve our historically disadvantaged students even when they live in some of the most advantaged neighborhoods. As we do this, we need to work to reduce the amount of testing in our schools. As the father of three daughters in the Denver public schools, I am concerned about how much they are tested. But as their father, I also want to know every year how they are doing against a set of rigorous standards and compared to kids in Denver, across Colorado, and around the world. Will they be ready for college? Do they have the skills they need to succeed in this global economy?

Third, we have learned over the last decade there is a vital Federal role when it comes to innovation in our schools. We can help provide the preconditions for success by providing incentives for educators on the ground to apply their own creative thinking to address our most persistent education problems.

I say to my colleague from Louisiana, through the Chair, I am coming to the end. I owe him 10 minutes whenever he would like it. I thank him for his indulgence.

We will never solve the challenges our teachers and students face in Washington, period. We will not do it from here. We can help local leaders break free from a status quo that will never succeed for enough of America's children.

We should help identify the challenges, provide resources to local educators to overcome them in the context that works best for their communities and their students, and we should continue to be the clearinghouse that gathers these stories of successful innovation and provide the resources to invest in scaling what works and sharing these practices across communities and States.

Equity, accountability, innovation—that is our charge and the commitment we must keep if we are to build an America where we treat every child as if she were our own.

As a parent myself, I am well aware the first responsibility any parent has is the education of her child. I am also aware that many people believe a bad education is just one more outcome produced by corrosive poverty in this country. Fix poverty, and you will fix education. Maybe so, but that is cold comfort for millions of children in our schools today.

In the end, we have a duty as a nation to ensure that education liberates our children, rather than reinforces the circumstances into which they were born. In that sense, America's children are our children, our responsibility, not someone else's. Can you really accept an America in which your little girl has just a 1-in-5 chance of being able to read well or a 9-in-100 chance to graduate from college? Can you really demand heroism as a precondition for success? If this were your child, would you still be in the Senate, or would you go home and solve the problem?

It has been said the future has no lobby in Washington, DC. Are we really content to have that depressing observation be the ultimate verdict on our leadership? I doubt we are. I would raise this as a bipartisan challenge as I close.

I know the Senator from Louisiana knows a lot about what I came to talk about today, and I look forward to working with him on the health committee.

Here is my bipartisan challenge. Let's forge a lobby for the future. Let's agree that the obligation we owe the Founders is to create more opportunity, not less, for the children coming after us. Let's pledge that every child in America is our child, and our future rests with her, as it most assuredly does.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise today in support of the House-passed Homeland Security appropriations bill. This bill is not just about whether we should fund the Department of Homeland Security to carry out the very important work of protecting our Nation, but also whether we will provide amnesty to those here illegally.

First, let's establish that the Constitution says Congress has authority over our immigration and naturalization laws. The President does not have the authority to waive legal requirements. The Supreme Court has upheld this on numerous occasions. The President has admitted more than 20 times he does not have this authority. That said, now his administration is attempting to block the ruling the judge recently made to protect his amnesty plan. As has been reported in the papers, Judge Hanen in Texas has put an injunction against proceeding with the President's amnesty bill. It is reported the Department of Homeland Security, at the President's direction, is moving forward with plans to seal large contracts with companies to process deferred-action applications for millions of illegal immigrants as soon as possible.

American families have seen President Obama rewrite the laws many times, and the outcomes of the recent elections show they do not support President Obama's Executive overreach. The President intends to grant amnesty to 5 million people. This will

not be done on a case-by-case basis as the law suggests it should be. It is going to be a rubberstamp, a rubberstamp at the expense of those who are legally attempting to come to our country. It will take longer for those who are attempting to come legally to gain admittance under the law. I support the efforts of those coming to the United States to make a better life for themselves and their family. We all believe in immigration. We just think immigration should be legal.

The President has rewritten the law to allow illegal immigrants the ability to receive work permits and drivers licenses which also includes receiving a Social Security number. After a certain period of time they will be eligible for Social Security. This goes far beyond his legal authority. By the way, many of my Democratic colleagues have expressed concerns about the President's action and whether he had the constitutional authority to take the action he has taken. Clearly he does not. While the President says this legal status is temporary, the reality is once work permits have been issued and Social Security cards are given, folks will be allowed to stay. They would not be deemed a priority for removal. On top of that, the temporary status may be renewed.

In 2011, the President took Executive action for the Department of Homeland Security to start prioritizing illegal immigrants for removal. In April 2014, several months before he took his most recent action, the Los Angeles Times quoted former ICE Director John Sandweg in an article where he said, If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero.

The Associated Press reported in September 2014 the Department of Homeland Security admitted to a group of immigrant advocates during a confidential meeting that about 70 percent of illegal immigrants traveling as families failed to report back to ICE as ordered after they were released at the border.

A few weeks ago Louisiana school administrators and I met, and they expressed concern about how the President's immigration policies have stressed our school systems. Classroom sizes have grown. Their associated costs to hire more teachers, buy textbooks, and the required resources to educate these students all have grown. President Obama is giving Executive amnesty to suit his agenda but is stretching limited local and State resources. By stretching them, it is making it tougher on Americans who are born here.

The administration says only 5 million people will be impacted by the President's Executive order. The reality is with numerous options for illegal immigrants to remain in this country, people are going to hear about it. They will attempt to come. This will be a magnet for others to come here illegally. Illegal behavior is being rewarded.

If the President's supporters feel compelled to continue blocking the funding bill, it must be clear they feel that Executive amnesty is legal regardless of how the courts have ruled. It is clear they believe that protecting the President's illegal action is more important than providing our men and women with the resources to protect our border.

We must fund the Department of Homeland Security. As I have said, many of my colleagues who expressed serious concerns with the President's Executive actions in November are now voting to protect these actions. It is unfortunate they voted four times to prevent this bill—the Homeland Security funding bill—from coming up for debate. They won't even allow debate. Folks say they want funding for the Homeland Security Department, but they won't allow debate. This is unconscionable.

I believe it is important we move forward to avoid a shutdown of the Department of Homeland Security. I urge my colleagues to please stop blocking this important legislation we must pass to protect our country and give the men and women of Homeland Security the resources they need and, most importantly, to protect the Constitution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

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 (Mr. DAINES). Without objection, it is so ordered.

Mr. CARPER. Mr. President, in 3½ days, the Department of Homeland Security may well shut down. I speak as the senior Democrat on the Committee on Homeland Security and Governmental Affairs for the last 2 years and, along with Dr. Tom Coburn, our former colleague from Oklahoma, chaired that committee that he and I led.

But in 3½ days, if Congress fails to act responsibly—78 hours, I think, from right now—the Department of Homeland Security may shut down. I have spoken on the floor a number of times in recent weeks about the complex, consistent, and very real threats that our country faces. We are familiar with a lot of them—maybe not all.

But over the past several months we have seen horrific images of beheadings, of mass murders, brutal executions at the hands of the Islamic State. Some of our Nation's largest companies and Federal agencies have been victims of massive cyber attacks. They continue to this day.

This weekend another terrorist group, the Al Qaeda-linked terrorist group in Somalia called al-Shabaab, vowed they would seek revenge against the United States. They cited the Mall of America in Minnesota as a potential target. It is not just these groups or the lone wolf terrorists they inspire that we need to worry about.

Last fall, Ebola ravaged several nations in western Africa and even came to our shores as well. Threats from Mother Nature persist too. Communities and cities in some parts of our country are trying to get through a winter that has already broken snowfall records, and more records are likely to fall. Yet today, here in the Congress, there are some who are questioning whether even to fund the very agencies charged with keeping us safe from these and other evolving threats. That goes beyond being irresponsible. Department of Homeland Security Secretary Jeh Johnson nailed it recently when he said what it was. Here is what he said: ''It is bizarre and absurd that we are even having this discussion.'' I could not agree more. Is this really the message we want to be sending to all those folks across the world who wish us harm? God, I hope not.

Here we are, days before this key agency could be forced to shut down preparing for the worst. Some of our colleagues have said that it is not a big deal if the Department shuts down. I could not disagree more strongly, and here is why. If we continue this behavior and fail to pass a clean Department of Homeland Security funding bill by midnight on Friday, this is what will happen at the Department of Homeland Security: Much of the Department's workforce, up to 200,000 people, will be expected to show up for work but work without pay.

That includes Border Patrol agents who protect our borders. That includes Coast Guard crews who patrol our waters. That includes the TSA employees who keep our skies safe and make it safe to fly on airplanes and get in and out of our airports. Many of these courageous men and women put their lives in harm's way every day. We expect them to continue doing that. We just are not going to pay them.

That is right. We want you to keep doing your job of protecting our Nation. Eventually, those in Congress will get around to doing our job. When we do, you will get paid. Let me ask: How would we like to be treated that way? How would we like to be treated that way? Well, we would not. I think it is shameful that we would even contemplate treating some of our bravest fellow employees like that.

It is shameful. Even worse, treating our people like this does not make America any safer. In fact, it makes us less safe in the end. Even if we did avoid a shutdown, we would keep the Department running on a stopgap continuing resolution. We would prevent the men and women who work there from doing their jobs as efficiently and as effectively as they could be, should be, and would like to be.

Secretary Johnson described that putting the Department on another continuing resolution—these are his words—''is a little like trying to drive

cross-country with no more than five gallons of gas [in the tank] at a time and you don't know when the next gas station is. You can't plan except days and weeks at a time.''

For example, if we pass another stopgap continuing resolution, the Department will not be able to replace obsolete surveillance technology along high-risk areas of our border. We need to replace that. In addition, our Nation will have significantly fewer resources to respond to any future surges of unaccompanied minors along our southwest border. Moreover, we will put construction of a badly needed national security cutter for the Coast Guard on hold. Why does that matter? It matters because our Coast Guard fleet is aging and needs to be modernized. These ships are essential to stopping illegal trafficking off our coasts, such as drug trafficking, human trafficking, and illegal immigration—some of it in vessels that travel at speeds of greater than 50 knots.

If that is not enough, try this: It is widely known that employee morale at the Department of Homeland Security is the lowest of all major Federal agencies. Passing yet another continuing resolution I promise you will not make it any better—quite the opposite. Morale will only get worse, and in doing so threaten to degrade the performance of the people we rely on, perhaps more than any other, to keep Americans safe.

So let me say it again. This is not the way we should be treating the public servants who in many cases risk their lives to keep our Nation and all Americans safe. This is no way to run a key national agency. Furthermore, as we have learned over the years, this kind of crisis budgeting costs taxpayers millions of dollars in lost productivity, in hiring freezes, in contracts that will have to be renegotiated—not at a lower cost to taxpayers—at higher costs.

Now, I understand why some of our colleagues are concerned about the policies and procedures set forth in the President's Executive action on immigration. I get it. They have every right to express those concerns. But the budget of the Department of Homeland Security is not the place to have that debate. A Federal district court in South Texas recently examined what the President put forward and blocked its implementation. Why cannot we just let the judicial process play out and meanwhile do our job by funding the Department of Homeland Security for the balance of this fiscal year?

Some of our Republican colleagues agree with this approach. One of our colleagues, LINDSEY GRAHAM, said earlier this week: ''I hope Republicans will come together and back the court case, file a friend of the court brief with the court and fund DHS.''

He added:

I am willing and ready to pass a DHS funding bill and let this play out in court. The worst possible outcome for this nation is to defund the Department of Homeland Security given the multiple threats we face to our homeland.

Our friend, LINDSEY's friend, JOHN MCCAIN, also said recently—these are his words, not mine:

It's not a good idea to shut down the Department of Homeland Security. . . . Now we have the perfect reason to not shut it down because the courts have decided, at least initially, in our favor.

''Our favor'' is that of the Republican Governors who filed the lawsuit in the South Texas district court. I want to urge my Republican colleagues to go ahead and pursue this potential judicial remedy to address the concerns they have. But while they are doing that, for God's sake, let's bring a clean, fiscal year 2015 appropriations bill for the Department of Homeland Security—the same bill that both Democrats and Republicans agreed to last December—let's bring it to the floor so we can give the Department the funding and the certainty that it desperately needs.

Regardless of what happens in the courts, at the end of the day comprehensive immigration reform is the only way we can fix our broken immigration system for the long term. It is the only way we can address the issues the President was trying to resolve in his Executive action in a straightforward way, as we did in the last Congress when we passed by a big bipartisan vote right on this floor—by a 2-to-1 margin—comprehensive immigration reform.

We owe the American people an honest and thorough debate on immigration reform. But let's do it the right way. We have shown that we can do that. We did it a year and a half ago. Let's do it again. Let's do it this year after approving a clean, full-year funding bill for the Department of Homeland Security.

I might just add this. The comprehensive immigration reform that we passed here by a 2-to-1 margin a year and a half ago was priced out by the Congressional Budget Office, which is not Democratic or Republican. They looked at it and did all the numbers and everything. They concluded that rather than increasing the budget deficit, that comprehensive immigration reform bill reduced the budget deficit for the next 10 years by $200 billion. Further, for the second 10 years, it reduced our budget deficit by $700 billion.

A different study further suggested that the impact on our Nation's economy and on our gross domestic product by the implementation of that same comprehensive immigration reform was that it would not diminish the growth to our economy. It would actually increase it by 5 percent—5-percent GDP growth over a two-decade period of time.

Those of us who are privileged to serve in the Senate were sent here by our constituents with a critical responsibility: to work together and pass laws that help our Nation and help our economy to grow and to thrive.

This debate—or any debate, for that matter—should not be about one political party winning or losing, because the only people who are losing are the constituents we are supposed to serve. As long as we continue to spend our time debating these manufactured funding crises, our constituents—American taxpayers from coast to coast—are going to continue to lose. We as a Congress, I think, lose as well.

I believe American voters made it clear in last fall's election. They are tired of all of this kind of behavior. I do not blame them either. But it is simple. They want us to do our job. They want us to work together across these aisles. They want us to get things done that need to get done. They want us to find ways to strengthen the——

I ask unanimous consent for 2 additional minutes.

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

Mr. CARPER. In closing, let me just note that I am encouraged to hear that Senate Majority Leader MCCONNELL now seems to be moving toward allowing a vote on a clean bill. I hope this change of course is the beginning of the end of this crisis for the Department of Homeland Security and for our country. Whatever we do, it is critical that we consider and pass a clean Department of Homeland Security funding bill first. At this point, every hour that goes by without one creates more uncertainty and more waste.

After we do that, let's roll up our sleeves and let's get back to work on a thoughtful, 21st century immigration reform policy for our country, a policy that is fair, a policy that will significantly reduce our Nation's budget deficit, and a policy that will strengthen the economic recovery now underway.

I want to thank my friend from Iowa for the kindness in allowing me to proceed for an extra few minutes.

I yield the floor.

MORNING BUSINESS

TRIBUTE TO CHRISTY PRIETSCH

Mr. MCCONNELL. Mr. President, this week, the Senate will bid a fond farewell to the director of its Employee Assistance Program, Christy Prietsch.

Christy is retiring after more than a decade of dedicated service in the Senate. She has made quite an impression since coming here in 2004. Senate employees know Christy as a warm and inviting person they can go to whenever they need someone to talk to. She is experienced in helping others overcome obstacles both personal and professional, and it is clear that her care and concern for the Senate community is as genuine as it is deep.

But for Christy, we also know that such a fulsome commitment to serving the Senate has meant spending less time with her husband and her son than she would like. So we hope this decision to retire will give Christy the

opportunity to see more of her family. We also hope that, after helping so many others for so many years—not only in the Senate, but before that in agencies such as the Secret Service and Department of Justice—Christy will have a little more time to pursue her own passions too.

So the Senate sends its thanks to this dedicated professional who has touched the lives of many, Christy Prietsch, and we wish her well in retirement.

COMMITTEE ON ARMED SERVICES

RULES OF PROCEDURE

Mr. McCAIN. Mr. President, the rules governing the procedures of the Committee on Armed Services have not changed for the 114th 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 to have printed in the RECORD a copy of the committee rules.

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

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

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 the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. PROXY VOTING.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. ANNOUNCEMENT OF VOTES.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. SUBPOENAS.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. HEARINGS.—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and

new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

SELECT COMMITTEE ON ETHICS

RULES OF PROCEDURE

Mr. ISAKSON. Mr. President, in accordance with rule XXVI, paragraph 2 of the Standing Rules of the Senate, I ask unanimous consent for myself as chairman of the Select Committee on Ethics and for Senator BOXER 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 CONGRESSIONAL RECORD for the 114th 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 soon 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 not 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. Whenever 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 whole, 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 within 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.

THANKING SENATOR BILL NELSON FOR HIS SUPPORT OF THE COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2014

Mr. WHITEHOUSE. Mr. President, today I wish to thank my friend Senator BILL NELSON for his support of the Comprehensive Addiction and Recovery Act of 2014, S. 2839, which I introduced with Senators PORTMAN, KLOBUCHAR, AYOTTE, and LEAHY in the 113th Congress. Senator NELSON asked to be added as a cosponsor of the legislation in October, but his name was not recorded appropriately. I regret the oversight and wish to recognize Senator NELSON for his ongoing commitment to this important cause. I look forward to working together to address the Nation's opiate epidemic in the 114th Congress.

BAHRAIN

Mr. WYDEN. Mr. President, this month marks another important anniversary for many Bahrainis. Four years ago, more than a 100,000 people took to the streets of Manama, camping out at Pearl Roundabout and peacefully protesting their lack of access to Bahrain's political system and their government's abuse of basic human rights. Bahrain's rulers responded to these calls for reform as authoritarian regimes so often do: with force. In the years since, an estimated 3,000 Bahrainis have been arrested, more than 150 protestors have been killed and more than 100 people have had their citizenship revoked. Indeed, the Bahraini regime continues to go to great lengths to stifle peaceful protest and quell any dissent by closing down media outlets and filling up already overcrowded prisons with political prisoners and human rights defenders. While many Bahrainis feel their struggle has been forgotten by the world, I want them to know that it will not go unremembered or unmarked here in the U.S. Senate.

The regime continues to go to great lengths to convince the world that it is making progress but I am sad to report that I cannot share that conclusion. Not while the regime refuses to permit a visit by Juan Mendez, the U.N.'s top torture investigator. Not while opposition leaders sit in Bahraini jails. And not while the State Department's last Human Rights Report lists abuses that include ''restrictions on civil liberties,'' ''arbitrary deprivation of life,'' and ''arrest and detention of protesters on vague charges, in some cases leading to their torture in detention.''

Four years after the peaceful protests began, Bahrain's rulers continue to commit human rights violations while taking only superficial steps toward a meaningful political solution. As a result, several attempts to conclude a national dialogue among Bahrain's interests and parties have only resulted in stalemate. Unsurprisingly, the regime cracked down on the largest political opposition bloc in the lead-up to the November 2014 elections, resulting in a large-scale boycott of the election by voters. The regime arrested a senior opposition leader 1 month later, an action that the State Department warned ''will only inflame tensions'' and further dampen potential for a renewed political dialogue. The regime responded not by releasing that leader, but by doubling down and moving to criminalize the political party he leads.

On this somber anniversary, I want to take the occasion to urge the Bahraini regime to implement true and meaningful reforms, to cease the use of violence and repression against peaceful protesters, and to engage in credible dialogue about the future of Bahrain. To be clear, my aim is not to dictate to Bahrain's rulers what their government ought to look like; indeed, those decisions can only be made by the people of Bahrain. But Bahrain has long been an ally of the United States, and I believe this country has an obligation to hold friends to a higher standard.

To those who will say that human rights abuses are bad but that stability and cooperation in the region must come before such concerns, I say that you are offering a false choice. I worry there will come a day when peaceful protesters, seeing no hope for redress, ask themselves if they, too, should not resort to violence. Indeed, the prospect of further violence and instability—or full-blown civil war—could have a profound impact on regional security and on the thousands of United States military personnel stationed in Bahrain. That is why I will continue coming down to this floor on this sad anniversary and keep using my voice in this body to raise awareness of this important issue.

TRIBUTE TO ALYCIA FARRELL

Mr. COCHRAN. Mr. President, it is sometimes said that the work of the staff is little noticed until something goes wrong. Today, I wish to make comments about a member of the staff of the Appropriations Committee for a different reason: the outstanding record of service to the Senate and the Nation by Alycia Farrell.

Alycia came to Washington, DC, to study at the Elliott School of International Affairs at the George Washington University. She joined the Senate Committee on Appropriations under the late chairman, Ted Stevens, in 2001. A year later, she was promoted to a professional staff member for the Subcommittee on Military Construction and in 2003 moved to the Subcommittee on Defense.

Alycia's responsibilities on the Subcommittee on Defense for the last 12 years have been varied and complex. Her areas of expertise have included oversight of military health programs, where she has been instrumental in pushing for reforms to better serve the men and women in uniform and their families. She has tackled the most important issues in military health care over the last decade, including increasing funding for traumatic brain injury, suicide prevention, and implementing electronic health record systems for our veterans.

She has also excelled in oversight of missile defense programs, where Alycia has been a key voice in promoting the defense of our country while also calling for accountability in these technologically complex and expensive programs. She is a notable expert in the cooperative programs between the United States and Israel, where Alycia has played a key part in obtaining funding for programs such as Iron Dome, which have helped protect a key American ally from harm.

But no description of Alycia's contributions to the Senate are complete without mentioning what she has brought to the people who have worked with her for the last decade and a half. She is a bundle of cheerful energy who takes great enthusiasm in everything she does. This is especially true in her love of the outdoors and commitment to hockey.

Alycia Farrell is soon to depart the Senate for new challenges. Raised in Alaska, she has heard the call of the northern climate from her youth and will soon move to Alberta, Canada, where she will establish a new life with her fiancé.

I send Alycia Farrell my heartfelt gratitude for outstanding service to the Senate, and I wish her all the very best on her future endeavors.

CONGRATULATING JANET MURNAGHAN

Mr. TOOMEY. Today I wish to honor Delaware County's Janet Murnaghan, who will be receiving the Women of Achievement Award from the Delaware County Women's Commission on March 11. Mrs. Murnaghan was chosen as an awardee for representing women of Delaware County in an extraordinary way, specifically by displaying incredible thoughtfulness, persistence and passion in caring for her daughter, Sarah.

It was my privilege to nominate Janet for this accolade in celebration of Women's History Month. Janet, her husband, Fran, and I first met 2 years ago at the Children's Hospital of Philadelphia. Their daughter was battling cystic fibrosis and was in dire need of new lungs to save her young life. Though their daughter, Sarah, would have likely ranked near the top of the donor list for a new lung because of her medical need, a Federal policy prevented children under the age of 12 from being considered for mature lungs until all adult candidates in the region were ruled out. Sarah faced long odds at receiving a lifesaving transplant due to the short supply of pediatric donors. This obstacle would not stop Janet and the Murnaghan family. Sarah's mother took the fight to social media, to national TV and eventually directly to then Health and Human Services Secretary Kathleen Sebelius. Janet argued that children under age 12 should be considered for adult lung transplants using the same criteria as adults as long as doctors demonstrated the operation's viability.

The Murnaghan family was eventually forced to pursue legal action to prevent Secretary Sebelius from enforcing the under-12 rule. Even in the most difficult moments, Mrs. Murnaghan remained levelheaded and resilient. Her determination was rewarded as a Federal judge issued a temporary restraining order, allowing young Sarah to receive the lifesaving transplant. While the first set of lungs failed due to their poor quality, the second set was perfect. Sarah is now breathing on her own, bike riding with her siblings, and has already returned to school.

Janet and Sarah could not declare victory just yet. Though there was success in Sarah's specific case, the rule preventing children from receiving adult lungs was still in place. Last summer, thanks to Janet Murnaghan and other advocates, the transplant network permanently revised the under-12 policy. Without Janet taking a leadership role on behalf of her daughter and children across the Nation, this policy might not have been changed. She has certainly set herself apart as a woman of achievement.

On behalf of the Senate, I wish to extend my compliments to my friend, Janet Murnaghan, as she receives this much-deserved, prestigious award.

DISCHARGE PETITION—S.J. RES. 8

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Health, Education, Labor and Pensions be discharged from further consideration of S.J. Res. 8, a resolution providing for congressional disapproval of a rule under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures; and further, that the resolution be immediately placed upon the Legislative Calendar under General Orders.

Lamar Alexander, Tim Scott, Susan M. Collins, Bill Cassidy, Mike Lee, David Vitter, Mitch McConnell, James Lankford, James E. Risch, John Barrasso, John Boozman, Michael B. Enzi, Johnny Isakson, Thad Cochran, Mike Rounds, Joni Ernst, James M. Inhofe, John McCain, Jeff Sessions, Steve Daines, Tom Cotton, Thom Tillis, Marco Rubio, Mike Crapo, Patrick J. Toomey, Ben Sasse, Orrin G. Hatch, John Cornyn, Chuck Grassley, Ron Johnson, Kelly Ayotte, Rand Paul, Pat Roberts, Richard Burr, Roy Blunt, Roger F. Wicker, Mark Kirk, Ted Cruz, Jeff Flake.

ADDITIONAL STATEMENTS

CONGRATULATING ALAN ARKATOV

• Mrs. BOXER. Mr. President, I would like to take this opportunity to recognize Alan Arkatov as he celebrates his recent appointment as the Katzman/Ernst chair in educational entrepreneurship, technology and innovation at the University of Southern California's Rossier School of Education.

Alan has long been an innovative leader in the field of education. His remarkable career has included roles as the founder and chairman of OnlineLearning.net, CEO of the Teaching Channel, president of Changing.edu, and a creator and executive vice president of 2U, the technology company that pioneered USC Rossier's online master of arts in teaching program. He has also served as a member of the California State Board of Education, California Postsecondary Education Commission, Los Angeles Commission for Children, Youth and Their Families, and the Los Angeles Information Technology Agency.

A man of many talents, Alan is also a skilled communications and public relations expert and has served as a strategist for academic institutions, nonprofits, governments, corporations, and political campaigns.

In announcing Alan's appointment, USC Rossier Dean Karen Symms Gallagher said, ''With his broad and unique experience in education, communications, public policy and the arts, he is someone who can make important projects, programs and initiatives a reality at Rossier and USC.''

I have known Alan for many years and have had the opportunity to see his immense talents and his passion for education. I congratulate him on his recent appointment at USC's Rossier School of Education and wish him the very best as he writes this next exciting chapter in his extraordinary career.•

REMEMBERING DOMINGO ENRIQUE MOREL SENIOR

• Mr. MENENDEZ. Mr. President, I wish to extend my most sincere condolences on the passing of Domingo Enrique Morel Senior. Domingo was a pillar of the community during his time in my hometown of Union City, NJ, and he will be deeply missed.

As the saying goes, all politics is local. The foundations of our democratic system do not lie in the Halls of the Capitol but in the neighborhoods and cities spread across our great country. The critical progress we must make as a nation only occurs when groups of dedicated citizens selflessly contribute their time and efforts toward improving the lives of their families and communities. Domingo was one of these committed citizens.

As a resident of Union City, Domingo chose to give back to his neighbors through the political process. He spent many hours organizing neighborhoods and people in support of issues he believed would make his city and State a better place for people to live and work. Domingo did the hard, behind-the-scenes job of organizing communities at the grassroots level. I am eternally grateful for the effort Domingo gave on my behalf; it is because of his loyal public service that I am able to do my work on behalf of the citizens of New Jersey today.

My thoughts and prayers are with Domingo's family at this difficult time. I am proud to have called Domingo a friend. Though he may have passed, the goodness he brought to the world remains and will never be forgotten.●

REPORT OF THE VETO OF S. 1, THE KEYSTONE XL PIPELINE APPROVAL ACT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to be printed in the RECORD, spread in full upon the Journal, and held at the desk:

To the Senate of the United States:

I am returning herewith without my approval S. 1, the ''Keystone XL Pipeline Approval Act.'' Through this bill, the United States Congress attempts to circumvent longstanding and proven processes for determining whether or not building and operating a cross-border pipeline serves the national interest.

The Presidential power to veto legislation is one I take seriously. But I also take seriously my responsibility to the American people. And because this act of Congress conflicts with established executive branch procedures and cuts short thorough consideration of issues that could bear on our national interest—including our security, safety, and environment—it has earned my veto.

BARACK OBAMA.

THE WHITE HOUSE, *February 24, 2015.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the order of the Senate of January 6, 2015, the Secretary of the Senate, on February 13, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 1. An act to approve the Keystone XL Pipeline.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bill was signed on February 12, 2015, during the adjournment of the Senate, by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 719. An act to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 534. A bill to prohibit funds from being used to carry out certain Executive actions related to immigration and for other purposes.

S. 535. A bill to promote energy efficiency.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 24, 2015, she had presented to the President of the United States the following enrolled bill:

S. 1. An act to approve the Keystone XL Pipeline.

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–644. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyrimethanil; Pesticide Tolerances'' (FRL No. 9922–07) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–645. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerances'' (FRL No. 9921–89) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–646. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Secretary of Defense, Department of Defense, received in the Office of the President of the Senate on February 10, 2015; to the Committee on Armed Services.

EC–647. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Reserve Affairs), Department of Defense, received in the Office of the President of the Senate on February 10, 2015; to the Committee on Armed Services.

EC–648. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Operational Energy, Plans and Programs), Department of Defense, received in the Office of the President of the Senate on February 10, 2015; to the Committee on Armed Services.

EC–649. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Legislative Affairs), Department of Defense, received in the Office of the President of the Senate on February 10, 2015; to the Committee on Armed Services.

EC–650. A communication from the Assistant Director, Senior Executive Management Office, Department of Defense, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary of Defense (Readiness and Force Management), Department of Defense, received in the Office of the President of the Senate on February 10, 2015; to the Committee on Armed Services.

EC–651. A communication from the Acting Chief Financial Officer, Department of Education, transmitting, pursuant to law, the Department's fiscal year 2012 and fiscal year 2013 FAIR Act Commercial and Inherently Governmental Activities Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–652. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 501(c)(29) Organization Application Procedures'' (Rev. Proc. 2015–17) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–653. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''United States-Australia Free Trade Agreement'' (RIN1515–AD59) received in the Office of the President of the Senate on February 10, 2015; to the Committee on Finance.

EC–654. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Gracia v. Commissioner, T.C. Memo 2004–147'' (AOD 2015–01) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–655. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Estate of Martinez v. Commissioner, T.C. Memo 2004–150'' (AOD 2015–01) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–656. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Price v. Commissioner, T.C. Memo 2004–149'' (AOD 2015–01) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–657. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mirarchi v. Commissioner, T.C. Memo 2004–148'' (AOD 2015–01) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–658. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Zone Academy Bond Allocations for 2014'' (Notice 2015–11) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–659. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''New Clean Renewable Energy Bonds'' (Notice 2015–12) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–660. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Price Inflation Adjustments for Passenger Automobiles First Placed in Service or Leased in 2015'' (Notice 2015–19) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–661. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief for Certain Participants in Section 414(d) Governmental Plans'' (Notice 2015–07) received in the Office of the President of the Senate on February 9, 2015; to the Committee on Finance.

EC–662. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments Related to: Tier 3 Motor Vehicle Emission and Fuel Standards, Nonroad Engine and Equipment Programs and MARPOL Annex VI Implementation'' ((RIN2060–AS36) (FRL No. 9922–31–OAR)) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–663. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle-York Nonattainment Areas to Attainment for the 1997 Annual and the 2006 24-Hour Fine Particulate Matter Standard; Correction'' (FRL No. 9922–32–Region 3) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–664. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia's Redesignation Request and Associated Maintenance Plan of the West Virginia Portion of the Martinsburg-Hagerstown, WV–MD Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard; Correction'' (FRL No. 9921–31–Region 3) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–665. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; American Samoa'' (FRL No. 9922–86–Region 9) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–666. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Guam'' (FRL No. 9923–01–Region 9) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–667. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Dakota; Regional Haze State Implementation Plan; Federal Implementation Plan for Interstate Transport of Pollution Affection Visibility and Regional Haze; Reconsideration'' (FRL No. 9922–80–OAR) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–668. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Approval and Partial Disapproval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to Wyoming Air Quality Standards and Regulations; Nonattainment Permitting Requirements and Chapter 3, General Emission Standards'' (FRL No. 9922–24–Region 8) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–669. 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 the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9921–51–Region 9) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–670. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''HAZARDOUS AND SOLID WASTE MANAGEMENT SYSTEM; DISPOSAL OF COAL COMBUSTION RESIDUALS FROM ELECTRIC UTILITIES'' ((RIN2050–AE81) (FRL No. 9919–44–OSWER)) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Environment and Public Works.

EC–671. A communication from the Deputy Director, Administration for Aging, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Long Term Care Ombudsman Program'' (RIN0985–AA08) received in the Office of the President of the Senate on February 11, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–672. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Technical Collection for the New START Treaty (OSS–2015–0137); to the Committee on Foreign Relations.

EC–673. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13–114); to the Committee on Foreign Relations.

EC–674. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 14–152); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 527. A bill to award a Congressional Gold Medal to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or in the final Selma to Montgomery Voting Rights March in March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

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. UDALL (for himself and Ms. MURKOWSKI):

S. 536. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments under the Indian Health Service Loan Repayment Program and certain amounts received under the Indian Health Professions Scholarship Program; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. TOOMEY):

S. 537. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the alternative simplified research credit, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 538. A bill to amend title 23, United States Code, with respect to the operation of longer combination vehicles on the Interstate System in the State of Idaho, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 539. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. HEITKAMP):

S. 540. A bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN:

S. 541. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of establishing the John P. Parker House in Ripley, Ohio, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. COATS:

S. 542. A bill to enhance the homeland security of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BOOZMAN (for himself, Mr. MANCHIN, and Mr. INHOFE):

S. 543. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BARRASSO (for himself, Mr. VITTER, Mr. INHOFE, Mr. CRAPO, Mrs. FISCHER, Mr. RISCH, Mr. ENZI, and Mr. FLAKE):

S. 544. A bill to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible; to the Committee on Environment and Public Works.

By Mr. THUNE:

S. 545. A bill making continuing appropriations for Coast Guard pay in the event the Consolidated and Further Continuing Appropriations Act of 2015 expires and the Department of Homeland Security Appropriations Act of 2015 is not enacted; to the Committee on Appropriations.

By Ms. HEITKAMP (for herself, Mr. KING, Ms. BALDWIN, and Mr. SCHUMER):

S. 546. A bill to establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 547. A bill to establish a regulatory framework for the comprehensive protection of personal data for individuals under the aegis of the Federal Trade Commission, to amend the Children's Online Privacy Protection Act of 1998 to improve provisions relating to collection, use, and disclosure of personal information of children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Mr. MURPHY):

S. 548. A bill to clarify that funding for the Public Company Accounting Oversight Board is not subject to the sequester; to the Committee on the Budget.

By Mr. ENZI (for himself and Mr. MURPHY):

S. 549. A bill to clarify that funding for the Securities Investor Protection Corporation is not subject to the sequester; to the Committee on the Budget.

By Mr. ENZI (for himself and Mr. MURPHY):

S. 550. A bill to clarify that funding for the standard setting body designated pursuant to section 19(b) of the Securities Act of 1933 is not subject to the sequester; to the Committee on the Budget.

By Mrs. FEINSTEIN (for herself, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. DURBIN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. MURPHY, Ms. WARREN, and Mr. MARKEY):

S. 551. A bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists; to the Committee on the Judiciary.

By Mr. RISCH (for himself, Mr. CARDIN, Ms. AYOTTE, and Mrs. SHAHEEN):

S. 552. A bill to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control; to the Committee on Small Business and Entrepreneurship.

By Mr. CORKER (for himself, Mr. MENENDEZ, Mr. RUBIO, Mrs. SHAHEEN, Ms. AYOTTE, Mr. COONS, Mr. MCCAIN, Mr. BLUMENTHAL, Mr. ALEXANDER, Mr. PORTMAN, Mr. KIRK, and Mr. CARDIN):

S. 553. A bill to marshal resources to undertake a concerted, transformative effort that seeks to bring an end to modern slavery, and for other purposes; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. UDALL, Mr. LEAHY, Mrs. GILLIBRAND, Mr. KAINE, Mrs. BOXER, Mr. BLUMENTHAL, Mr. WARNER, Mr. SANDERS, Mr. CARPER, Mrs. MURRAY, Ms. BALDWIN, and Ms. HIRONO):

S. 554. A bill to provide for the compensation of Federal employees affected by a lapse in appropriations; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BARRASSO (for himself and Ms. HEITKAMP):

S. Con. Res. 4. A concurrent resolution supporting the Local Radio Freedom Act; to the Committee on Finance.

By Mr. CARDIN:

S. Con. Res. 5. A concurrent resolution supporting the goals and ideals of the International Decade for People of African Descent; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 28

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 28, a bill to limit the use of cluster munitions.

S. 71

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 71, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 155

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 155, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 166

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 166, a bill to stop exploitation through trafficking.

S. 178

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 178, a bill to provide justice for the victims of trafficking.

S. 203

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 203, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 207

At the request of Mr. MORAN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 262

At the request of Mr. LEAHY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 262, a bill to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 263

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 263, a bill to protect the right of individuals to bear arms at water resources development projects.

S. 264

At the request of Mr. PAUL, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 264, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 269

At the request of Mr. KIRK, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 269, a bill to expand sanctions imposed with respect to Iran and to impose additional sanctions with respect to Iran, and for other purposes.

S. 275

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 275, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home as a site of care for infusion therapy under the Medicare program.

S. 283

At the request of Mr. FLAKE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 283, a bill to prohibit the Internal Revenue Service from modifying the standard for determining whether an

organization is operated exclusively for the promotion of social welfare for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

S. 291

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 291, a bill to amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes.

S. 305

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 305, a bill to protect American job creation by striking the Federal mandate on employers to offer health insurance.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 313, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 338

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 338, a bill to permanently reauthorize the Land and Water Conservation Fund.

S. 373

At the request of Mr. THUNE, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Delaware (Mr. COONS) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 373, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.

S. 439

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 441

At the request of Mr. NELSON, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 441, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 474

At the request of Mr. TOOMEY, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 474, a bill to require State educational agencies that receive funding under the Elementary and Secondary Education Act of 1965 to have in effect policies and procedures on background checks for school employees.

S. 490

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 490, a bill to achieve domestic energy independence by empowering States to control the development and production of all forms of energy on all available Federal land.

S. 491

At the request of Ms. KLOBUCHAR, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 491, a bill to lift the trade embargo on Cuba.

S. 498

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 498, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 505

At the request of Mr. PORTMAN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to extend the Health Coverage Tax Credit.

S. 510

At the request of Mr. PORTMAN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 510, a bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes.

S. 512

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 512, a bill to amend title 18, United States Code, to safeguard data stored abroad from improper government access, and for other purposes.

S. 517

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 517, a bill to extend the secure rural schools and community self-determination program, to restore mandatory funding status to the payment in lieu of taxes program, and for other purposes.

S. 524

At the request of Mr. WHITEHOUSE, the names of the Senator from Florida (Mr. NELSON), the Senator from Massachusetts (Ms. WARREN), the Senator from Minnesota (Mr. FRANKEN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 524, a bill to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use.

S. 527

At the request of Mr. SESSIONS, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 527, a bill to award a Congressional Gold Medal to the Foot Soldiers who participated in Bloody Sunday, Turnaround Tuesday, or in the final Selma to Montgomery Voting Rights March in March of 1965, which served as a catalyst for the Voting Rights Act of 1965.

S. RES. 84

At the request of Mr. COCHRAN, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. Res. 84, a resolution celebrating Black History Month.

At the request of Mr. BOOKER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 84, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Ms. COLLINS):

S. 539. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise in support of the Medicare Access to Rehabilitation Services Act, which I am introducing today with my colleague Senator COLLINS. This important bill repeals the monetary caps that limit Medicare beneficiaries' access to medically necessary outpatient physical therapy, occupational therapy, and speech-language pathology services.

Limits on outpatient rehabilitation therapy services under Medicare were first imposed in 1997 as part of the Balanced Budget Act. The decision to impose limits on these services was not based on data, quality-of-care concerns, or clinical judgment—its sole purpose was to limit spending in order to balance the federal budget. Since 1997, Congress has acted over 12 times to prevent the implementation of the therapy caps through moratoriums and an exceptions process. While these short-term actions have provided necessary relief to our seniors, a long-term solution is essential to bring permanent relief and much-needed stability for both patients and providers.

We need a full repeal of the existing caps on physical therapy, occupational therapy, and speech-language pathology services. These annual financial caps limit services often needed after a stroke, traumatic brain injury, or spinal cord injury, or to effectively manage conditions such as Parkinson's disease, multiple sclerosis, and arthritis. Arbitrary caps on these vital Medicare outpatient therapy services are simply unacceptable. They also discriminate against the oldest and sickest Medicare beneficiaries, who typically require the most intensive therapy, and disadvantage Medicare beneficiaries who live in regions with higher health care costs.

In a 2009 report issued by the Medicare Payment Advisory Committee, MEDPAC, it was estimated that the

therapy cap, if enforced without an exceptions process, could negatively impact 931,000 Medicare beneficiaries. Arbitrarily capping outpatient rehabilitation therapy services would likely cause some beneficiaries to delay necessary care, force others to assume higher out-of pocket costs, and disrupt the continuum of care for many seniors and individuals with disabilities.

I urge my colleagues to join me and Senator COLLINS in supporting the Medicare Access to Rehabilitation Services Act to ensure that our seniors have access to the outpatient rehabilitation therapy services that they need.

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. 539

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 ''Medicare Access to Rehabilitation Services Act of 2015''.

SEC. 2. OUTPATIENT THERAPY CAP REPEAL.

Section 1833 of the Social Security Act (42 U.S.C. 1395(l)) is amended by striking subsection (g).

By Ms. COLLINS (for herself and Ms. HEITKAMP):

S. 540. A bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, I am pleased today to join my friend and colleague from North Dakota, Senator HEITKAMP, in introducing the School Food Modernization Act to assist schools in providing healthier meals to students throughout the country.

School meals play a vital role in the lives of our young people. More than 30 million children participate in the National School Lunch Program every school day. In Maine, 40 percent of children qualify for free or reduced-price meals based on household income.

The food served at schools to these children affects their health and well-being. Many children consume up to half their daily caloric intake at school. In fact, children often get their most nutritious meal of the day at school instead of at home. At the same time, too many of our children are at risk of serious disease. One-third of the children in this country are overweight or obese, which increases their risk for heart disease, high blood pressure, Type 2 Diabetes and other chronic diseases. These conditions may have a lifelong effect on their health as they grow to adulthood.

In response to concerns about the health of our children, our schools have stepped up to the plate. Nationwide, schools are working diligently to meet the new U.S. Department of Agriculture standards and serve healthier meals. For example, in the New Sweden Consolidated School in Aroostook County, ME, food service manager Melanie Lagasse prepares meals from scratch instead of opening cans or pushing a defrost button. The school's 64 students, ranging from preschool to eighth grade, have grown to relish the chicken stew, baked fish, and meatloaf that she makes fresh.

Many schools, however, lack the right tools for preparing meals rich in fresh ingredients and must rely on workarounds that are expensive, inefficient, and unsustainable. Schools built decades ago lack the tools and the infrastructure necessary beyond reheating and holding food for meal service.

To serve healthier meals to their students, 99 percent of Maine school districts need at least one piece of equipment and almost half, 48 percent, of districts need kitchen infrastructure upgrades. The median equipment need per school is $45,000.

Even more costly would be making the required changes to infrastructure. Forty-eight percent of Maine schools need some kind of infrastructure change to serve healthy meals. For example, 41 percent of schools need more physical space, 22 percent need more electrical capacity, 21 percent need more plumbing capacity, and 19 percent need more ventilation.

Add the equipment costs together with the infrastructure costs and it is estimated that overall, $58.8 million would be needed just in Maine to serve healthy meals to all of our students. That far exceeds the $111,000 in grants that the USDA awarded Maine during the last two fiscal years for new equipment.

Our bill authorizes loan guarantee assistance and grants for school equipment and infrastructure improvements, thereby helping food service personnel meet nutrition standards. First, it would establish a loan guarantee assistance program within USDA to help schools acquire new equipment to prepare and serve healthier, more nutritious meals to students. School administrators and other eligible borrowers could obtain Federal guarantees for 80 percent of the loan value needed to construct, remodel, or expand their kitchens, dining, or food storage infrastructure.

Second, the bill would provide targeted grant assistance to give school administrators and food service directors the seed funding needed to upgrade kitchen infrastructure or to purchase high-quality, durable kitchen equipment such as commercial ovens, steamers, and stoves.

Finally, to aid school food service personnel in meeting the nutrition guidelines, the legislation would strengthen training and provide technical assistance by authorizing USDA to provide support on a competitive basis to highly qualified third-party trainers to develop and administer training and technical assistance, including online programs.

We need to start our school children off on the right food every day. If they are going to be able to learn and compete, they need to be healthy and their minds and bodies fully nourished. This bill will help us achieve that goal.

By Mrs. FEINSTEIN (for herself, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. DURBIN, Mr. BLUMENTHAL, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. MURPHY, Ms. WARREN, and Mr. MARKEY):

S. 551. A bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to address what I believe is a national security and public safety weakness.

The United States currently has a system in place to keep known or suspected terrorists off of airplanes. But even though they can't fly, these very same terrorists can walk into any gun store anywhere in the country and purchase a firearm.

If a terrorist is too dangerous to board an airplane, that same individual is too dangerous to possess a gun.

That's why we are introducing the Denying Firearms and Explosives to Dangerous Terrorists Act, a bill to fix this glaring loophole in our background check system.

This is not a hypothetical issue.

Individuals with links to terrorism regularly purchase guns in the United States.

According to data just received from the Government Accountability Office, between February 2004 and December 2014, there were at least 2,233 cases in which a known or suspected terrorist—individuals who at the time were on federal terrorist watch lists—tried to buy a firearm or obtain a firearm or explosives license or permit.

In 91 percent of these cases, a total of 2,043 separate occasions, those known or suspected terrorists successfully passed a background check.

The Kouachi brothers, the terrorists who killed 12 people at Charlie Hebdo in Paris, are reportedly on the U.S. no fly list.

However, if they had made it to the United States, the fact that they were on terrorist watch lists would have done nothing to prevent them from legally buying firearms or explosives.

One of the alleged Boston Marathon bombers, Tamerlan Tsarnaev, was reportedly placed on two terrorist watch lists in 2011.

He later killed three and injured 170 with homemade explosives and killed a police officer with a handgun.

In 2009, Abdulhakim Mujahid Muhammad opened fire at a military recruiting station in Little Rock, Arkansas. He killed one and critically injured another.

According to press reports, Muhammad had been under investigation by the FBI for suspected links to terrorism after traveling to Yemen, where he was arrested for using a Somali passport. Those actions certainly would have placed him on terrorist watch lists, but would not have kept him from buying firearms.

The bill that we are introducing today is very simple.

It would close this dangerous loophole by giving the Attorney General discretion to prevent someone from buying explosives or a gun if that individual is a known or suspected terrorist and may use the firearm in connection with terrorism.

It would also give the Attorney General discretion to prevent someone from obtaining a license to sell guns or explosives if that individual is a known or suspected terrorist and may use the firearm in connection with terrorism.

The Attorney General could use a range of tools to make this decision, most notable terrorist watch lists and the no fly list.

In addition to making the decision at the discretion of the Attorney General, the bill includes other safeguards to make sure innocent individuals are not denied the ability to buy firearms or explosives.

The first safeguard is that very high standards already exist for an individual to be designated as a known or suspected terrorist.

The FBI or the National Counterterrorism Center must nominate the individual to be included in the Terrorist Screening Database.

There must be sufficient identifying data about the person to ensure they can be accurately matched with the terrorist on the watch list.

The circumstances must meet the ''reasonable suspicion'' standard. This means the facts of the case must be strong enough to reasonably determine the person is known or suspected to be engaged in terrorism.

The second safeguard is that every provision in current law allowing individuals to appeal the denial of a firearm or explosive purchase will also apply to this bill.

The office within the FBI that handles the background check system, known as the NICS Section, or the National Instant Criminal Background Check System Section, must provide the reason for denial upon request.

Individuals then have the right to correct any inaccurate records in the background check system. If a purchase is still denied, individuals can take the Justice Department to court to overturn the decision.

Gun safety safety bills are often labeled as Democratic bills. That is not the case here.

This bill was first proposed by the Justice Department under President George W. Bush, who recognized that keeping guns away from terrorists is good policy.

Attorney General Holder has also testified that the Justice Department under President Obama continues to support this proposal.

The bill has also been endorsed by Everytown for Gun Safety. This group represents more than 1,000 current and former mayors, both Republican and Democrat.

The legislation has also been endorsed by the Brady Campaign to Prevent Gun Violence, the Violence Policy Center, Americans for Responsible Solutions, and the Coalition to Stop Gun Violence.

I would also like to thank the bill's cosponsors: Senators WHITEHOUSE, SCHUMER, DURBIN, BLUMENTHAL, BOXER, REED, MENENDEZ, GILLIBRAND, MURPHY, WARREN, and MARKEY. All of you are champions for stronger gun safety laws.

The terrorist attack in Paris should be a wake-up call for everyone.

This sort of terrorist attack is very possible here in the United States, and the ability for known and suspected terrorists to buy guns and explosives makes it even more likely.

Congress should close this loophole in our background check system and ensure that known and suspected terrorists can't easily gain access to these weapons.

I urge my colleagues to support this bill.

By Mr. RISCH (for himself, Mr. CARDIN, Ms. AYOTTE, and Mrs. SHAHEEN):

S. 552. A bill to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control; to the Committee on Small Business and Entrepreneurship.

Mr. CARDIN. Mr. President, I am pleased join my colleague, Senator RISCH, in introducing the Small Business Investment Company Capital, SBIC, Act of 2015. And I am pleased that Congressman Chabot, Chairman of the House Small Business Committee, is introducing the same bill on the House side today.

This bipartisan legislation makes a common-sense change to the Small Business Investment Company, SBIC, program run by the Small Business Administration, SBA. This change will provide increased support to some of the program's most successful participants, SBICs that run multiple funds at a time. At no additional cost to the taxpayer, the SBIC Act will raise the limit that a ''family of funds'' can borrow with an SBA guarantee from $225 million to $350 million

The SBIC program guarantees loans to qualified investment funds, or SBICs. In turn, these SBICs invest in promising small businesses by combining the SBA loan with privately raised capital, often at a 2:1 ratio. It is important to note that while these SBICs are licensed and regulated by the SBA, they are privately owned and operated.

Since its inception, the SBIC Debenture program has been incredibly successful. SBICs have invested more than $70 billion in nearly 170,000 small businesses. Recently, the program has experienced rapid growth. In 2013, SBA guaranteed loans to SBICs equaling $3.5 billion, a 70 percent increase in financing dollars from three years ago and the highest amount of financings in the past decade.

This success is largely attributed to Congressional action that raised the ceiling for maximum investments for the SBIC program each year from $3 billion to $4 billion. Senator LANDRIEU, Senator RISCH, and I worked with a bipartisan coalition to increase this ceiling and ensure SBIC funds have access to sufficient capital to invest in promising small businesses.

Nowhere is the success of this increase seen more than in Maryland. Since the start of fiscal year 2015, SBICs have already invested nearly $65 million in Maryland small businesses. Yet, this success could be enhanced even more if Congress increased the amount SBICs with a family of funds can borrow from the SBA.

SBICs that run multiple funds at a time are known as ''families of funds.'' While many of our Nation's most successful and reliable SBICs have a family of funds, their success is being restricted by the current lending limit. Simply raising the limit from $225 million to $350 million would provide these proven fund managers the additional capital needed to invest in small businesses and stimulate local economies.

Put simply, by increasing the ''family of funds'' lending limit to $350 million, proven investors can invest in more promising small businesses. The SBIC Act enhances the SBA's ability to support these successful investors as they finance small businesses that will continue to create jobs in this country.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 4—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mr. BARRASSO (for himself and Ms. HEITKAMP) submitted the following concurrent resolution; which was referred to the Committee on Finance.

S. CON. RES. 4

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among those industries for many decades;

Whereas, for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio, as such a fee would upset the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form

of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas committees in the Senate and the House of Representatives have previously reported that ''the sale of many sound recordings and the careers of many performers have benefitted considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting'';

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as on September 11, 2001, and during Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars worth of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt businesses in the United States, and ultimately the consumers in the United States who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

SENATE CONCURRENT RESOLUTION 5—SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL DECADE FOR PEOPLE OF AFRICAN DESCENT

Mr. CARDIN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 5

Whereas, in recognition of the African Diaspora, on December 23, 2013, the United Nations General Assembly adopted Resolution 68/237, designating the decade commencing on January 1, 2015, and ending on December 31, 2024, as the ''International Decade for People of African Descent'', with the theme ''People of African descent: recognition, justice and development'';

Whereas the African Diaspora is expansive, spanning across the globe from the Americas and the Caribbean to Asia and Europe, with persons of African descent having had a historical presence and currently residing on every continent;

Whereas the historical bonds and shared experiences that tie the African continent with the world must be recalled;

Whereas the global contributions of people of African descent must be recognized as a means of preserving that heritage;

Whereas the Final Act of the Conference on Security and Cooperation in Europe, done at Helsinki August 1, 1975, states that ''participating States will respect human rights and fundamental freedoms . . . for all without distinction as to race, sex, language or religion'';

Whereas the Organization for Security and Cooperation in Europe, Organization of American States, and other international organizations have undertaken efforts to address the human rights situation of people of African descent;

Whereas, on December 10, 2014, United States Permanent Representative to the United Nations Samantha Power stated, ''The United States comes to the International Decade for People of African Descent with a full and robust commitment to ensuring the rights of persons of African descent, and to combating racism and discrimination against them.''; and

Whereas a central goal of the International Decade for People of African Descent is to strengthen national actions and regional and international cooperation for the benefit of people of African descent in relation to the full enjoyment of economic, cultural, social, civil, and political rights for people of African descent; the participation and integration of people of African descent in all political, economic, social, and cultural aspects of society; and the promotion of greater knowledge of, and respect for, the diverse heritage and culture of people of African descent; Now, therefore, be it

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

(1) supports the goals and ideals of the ''International Decade for People of African Descent'';

(2) encourages the recognition and celebration of the collective history and achievements made by people of African descent;

(3) reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life;

(4) recognizes bilateral and multilateral efforts to promote democracy, human rights, and the rule of law, including those efforts that target the eradication of poverty, hunger, and inequality; and

(5) reaffirms the commitment of Congress to address racism, discrimination, and intolerance in the United States and around the globe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 252. Mr. MCCONNELL (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 65, supporting efforts to bring an end to violence perpetrated by Boko Haram, and urging the Government of Nigeria to conduct transparent, peaceful, and credible elections.

SA 253. Mr. MCCONNELL (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 65, supra.

SA 254. Mr. MCCONNELL (for Mr. RUBIO) proposed an amendment to amendment SA 253 proposed by Mr. MCCONNELL (for Mr. MENENDEZ) to the resolution S. Res. 65, supra.

TEXT OF AMENDMENTS

SA 252. Mr. MCCONNELL (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 65, supporting efforts to bring an end to violence perpetrated by Boko Haram, and urging the Government of Nigeria to conduct transparent, peaceful, and credible elections; as follows:

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) condemns Boko Haram for its violent attacks, particularly the indiscriminate targeting of civilians, especially women and girls, and the use of children as fighters and suicide bombers;

(2) stands with—

(A) the people of Nigeria in their right to live free from fear or intimidation by state or nonstate actors, regardless of their ethnic, religious, or regional affiliation;

(B) the people of Cameroon, Chad, and Niger who are increasingly at risk of becoming victims of Boko Haram's violence; and

(C) the international community in its efforts to defeat Boko Haram;

(3) supports the Abuja Accord, and calls on candidates, party officials, and adherents of all political movements to comply with the code of conduct spelled out therein, by refraining from any rhetoric or action that seeks to demonize or delegitimize opponents, sow division among Nigerians, or otherwise inflame tensions;

(4) condemns any and all abuses of civilians by security forces of the Government of Nigeria;

(5) urges the Government of Nigeria to—

(A) adhere to the new timeline for elections announced by INEC on February 7, 2015;

(B) refrain from using security concerns as a pretext for impeding the democratic process and using the security apparatus for political purposes in connection with the elections;

(C) ensure elections are credible, transparent, and peaceful;

(D) prioritize the safety and security of Nigerians vulnerable to Boko Haram attacks;

(E) implement a comprehensive, civilian security-focused response to defeat Boko Haram that addresses political and economic grievances of citizens in the north;

(F) improve the capacity and conduct of Nigeria's security forces, including respect for human rights, and take steps to hold accountable through a transparent process those members of the security forces responsible for abuses;

(G) recognize that security forces are intended to protect the safety and security of all citizens equally; and

(H) cooperate with regional and international partners to defeat Boko Haram;

(6) urges all Nigerians to engage in the electoral process, to insist on full enfranchisement, and to reject inflammatory or divisive rhetoric or actions; and

(7) reaffirms that the people of the United States will continue to stand with the people of Nigeria in support of peace and democracy.

SA 253. Mr. MCCONNELL (for Mr. MENENDEZ) proposed an amendment to the resolution S. Res. 65, supporting efforts to bring an end to violence perpetrated by Boko Haram, and urging the Government of Nigeria to conduct transparent, peaceful, and credible elections; as follows:

Whereas Nigeria is the most populous nation in Africa, with the largest economy;

Whereas the Governments of the United States and Nigeria have had a strong bilateral relationship, and Nigeria has been a valued partner of the United States since its transition to civilian rule;

Whereas the Government of Nigeria is currently confronted with threats to internal security by terrorists, insurgents, and communal violence that have caused considerable population displacement, and at the

same time must administer transparent and peaceful elections with a credible outcome;

Whereas the government and those who aspire to hold office in Nigeria must demonstrate the political will to address both of these challenges in a responsible way, including by ensuring full enfranchisement, with particular emphasis on developing a means for enfranchisement for the hundreds of thousands displaced by violence;

Whereas the members of Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, commonly known as Boko Haram, have terrorized the people of Nigeria with increasing violence since 2009, targeting military, government, and civilian sites in Nigeria, including schools, mosques, churches, markets, villages, and agricultural centers, and killing thousands and abducting hundreds of civilians in Nigeria and the surrounding countries;

Whereas the Department of State named several individuals linked to Boko Haram, including its leader, Abubakar Shekau, as Specially Designated Global Terrorists in 2012, and designated Boko Haram as a Foreign Terrorist Organization (FTO) in November 2013;

Whereas, in May 2014, the United Nations Security Council added Boko Haram to its al Qaeda sanctions list, and on January 19, 2015, the United Nations Security Council issued a presidential statement condemning the recent escalation of attacks in northeastern Nigeria and surrounding countries and expressing concern that the situation was undermining peace and security in West and Central Africa;

Whereas Boko Haram calls for the universal implementation of what it considers ''pure'' Shari'ah law, has called on all Christians to leave northern Nigeria, and perpetrates targeted violent attacks against Christians, churches, schools, mosques, and Muslim critics;

Whereas the over 200 school girls abducted by Boko Haram on April 14, 2014, from the Government Girls Secondary School in the northeastern state of Borno, whose kidnapping sparked domestic and international outrage spawning the Twitter campaign #BringBackOurGirls, are still missing;

Whereas the militant group is an increasing menace to the countries along Nigeria's northeastern border, prompting the African Union, the Lake Chad Basin Commission, the European Union, and the United Nations Security Council to recognize that there must be a regional response;

Whereas the United States Government has stepped forward to offer assistance through intelligence sharing, bilateral and international sanctioning of Boko Haram leaders, counterterrorism assistance through the Global Security Contingency Fund program for countries in the region to counter the militant group, and humanitarian services to populations affected by and vulnerable to Boko Haram violence;

Whereas Boko Haram emerged partially as a response to underdevelopment in northeastern Nigeria, and inequality, elite impunity, and alleged human rights abuses by security forces may be fueling anti-government sentiment;

Whereas it is clear that a military approach alone will not eliminate the threat of Boko Haram, and gross human rights abuses and atrocities by security forces causes insecurity and mistrust among the civilian population;

Whereas it is imperative that the Government of Nigeria implement a comprehensive, civilian security focused plan that prioritizes protecting civilians and also addresses legitimate political and economic grievances of citizens in northern Nigeria;

Whereas Nigeria is scheduled to hold national elections in the coming weeks, and the elections appear to be the most closely contested in Nigeria since the return to civilian rule;

Whereas election-related violence has occurred in Nigeria in successive elections, including in 2011, when nearly 800 people died in clashes following the presidential election;

Whereas President Goodluck Ebele Azikiwe Jonathan, General Muhammadu Buhari, and other presidential candidates pledged to reverse this trend by signing the ''Abuja Accord'' on January 14, 2015, in which they committed themselves and their campaigns to refraining from public statements that incite violence, to running issue-based campaigns that do not seek to divide citizens along religious or ethnic lines, and to supporting the impartial conduct of the electoral commission and the security services;

Whereas Secretary of State John Kerry visited Nigeria on January 25, 2015, to emphasize the importance of ensuring the upcoming elections are peaceful, nonviolent, and credible;

Whereas, despite the Nigerian Independent National Electoral Commission's (INEC) views that preparations were ''sufficient to conduct free, fair and credible elections as scheduled,'' at the repeated urging of security officials, INEC announced on February 7, 2015, the postponement of the elections by six weeks, and elections will now take place on March 28 and April 11, 2015;

Whereas tensions in the country remain high, and either electoral fraud or violence could undermine the credibility of the upcoming election;

Whereas the people of Nigeria aspire for a fair, competently executed, and secure electoral process, as well as an outcome that can be accepted peacefully by all citizens; and

Whereas it is in the best interest of the United States to maintain close ties with a politically stable, democratic and economically sound Nigeria: Now, therefore, be it

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SA 254. Mr. MCCONNELL (for Mr. RUBIO) proposed an amendment to amendment SA 253 proposed by Mr. MCCONNELL (for Mr. MENENDEZ) to the resolution S. Res. 65, supporting efforts to bring an end to violence perpetrated by Boko Haram, and urging the Government of Nigeria to conduct transparent, peaceful, and credible elections; as follows:

Insert after the seventh whereas clause of the preamble the following:

Whereas Boko Haram calls for the universal implementation of what it considers ''pure'' Shari'ah law, has called on all Christians to leave northern Nigeria, and perpetrates targeted violent attacks against Christians, churches, schools, mosques, and Muslim critics;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on February 24, 2015, at 9:30 a.m., in room SR–328A of the Russell Senate Office Building, to conduct a hearing entitled ''The Agricultural Act of 2014 implementation after one year and Farm Credit Administration pending nominations.''

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

COMMITTEE ON ARMED SERVICES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 24, 2015, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 24, 2015, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 24, 2015, at 2 p.m., in room SR–253 of the Russell Senate Office Building to conduct a subcommittee hearing entitled ''U.S. Human Exploration Goals and Commercial Space Competitiveness.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on February 24, 2015, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 24, 2015, at 2:30 p.m., to conduct a hearing entitled ''Review of Resources, Priorities and Programs in the FY 2016 State Department Budget Request.''

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

COMMITTEE ON FINANCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 24, 2015, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform, Growth and Efficiency.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet

during the session of the Senate on February 24, 2015, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Recalibrating Regulation of Colleges and Universities: A Report from the Task Force on Government Regulation of Higher Education.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 24, 2015, at 10 a.m., to conduct a hearing entitled ''Improving the Efficiency, Effectiveness, and Independence of Inspectors General.''

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

COMMITTEE ON THE JUDICIARY

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 24, 2015, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Human Trafficking in the United States: Protecting the Victim.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on February 24, 2015, at 2 p.m., in room SD–G50 of the Dirksen Senate Office Building, to conduct a joint hearing with the House Committee on Veterans' Affairs.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THUNE. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on February 24, 2015, at 2:30 p.m.

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

SUPPORTING EFFORTS TO BRING AN END TO VIOLENCE PERPETRATED BY BOKO HARAM, AND URGING THE GOVERNMENT OF NIGERIA TO CONDUCT TRANSPARENT, PEACEFUL, AND CREDIBLE ELECTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 65 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 65) supporting efforts to bring an end to violence perpetrated by Boko Haram, and urging the Government of Nigeria to conduct transparent, peaceful, and credible elections.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I further ask unanimous consent that the Menendez amendment to the resolution be agreed to.

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

The amendment (No. 252) in the nature of a substitute was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the resolving clause and insert the following: ''That the Senate—

(1) condemns Boko Haram for its violent attacks, particularly the indiscriminate targeting of civilians, especially women and girls, and the use of children as fighters and suicide bombers;

(2) stands with—

(A) the people of Nigeria in their right to live free from fear or intimidation by state or nonstate actors, regardless of their ethnic, religious, or regional affiliation;

(B) the people of Cameroon, Chad, and Niger who are increasingly at risk of becoming victims of Boko Haram's violence; and

(C) the international community in its efforts to defeat Boko Haram;

(3) supports the Abuja Accord, and calls on candidates, party officials, and adherents of all political movements to comply with the code of conduct spelled out therein, by refraining from any rhetoric or action that seeks to demonize or delegitimize opponents, sow division among Nigerians, or otherwise inflame tensions;

(4) condemns any and all abuses of civilians by security forces of the Government of Nigeria;

(5) urges the Government of Nigeria to—

(A) adhere to the new timeline for elections announced by INEC on February 7, 2015;

(B) refrain from using security concerns as a pretext for impeding the democratic process and using the security apparatus for political purposes in connection with the elections;

(C) ensure elections are credible, transparent, and peaceful;

(D) prioritize the safety and security of Nigerians vulnerable to Boko Haram attacks;

(E) implement a comprehensive, civilian security-focused response to defeat Boko Haram that addresses political and economic grievances of citizens in the north;

(F) improve the capacity and conduct of Nigeria's security forces, including respect for human rights, and take steps to hold accountable through a transparent process those members of the security forces responsible for abuses;

(G) recognize that security forces are intended to protect the safety and security of all citizens equally; and

(H) cooperate with regional and international partners to defeat Boko Haram;

(6) urges all Nigerians to engage in the electoral process, to insist on full enfranchisement, and to reject inflammatory or divisive rhetoric or actions; and

(7) reaffirms that the people of the United States will continue to stand with the people of Nigeria in support of peace and democracy.

Mr. McCONNELL. I know of no further debate on this measure.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the question is on agreeing to the resolution.

The resolution (S. Res. 65), as amended, was agreed to.

Mr. McCONNELL. Mr. President, I further ask unanimous consent that the Menendez substitute amendment to the preamble be considered; that the Rubio amendment to the Menendez amendment to the preamble be considered and agreed to; that the Menendez substitute, as amended, be agreed to; that the preamble, as amended, 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 amendment (No. 253) is as follows:

(Purpose: To amend the preamble)

Amend the preamble to read as follows:

Whereas Nigeria is the most populous nation in Africa, with the largest economy;

Whereas the Governments of the United States and Nigeria have had a strong bilateral relationship, and Nigeria has been a valued partner of the United States since its transition to civilian rule;

Whereas the Government of Nigeria is currently confronted with threats to internal security by terrorists, insurgents, and communal violence that have caused considerable population displacement, and at the same time must administer transparent and peaceful elections with a credible outcome;

Whereas the government and those who aspire to hold office in Nigeria must demonstrate the political will to address both of these challenges in a responsible way, including by ensuring full enfranchisement, with particular emphasis on developing a means for enfranchisement for the hundreds of thousands displaced by violence;

Whereas the members of Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, commonly known as Boko Haram, have terrorized the people of Nigeria with increasing violence since 2009, targeting military, government, and civilian sites in Nigeria, including schools, mosques, churches, markets, villages, and agricultural centers, and killing thousands and abducting hundreds of civilians in Nigeria and the surrounding countries;

Whereas the Department of State named several individuals linked to Boko Haram, including its leader, Abubakar Shekau, as Specially Designated Global Terrorists in 2012, and designated Boko Haram as a Foreign Terrorist Organization (FTO) in November 2013;

Whereas, in May 2014, the United Nations Security Council added Boko Haram to its al Qaeda sanctions list, and on January 19, 2015, the United Nations Security Council issued a presidential statement condemning the recent escalation of attacks in northeastern Nigeria and surrounding countries and expressing concern that the situation was undermining peace and security in West and Central Africa;

Whereas the over 200 school girls abducted by Boko Haram on April 14, 2014, from the Government Girls Secondary School in the northeastern state of Borno, whose kidnapping sparked domestic and international outrage spawning the Twitter campaign #BringBackOurGirls, are still missing;

Whereas the militant group is an increasing menace to the countries along Nigeria's northeastern border, prompting the African Union, the Lake Chad Basin Commission, the European Union, and the United Nations Security Council to recognize that there must be a regional response;

Whereas the United States Government has stepped forward to offer assistance through intelligence sharing, bilateral and international sanctioning of Boko Haram leaders, counterterrorism assistance through the Global Security Contingency Fund program for countries in the region to counter the militant group, and humanitarian services to populations affected by and vulnerable to Boko Haram violence;

Whereas Boko Haram emerged partially as a response to underdevelopment in northeastern Nigeria, and inequality, elite impunity, and alleged human rights abuses by security forces may be fueling anti-government sentiment;

Whereas it is clear that a military approach alone will not eliminate the threat of Boko Haram, and gross human rights abuses and atrocities by security forces causes insecurity and mistrust among the civilian population;

Whereas it is imperative that the Government of Nigeria implement a comprehensive, civilian security focused plan that prioritizes protecting civilians and also addresses legitimate political and economic grievances of citizens in northern Nigeria;

Whereas Nigeria is scheduled to hold national elections in the coming weeks, and the elections appear to be the most closely contested in Nigeria since the return to civilian rule;

Whereas election-related violence has occurred in Nigeria in successive elections, including in 2011, when nearly 800 people died in clashes following the presidential election;

Whereas President Goodluck Ebele Azikiwe Jonathan, General Muhammadu Buhari, and other presidential candidates pledged to reverse this trend by signing the ''Abuja Accord'' on January 14, 2015, in which they committed themselves and their campaigns to refraining from public statements that incite violence, to running issue-based campaigns that do not seek to divide citizens along religious or ethnic lines, and to supporting the impartial conduct of the electoral commission and the security services;

Whereas Secretary of State John Kerry visited Nigeria on January 25, 2015, to emphasize the importance of ensuring the upcoming elections are peaceful, nonviolent, and credible;

Whereas, despite the Nigerian Independent National Electoral Commission's (INEC) views that preparations were ''sufficient to conduct free, fair and credible elections as scheduled,'' at the repeated urging of security officials, INEC announced on February 7, 2015, the postponement of the elections by six weeks, and elections will now take place on March 28 and April 11, 2015;

Whereas tensions in the country remain high, and either electoral fraud or violence could undermine the credibility of the upcoming election;

Whereas the people of Nigeria aspire for a fair, competently executed, and secure electoral process, as well as an outcome that can be accepted peacefully by all citizens; and

Whereas it is in the best interest of the United States to maintain close ties with a politically stable, democratic and economically sound Nigeria: Now, therefore, be it

The amendment (No. 254) was agreed to, as follows:

(Purpose: To illustrate the extreme degree of religious intolerance demonstrated by Boko Haram)

Insert after the seventh whereas clause of the preamble the following:

Whereas Boko Haram calls for the universal implementation of what it considers ''pure'' Shari'ah law, has called on all Christians to leave northern Nigeria, and perpetrates targeted violent attacks against Christians, churches, schools, mosques, and Muslim critics;

The amendment (No. 253) in the nature of a substitute, as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 65

Whereas Nigeria is the most populous nation in Africa, with the largest economy;

Whereas the Governments of the United States and Nigeria have had a strong bilateral relationship, and Nigeria has been a valued partner of the United States since its transition to civilian rule;

Whereas the Government of Nigeria is currently confronted with threats to internal security by terrorists, insurgents, and communal violence that have caused considerable population displacement, and at the same time must administer transparent and peaceful elections with a credible outcome;

Whereas the government and those who aspire to hold office in Nigeria must demonstrate the political will to address both of these challenges in a responsible way, including by ensuring full enfranchisement, with particular emphasis on developing a means for enfranchisement for the hundreds of thousands displaced by violence;

Whereas the members of Jama'atu Ahlis Sunna Lidda'awati wal-Jihad, commonly known as Boko Haram, have terrorized the people of Nigeria with increasing violence since 2009, targeting military, government, and civilian sites in Nigeria, including schools, mosques, churches, markets, villages, and agricultural centers, and killing thousands and abducting hundreds of civilians in Nigeria and the surrounding countries;

Whereas the Department of State named several individuals linked to Boko Haram, including its leader, Abubakar Shekau, as Specially Designated Global Terrorists in 2012, and designated Boko Haram as a Foreign Terrorist Organization (FTO) in November 2013;

Whereas, in May 2014, the United Nations Security Council added Boko Haram to its al Qaeda sanctions list, and on January 19, 2015, the United Nations Security Council issued a presidential statement condemning the recent escalation of attacks in northeastern Nigeria and surrounding countries and expressing concern that the situation was undermining peace and security in West and Central Africa;

Whereas Boko Haram calls for the universal implementation of what it considers ''pure'' Shari'ah law, has called on all Christians to leave northern Nigeria, and perpetrates targeted violent attacks against Christians, churches, schools, mosques, and Muslim critics;

Whereas the over 200 school girls abducted by Boko Haram on April 14, 2014, from the Government Girls Secondary School in the northeastern state of Borno, whose kidnapping sparked domestic and international outrage spawning the Twitter campaign #BringBackOurGirls, are still missing;

Whereas the militant group is an increasing menace to the countries along Nigeria's northeastern border, prompting the African Union, the Lake Chad Basin Commission, the European Union, and the United Nations Security Council to recognize that there must be a regional response;

Whereas the United States Government has stepped forward to offer assistance through intelligence sharing, bilateral and international sanctioning of Boko Haram leaders, counterterrorism assistance through the Global Security Contingency Fund program for countries in the region to counter the militant group, and humanitarian services to populations affected by and vulnerable to Boko Haram violence;

Whereas Boko Haram emerged partially as a response to underdevelopment in northeastern Nigeria, and inequality, elite impunity, and alleged human rights abuses by security forces may be fueling anti-government sentiment;

Whereas it is clear that a military approach alone will not eliminate the threat of Boko Haram, and gross human rights abuses and atrocities by security forces causes insecurity and mistrust among the civilian population;

Whereas it is imperative that the Government of Nigeria implement a comprehensive, civilian security focused plan that prioritizes protecting civilians and also addresses legitimate political and economic grievances of citizens in northern Nigeria;

Whereas Nigeria is scheduled to hold national elections in the coming weeks, and the elections appear to be the most closely contested in Nigeria since the return to civilian rule;

Whereas election-related violence has occurred in Nigeria in successive elections, including in 2011, when nearly 800 people died in clashes following the presidential election;

Whereas President Goodluck Ebele Azikiwe Jonathan, General Muhammadu Buhari, and other presidential candidates pledged to reverse this trend by signing the ''Abuja Accord'' on January 14, 2015, in which they committed themselves and their campaigns to refraining from public statements that incite violence, to running issue-based campaigns that do not seek to divide citizens along religious or ethnic lines, and to supporting the impartial conduct of the electoral commission and the security services;

Whereas Secretary of State John Kerry visited Nigeria on January 25, 2015, to emphasize the importance of ensuring the upcoming elections are peaceful, nonviolent, and credible;

Whereas despite the Nigerian Independent National Electoral Commission's (INEC) views that preparations were ''sufficient to conduct free, fair and credible elections as scheduled,'' at the repeated urging of security officials, INEC announced on February 7, 2015, the postponement of the elections by six weeks, and elections will now take place on March 28 and April 11, 2015;

Whereas tensions in the country remain high, and either electoral fraud or violence could undermine the credibility of the upcoming election;

Whereas the people of Nigeria aspire for a fair, competently executed, and secure electoral process, as well as an outcome that can be accepted peacefully by all citizens; and

Whereas it is in the best interest of the United States to maintain close ties with a politically stable, democratic and economically sound Nigeria: Now, therefore, be it

Resolved, That the Senate—

(1) condemns Boko Haram for its violent attacks, particularly the indiscriminate targeting of civilians, especially women and girls, and the use of children as fighters and suicide bombers;

(2) stands with—

(A) the people of Nigeria in their right to live free from fear or intimidation by state or nonstate actors, regardless of their ethnic, religious, or regional affiliation;

(B) the people of Cameroon, Chad, and Niger who are increasingly at risk of becoming victims of Boko Haram's violence; and

(C) the international community in its efforts to defeat Boko Haram;

(3) supports the Abuja Accord, and calls on candidates, party officials, and adherents of all political movements to comply with the code of conduct spelled out therein, by refraining from any rhetoric or action that seeks to demonize or delegitimize opponents, sow division among Nigerians, or otherwise inflame tensions;

(4) condemns any and all abuses of civilians by security forces of the Government of Nigeria;

(5) urges the Government of Nigeria to—

(A) adhere to the new timeline for elections announced by INEC on February 7, 2015;

(B) refrain from using security concerns as a pretext for impeding the democratic process and using the security apparatus for political purposes in connection with the elections;

(C) ensure elections are credible, transparent, and peaceful;

(D) prioritize the safety and security of Nigerians vulnerable to Boko Haram attacks;

(E) implement a comprehensive, civilian security-focused response to defeat Boko Haram that addresses political and economic grievances of citizens in the north;

(F) improve the capacity and conduct of Nigeria's security forces, including respect for human rights, and take steps to hold accountable through a transparent process those members of the security forces responsible for abuses;

(G) recognize that security forces are intended to protect the safety and security of all citizens equally; and

(H) cooperate with regional and international partners to defeat Boko Haram;

(6) urges all Nigerians to engage in the electoral process, to insist on full enfranchisement, and to reject inflammatory or divisive rhetoric or actions; and

(7) reaffirms that the people of the United States will continue to stand with the people of Nigeria in support of peace and democracy.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to the provisions of S. Res. 64, adopted March 5, 2013, appoints the following Senators as members of the Senate National Security Working Group for the 114th Congress: MARCO RUBIO of Florida (Republican Administrative Co-Chairman), THAD COCHRAN of Mississippi (Republican Co-Chairman), LINDSEY GRAHAM of South Carolina (Republican Co-Chairman), JEFF SESSIONS of Alabama (Republican Co-Chairman), BOB CORKER of Tennessee, JOHN MCCAIN of Arizona, JAMES RISCH of Idaho, ROY BLUNT of Missouri, and JAMES INHOFE of Oklahoma.

ORDERS FOR WEDNESDAY, FEBRUARY 25, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, February 25; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first half and the Democrats controlling the second half.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of my colleague from Iowa, Senator GRASSLEY.

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

The Senator from Iowa.

H–1B VISA PROGRAM

Mr. GRASSLEY. Mr. President, many of my colleagues know I have been fighting for years to end the abuse of the H–1B visa program and help disadvantaged U.S. workers who are harmed by that program. Today I wish to draw the attention of my colleagues to a recent incident that highlights how some employers are potentially using legal avenues to import foreign workers, lay off qualified Americans, and then export jobs overseas. I was shocked by the heartless manner in which U.S. workers were injured in the case I am about to describe.

First, I wish to remind my colleagues about how the H–1B program is supposed to work. Under the terms of the H–1B program, U.S. employers may import into the United States each year up to 65,000 so-called specialty occupation workers. The jobs being filled must be a job for which a bachelor's degree is necessary. Even though the annual cap is 65,000, the actual number of foreign workers being imported is much more because of numerous exemptions. In fiscal year 2012, for example, U.S. Citizenship and Immigration Services approved a total of 262,569 H–1B petitions—way above the legal limit of 65,000 or I should say the supposed limit of 65,000.

About 60 percent of H–1B workers come to fill computer-related occupations. Every year the list of the top 10 H–1B employers is dominated by foreign-based companies offering information technology or IT consulting services to the clients.

Under the law, H–1B employers are also required to: No. 1, pay the workers the greater of the prevailing wage for that job in that area or the wage the employer pays to similarly qualified U.S. workers doing the same job and at the same time—or the No. 2 condition—provide working conditions that will not adversely affect other similarly employed U.S. workers.

Additionally, H–1B employers may not displace a U.S. worker within the period beginning 90 days before and ending 90 days after the date of filing any H–1B petition by that employer.

Now I will describe what the program lacks. Most people believe employers try to recruit Americans before they petition for H–1B workers. Yet under the law, not all employers are required to prove to the Department of Labor that they tried to find an American to fill the job first. That is right. American workers do not get the first chance at these jobs in the United States, and if there is an equally or even better qualified U.S. worker, the company does not have to offer him or her that job.

I have pushed for changes in the legislation in that law. In fact, I offered several pro-U.S. worker amendments during consideration of the immigration bill in 2013. Every amendment I offered was defeated. The majority at that time—meaning the Democratic majority, and it was a bipartisan majority that helped defeat it—defeated these pro-American worker amendments. They pushed through S. 744, the 2013 immigration bill, without this significant, much needed change.

Let me describe to my colleagues the appalling instance referenced above.

I have described what the H–1B law was and how, during the immigration debate of 2013, I tried to amend it and improve it, and I wasn't successful. I started my remarks tonight by talking about the abuse of H–1B, the law not being followed, overseas companies bringing workers in here for an American company to employ, and then in turn these jobs are going to be shipped overseas. So now I wish to describe this appalling incident I referenced earlier.

Last August, Southern California Edison started laying off 400 American workers from its IT department. The company replaced them with foreign H–1B workers. According to the company, 100 additional American workers who will also be replaced by H–1B workers will leave supposedly voluntarily. According to Computerworld, the final major batch of layoffs is scheduled for March 6 or March 7.

The foreign workers who are replacing the American workers at Edison are employees of two overseas-based IT consulting companies that are also two of the largest users of H–1B visas. In 2013 one of the two companies paid the largest immigration fine in U.S. history. That company paid $34 million in a civil settlement after allegations of systemic visa fraud and abuse.

The jobs being filled by H–1B workers are manifestly not jobs for which Americans are unavailable. I say that because the jobs are currently filled by skilled American workers. It is disturbing that not only have these American workers been laid off, but also some of them have reportedly had to train their very own replacements.

A columnist for the Los Angeles Times writes that by laying off hundreds of its American IT staff and replacing them with relatively low-wage foreign contract workers, Edison stands to save as much as 40 percent in wage costs per laid-off worker. One

laid-off Edison worker told the columnist that company supervisors told a group of workers last year: ''We can get four Indian guys far cheaper than the price of you.''

Worse yet, most of the 500 jobs that had been held by Americans will eventually just move overseas. According to the Los Angeles Times, Edison admits that eventually about 70 percent of the work will shift overseas permanently.

Edison describes the 400 layoffs as a ''transition'' to the foreign IT consulting companies that ''will lead to enhancements that deliver faster and more efficient tools and applications for services that customers rely on.''

Then it adds further: ''[T]hrough outsourcing, [Edison's] information technology organization will adopt a proven business strategy commonly and successfully used by top U.S. companies that [Edison] benchmarks against.''

With respect to replacing American workers with H–1B workers, Edison says the company ''is not hiring H–1B workers to replace displaced employees.'' Edison's cynical defense is built upon a very shameless exploitation of a loophole in the H–1B laws. That loophole says that technically Edison isn't the H–1B workers' employer; the two foreign consulting companies are. The H–1B workers are just contracted out for extended, potentially multiyear periods from the foreign consulting companies to the American company, Edison. Thus, Edison argues that it is not subject to the requirements under the immigration laws that I spoke of earlier. They argue that because they are not the employer who petitioned directly for the H–1B workers, they—Edison—don't have to abide by the working condition requirements or the 90-day rule.

The condemnation of this attack on American workers has been very quick and, quite frankly, bipartisan. On February 10 over 300 members of the International Brotherhood of Electrical Workers rallied in Irvine, CA, in support of their fellow Edison employees. Several Members of Congress have expressed concern about the situation. On February 17 the Economic Policy Institute sent a letter to the Secretary of Labor asking him to investigate the Edison layoffs. Specifically, the institute asked the Secretary of Labor to determine whether Edison, the foreign consulting companies, or any of the parties involved in these layoffs violated the requirements that the hiring of H–1B workers not ''adversely affect the wages and working conditions of U.S. workers comparably employed.''

I echo the request of the Economic Policy Institute. The prohibition on adversely affecting U.S. workers can reasonably be applied to situations, such as in the Edison case, where the H–1B workers are contractors at a worksite rather than employees.

I also draw your attention to a powerful February 16 Los Angeles Times editorial entitled ''End H–1B visa program's abuse.'' The Los Angeles Times calls Edison's action ''part of a years-long trend among companies of misusing H–1B visas to undercut wages and offshore high-paying American jobs.'' The Los Angeles Times concludes that the H–1B program, although perhaps well-intentioned, is ''broken'' and that ''Congress needs to fix it.'' And, of course, I could not agree more, as evidenced by all the amendments I offered in 2013 on the immigration bill.

This situation with Southern California Edison is not new. It is happening time and time again. American workers are losing out because the law is not strong enough to protect them, so it needs to be fixed.

Any proposal to reform the H–1B program must include substantially increased protections for U.S. workers such as I have proposed many times in the past. These protections must at a minimum include the requirement that companies first recruit here at home before they import more foreign workers. We also need to reform the H–1B wage requirements so that U.S. workers' wages would no longer be undercut by H–1B workers' wages. There also needs to be more oversight of the program, including random audits of those who use the program.

Tightening the law to ensure that U.S. workers have the first opportunity at high-paying, high-skilled jobs in this country is a no-brainer. Yet there is so much opposition to this philosophy. I just cannot believe the opposition. As I stated earlier, the majority in the last Congress—and that happened to be a bipartisan majority—pushed for changes to the H–1B program but voted against every single amendment I offered to ensure that U.S. workers were given priority.

Now there is a lot of fanfare and a lot of talk about a high-skilled bill that has been reintroduced in the Senate that would increase the annual number of H–1B visas. The sponsors of the bill claim it will ''boost our competitiveness in the global economy.'' This bill only makes the problems worse. It doesn't plug the loopholes. It doesn't make sure American workers are put before foreign workers. It doesn't ensure that employers don't use the program to pay cheaper wages, which then in turn disadvantages U.S. workers.

The H–1B program could be a very worthwhile program. According to the original intent, I obviously would support it because we want workers to do the jobs that need to be done in America, but it should first be people who are already here.

Our employment-based immigration programs could have served and could again serve a valuable purpose if used properly. However, they are being misused and abused. They are failing the American worker. Reforms are needed to put integrity back into the programs and to ensure that American workers and students are given every chance to fill vacant jobs in this country. So I am putting my colleagues on notice that I am committed to this effort. As chairman of the Judiciary Committee, I don't intend on allowing legislation to move through this body without reforms to the H–1B program that protect American workers.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:05 p.m., adjourned until Wednesday, February 25, 2015, at 9:30 a.m.