United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 116th CONGRESS, SECOND SESSION

Vol. 166 WASHINGTON, THURSDAY, FEBRUARY 27, 2020 No. 39

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of might and mercy, thank You for providing our lawmakers with opportunities for courageous and noble service. Inspire them to labor for Your glory in all they think, say, and do. Illuminate their minds with the light of Your divine precepts.

Lord, equip our Senators for their tasks that they may be physically fit, mentally alert, morally straight, and spiritually strong. Create in them the life of purity, honesty, and altruism that contributes solutions to the problems they face.

May they work with perseverance and magnanimity for the new and better day toward which Your divine intentions guide them.

We pray in Your faithful Name. Amen.

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. TILLIS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask permission to speak in morning business for 1 minute.

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

RECOGNIZING IOWA STAFF

Mr. GRASSLEY. Mr. President, I would like to recognize what my staff in Iowa does because I can't be in Iowa all the time. I am in Washington, DC, for long periods of time.

This is my 40th year holding Q&A in each of Iowa's 99 counties. My regional staff is also committed to holding meetings across Iowa. My Iowa staff serves as my eyes and ears when I am working in Washington, DC. That is why they host mobile office hours in every county and attended roughly 1,400 meetings across the State last year.

My regional directors tour hospitals, businesses, and childcare centers. They meet with disaster victims, government officials, and senior citizens. They attend ribbon cuttings, community forums, and legislative discussions.

Serving Iowans is my top priority. I urge Iowans to contact any of my six offices across the State if I can be of assistance on Federal matters.

I yield the floor.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

CORONAVIRUS

Mr. MCCONNELL. Mr. President, the continued spread of the coronavirus—COVID–19—has the world on notice.

Here in the United States, we are fortunate not to be facing an immediate crisis.

In response to early reports of the outbreak, the administration began monitoring efforts and enacted commonsense travel restrictions to help blunt and delay the spread of the virus here in our country.

Obviously, as our public health experts remind us, a nation of nearly 4 million square miles and more than 300 million people cannot be hermetically sealed off from the rest of the world. There seems to be little question that COVID–19 will eventually cause some degree of disruption here.

The question before us now is how we can help the administration and our professional medical experts continue their efforts to take advantage of this head start. Our task is to make sure these dedicated professionals have what they need to continue preparing in ways that are calm, smart, and effective.

Here in Congress, first and foremost, that means providing additional surge resources for the comprehensive Federal response. It is our job to ensure that funding is not a limiting factor as public health leaders and frontline medical professionals continue getting ready.

That is exactly why, several days ago, the Trump administration submitted an initial request for supplemental funding to begin the conversation. It was exactly the kind of action that many of our Democratic colleagues had been demanding, but as soon as the administration did take action, to the apparent puzzlement of basically everyone, including his fellow Democrats, the Democratic leader began launching partisan political attacks at the White House instead of working together to get this done.

Just days ago, the Democratic leader signed a letter ''strongly urging'' this kind of funding request, but almost the instant it arrived, he began blasting it as ''too little too late,'' and our colleague continued to move the goalpost.

His strong views on the necessary amount of funds varied daily. It has been a strange and clumsy effort to override normal, bipartisan appropriations talks before they even happen and replace them with top-down partisan posturing.

Everyone from his fellow Democrats to President Trump have seemed perplexed by the Democratic leader's political game playing. It is not clear to

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

anyone why he is prioritizing fighting with the White House over simply letting the appropriators do their work.

I feel confident that the coronavirus does not care about partisan bickering or political news cycles. This new disease is not going to press pause so that Members can engage in performative outrage that gets us further from results rather than closer.

This is our first step in confronting the challenge. The Congress must be prepared to work together across the aisle in a collaborative way and actually get results.

Fortunately, it appears we will have an opportunity to put this cynicism behind us quickly and move forward in a unified way.

Bipartisan discussions are already underway among our colleagues on the Appropriations Committee. I have full confidence that Chairman SHELBY, Senator LEAHY, and our colleagues are fully capable of handling this quite well.

I have faith the committee will carefully consider the right sum to appropriate at this time to ensure our Nation's needs are fully funded. I hope they can work expeditiously so the full Senate would be able to take up the legislation within the next 2 weeks.

And I hope, as we move forward through this challenge, this body can put reflexive partisanship aside and uphold the spirit of cooperation and collaboration that this will require.

TRIBUTE TO LAURA DOVE

Mr. MCCONNELL. Mr. President, now, on an entirely different matter, earlier this week I said paying tribute to departing Senate staff is one of my favorite and least favorite things to do, simultaneously.

So I am especially unhappy to be back at it again today.

There is almost nobody—nobody—in this institution with whom I have worked more closely, or whose counsel I have sought more frequently, over the past 6½ years than Laura Dove.

Few people actually understand how important the Secretaries for the Majority and to the Minority are to this institution. These two officers supervise each side's cloakroom and floor staff. They are sort of like air traffic controllers who help Senators sequence the bills, amendments, and nominations that we vote on. They keep every office apprised of what exactly has happened, is happening, and will happen on the floor.

They serve as in-house procedural experts to each side, advising the leader and the chairmen. And they build close relationships with every Member of their side, trying to ensure the floor schedule reflects everything from Senators' policy priorities to their personal scheduling conflicts.

And while the two Secretaries are doing all this work in parallel with each other, they are also constantly working together. On many daily questions of process and of timing, their one-on-one relationship is the diplomatic frontline between the two sides of the aisle.

The Senate, as you know, is a consent-based institution. Almost every practicality is made much easier with bipartisan agreement—from scheduling major votes to packaging nominees, to literally turning the lights on every morning. And it is often Laura and her counterpart, Gary, who hammer out those details.

Consider the limitless scope of this job. It is no wonder Laura has made a certain piece of human resources phraseology into her personal mantra and her cloakroom's motto: ''Other duties as assigned.''

The Secretary for the Majority is essential to the Senate, and so Laura has become essential to all of us.

There cannot be many father-daughter pairs in world history—in world history—who have bonded over parliamentary procedure, but the fact is, it doesn't just seem like the Senate is Laura's natural habitat; she literally grew up in this place.

Laura's father, Bob Dove, started in the Parliamentarian's Office in the 1960s. He kept rising, and in the 1980s and 1990s, he was the Parliamentarian.

Bob was known for a wry saying he would repeat after tough days: ''You may love the Senate, but the Senate may not love you back.''

Unfortunately, for his family, one of the Senate's love languages turns out to be keeping people here late at night, which meant that the Dove family dinners, orchestrated by Laura's mom, Linda, sometimes happened in the corners of this very building.

The exposure sparked Laura's curiosity. Those family dinners turned into days off from school, spent wandering the halls and trying to imitate the duties of the pages. Then she put on the page uniform herself, and that is how this distinguished decades-long Senate career began: delivering notes, filling water glasses, and studying for math tests in the attic dorms of the Library of Congress.

That was the mid-1980s. Laura debuted in the cloakroom right around the time I debuted as a freshman Senator. Neither of us knew what awaited us.

From the lowest rung to the top of the ladder, Laura threw herself into literally everything. At every step, no task was too insignificant and no challenge was too great. Laura has had a hand in every accomplishment of this institution for nearly a decade. She has played a significant role in literally every single victory of this majority.

Her job performance alone would be stunningly impressive. But what is even more unfathomable is the level of kindness and good cheer she has maintained while doing it. She seems to begin every day with a smile on her face and a show tune on her lips. She treats everybody with the same respect and simple kindness, from the pages whom she invites over for home-cooked holiday meals to the Senators whose family details she has committed to memory.

She is as happy tutoring junior staff in Senate basics as talking strategy with senior members. No matter how late the floor was open the night before, the same Laura clocked in the next morning, full of joy and maybe a new recipe to share with fellow Senate foodies.

Laura reminds us that the Senate's strength comes from its people. She has embodied this in her professional conduct, fighting to preserve and protect this institution as she helped us navigate through it, and she has embodied this institution in her personal character as well. She treats everybody with such warmth and respect as though this Chamber were our shared second home—and in some cases, it literally has been.

This staffer is so dedicated that she has rung in major milestone birthdays on these very premises, stolen sleep on a couch during overnight sessions—you get the picture.

Few were shocked when Laura's previous attempts to leave the Senate fizzled out after a year or so. I remember being relieved when I got another year, but I suspected she would be back.

But this time is different. In recent months, I know Laura has grown more and more excited to reallocate some time from her second home to her real home, to the family she has built with her husband Dan and their children, Abby and Jake.

Laura loves this body, its rules, its quirks, and its history more than almost anything. I say almost anything. But she loves a family dinner with those three, a glass of Chardonnay, and a game night by the fireplace even more. And as they prepare to send their oldest off to college soon, that time is becoming extra precious.

For us Senators it is hard to imagine what it is going to feel like next week when Laura is not here. I imagine she may feel the same way. But I know this: Those of us who remain will frequently ask ourselves ''What would Laura do?'' And whether the issue at hand is institutional or strategic or culinary, we will know asking that question will point us in the right direction.

I also know that Laura will be departing with some new wisdom of her own. She will know that, in a rare occurrence, her brilliant father actually got one thing wrong—that funny old saying: ''You may love the Senate, but the Senate won't love you back.'' Well, his daughter will leave knowing that is only half true.

So, Laura, this institution cannot thank you enough, nor can this majority, nor can I. But I feel certain you will never quite be a stranger to the Senate. I don't think you could manage it even if you tried. So we won't say goodbye. We will just conclude with one more piece of Laura lingo she made famous: ''Ciao for now.''

MEASURE PLACED ON THE CALENDAR—S. 3339

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3339) to restore military priorities, and for other purposes.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

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

The PRESIDING OFFICER. The majority whip.

Mr. THUNE. Mr. President, I want to join with the leader and my colleagues in thanking and recognizing Laura Dove, who is leaving us and the Senate at the end of the week. I don't think there is anybody else more identified with the U.S. Senate by Senators and their staffs than Laura.

When the leader was arriving here as a freshman Senator, I was arriving as a young 24-year-old staffer and happened to, I think, overlap, as well, when Laura was a page here. So she has been here; this has been her life; and many of us have had the opportunity through the years to observe her in action and to realize not only how talented and gifted she is but what a person of incredible integrity and character as well.

She spent more than two decades serving in the Senate and three weeks serving as my seatmate during the impeachment trial, which I am hoping wasn't the last straw in convincing her to retire.

For the last 7 years, she has been the Secretary of the Minority and Majority, a role that involves managing the Republican cloakroom, helping develop the floor schedule, keeping Members informed about votes, and providing Members with legislative and parliamentary counsel.

Laura has done all that and more over the past 7 years and has done it with distinction. All of us on this side of the aisle rely on her counsel, and there is no way we would have been able to accomplish all that we have accomplished in the past few years without her wisdom and expertise. She has the rare ability to tell Senators no—always with a smile—and actually have them listen.

I have sought Laura's advice many times, especially since becoming whip last year, and I will greatly miss her counsel, although I am hopeful she will be leaving a forwarding address for future questions.

As the leader pointed out, you might say Laura was raised on the Senate. Her father Robert ''Bob'' Dove twice served as Senate Parliamentarian and had a Senate career that spanned nearly 40 years, so Laura grew up steeped in Senate procedure and tradition.

But her own career began as a Senate page, and I think perhaps her proudest accomplishment in the Senate has been mentoring literally the scores of pages who have passed through the Republican cloakroom on her watch. I know she has made their experience a richer and more meaningful one.

So, Laura, we thank you for your tireless work, the long days and the nights you put in. Your wisdom, patience, and unfailing good humor will be sorely missed by Senators and staff of both parties. We wish you all the very best in your future endeavors, and I hope that your next job will involve fewer late nights and more time for leisure, including loading up the RV and making another trip to the Black Hills of South Dakota.

5G

Mr. THUNE. Mr. President, most of us think that today's internet is pretty fast. We receive traffic updates basically in realtime, get emails within a second or two, and stream our favorite shows whenever and wherever we want. But as advanced as today's internet is, the next generation of internet 5G will make 4G look like dial-up.

For instance, 5G mobile broadband technology will deliver speeds up to 100 times faster than what today's technology can deliver. It will be vastly more responsive than 4G technology, and it will be able to connect 100 times—100 times—the number of devices that can be connected with 4G.

While that will make it even easier to do the things we do today, like check our email or stream our favorite shows, the biggest benefits of 5G will lie in the other technologies it will enable—precision agriculture, medical and surgical innovation, safer vehicles, and much more.

The technology for 5G is already here, but there is more work to be done to get to nationwide 5G deployment. A key part of getting to that point is developing the workforce that will be required to install and maintain the 5G network.

Current internet technology relies on cell phone towers, but 5G technology will require not just traditional cell phone towers but small antennas called small cells that can often be attached to existing infrastructure like utility poles or buildings.

Wireless providers will have to install nearly 800,000 small cells around the Nation to support a nationwide 5G network. Of course, after installation, every one of those small cells will have to be monitored and maintained. That will require a substantial increase in the telecommunications workforce.

It is estimated that deploying the necessary infrastructure for 5G will create approximately 50,000 new construction jobs each year over the build-out period, and that is just for construction. Right now there simply aren't enough workers with the necessary training to meet the needs of nationwide 5G.

Industry and community colleges have stepped forward to provide training opportunities, but more work needs to be done if the United States wants to step forward into the 5G future.

As past chairman of the Commerce Committee and the current chairman of the Subcommittee on Communications, Technology, Innovation and the Internet, 5G has long been a priority of mine. I have spent a lot of time focused on advancing 5G deployment, especially to rural States like my home State of South Dakota. I was very proud to be in Sioux Falls a few months ago when the city unveiled one of the first 5G networks in the country.

In 2018, the President signed into law legislation that I developed to increase access to critical spectrum, and I have also introduced legislation to facilitate small cell deployment, especially in rural areas.

Today, I am introducing legislation to address the other part of the 5G equation—creating a large enough workforce to deploy and maintain all those small cells. As I said, industry and community colleges have both stepped forward to provide programs to train workers. Places like VIKOR Teleconstruction and Southeast Tech in Sioux Falls, SD, are already helping to train the 5G workforce of the future. But more work needs to be done.

My Telecommunications Skilled Workforce Act would help increase the number of workers enrolled in 5G training programs and identify ways to grow the telecommunications workforce to meet the demands of 5G. My bill would require the Department of Labor to bring together our Federal partners, as well as individuals on the ground, deploying next-generation telecommunications services. The resulting working group would be required to identify any current laws or regulations that are making it difficult for educational institutions and businesses to establish programs to help meet the workforce needs of the telecom industry.

It would also be required to identify existing Federal programs to help address workforce shortages, as well as ways the Federal Government could encourage or incentivize growth in the telecommunications workforce, including the deployment of fixed broadband in our rural areas. My bill would also direct the Department of Labor and the Federal Communications Commission to issue guidance for States to help them leverage existing Federal resources for growing their telecommunications workforces and to help them improve recruitment for industry-led telecommunications development programs like the Wireless Infrastructure Association's Telecommunications Industry Registered Apprenticeship Program.

I appreciate my colleagues, Senators Tester, Moran, and Peters, for partnering with me on this bill.

Getting to 5G in the near future is important for our whole country—both economically and for the advances it will bring in fields like medicine and

auto safety—which is why it has been a major priority of mine over the past few years.

I am particularly motivated by the benefits that 5G could bring to my home State of South Dakota. The ability to deploy precision agriculture on a wide scale would have huge benefits for South Dakota farmers. Better access to telemedicine could bring better healthcare to thousands of residents in my home State and other rural areas. To get to these benefits, we have to ensure the telecommunications companies are able to find the workers they need.

I hope we can quickly advance this legislation so the United States can continue her march into the 5G future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HYDE-SMITH.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LAURA DOVE

Mr. GRASSLEY. Madam President, I come to the floor for two reasons. I am first going to recognize the good work that the Secretary for the Majority, Laura Dove, has done for the entire U.S. Senate, particularly for the majority but mostly for the smooth running of the Senate.

Before I speak on another issue, I want to associate myself with the great comments that Leader MCCONNELL made this morning about the work of the Secretary for the Majority, Laura Dove. Laura's work in the U.S. Senate has been tremendous, with over 20 years of service. Few know Senate procedures as well as Laura Dove. She keeps the Senate firing on all cylinders, working for the American people.

I am a Senator who hasn't missed a vote in almost 27 years. Laura Dove and the Republican cloakroom, partnering with her and with me in my commitment to not miss a vote—they ensure that I am here when I am needed for those votes. I thank Laura for helping me serve the people of Iowa effectively.

I wish Laura all the best in her next chapter. There is no doubt that we will miss her sharp intellect and warm smile here in the Senate Chamber.

MINOR LEAGUE BASEBALL

Mr. GRASSLEY. Madam President, as Iowa farmers count down the days to get into the fields, baseball fans are counting down the days for that first pitch to cross the plate. As a farmer and also as a baseball fan, hope springs eternal.

However, we have gotten wind that Major League Baseball is throwing local clubs a curve ball—a curve that would hurt baseball, hurt local economies, and the fields of dreams in my home State. That is three strikes right there.

I have got news. Don't count us baseball fans out. These local communities and this U.S. Senator aren't going to sit on the sidelines. Now, here is the news: Major League Baseball said that it may cut ties with as many as 42 Minor League clubs, including three historic affiliates in Iowa: The Burlington Bees, the Clinton LumberKings, and the Quad Cities River Bandits.

I have been in communication with the deputy commissioner of Major League Baseball, Dan Halem, both in letters and on the phone, about the importance of these teams to Iowa. I am sure a lot of my colleagues have made the same contacts.

I have also joined, with a bipartisan group of my colleagues, in introducing a resolution today supporting all Minor League Baseball teams across the country. For generations of Iowans, these ball clubs are a vibrant source of civic pride, a vibrant source of entertainment, and—would you believe it—also a vibrant source of economic development.

While I have been to just a handful of Major League Baseball games, I have fond, fond memories of going to Minor League Baseball games in Waterloo, IA. We call them the Waterloo White Hawks, a club team for the Chicago White Sox. I had an opportunity, as a young person, to see Luis Aparicio play there in Waterloo before he made it big in the majors as a shortstop for the Chicago White Sox.

You can see that I want Iowans to continue to have that same experience. For the record, I am and will always go to bat for Iowa. As Iowa's senior Senator, I will do what I can to ''root, root, root for the home team.''

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

The PRESIDING OFFICER. (Mr. SCOTT of Florida.) Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Travis Greaves, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

The PRESIDING OFFICER. The Senator from Wyoming.

HEALTHCARE

Mr. BARRASSO. Mr. President, I come to the floor today as the Democrats continue to scare the American public when it comes to their healthcare.

This week's Democratic Presidential debate the other night in South Carolina was a free-for-all. Their frontrunner, a man I believe to be a dangerous democratic Socialist, BERNIE SANDERS, is in the spotlight, and he seems to be in the lead. Socialist tax-and-spend policies remain on full display.

The top policy priority of the Democrats would destroy healthcare freedom in America. They are proposing a complete government takeover of our Nation's healthcare system—a complete government takeover. They call it Medicare for All, but let's take a look at what that actually means. It means that 180 million Americans who get their health insurance through work would lose that insurance. They would lose that health insurance. Washington bureaucrats would be in control of healthcare.

The Sanders proposal has a price tag of $34 trillion—$34 trillion with a ''t.'' It would bankrupt the country and everyone in it. The only way to even try to pay for it is with massive, across-the-board tax hikes, and BERNIE SANDERS said he is willing to do it.

Do not be deceived when they first talk about targeting the rich because the tax increases would hit working families and even people making $29,000 a year. That is according to BERNIE SANDERS' own math. And taxes are likely to double. Medicare for All would deliver a crushing blow not only to family budgets but I believe to the entire economy. It would end America's success story.

Thanks to Republican tax and regulatory relief, we have a record-setting economy, record low unemployment, record job growth—7 million new jobs. Wages are rising. Middle-class wages and blue-collar wages are going up. It is a worker windfall, a blue-collar boom. A record 61 percent of Americans say they are better off financially than when President Trump took office. People are confident about the future, and the President's job approval is at an alltime high.

Still, the 2020 Democrats don't seem to get it. You don't hear a positive word about the economy. Instead, Democrats seem to attack one another and try to move further and further to the Left. During the debate last week, the crowd actually booed a defense of free markets.

Some Democratic candidates are proposing a scaled-back version of Medicare for All that they call a ''public option,'' but this proposal would create a

government health plan to compete with work-sponsored health insurance. Don't be fooled—that public option would hurt patients across the country, especially people living in rural areas. It would disrupt insurance coverage, slash funding for doctors and hospitals, and would force local hospitals and clinics to close. Simply put, a public option is a pit stop on the road to 100 percent government-run healthcare in America.

Clearly, Democrats are ignoring their own voters. Union workers across the country are telling Democrats: Don't touch our hard-earned healthcare benefits. People don't want radical healthcare schemes, which is what the Democrats are proposing. People care more about their pocketbooks. They want their own healthcare, but they want it at a lower cost. That is what I hear every weekend at home in Wyoming.

Americans are struggling to pay for insurance premiums for doctors, for hospitals, and for prescription drugs. According to a new POLITICO-Harvard poll, 8 in 10 Americans—89 percent of Democrats and 76 percent of Republicans—want us to lower their healthcare costs. Seventy-five percent say we must lower the costs of prescription drugs. I agree. The Kaiser Family Foundation reports that nearly one in four people is having trouble paying for their prescriptions. But Socialist policies are the wrong medicine. They will only worsen the problems.

Republicans are listening to people's concerns. We have commonsense solutions to lower out-of-pocket costs without lowering standards. I am a doctor, the husband of a breast cancer survivor, and the son of a 97-year-old mother. Let me assure you, Republicans will always protect vulnerable Americans, especially people with preexisting conditions. The Republican healthcare agenda is about giving patients more choices and better healthcare. It is about improving healthcare access and affordability.

Working with President Trump, we are already providing much needed relief from costly ObamaCare taxes. These unfair taxes hurt working families, they hurt small businesses, they hurt seniors, and we have ended them.

Now we are working to drive down drug costs. As part of this effort, in December, I joined six Republican Senators to introduce the Lower Costs, More Cures Act. This legislation would limit out-of-pocket drug costs for people with Medicare Part D plans. We also ended the drug price gag rule to help patients find more affordable drugs. We are working to end surprise medical billings. These unexpected, unreasonable, and unaffordable bills undermine families' finances. It is an intolerable practice, and it must stop.

Republicans are delivering better healthcare. Still, to make more progress, we need Democrats to work with us. It is time to come together. It is time to cooperate. It is time to find common ground. I will tell you, taking away health insurance from 180 million Americans who get it through work is not common ground. There is no common ground. That is the direction of the Democratic Party. We need to find common ground. Taking insurance away from 180 million Americans who get it from work and then giving free health insurance to illegal immigrants and raising taxes from Americans to pay for it is not common ground.

Let's work together to give patients the high-quality care they need from a doctor they choose at lower costs.

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 roll.

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

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

TRIBUTE TO PETTY OFFICER EVAN GRILLS

Mr. SULLIVAN. Mr. President, as expected, it is time for our ''Alaskan of the Week'' speech. One of the most fulfilling things I get to do as Alaska's U.S. Senator is to come down to the floor of the Senate and talk about the people in my State who are making a difference in their communities, in the State, and in the country. It is a great opportunity in which to do that.

I always encourage people who are watching and listening to come to the great State of Alaska for a visit. You will love it. It will be the best trip you ever take. I guarantee it.

I know the pages enjoy this speech each week because it is a story of what real people are doing and, in many cases, of humble heroes. Usually, these are happy stories that I get to talk about, but sometimes they aren't happy. The story I am going to tell today is, in fact, a very, very tragic one, but it contains the kind of heroism and selflessness that can spring from a tragedy and literally inspire a State or a nation.

If you are listening, I think you are going to be inspired.

I have said on the floor before that we are a State—an enormous State, a big State in the country, by far—but that we are also a family and that, when something happens to members of our families, we all grieve. This is particularly true of the town of Kodiak, AK, and of the fishing community, both of which suffered a tremendous loss on New Year's Eve in the Gulf of Alaska when a crabbing boat, the *Scandies Rose*, sank into the freezing waters, taking with it five fishermen.

Of the five fishermen—including Seth Rousseau-Gano, Brock Rainey, and Arthur Ganacias—Captain Gary Cobban, Jr., and David, his son, were both from Kodiak and perished with the crew. Blessedly and remarkably, there were two survivors—John Lawler, of Anchorage, and Dean Gribble, of Washington State. I mention that almost as a miracle. They were saved because of the bravery and the heroism of our Coast Guard rescuers, who flew through gale force winds and 30-foot-high swells to rescue these survivors. Credit goes to all of the Coast Guard members throughout the country but particularly to those in Kodiak and specifically to those who were on the flight—the pilot, LT Christopher Clark, the copilot, LT Jonathan Ardan, and the mechanic, Jacob Dillon.

As I said, they are all heroes in this story, but I want to specifically highlight the role of the rescue swimmer that evening of New Year's Eve—25-year-old PO Evan Grills. Now, Evan is a relative newcomer to the great State of Alaska, but his heroism in saving two lives more than qualifies him to be our Alaskan of the Week.

Before I get into the story of this perilous mission, let me tell you a little bit about the fishing community in Alaska and why our Coast Guard is so very valuable.

Alaska's seas are the most productive in the world and, by the way, the most sustainably managed in the world. More than 60 percent of all seafood harvested in the United States of America comes from Alaska's waters—6–0. I like to refer to our State as the superpower of seafood, which we clearly are, and our fishermen are probably the hardest working small business men and women around the world. They work hard. They take huge risks. And they produce a product that is second to none anywhere on the planet. They face brutal conditions at sea and sometimes very tough conditions in the market, but they love their work. They love the vital role they play in supplying the best tasting, most sustainable wild fish products to America and the globe—literally, the best.

The industry used to be incredibly dangerous, and it is still the Nation's second-most dangerous profession. I am sure a lot of the viewers have seen the show the ''Deadliest Catch,'' but unlike in previous decades, the culture has trended more toward safety. Most Alaskan fishermen you will meet, though, will have a harrowing story of a time at sea, and, of course, they will have harrowing stories of rescues.

Kodiak, AK, where the *Scandies Rose* is home-ported, is at the center of our fishing community. Kodiak is one of the largest fishing ports in the entire United States, both in terms of value and in terms of quantity. For those who have never been there, they have to go to Kodiak, AK. It is a magical, beautiful place. It is an island—one of the biggest islands in America. It is about the size of New Jersey—with beautiful, wonderful people, with tough people. By the way, the biggest brown bears on the planet all reside in Kodiak. The heart of Kodiak beats fish, and when one of its own perishes at sea, the whole community mourns, as it is still doing for Gary, Jr., and David Cobban—two hard-working, fine fishermen from a great family.

Kodiak is also home to the largest Coast Guard base in the United States—the 17th District. By the way, we are making that base bigger, with more assets and more aircraft coming to Alaska, because we need it. As the chairman of the subcommittee in charge of the Coast Guard, I am going to continue to make that happen, for sure. In an average month in Alaska—get this—the Coast Guard saves 22 lives, performs 53 assists, and conducts 13 security boardings and 22 security patrols. This is in 1 month. Think about that. That is daily heroism for Alaska and for America. They do this all in the largest geographic area of any Coast Guard district in the country—nearly 4 million square miles—in some of the most challenging weather environments on the planet. That is what the men and women of the Coast Guard do in my great State every single day.

Now, being a rescue swimmer in the Coast Guard is an elite assignment. Being a rescuer in the Coast Guard station in Alaska is, according to our Alaskan of the Week, PO Evan Grills, the ''tip of the spear'' of this elite assignment. So let me tell you a little bit about Evan.

Raised in Stuart, FL—the home of our Presiding Officer, Florida—the military had always appealed to Evan. His grandparents and uncles were marines. As a Marine colonel myself, I say ''Semper Fi'' to them. Some of his older friends and mentors went on to the academies, but going overseas didn't really appeal to Evan. Serving in the United States and saving American citizens at home did, as did the tough training required to be a Coast Guard rescue swimmer. ''It's the most elite [assignment],'' he said, ''and that's what appealed to me, [so I joined].''

Evan had been in Alaska for less than a year when, on New Year's Eve—just 2 months ago—the call came in that a boat that was about 170 miles southwest of Kodiak was in trouble.

Having trained mostly in swimming pools, this rescue—the one he was being called upon—was going to be his first. Think about that. Your first rescue—and I am going to describe conditions that would terrify anyone. Nothing prepared him for what he would soon be undertaking.

Mr. President, let me transport you now to this crabbing boat, the *Scandies Rose*, in the Gulf of Alaska on New Year's Eve. The winds are 40 knots. The seas are 30 feet. The boast is listing to the starboard side. It is 10 degrees out. Everything is freezing. It is nighttime. It is very dark.

It was clear the boat was going down, but the captain, heroically, with minutes to spare, was able to get off a mayday call and in doing so let the Coast Guard know exactly where to find them and, as a result of the captain's heroic actions, save two lives.

The two survivors, Dean Gribble, Jr., and John Lawler, managed to get into their survival suits and a life raft and waited to be rescued in these heavy, rough seas. It was a 4-hour wait. It was very, very cold. They were covered in ice. The seas were pitching their raft. They were hypothermic, it was pitch black, and they had no idea if anyone was coming.

Gribble told a reporter that during the wait, he talked to John.

We're not going to die today, John. This isn't our time. We're not dying today.

Even though, in his head, he knew they would die if a rescue didn't come soon. Then they saw the lights from the helicopter, with Evan Grills aboard, hovering above like an angel coming to save them. But it wasn't a given that in those conditions, they could even conduct a rescue; that it would be safe for the rescuer to jump in 30-foot swells to save them. To even try in these huge waves, in 40-knot winds, in icy conditions, was a danger to the crew and the pilots. The flight from Kodiak in those conditions had taken 2 hours, and the helicopter was short on fuel. They only had minutes left to make the decision whether to try to rescue them or turn around and go back to Kodiak. That, combined with the extreme winds and seas and freezing temperatures, made any attempt at deploying a rescue swimmer very, very risky.

The pilots conferred with our Alaskan of the week, Evan. They were nervous for his safety. They were hovering. They had to hover high because they didn't want to be hit by waves.

''Are you good with the plan?'' they asked.

''I guess so,'' Evan said.

This was the first rescue of his career. I don't think there was much of an option not to do it. A thousand different thoughts went through Evan's head when he leapt into the frigid waters in a gale-force storm in pitch darkness, risking his life to save others.

When he reached the first survivor, he said:

I knew exactly what to do and how to do it. It was almost second nature.

His training kicked in. His great Coast Guard training kicked in. He explained the hoist he had come down with—that came down from the helicopter to the first survivor and how it worked to be hoisted up into the helicopter. And then to the second survivor, he said, ''We're going to go up in this hoist together. Relax. I've got you covered.'' Calm. Courage. Heroic. And he did. He had them covered.

These are the actions of a hero, a true American hero, a true Alaskan hero. These are actions that need to be celebrated and known in our country. How many Americans or Alaskans, even, read about what this young man did to save lives on New Year's Eve when the rest of America was celebrating and having fun? Well, now they know.

But there are five, as I mentioned, who tragically couldn't be saved. We know their memories live on. And in Kodiak, the community, the family, and the loved ones of the Cobbans are beginning the long, slow process of healing.

As for Evan, our Alaskan of the week, he thinks a lot about those who were lost, wishing he could have done more, but he is grateful he was able to save two lives. He is also grateful for his training and what the Coast Guard does and how what he had trained for as a rescue swimmer worked. So he knows and now has the confidence that he can save others when they are in trouble.

''That's the core of it,'' Evan said. ''Obviously, we don't ever want anybody to get in trouble on the seas''—particularly the rough seas of Alaska—''but they do. And I'm happy I have the skills and training to save them.'' Spoken like a true, humble hero, which this young man is.

We are also glad you have the skills and training to save others, Evan, and we want to thank you.

Petty Officer Grills. Semper Paratus. Thanks for all you are doing. Thanks for your courage, your example, your inspiration, and thank you for being our Alaskan of the week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TRIBUTE TO LAURA DOVE

Mr. PORTMAN. Mr. President, I would like to start this morning by talking about a friend of ours who has chosen to move on and leave the Senate and spend more time with her wonderful family. I certainly understand that because the job she has, which is Secretary for the Majority, is more than a full-time job; it is living, breathing, sleeping this place, and she does a great job at it.

Her name is Laura Dove. She has been doing this particular job for 7 years. Prior to that, she actually was here on three different occasions, as I understand it, working for the Senate. She grew up with it. Her dad was the Parliamentarian here for 36 years.

Laura is a consummate professional. I work with her a lot on legislation. She helps me to get things through the process here, which is not always easy, but as significant, she works very closely with her counterpart on the Democratic side of the aisle and figures out how to get stuff done, how to keep this place operating so that the world's greatest deliberative body, as they call the U.S. Senate, can meet its great potential and expectation.

So, to Laura Dove, we are going to miss you. As much as we understand why you need some time with your family right now and your great, great kids, we are going to miss you a lot.

WORKFORCE DEVELOPMENT

Mr. President, I am here on the floor today to talk about how this strong American economy has led to historic workforce needs and how, if we do the right things to respond to that problem, it can become an opportunity—an opportunity to bring Americans off the

sidelines, who for too long have not been in the workforce or have been underemployed, to bring them back in to work.

It gives us the potential to do two things. One is to strengthen the economy. It is already strong, but it would be even stronger if we could fill this gap. By the way, if we don't fill this gap, if we don't provide the workforce, the economy will weaken. Second, it is to help millions of Americans who are not working, on the sidelines, or who are underemployed to find meaningful employment with good pay and good benefits.

Pro-growth Federal tax policies, regulatory policies, and other policies over the past few years have worked. Some of us have talked about the need to reform the Tax Code and make it work better. A trillion dollars has been invested in the U.S. economy since tax reform. As an example, we have seen unemployment at low levels—3.6 percent unemployment today, which is just about a 50-year low in terms of unemployment.

The Congressional Budget Office has told us through recent data that we have grown at a steady 2.3 percent rate in the past year. That is good. This unemployment number is important, but also important is that we are seeing wage growth. In fact, we have now had 18 straight months of wage growth of over 3 percent. It is the first time we have had this in at least a decade. That is very important because you think about really, for the past decade, what we have had is flat wages or even declining wages relative to inflation. That is certainly true in my home State of Ohio. It has been about a decade and a half since we have seen any real wage growth. Now we have this steady wage growth.

In fact, among blue-collar workers—what the Labor Department says—nonsupervisory employees have seen the highest percentage increase in wage growth. For blue-collar workers, there has been a 6.6-percent wage growth over the past 2 years. By the way, that is about $1.50 an hour on average.

It is a big deal, and it is very important because that was one of the great objectives we had in tax reform and tax cuts, was to ensure that we get the economy moving and give people the chance to earn more, to be able to have a feeling that if they worked hard and played by the rules, they could get ahead. We are seeing that. That is great news for the American people and great news for the folks I represent in Ohio who are finally benefiting from higher wages.

At the same time, I am hearing from small business owners all over the State of Ohio—in fact, businesses at every level—that although they are able to move forward and add jobs, they are looking for workers, and that workforce is their biggest single challenge.

We have now had 22 straight months of more jobs being offered than there are workers looking for work—22 months, almost 2 years of that. So there are a lot of openings out there.

One thing that is interesting is that even though the economy is strong and we have unemployment at about 50-year lows, there still are people on the sidelines who aren't coming in to work, as they would normally. Economists call this a low labor force participation rate. What that means is, even though we have a strong economy and lots of jobs out there, there are still millions of Americans who are on the sidelines. It is estimated that there are about 8 million working-age men—this would be between the ages of 25 and 55—who are not looking for work today.

This means the unemployment number which I mentioned earlier, at 3.6 percent, which is a very low number—almost a 50-year low—is not the real number. The real number is actually higher than that if you assume a normal labor force participation rate. In other words, if you had some of these people who are out of work—I mentioned the 8 million men—coming into the workforce, the unemployment rate would be higher. In fact, if you go back to what the normal labor force participation rate would be just before the last great recession, the unemployment rate today would be about 7.6 percent, so about double what it actually is. That is an opportunity. That is an opportunity.

Now, why aren't these folks working? Well, there are a number of reasons for that. Let's be honest. We don't really know. We have done a lot of analysis of it in our own office trying to figure it out, and part of it is the opioid crisis, I am convinced.

I have come to the floor 60 times in the last few years to talk about the opioid crisis. We are making progress on that now. That is good. But when surveys are done by the Department of Labor or by the Brookings Institute, they show that a substantial number, as many as 45 to 50 percent of people they survey, say they are taking pain medication on a daily basis who are out of work altogether. So those, roughly, 8 million men, for example, in one study, 47 percent say they are taking pain medication on a daily basis. Two-thirds have acknowledged it is prescription pain medication. This goes to the issue of opioids—opioid prescription drugs, heroin, fentanyl, and so on. When people are addicted, often it is impossible for them to get their act together to be engaged in work on a regular basis. So the opioid crisis definitely affects this.

Another one, of course, is a lot of people are in our jails and prisons. We have a record number of people in prison. A lot of people are now getting out. The idea of the First Step Act and the Second Chance Act, which is legislation that is actually helping to get people back to work, is important, but, frankly, if you have a felony record, it is tough to get a job. That is why we often see these people are on the sidelines.

Another issue that I think needs to be looked at is this skills gap. This is a big part of what is going on right now. There are jobs out there, but they require a certain level of skill. So it is great that we have low unemployment. It is great we have all these openings right now, but we just don't have enough skilled workers to fill those jobs that keep growing.

I visited dozens of factories and businesses over the past year, and I keep hearing: We have this job for a welder, and we can't find any welders. There are plenty of people looking for work out there, on the sidelines looking for work, but there are no welders. There is one company in Ohio that told me they can hire up to 100 welders. It is a big manufacturing company. In Ohio and across the country, there are lots of these job openings for machinists, medical technicians in hospitals, and there are a lot of techs who are wanted right now—computer programmers, people who know how to code. Coding is really important right now, particularly as you go into medical electronic records, as an example.

If you look on ohiomeansjobs.com this morning—and that is a website that is up there showing what jobs are available in Ohio—there are 187,000 jobs this morning being offered in Ohio. When you look at what those jobs are, you will see a lot of them require these skills we are talking about. They don't require necessarily a college degree, by the way. I am talking about technical skills. I mentioned techs and welders. I didn't mention truckdrivers, but that is one area where we need workers in Ohio. We are desperate for people who have the skills to be able to drive a truck. That requires getting a commercial truck driver's license, a CDL. These jobs are there, but they do require some level of skills training after high school.

I think that skills gap, if it can be closed, would make a huge difference right now for our economy. Obviously, we need these jobs, and if the workforce isn't there, these businesses are going to move. They are going to move from Ohio, not just to Indiana but to India because that is where the jobs are going to be if we don't provide this level of skills training.

Secondly, it is just a great opportunity for these individuals. Some are young people coming up, some are people midcareer. Getting skills training is so critical. Post-high school certificates are what we really need.

Deloitte and the Manufacturing Institute have highlighted this with a survey they do regularly. They say there are roughly 360,000 unfilled manufacturing jobs across the United States right now. They say it is going to get worse. They say the skills gap may lead to an additional 2.4 million manufacturing jobs unfilled over the next 10 years with a negative economic impact of $2.5 trillion. This is a big deal for our economy.

The basic training for the kind of jobs I am talking about is called career

and technical education, CTE. For those who are a little older, you might think of a vocational school. CTE is so impressive today. It is not your old vocational school, it is high-tech, using much better equipment. The schools that are taking it seriously are bringing in excellent teachers from the outside, from industry, to understand what is needed in the real world. CTE is a great opportunity for so many young people.

A few months ago, I toured the Vantage Career Center in Van Wert, OH. I go to a lot of career centers. I love to go. I am very inspired when I go. In Van Wert, they have juniors and seniors from more than a dozen school districts coming into one CTE center. They are studying things such as automotive technology, welding, nursing assistant training, carpentry, and truckdriving. They are finding when these students get out, they can typically get a job. Some are going on to further skills training. Some are going on to community college, some are going on to 4-year institutions, but for young people in high school, look at CTE. It makes so much sense.

I cofounded and co-chair what is called the Senate CTE Caucus. When I first got here in 2011, I started this with Senator TIM KAINE of Virginia. We started off having 3 of us in the caucus, and now there are 29 people in the caucus. Why? My colleagues go home, and they are hearing the same thing I am hearing, which is that we need to close the skills gap. Companies are looking for people, and it is a great opportunity for people who are on the outside to get into the inside to get a job with good pay and benefits.

Our job is to increase awareness of these skills programs as an education option. Our job is to get students who are more interested in skills training into these jobs. This month of February is Career and Technical Education Month. We are putting together a resolution. We have 57 Senators who signed on to the resolution so far, and if you haven't signed on, let us know. It is an opportunity to just raise visibility about what is working well in so many of our States and the amazing opportunities out there for our young people.

We passed some good legislation to help. In 2018, we passed the Educating Tomorrow's Workforce Act, which is working to improve the quality of CTE education programs, making sure we are using equipment and the standards of today's industry to make these programs even more effective.

But skills training goes well beyond just these great high school programs. Industry-recognized, certificate-granting technical workforce training programs post-high school are another key to close the skills gap. Think of some of the workforce training programs you have probably heard about in your community that are being offered by your community college or may be offered by a local technical school. They give people a certificate they can then take to get a job that is industry recognized. For these kinds of post-high school training programs, I think the big opportunity comes in improving access because programs are expensive and a lot of young people can't afford them. A lot of midcareer people can't afford them.

One thing we can do immediately is say: Let's expand Pell grants to include these kinds of programs. You can get a Pell grant if you want to go to a community college or go to a 4-year college or university. For some people, that is the right track, but, frankly, for a lot of people, they are looking to get these technical skills and get a certificate and get a job. There is no reason they shouldn't get the same help that the government is providing someone who wants to go to a 4-year college or university for these programs to provide the skills that are so desperately needed. In fact, I would say we ought to focus on that more. We ought to change our mindset and say: Let's not just focus on college, as important as it is—and it is the right track for some students—but let's put an equal emphasis on skills training.

We have legislation that is very simple. It says that for low-income families, where the students are eligible for Pell for college or university, let's make them eligible for one of these skills training programs that are less than 15 weeks. It has to be a high-quality program and provide this industry-recognized certificate.

Our legislation is called the JOBS Act. It makes so much sense. It is bipartisan and bicameral and we should get it done. By the way, for those students who go through a technical training program and get that certificate and end up getting a job, a lot of them do go to college, but guess who pays for it? Typically, it is the company who pays for it. So they don't end up having this big debt or burden that so many students have.

Student debt in Ohio is about $27,000 per student; whereas, if you go to one of these programs and end up getting an associate's degree or bachelor's degree or master's degree, typically you aren't paying anything because your employer is going to pay for you to get that additional training.

My hope is that we can move this legislation forward quickly. It is something I hear from everyone back in Ohio. Over the past few weeks, we held roundtables on workforce at manufacturing businesses such as Stanley Electric in Madison County and Fecon, Inc., in Warren County, and we talked about this issue with businessowners, with community colleges, with workers who are actually on the job, and all these groups agree the JOBS Act is needed and needed badly.

What is more, we know that a lot of businessowners who are getting engaged in this are willing to help these skills training programs to be more effective and to provide the skills training that actually works for them.

The JOBS Act has now been endorsed by the National Skills Coalition, the Association for Career and Technical Education, the Business Roundtable, and other groups. It is the No. 1 priority, we are told, of the Association of Community Colleges and the American Association of Community Colleges. We heard the same thing from the Ohio Association of Community Colleges when I met with them earlier this month.

I must state that I am also very pleased that the JOBS Act is included in the President's budget this year, as it was last year. I applaud President Trump and his administration for promoting this and on the work they are doing in training, internships, apprenticeships, and the JOBS Act, to provide this funding to encourage more Americans to get the skills training needed for them to have a better future. It is the best proposal out there, I believe, to help fill the skills gap right away.

There are some alternative proposals out there that limit the kind of programs that would be eligible for this by requiring them to be a certain number of hours. Our community colleges in Ohio tell me that none of their short-term training programs would qualify for some of these alternatives that people are talking about. For programs like welding, precision machining, and electrical trades, we need to get the funding into the short-term training programs now.

As I said earlier, this is CTE Month, Career Technical Education Month, so it is a good time to talk about all forms of technical education. If we make expanding these technical skills programs a priority, if we enact the JOBS Act that I have been talking about today, we are going to address the No. 1 issue we hear from our employers, and we are going to help millions of Americans have a better opportunity.

There is momentum in Ohio right now. Businesses are expanding and seeking skilled workers, but, again, the skills gap is still an impediment. We need to seize this opportunity, keep our economy moving in a positive direction, and help Ohioans develop the skills to grow in the career of their choice and fulfill their potential in life.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me comment that the Senator from Ohio is right on target. I know that when we did the authorization bills—we actually have language now that we put in to try to encourage people while they are still in high school to find out what they want to do with their lives.

One of the problems we have right now is, we have a great economy—the best economy we have had in my lifetime—but the bad side of that is, there is a lot of competition out there, and we want to make sure that people are directed into areas where they really can enjoy life and where the market

will work in their favor. We are very much concerned about that with the two bills we have done so far that has new language in there to encourage people to use pilot programs in high school to know what direction they want to go with their lives.

ABORTION

Mr. President, this week, we voted on two very important bills—the Pain-Capable Unborn Child Protection Act and the Born-Alive Abortion Survivors Protection Act. Unfortunately, my colleagues on the Democratic side voted to block these bills, but I would like to thank my colleagues, Senators GRAHAM and SASSE, for their leadership on these bills. I would like to thank Senator MCCONNELL for his efforts to bring these bills to the floor.

Now this short comment period I have here does have a happy ending, and I am actually anxious to share some things with people. When you look at these two bills—first, Senator SASSE's bill, the Born-Alive Abortion Survivors Protection Act—a bill I cosponsored in the past—it would ensure that a baby who survives an abortion would receive the same treatment as any other child who was naturally born at the same age. Now that is interesting. How many people out there realize that if someone goes to an abortion and they were not successful in killing the unborn baby, when they survive and they are out and they are breathing, they don't get the same treatment any other baby would get? People are not aware of that.

So that is what this bill is all about. That is just morally right, and I don't see why there would be any disagreement about it. The bill is not even about abortion. It is about infanticide.

It was 28 years ago that I came down here in this very Chamber to tell the story of Ana Rosa Rodriguez. This is what I said. Keep in mind this was 28 years ago. I said:

> Mr. Chairman, there is a big misconception regarding abortion and the issue of women and their right to protect their bodies. It is not that right that I object to but the right that is given them to kill an unborn fetus—an unborn child.
>
> I want to share with you a story that my colleague CHRIS SMITH told me some time ago on this very floor.
>
> Ana Rosa Rodriguez is an abortion survivor. . . . At birth she was a healthy 3 pound baby girl, except for her injury; she was missing an arm. Ana survived a botched abortion.
>
> Her mother attempted to get an abortion in her 32nd week of pregnancy when she was perfectly healthy—8 weeks past what New York State [at that time would] legally [allow]. In the unsuccessful abortion attempt, the baby's right arm was ripped off. However they failed to kill Ana Rosa. She lived. Pro-life supporters agree that nightmare situations like the Rodriguez case are probably not common, but abortion-related deaths and serious injuries occur more frequently than most people are aware.
>
> It is amazing that we [and I am still quoting from 28 years ago] can pay so much attention to issues such as human rights abroad and can allow the violent destruction of over 26 million children here at home. We are fortunate that Ana was not one of those children. She survived.

That was 1992. And today, we still don't have explicit Federal protections for babies who survive the brutal abortion process. As I said, this issue is not about abortion but about caring for a baby outside the womb. This baby is alive. It is a baby who is living in the real world.

The need for these protections has become even clearer as we see States like New York and Illinois allowing abortion for virtually any reason up to the point of birth and supporting infanticide by removing protections for an infant born alive after a failed abortion.

Just a few years ago, after that speech—and that would have been in 1997—I was on the floor with my good friend Rick Santorum to try to pass a partial-birth abortion ban and end the practice of late-term abortions. Fortunately, we won—won the battle against partial-birth abortions and finally ended that practice in 2003. That ban was upheld by the Supreme Court in 2007.

We have yet to pass legislation banning late-term abortion. Only seven countries allow abortion after 20 weeks, including the United States and North Korea. Now, that is horrific. The United States is supposed to be an example in regard to global human rights, yet we are on par with North Korea when it comes to protecting the unborn.

Senator GRAHAM's Pain-Capable Unborn Child Protection Act would help roll back the practice by prohibiting abortion after 20 weeks post-fertilization. The reason he is using this 20 weeks is there is one agreement that no one takes issue with, and that is, babies feel pain after that time. Most people say that babies feel pain greater than adults do. That is why that 20 weeks was used in the legislation.

This is another commonsense bill that should not divide us along partisan lines. A baby is a baby whether in or outside the womb, and each baby deserves a chance to live as an individual created in the image of God.

There is still much more we need to do to end the abortion-on-demand culture, but, thankfully, we have the most pro-life President we have had in history. This January, President Trump became the first sitting President to attend the annual March for Life. It is a rally in Washington. Hundreds of pro-life Oklahomans joined the President and tens of thousands of Americans in the march. I had a chance to meet many of these Oklahomans, many of them extremely young—as young as in high school. They were here marching. They asked me how to respond when the radical left attacks their views, and I told them to be kind but not to be afraid to voice their opinions. After all, they are right.

Under President Trump's leadership, we protected the Hyde amendment. We reinstated and expanded the Mexico City policy and stripped abortion providers like Planned Parenthood from using title X funding for abortions. And not just that, but under this President, we have also confirmed 193 new judges. That is the largest number of judges in this particular timeframe of a new President. There are 193 new judges, the second highest total in history at this point in a Presidency.

These judges actually understand and uphold the Constitution. I haven't polled them myself, but I suspect the vast majority or maybe all of them are very sensitive to the sanctity of human life.

The need to stand up for our babies is as important today as it was when I made this speech in 1992 and in 1997. I am looking forward to building on the successes under this President.

We have something happening that is unusual now. We have a President who is very pro-life, and we also have a lot of new judges whom we suspect will be conservative, constitutional judges. We will overcome evil with good by upholding and affirming the dignity and inherent worth of every human life, and we will seize the opportunity that we have today.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FISCHER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

BLACK HISTORY MONTH

Mr. BLUNT. Madam President, I want to talk today about Black History Month and, specifically, about Black History Month and baseball. This month marks the 100th anniversary of the founding of the first successful, organized league for professional African-American baseball players.

On February 13, 1920, a group of eight midwestern team owners got together at the Paseo YMCA in Kansas City, MO, to form the Negro National League. Before then, these African-American teams had a lot of great players. They barnstormed around the country. They played sort of whomever they could and whenever they could. But in 1920, these eight owners got together and decided that everybody would benefit with more structure in the league, and they established a league to see that we got that structure.

In the first 10 years of the league, the Kansas City Monarchs won the pennant four times. As the league thrived, other leagues were formed for African-American players in the South and in the East. Over the years, some of the greatest players in baseball played in the Negro leagues. Jackie Robinson, Satchel Paige, and Kansas City's own Buck O'Neil played there. There were many others we would recognize who

then became part of the major leagues following Jackie Robinson.

There are lots of players you will learn a lot about at the Negro Leagues Baseball Museum in Kansas City. The Negro Leagues Baseball Museum in Kansas City tells this story and tells it well. They don't just tell the story of African-American organized baseball, but they really tell the story of a thriving community beyond that, which is an important part of our legacy.

Obviously, a more important part of our legacy is to bring everybody together, but in those years, around the time the Negro leagues were formed, African-American communities in arts and entertainment and in businesses were significant. Part of that story is told there as well.

The 100th anniversary of the founding of the Negro leagues is an opportunity for us to talk about that. These leagues had great talent. In fact, the Pittsburgh Grays would play here in Washington half of the time. Half of their games—their so-called home games—they played in Washington at Griffith Stadium, where the Washington Senators played. I don't think there is any argument that when the Grays played here—the African-American team, the Negro leagues team played here—there was a greater crowd than there was when the Senators played, and there was better baseball. These were great and exciting times in baseball. I think that is well told at the museum.

TIM KAINE, a Kansas Citian who now represents Virginia in Congress, and I are working together to commemorate the centennial of the Negro Leagues with the minting of a new coin by the Treasury. We are joined over in the House by Congressman EMANUEL CLEAVER, from Kansas City in my State of Missouri, and Congressman STEVE STIVERS from Ohio.

The way the minting of this coin works, of course, is that there is no cost to the taxpayers. You print a coin. Congress decides that this is an issue worthy of recognizing, and you mint the coin. I think I said print. Mint is more accurate. Once all of the costs of minting those coins have been met—and there is no taxpayer cost—then the money goes to the recipient organization from that point on. There would be a gold coin and a silver coin and a bronze coin at different levels available for people to buy.

Now, 75 of our Senate colleagues, including the Presiding Officer and me, have cosponsored this legislation. I think we will get it passed very soon. With any luck, we might even pass it right here in the next day or so during Black History Month.

I want to recognize Bob Kendrick, the president of the Negro Leagues Baseball Museum, for his support in encouraging us to see if we could make this coin a reality and all that he and his board have done to preserve the history of Negro leagues baseball.

I have been certainly glad to take my son Charlie to the museum. I go there with some frequency. A few years ago, I encouraged Major League Baseball to have an event there when they were having the All-Star Game in Kansas City. I don't think there was a player who went to that event at the Negro Leagues Baseball Museum who wasn't both impressed and touched by what they saw there. It is an important part of our history.

Another part of our history that very closely relates to this is something I will be a part of later this afternoon. Congressman DAVID TRONE of Maryland, over on the House side, and I, along with Senator DURBIN and Congressman CLAY from St. Louis and Congresswoman WAGNER from St. Louis, are sending a letter to the Baseball Hall of Fame telling them that they need to include Curt Flood in the Baseball Hall of Fame.

Curt Flood was a great player and should be part of the Baseball Hall of Fame just on his playing skills alone. He played with the Cardinals most of his entire career—7 consecutive years. That included two World Series pennants in 1964 and 1967. He won seven Gold Gloves in those 7 years and was designated the best center fielder in the National League.

I remember that team well. We were Cardinals fans in my house. In the late 1950s and early 1960s, you didn't have many sports on TV. We listened to virtually every Cardinals game we could hear on the radio. My mom and dad were dairy farmers. I remember being out hauling hay at night, and whoever was driving the truck should have been almost deaf because if there was a Cardinals game going on, the radio would be as loud as it possibly could be so those of us out tossing the bales on the hay truck could hear the Cardinals game.

I also remember—and I checked myself yesterday to be sure I was accurate—but on that Curt Flood team, that 1964 team, it was Bill White at first base; Julian Javier at second base, Dick Groat, short stop; Ken Boyer, third base, and Tim McCarver catching. Most of the time, and always if available, Bob Gibson was pitching. In the outfield was Lou Brock—the great Lou Brock. Curt Flood was in center field, and Mike Shannon in right field. By the way, Mike Shannon still announces the Cardinals games on the radio and occasionally on television.

It was a great team, and Curt Flood was an important part of that team. Frankly, he should be in the Hall of Fame just because of that—the two World Series, Most Valuable Player, the best center fielder in baseball, at least in the National League, for 7 years straight.

In late 1969, the Cardinals decided they were going to trade Curt Flood to the Phillies. I don't think Curt Flood necessarily had anything against the Phillies, but he didn't want to be traded against his will. So he wrote a letter to the commissioner of baseball. In that letter he said: ''After 12 years in the Major Leagues, I do not feel that I am a piece of property to be bought and sold irrespective of my wishes.'' That began the challenge of the reserve clause in baseball. Maybe it is particularly significant here in Black History Month that an African-American player was the one who challenged the reserve clause.

With the reserve clause in baseball, you would play for your team's owner as long as you wanted to play unless your team's owner decided you would play for someone else. Then you would play for that person as long as they wanted you to play, unless you decided you didn't want to play baseball anymore.

It was Curt Flood who challenged that. He lost his Supreme Court case. It was a 5-to-4 loss in the Supreme Court. But it didn't take too many years before not only was the reserve clause reversed but Curt Flood was recognized in Federal legislation.

There is a copy of that single-page letter filed as part of the 1970 case at the Hall of Fame at Cooperstown. If there is a copy of Curt Flood's letter in the Hall of Fame, then, Curt Flood should be in the Hall of Fame.

I hope those looking back at what is called the golden years of baseball look at players who didn't get into the Hall of Fame, take our advice, look at Curt Flood, look at the difference he has made for players playing the game today, and put him in the Hall of Fame.

I yield back.

The PRESIDING OFFICER. The Senator from Tennessee.

IMMIGRATION

Mrs. BLACKBURN. Madam President, I come to the floor today to say that we have gotten some good news this week from our Southern border. We are making progress on the wall that President Trump has fought so hard for, and that progress will be further supported by billions of dollars in new appropriations funding to reach the President's goal of 450 miles by 2021. Think about it—450 miles that have been secured.

What we do know is that as a result of all of these ramped-up security efforts, border apprehensions are down 78 percent from last May's high of over 130,000. We have had falling—falling—numbers every single month for the last 8 months. This is a very good thing. It shows the word is getting out that we are serious about our sovereignty, about securing our border, about ending the access that traffickers—human traffickers, drug traffickers—have had on that border. That is a good thing.

This good news is clouded a little bit by the reality that all is still not well. Border Patrol officials estimate that nearly 1 million migrants—I want you to think about that number: nearly 1 million migrants—crossed our border illegally and evaded apprehension in

fiscal 2019. That is the severity of this problem. Think about it—1 million people, additional people. Think about the size of a population of 1 million people. That is the number that moved into our country. We do not know who they are. We do not know where they have come from. We do not know if they are traffickers. We do not know if they wish us well or their intent for coming into our country.

While things are trending in the right direction, I think it is fair to say we are not out of the woods yet on this issue of illegal immigration. Until we get this influx of illegal aliens under control and manage the fallout of allowing so many people to come into this country and live illegally, this is what we have.

Every town is a border town and every State will remain a border State because of the problems they have to face every single day.

Let me give an example. On December 29, 2018, Knoxville, TN, fire chief D. J. Corcoran and his wife Wendy's lives were changed forever, and their happy, healthy family was brutally transformed into a grieving Angel Family. On that day, an illegal alien in Tennessee struck and killed their 22-year-old son, Pierce Corcoran. It was a head-on car crash. Pierce died that day. A few months later, that illegal alien was deported to Mexico.

I have to tell you, for me, as I have worked with the Corcorans since this time and shared their grief, this is an unsatisfying end to a tragic series of events that never should have happened because the man responsible for Pierce's death never should have been in Tennessee in the first place.

That story is heartbreaking. Unfortunately, it is not unique. In 2019, another Tennessean, named Debbie Burgess, was killed in a hit-and-run accident caused by an illegal alien with a lengthy criminal record.

Just last week in Sevier County, TN—and this is something that has shaken the entire community—two elementary school children walking to school were hit by an illegal alien who fled the scene. Tragic.

Every Member of this body is well aware that our country's permissive attitude toward illegal immigration has real-life consequences. Our constant debate over policy and funding does not exist solely in the abstraction of politics. Starting right now, we must look internally and ask ourselves what changes we can make to disincentivize illegal entry into the United States. What can we do?

It seems so easy to people: Come across the border illegally. You might be able to get benefits. You can have access to education. You can work. There is a way to do this and live in the shadows.

How do we disincentivize this?

While Tennessee, along with a majority of States, prohibits driver's licenses for illegal aliens, a growing number of States are moving in the opposite direction and allowing dangerous, open-border-style policies.

This month, I introduced the Stop Greenlighting Driver Licenses for Illegal Immigrants Act, and its purpose is precisely what the title of this bill says it will do. You can see from the poster, there are some States in red. If you live in one of those States, your State—your State—has agreed to give driver's licenses to illegal aliens.

Let me tell you a little bit more about this. Once it is signed into law, the bill will halt certain Department of Justice grant funding to States that defy Federal immigration law, noncomplying States—that means those States that say: We are not going to comply with Federal law. Oh, no, not us. We are going to be a sanctuary for those who are illegally in the country and are choosing to break the law.

They decided they are going to be a sanctuary for illegal aliens. That is what you call a noncomplying State. Those States will no longer enjoy access to the Edward Byrne Memorial Justice Assistance Grant Program. This is a program that was created to fund local law enforcement and criminal justice initiatives.

In 2019, States that issued driver's licenses to illegal immigrants received over $50 million from this program, so their choice to defy the law will result in no small sacrifice. It is their choice. They can choose, if they want to, to say: We refuse to comply with Federal law. They can make that choice, but they are not going to get taxpayer money through law enforcement grants. This is common sense.

I want to encourage my colleagues to think back to the fear and confusion that we all experienced in the weeks after 9/11. I am sure you remember that time. I remember that time. I remember that feeling of, what can we do? Not only had we known tremendous loss, we had discovered that we were not nearly as secure as we thought we were in this country.

One of the loopholes we discovered came about because people said: How in the world could these terrorists, hijackers, have so easily obtained a State-issued driver's license that allowed them to board those planes and carry out those deadly attacks? People said: How could this have happened? How could they have done this?

We found a loophole. What did we do? We closed that loophole. We passed the REAL ID Act. This isn't done as a form of repression; it is a practical way of managing a vulnerability that was found in State agency paperwork. The REAL ID Act is something we are all complying with now. You have to take a Social Security number. You have to take proof of residence. You have to take other documentation that shows you are who you claim to be.

Less than 20 years later, look at where we are. Thirteen States and the District of Columbia have regressed into more lax policies—pre-9/11 policies. Often, they only require a passport or a consular card as proof of identity.

Here is the kicker: If you do not have the right documents—meaning you don't have a passport, you don't have a birth certificate, you don't have a Social Security number, you don't have proof of residency, you don't have proof of employment—these States are saying: Never mind; doesn't matter. We are going to let you sign an affidavit—an affidavit—to say you are not able to secure a Social Security number.

What are these States doing? They are creating, again, a vulnerability in the system. There are people who will go sign an affidavit. Guess what. All of a sudden, they have a REAL ID. These States say: Oh, we are going to stamp it for State-use only. I think they say that with a wink-wink, nod-nod because they know they are putting a vulnerability in that system. They are letting people that—we do not know who they are, we do not know their intent for being in this country, but they are going to allow this reckless policy to go into effect. And it is reckless. It goes hand in hand with other broad sanctuary rules that increase crime and that frustrate the efforts of our local law enforcement officials.

Here is another bit of good news: The courts are coming down on the side of security. Yesterday, a Federal appeals court—the Second Circuit Court in New York—upheld President Trump's authority to enact anti-illegal immigration, anti-sanctuary policies similar to what would be codified in my legislation. It would allow for those funds to be restricted for those entities that are making a choice, taking a vote, and deciding they don't want to comply with Federal law.

I will tell you, I should not have to stand on the floor of the Senate and beg our colleagues to support policies that stand with the rule of law and prevent tragedies like the deaths of Pierce Corcoran and Debbie Burgess.

I ask my colleagues to join me in this effort, join me in standing with the rule of law. Join me in standing with these Angel Families who know grief that I wish no one had to know and experience. Join me in supporting the Stop Greenlighting Driver Licenses for Illegal Immigrants Act.

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

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

(The remarks of Mr. GARDNER pertaining to the introduction of S. Res. 514 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GARDNER. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CORONAVIRUS

Mr. SCHUMER. Mr. President, last night in California, an American was diagnosed with the first reported case of coronavirus unrelated to any travel to an infected area—a sign that coronavirus is here on our shores and we must act swiftly and strongly to contain its spread.

Despite months of public warnings about the danger of this disease, the President was caught completely flatfooted by the coronavirus. And now, instead of quickly marshaling the resources of the Federal Government to respond to this health crisis, President Trump is intent on blaming everyone and everything instead of solving the problem. Instead of stepping up to the plate, he is belittling the urgency of this problem and telling people: Oh, it's not very much. The experts say the opposite.

As for blame, the President is blaming the press for stoking concern about the virus; the President is blaming social media for magnifying those legitimate concerns; and the President, typically, is blaming Democrats too.

But who fired the global health security team at the National Security Council and Department of Homeland Security and decided not to replace them? It wasn't the press. It wasn't the Democrats. It was President Trump.

Who cut $35 million from the infectious disease rapid response fund? President Trump.

Who cut $85 million from the emerging infectious disease account? President Trump.

Who cut $120 million from public health preparedness and response programs? President Trump.

And who just proposed cutting 16 percent of CDC's budget—the agency in charge of fighting these kinds of viruses? Not the Democrats, not the press—President Trump did that.

Of course Democrats want to work quickly with the President to get a handle on this problem. Lives are at stake, but the President cannot belittle the danger. It is real; it is looming; it is serious.

To hear the President last night, when most of his speech was not a sober speech calling America to unite and fight this virus—it was mainly name-calling, politics, blaming, and, in fact, belittling the problem and the danger.

The President must stop trying to minimize the nature of the coronavirus threat. His attempts at spinning the facts are just not credible, and they are harmful to the Federal response.

In order to prevent overreaction by the public, it is essential that the Federal officials—especially the President and Vice President—level with the American people. Telling the American people the truth and then coming up with solutions to solve it is the way to calm people down—not simply saying ''Oh, don't worry about it'' and then spending time blaming others. That is not going to calm people down; that is going to make them more worried.

So let's let the science and the facts guide us. The American people do not need or want uninformed opinions or spin from its leaders. They want the truth.

Now, the first step the Congress must take is to ensure that the government has the resources to combat this deadly virus and keep Americans safe. I have made a request for $8.5 billion for this purpose—far more than the administration's request of $2.5 billion, only half of which is new funding. The rest of the President's proposed funding is stolen from other accounts.

Any emergency funding supplemental the Congress approves must be entirely new funding, not stolen from other accounts, and include, at minimum, strong provisions that ensure, one, that the President cannot transfer these new funds to anything other than coronavirus and American and global preparedness to combat epidemics and infectious diseases; two, vaccines that are affordable and available to all who need them, not just to those who have a good deal of money; three, interest-free loans be made available for small businesses impacted by the outbreak; and four, State and local governments be reimbursed for costs incurred while assisting the Federal response to the corona outbreak.

Democrats in both Chambers will work closely with Republicans to pass a supplemental appropriations package with these criteria in mind. But in the meantime, President Trump must get his act together: Stop blaming, stop belittling, roll up your sleeves, unite America, and start proposing real solutions.

After months of dithering, after towering and dangerous incompetence, it is time for President Trump to roll up his sleeves and do the right thing.

INDIA

Mr. President, on another matter, the President yesterday returned to Washington from India. The United States and India are natural allies. If the United States and India are close friends and partners, the world will be a safer, more prosperous place. India has an amazing culture and great people. So unifying America and India is a very good thing.

But did the President do anything on his trip that substantively advanced that objective? No, he did not. Sadly, the President's trip to India was typical of foreign policy in the Trump era—a big spectacle with handshakes and photo-ops but without meaningful progress or accomplishment for the United States.

There were real things for the President to accomplish in India. We are now India's largest trading partner—one of the largest markets for our agricultural products, medical devices, even motorbikes. Did the President make any progress on a trade deal to reduce the significant market access barriers that American companies face? No.

India is in the midst of fierce protests over a law that restricts religious freedom. Did the President stand up for religious freedom and democratic values? No. He didn't even bring up the issue with the Prime Minister.

There are 4 million Indian Americans. I am proud to say many are in the New York area. They have done and continued to do so much for this great country. Their history, music, culture, literature are woven into the very fabric of American life. Indian-American families form the backbone of so many strong communities in New York City, in Long Island and the suburbs, and all over the country. They deserve more than Presidential photo-ops in their native land. They deserve a President who takes the friendship between the United States and India seriously and works to build a strategic alliance.

But this President cannot seem to manage anything beyond reality-show diplomacy, and that is why President Trump will likely end his first term bereft of any significant foreign policy achievement.

TRIBUTE TO LAURA DOVE

Mr. President, finally, on a different note and a very happy note, I want to conclude my remarks by noting the departure of a staffer who, although she works for Leader MCCONNELL, is truly a resource for and a credit to the Senate as a whole—Laura Dove.

It is a happy note for her. She is moving on to even bigger and better things. But it is a sad note for all of us, Democrats and Republicans, in the Senate because she has done such a good job.

Laura is the Secretary for the Majority. As with many job titles in Washington, Laura's title does not come close to capturing what she actually does, nor does it remotely reflect her importance to this Chamber.

The two caucus Secretaries—Gary Myrick for the Senate minority and Laura Dove for the majority—literally make the Senate function. Their negotiations determine when we come in and out of session, which amendments will be considered, and their parliamentary expertise guides Senators of both parties. Laura's attention to detail is such that even the dress code of the Senate does not escape her.

Laura has certainly been around this Chamber for as long as many of the Senators she advises. The Senate is in her blood. Her father, Bob Dove, was the Senate Parliamentarian. Dinner table conversations in the Dove household must have included the arcana of Senate procedure, particularly because some of those family dinners occurred here in the Senate itself, as Mr. Dove worked the sometimes late hours of the Senate.

Both of Mr. Dove's daughters served as pages, and now both of Laura's children have served as pages as well—a family tradition unique among family traditions. Few have done as much to support the page program as Laura. She not only keeps a watchful and supportive eye over their time on the

floor, but she has invited them into her home, welcoming any page wishing to celebrate a Jewish holiday with her family. I want to thank her especially for how much she has done for Senate pages, and from the vantage point of the lens of the C–SPAN camera, the Senate floor looks like a forum for disagreement and sometimes for vociferous debate. Few beyond this Chamber appreciate how important it is for our two parties to cooperate every day amidst those disagreements to make the work of the Senate come to life. Though our parties have vastly different opinions on everything, ranging from policy to procedure, Laura has always represented the position of her caucus honestly and treated our staff with civility and respect.

She even takes a bit of that work home with her. Her husband, Dan Solomon, worked for someone—Senator Wofford—who was a good, strong, liberal Democrat, if there ever was one.

The Republican leader this morning gave a very personal and emotional tribute to Laura's service. You could see how much she means to him and the entire Republican caucus. I echo those sentiments, and I would extend them to the Senate as a whole. Few care more about this institution, its traditions, its history, and its future than Laura Dove, and few have worked harder to support the Senate in their careers.

Robert Duncan, Laura's assistant, will be taking her place today. He has big shoes to fill but is a really talented guy who knows how this place works. All I can tell you, Robert, is if you listen to Gary Myrick, you can't go wrong.

Laura, we wish you nothing but the best for the next chapter of your life, and we thank you profoundly for your service to the Senate.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Greaves nomination?

Mr. PAUL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CRUZ), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea'' and the Senator from Kansas (Mr. MORAN) would have voted ''yea.''

Mr. SCHUMER. I announce that the Senator from Maryland (Mr. CARDIN), the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. SANDERS), the Senator from Hawaii (Mr. SCHATZ), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote or to change their vote?

The result was announced—yeas 85, nays 3, as follows:

[Rollcall Vote No. 62 Ex.]

YEAS—85

Baldwin	Graham	Risch
Barrasso	Grassley	Roberts
Bennet	Hassan	Romney
Blackburn	Hawley	Rosen
Blumenthal	Hirono	Rounds
Blunt	Hoeven	Rubio
Boozman	Hyde-Smith	Sasse
Braun	Inhofe	Schumer
Brown	Johnson	Scott (FL)
Burr	Jones	Scott (SC)
Cantwell	Kaine	Shaheen
Capito	Kennedy	Shelby
Carper	King	Sinema
Casey	Lankford	Smith
Cassidy	Leahy	Stabenow
Collins	Lee	Sullivan
Coons	Loeffler	Tester
Cornyn	Manchin	Thune
Cortez Masto	McConnell	Tillis
Cotton	McSally	Toomey
Cramer	Menendez	Udall
Crapo	Merkley	Van Hollen
Daines	Murkowski	Warner
Duckworth	Murphy	Whitehouse
Enzi	Murray	Wicker
Ernst	Paul	Wyden
Feinstein	Peters	Young
Fischer	Portman	
Gardner	Reed	

NAYS—3

Booker	Gillibrand	Harris

NOT VOTING—12

Alexander	Heinrich	Perdue
Cardin	Klobuchar	Sanders
Cruz	Markey	Schatz
Durbin	Moran	Warren

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The majority leader.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ADVANCED GEOTHERMAL INNOVATION LEADERSHIP ACT OF 2019—Motion to Proceed

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 357, S. 2657.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 357, S. 2657, a bill to support innovation in advanced geothermal research and development, and for other purposes.

CLOTURE MOTION

Mr. MCCONNELL. I send a cloture motion to the desk for the motion to proceed.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 357, S. 2657, an act to support innovation in advanced geothermal research and development, and for other purposes.

Mitch McConnell, Lisa Murkowski, Steve Daines, Bill Cassidy, John Barrasso, Martha McSally, Deb Fischer, Richard C. Shelby, John Hoeven, Thom Tillis, John Thune, Pat Roberts, Richard Burr, Mike Rounds, Shelley Moore Capito, Roy Blunt, Mike Crapo.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 3173

Mr. LEE. Mr. President, in a message to Congress on July 4, 1861, Abraham Lincoln wrote that the leading object of government was to ''elevate the condition of men, to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life.''

It is no coincidence that he gave this message on the anniversary of our Nation's birth. Lincoln was echoing the profound legacy of our founding—a legacy that shaped our Nation and thereafter rippled across not only the Western Hemisphere but the entire world.

When the Founders broke off from the yoke of British tyranny, they declared all men to be endowed with certain inalienable rights—rights that come not from the State, a church, any man or woman, or even from a government, but, rather, from God himself.

The first of these inalienable rights was life. Never was any nation in the history of human beings born of a higher principle or a deeper connection to human happiness and flourishing. Here, the people would rule. Here, government would serve the people and not the other way around. Here, for the first time ever, each person, no matter his or her station in life, was endowed with these rights and entitled to their equal protection.

Today, 159 years since Lincoln's message to Congress and 244 years since the Founders' message to the world, here we stand sworn, still, to fulfill their promise.

As far as we have come during that time period, we still have so far to go. Today, our government—founded to protect Americans' rights to life, liberty, and the pursuit of happiness—threatens unborn Americans on all three counts. The Supreme Court imposes and Congress subsidizes the most

radical abortion policy in the Western world.

Since 1973, more than 60 million little lives, innocent lives, have been lost. The children lost to abortion cannot be seen, they cannot be heard, but the loss of every single one of them is felt. Mothers have been robbed of their children. There are gaping holes left throughout our Nation, in our families and in our communities—gaping holes that only those unique, unrepeatable souls could have and would have otherwise filled.

For more than four decades, we have failed American women and their unborn children. Today, we have a chance to do better, to aspire for more, not to settle for mediocrity or tyranny but to celebrate and embrace life and liberty. We have a chance to stand up for the very weakest and most vulnerable among us, the ones still being knit together in their mothers' wombs, the ones we know respond to human touch by the age of 8 weeks, who feel pain by the age of 20 weeks, and who recognize the sound of their mother's voice before they are even born.

Science and medicine are only confirming what we know deep down—that unborn human beings are, in fact, just like us. Every day, more scientific evidence confirms our moral intuition that a person is a person no matter how small that person happens to be.

The so-called Pain-Capable Unborn Child Protection Act that was before us earlier this week would have banned abortions for babies more than 20 weeks of age, upholding in law what science already confirms; that is, that these babies feel every bit of their life as it is being ended. This should not have been a controversial bill.

Still less controversial should have been the Born-Alive Abortion Survivors Protection Act. The Born-Alive Abortion Survivors Protection Act takes no position on abortion, and it takes no position even on the rights of the unborn. It simply says that in this country, the United States of America, when a child is born, even if by accident, even in the most dangerous place in the world for an infant—that is, a Planned Parenthood clinic—he or she becomes a citizen of the United States under our Constitution, entitled to the full and equal protection of our laws. It says that when a child intended to be aborted is, in fact, instead born alive, he or she cannot simply be ''disposed of'' in the back room of a clinic or a hospital, as if it were nothing more than medical waste. This bill merely outlaws the murder of the innocent in the first moments of life; that is, the first moments of life outside the womb.

It is a tragedy, a blight, and a poor commentary of frightening reflection not only upon this country but on this very legislative body that these measures failed this week. A minority of this body chose to reject both the scientific facts of human biology and the essential moral principle of human dignity.

When someone talks about not accepting science, I hope they will remember what happened this week. I hope they will remember that against all medical and scientific evidence, to say nothing of what people know morally, intuitively, and within their own hearts, this body failed to protect the most vulnerable among us.

Unfortunately, this is not the first time in our Nation's history that we have sometimes looked at the people according to a really evil logic of utility and power, and it is not the first time that we have tried to dehumanize human beings. It is not the first time we have tried to pick and choose who is wanted and who is valuable in society, penuriously doling out rights to exist and to be free on the basis of that arbitrary and unjustifiable determination.

Nonetheless, thankfully, if there is one thing that we know about our country, it is that the American people have a way of bending the arc of history toward life or, as Winston Churchill is credited for saying, the American people will always do the right thing after they have exhausted every other alternative.

We have a long, proud history as Americans of standing up for the weak, for the innocent, and especially for the vulnerable. We have made mistakes—grave, grave mistakes—but the right thing to do is always the right thing to do, and we come around in the end. It is one of the things that differentiates us from other societies. We aspire toward that which is good.

Today there is reason to hope. Abortions in my home State of Utah have been steadily declining over the past four decades, with fewer than 3,000 happening in 2017. Six States are now down to just one abortion clinic: Kentucky, West Virginia, North Dakota, South Dakota, Mississippi, and Missouri. This past year, Alabama passed a law banning elective abortions in most circumstances, and just last month hundreds of thousands of Americans marched joyfully once again through Washington, as they have year after year after year, for those who cannot, for those who are rendered absent by this barbaric practice.

The tide is turning, and today we have another chance to right these same wrongs. Through my bill, the Abortion Is Not Healthcare Act, we have the chance to stop the tax deductibility of abortions which are currently categorized as medical care by the IRS.

The purpose of healthcare is to heal, is to cure. It is not to kill. Let us be serious. Whatever else abortion may be, of course, elective abortion is not healthcare. That is why physicians literally take an oath to do no harm.

The government should not offer tax benefits for a procedure that kills hundreds of thousands of unborn children each year, nor should taxpayers have to subsidize it. This bill would end this preferential tax treatment and clarify that this gruesome practice is not healthcare.

We also have the chance to permanently stop the use of our foreign aid money from funding or promoting abortions overseas. The Protecting Life in Foreign Assistance Act will save countless lives across the globe and affirms the truth that the lives of all unborn children, regardless of where they might happen to be from, have dignity and worth. Today we can stand to allow all human beings—no matter what their age, their appearance, or their abilities—a fair chance in the race of life.

We have only to remain loyal to that bedrock principle that we claim to defend in the Declaration of Independence: the inalienable, fundamental right to life, the equal dignity, the immeasurable worth of all human life.

I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3173 and the Senate proceed to its immediate consideration.

I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the majority party's anti-women healthcare agenda has certainly been on display in the last few days here in the U.S. Senate: two votes on Tuesday, more votes and debate today. Every time it is the same basic proposition on offer: legislation that squeezes Republican politicians in between women and their doctors.

I have said the old GOP slogan used to be ''a chicken in every pot.'' These days it is ''a Republican in every exam room.''

Not only does this legislation discount the fact that reproductive healthcare, including abortion, is healthcare; it would make women's healthcare services more expensive. This would head this country back to the days when the healthcare system was just for the healthy and the wealthy.

My view is decisions about the healthcare of women, especially reproductive healthcare—including abortion—are enormously personal. They ought to be decisions made between women and their physicians. Politicians ought to stay away. They ought to stay out of it all. That is what the Roe v. Wade case is all about, and it is the law of the land.

So because I believe in keeping politicians out of the medical exam room, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the opportunity to address these important issues today. I thank my friend and colleague from Oregon for outlining his reasons for objecting to this

legislation. I feel the need to respond to a few things that he said because they call for an immediate response.

First, he noted that there were two votes cast earlier this week that he described as part of an ongoing pattern, an ongoing campaign among Senate Republicans that, according to my colleague, are anti-woman. This is offensive on a variety levels—first when you consider that the abortion is no respecter of persons. It is not just male babies aborted; it is also female babies. There are parts of the world where abortion of female babies occurs in much higher numbers—in many cases because they are female babies.

Abortion is itself—elective abortion is an act of violence against a human form, against a human life, albeit a life in utero.

I remember a few months ago we were holding a hearing, of all things, addressing issues relating to wild horses and burros in the Western United States. Certain wild horse populations have grown out of control. They have devastated rangelands. They have depleted resources available to them, and many of them are starving, malnourished, and suffering.

There have been programs that have sought not only to help them in one way or another but also to sterilize them. I never thought I would be part of a significant hearing addressing the nonsexy topic of equine contraception, but in this instance we had one. One of our witnesses, who was from an organization devoted to preventing cruelty to animals, explained that one of the most effective techniques of horse birth control involves the sterilization procedure. I asked why that was not the preferred method. She said because, in many instances, it can result in the loss of the unborn horse. I asked her why that mattered. She said: Well, because it is a life, notwithstanding the fact that it hasn't been born. It is cruel to the unborn baby horse. It is cruel to the foal. If it is cruel to the foal, why isn't it cruel to the baby, whether it is a male baby or a female baby? This is not anti-woman.

There was also the suggestion that the campaign somehow involves a Republican in every exam room, and that, according to those who advocate pro-life positions, it would relegate healthcare to the healthy and wealthy. Well, this gets back to the very point I was making. An exam room—actual healthcare—involves protecting and preserving human life. Elective abortion, by contrast, has one object; that is, the termination of a human life—an unborn, in utero human life but a human life just the same.

You can say whatever you want about it but to call it healthcare, to me, is counterintuitive—not just to me but to many, many Americans who find the practice abhorrent and are shocked by the thought that the U.S. Government would be subsidizing it, whether through its tax policy or through more direct forms or, as we see today, both.

As to the suggestion that politicians ought to stay out of this issue, well, let me ask you this: What about the idea that politicians and, therefore, lawmakers ought to stay out of other issues involving violence to a human being? There was a day and age in this country where people would say that lawmakers ought to stay out of other issues involving violence, of domestic violence: That is a family matter, after all. Politicians ought to stay out. The law should have nothing to do with that. Well, it involves violence to another human being.

To say simply that politicians and, therefore, lawmakers and, therefore, the law ought to stay out of a topic means to suggest that it is somehow beyond the reach of the law. If we have reached, if we ever do reach the point where we can't say no human being can kill another human being, we have really, really big problems.

We are not talking here about an exam room. We are not talking about procedures designed to promote, to heal, and to prolong life. We are talking about a procedure to end life. This is, itself, not a bill that talks about the appropriateness or lack thereof of elective abortion. This simply says that, given how many Americans feel about this, as many of us in this very room feel about abortion, we shouldn't be subsidizing it, and we shouldn't be pretending it is something it is not.

Finally, let me remind this body and anyone who may be watching from outside this body that, of the legislation we voted on this week, one of those pieces of legislation didn't even involve abortion at all. It didn't regulate any facet of abortion. It dealt only indirectly with the topic of abortion, but it had nothing to do with the performance or availability of an abortion itself.

It simply said that, when a baby is born, following or in the middle of a failed attempt at an abortion, if that baby is born alive, notwithstanding the attempt by the abortionist to kill the baby, that baby shouldn't simply be neglected. In any other circumstance, a human being, particularly a vulnerable, brandnew newborn baby—an infant—to neglect the baby and allow that baby to die of exposure, to not administer lifesaving care or nutrition or sustenance to that baby, to neglect the baby and allow that baby to die of exposure would be a crime. In some circumstances, it may well be murder. In others, it would be a serious criminal form of deliberate child neglect.

So, to suggest that a baby is somehow different as a result of a subjective intent of the abortionist to kill the baby and that we shouldn't make sure that baby is properly cared for following its birth is barbaric. Look, I get it. Not everybody shares my viewpoint with regard to when human life begins. I get it. Not everybody shares my view with regard to abortion policy. Now, I will defend to my dying day my views on these issues, and I will not shrink from them, but regardless of whether you agree with me on that, I seriously question how anyone would credibly maintain that a human being born alive following a failed abortion attempt shouldn't be given the same protection under the law as any other human being.

In other words, the humanness of a baby shouldn't depend on that baby's ''wantedness.'' The fact that anyone wanted to kill that baby before the baby was born doesn't give anyone the right to kill the baby with impunity.

That is what they voted down this week. Let's not pretend that this is about exam rooms. Let's not pretend that this is about actual healthcare. Let's not pretend that this is somehow an anti-woman strategy.

By the way, many women I know—most, I would say—actually find quite offensive the suggestion that to be in favor of protecting babies is somehow anti-woman. This is offensive. It is sad to me, more than anything.

This was a lost opportunity that we had this week to protect the dignity of human life, not just unborn human life but human beings who have been born.

One day we will look back and see this week through sad eyes in much the same way we now look back on other episodes in American history where we have failed to accord the full dignity to a human life that each human life truly deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

COMMEMORATING THE 150TH ANNIVERSARY OF THE HISTORIC SEATING OF HIRAM RHODES REVELS AS THE FIRST AFRICAN AMERICAN UNITED STATES SENATOR

Mr. WICKER. Mr. President, as Black History Month comes to a close in our land, I rise this afternoon to draw attention to the fact that the first African-American U.S. Senator in our Republic's history was Hiram Rhodes Revels of my State of Mississippi.

As a matter of fact, 150 years ago this week, history was made in this very room when Hiram Rhodes Revels took the oath of office and broke the color barrier in the U.S. Senate. There was celebration. There was a congratulation on both sides of the aisle, but it was not unanimous. As a matter of fact, eight Senators objected to the seating of Hiram Revels as a U.S. Senator, simply because he was a Black man. Thank goodness it was only eight and that position did not prevail, and Hiram Revels entered the history books of the United States of America as being our first African-American Senator.

In a moment, I will ask unanimous consent for the consideration of a resolution commemorating this momentous occasion, some 150 years ago this week. I will not read the entire resolution that I have, but I point out that I

have a resolution cosponsored on a very bipartisan basis by 71 of my fellow Senators.

Pointing out a few things about the history of this extraordinary public servant, this giant of American history, Hiram Rhodes Revels was born a free African American in 1827 in Fayetteville, Cumberland County, NC. He was well-educated in a number of States, including North Carolina, Indiana, Ohio, and Illinois. Then he entered the ministry, where he served in Maryland and in Missouri and, eventually, of course, coming to the State of Mississippi.

By 1868, the Reverend Hiram Rhodes Revels was also Alderman Hiram Rhodes Revels in Natchez, MS, and he went on to a career of public service. Then, the legislature, which made those decisions in that time under our U.S. Constitution, chose Reverend Revels to come to Washington, DC, and serve as a Senator.

He served capably. He was well received and well admired, and he brought a degree of conciliation and togetherness to this Senate that we had not had before. He only served a little over a year. He chose, instead, to return to Mississippi to become a college president, continue in education, and continue in the ministry in Mississippi, having served as president of what is now Alcorn State University and also having served in Holly Springs, MS, in what is now Rust College. He was in the ministry in Aberdeen, MS, at the time of his death and is buried in Holly Springs, MS.

I very much appreciate the help of Democrats and Republicans in getting this resolution right. There have only been 10 African Americans in the history of our Republic to serve in the U.S. Senate. One of them—the first one—was Hiram Rhodes Revels. Three of them are serving today in the U.S. Senate.

I will acknowledge the help that I received from a number of my colleagues in adding information to this resolution to make it better and fuller and more complete. I appreciate the bipartisan cosponsorship of this but also the bipartisan suggestions that I received and incorporated into the resolution to make it better.

I am honored to represent the same State that this pioneer represented and began to represent some 150 years ago this week.

Mr. President, I ask unanimous consent for the Senate to proceed to the consideration of S. Res. 508, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 508) commemorating the 150th anniversary of the historic seating of Hiram Rhodes Revels as the first African American United States Senator.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WICKER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble 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 resolution (S. Res. 508) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

The PRESIDING OFFICER (Mr. BRAUN). The Senator from Ohio.

WOMEN'S HEALTHCARE

Mr. BROWN. Mr. President, over and over, we see the President and Republicans in Congress trying to take healthcare away from people, particularly women. We see it with the President's lawsuits, trying to take away the consumer protections for preexisting conditions. We see the vote in the Senate—defeated by one vote, but a vote in the Senate—which would have scaled back the bipartisan Medicaid expansion in Ohio that my Republican Governor—I am a Democrat—and we did bipartisanly in Ohio. We have seen attempts by Republicans to take away healthcare then, and now we—especially just this week—see that with women's healthcare. That is what the bills we voted down this week were all about. They are about politicians putting themselves in the middle of the sacred doctor-patient relationship. It intimidates women, and it intimidates medical professionals. Doctors aren't sure what might happen to them in some cases. It takes away the freedom of women to make their own decisions.

We defeated them earlier this week, but they are not letting up. They tried again to pass yet another bill that has only one purpose: stigmatizing women's healthcare.

Supporters of these bills, including the President of the United States, have spread lies and misinformation. It is despicable. That is why doctors and medical experts alike oppose these bills.

Think about these groups: the American College of Nurse-Midwives, American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Public Health Association—on whom we rely so much now on the coronavirus—the American Society for Reproductive Medicine, and the Association of Physician Assistants in Obstetrics and Gynecology. All of these organizations oppose this bill because they see it for what it is: a compromise of women's health. It is politicians, it is elected officials in this body, it is Leader MCCONNELL from his office down the hall always playing to his interest groups, always playing politics. It is Senator MCCONNELL and his allies getting between the patient—the woman—and her doctor, as if mostly male politicians should be making these decisions about women's lives and about the relationship between a woman and her doctor.

All of these groups that I mentioned, again, the American College of Nurse-Midwives, American College of Obstetricians and Gynecologists, American Medical Women's Association, American Public Health Association—all of these groups have written in to oppose politicians interfering in the patient-provider relationship and the criminalizing of patient care. Do we want a bunch of male politicians, do we want people like President Trump and Vice President PENCE from the Presiding Officer's home State, and do we want a bunch of politicians like MITCH MCCONNELL—do we want them to be able to criminalize a doctor, get in the middle of a patient-doctor relationship and criminalize that? There is no question that is what this is about.

They act as though they know better than you—a woman—and your doctor. It is nothing new. We have seen it over and over. We have seen Washington politicians, we see Columbus politicians in my State, most of them men, obsessed with trying to assert themselves into women's healthcare decisions. They can't help themselves. They just keep doing it. Those decisions should be and are between a woman and her doctor, period.

It is time, if I can say this, that old men in Washington and in courtrooms and in State legislatures stop trying to take away women's healthcare, particularly when we have so much work to do in healthcare.

We could be working instead of a bunch of votes—I mean, I understand; we know Senator MCCONNELL is in his office down the hall, and we know what he does. We know he brings forward legislation to get his base excited, to make sure the most conservative voters in the country come out to vote. We know he does legislation all the time to help his big financial contributors—to help the drug companies, to help the insurance companies, to help the gun lobby. We know that is what MITCH MCCONNELL does.

Instead of trying to compromise women's health, take healthcare away, instead of eliminating consumer protections for preexisting conditions, he could actually do something about drug prices. We could be working to protect the millions of Americans with preexisting conditions.

In this country, 10 years ago, we passed a bill which said that if you are sick—you are really sick—and you spend a lot of money on healthcare, your health insurance company in the past would just cut your insurance off and you were out of luck. You would then choose between going to the doctor or not and all that can happen or you go bankrupt. We changed that. The Affordable Care Act said: No, you can't. Just because you are sick and you are expensive, an insurance company can't take your insurance away. They can't cancel it.

President Trump has tried for 3 years now to change that and take away those consumer protections. He has gotten support from MITCH MCCONNELL and from virtually almost every—except for John McCain and a couple of other Senators from their side—almost every Republican in this Senate to say that it is OK to take away consumer protections for preexisting conditions.

Instead of doing that, we could work to keep drug prices down. We could give tax credits to help people afford insurance. We could protect the ability to stay on your parents' healthcare. If you are 25 years old, you could be on your parents' health insurance. They are trying to take that away. They are trying to take Medicaid expansion away.

They are trying to make limits on how much you pay out of pocket each year. Those are the kinds of things we should be agreeing on.

Free preventive screening services—if you are a senior, if you are on Medicare, you can get free screening for osteoporosis, free screening for diabetes. The President and this Congress tried to take those services away.

Five million Ohioans under 65 have preexisting conditions. Basically, if you are over 50 in this country, the chances are overwhelming that you have a preexisting condition. Do you want to lose those consumer protections? Of course not.

Instead of making it harder for Ohio women to get the care they need, instead of tearing down the Affordable Care Act, let's make it stronger. Let's get drug prices under control. Let's tell American women we trust them; we trust them to make their own decisions.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of Executive Calendar Nos. 573 through 582, 584 through 585, and all nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Joseph R. Harris, II
Col. Gent Welsh, Jr.

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Billy M. Nabors

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. AnnMarie K. Anthony
Col. Taft 0. Aujero
Col. Douglas B. Baker
Col. Robert D. Bowie
Col. Barbra S. Buls
Col. Donald K. Carpenter
Col. Konata A. Crumbly
Col. Johan A. Deutscher
Col. Patrick W. Donaldson
Col. Bradford R. Everman
Col. Virginia I. Gaglio
Col. Caesar R. Garduno
Col. Patrick M. Hanlon
Col. Robert E. Hargens
Col. Jeffrey L. Hedges
Col. Samuel C. Keener
Col. Robert I. Kinney
Col. Jerry P. Reedy
Col. Bryan E. Salmon
Col. Tamala A. Saylor
Col. James S. Shigekane
Col. Kimbra L. Sterr
Col. Michael A. Valle
Col. Brian E. Vaughn

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Dann S. Carlson
Col. Shawn M. Coco
Col. Steven E. Coney
Col. Patrick E. DeConcini
Col. Paul E. Franz
Col. John F. Hall
Col. Kenneth M. Haltom
Col. Chris J. Ioder
Col. Robert A. King
Col. Michael J. Lovell
Col. Sue Ellen Schuerman
Col. Christopher J. Sheppard
Col. Charles A. Shurlow
Col. Lisa K. Snyder

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Steven J. deMilliano
Brig. Gen. David J. Meyer
Brig. Gen. Russell L. Ponder

The following named Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Andrew J. MacDonald

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Todd M. Audet
Brig. Gen. Kimberly A. Baumann
Brig. Gen. Floyd W. Dunstan
Brig. Gen. Randal K. Efferson
Brig. Gen. Laurie M. Farris
Brig. Gen. James R. Kriesel
Brig. Gen. William P. Robertson
Brig. Gen. James R. Stevenson, Jr.
Brig. Gen. Charles M. Walker
Brig. Gen. David A. Weishaar
Brig. Gen. Gregory T. White

The following named Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Christopher E. Finerty

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. Joseph B. Wilson

IN THE ARMY

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Ronald F. Taylor

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael S. Martin

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Douglas K. Clark
Col. John F. Kelliher, III

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1443 AIR FORCE nominations (5) beginning JOSHUA E. ERLANDSEN, and ending TOSHA M. VANN, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1444 AIR FORCE nominations (44) beginning MATTHEW G. ADKINS, and ending CATHERINE M. WARE, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1445 AIR FORCE nominations (31) beginning JENARA L. ALLEN, and ending SARAH M. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1446 AIR FORCE nominations (129) beginning DANIEL J. ADAMS, and ending ZACHARY E. WRIGHT, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1447 AIR FORCE nominations (18) beginning JENNIFER R. BEIN, and ending ANGELA K. STANTON, which nominations

were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1448 AIR FORCE nominations (55) beginning WESLEY M. ABADIE, and ending SCOTT A. ZAKALUZNY, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1449 AIR FORCE nominations (52) beginning LIOR ALJADEFF, and ending HYUN J. YOON, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1450 AIR FORCE nominations (294) beginning JASON K. ADAMS, and ending DANIELLE N. ZIEHL, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1451 AIR FORCE nomination (52) beginning VICTORIA M. AGLEWILSON, and ending DEBORAH L. WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1452 AIR FORCE nominations (2) beginning JUNELENE M. BUNGAY, and ending ALEXANDRA L. MCCRARY-DENNIS, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1453 AIR FORCE nomination of Christopher J. Nastal, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1454 AIR FORCE nomination of Alexander Khutoryan, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1455 AIR FORCE nomination of Daniel S. Kim, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1456 AIR FORCE nomination of Marilyn L. Smith, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

IN THE ARMY

PN1457 ARMY nomination of Zachary J. Conly, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1458 ARMY nomination of Audrey J. Dean, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1459 ARMY nomination of Michael W. Brancamp, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1460 ARMY nomination of Tracy J. Brown which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1461 ARMY nomination of Kenneth A. Wieder, which was received by the Senate and appeared in the Congressional Record of February 4, 2020

PN1462 ARMY nomination of Chong K. Yi, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1467 ARMY nominations (11) beginning JOHN C. BENSON, and ending SEAN M. VIEIRA, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1468 ARMY nomination of Ross C. Puffer, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1469 ARMY nomination of Amanda G. Luschinski, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1470 ARMY nomination of June E. Osavio, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1471 ARMY nominations (2) beginning YASMIN J. ALTER, and ending DEBBY L. POLOZECK, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1472 ARMY nominations (3) beginning OTHA J. HOLMES, and ending JONATHAN W. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1473 ARMY nomination of Shaun P. Miller, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1475 ARMY nomination of Krista H. Clarke, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1476 ARMY nomination of Peter K. Marlin, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1477 ARMY nomination of Angela I. Iyanobor, which was received by the Senate and appeared in the Congressional Record February 4, 2020.

PN1478 ARMY nomination of John J. Landers, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1479 ARMY nomination of David P. Frommer, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

IN THE MARINE CORPS

PN1378 MARINE CORPS nomination of Mario A. Ortega, which was received by the Senate and appeared in the Congressional Record of January 6, 2020.

PN1474 MARINE CORPS nomination of Keith A. Stevenson, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1489 MARINE CORPS nominations (3) beginning JOSEPH P. BALL, and ending RAMON F. VASQUEZ, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1490 MARINE CORPS nominations (5) beginning DONALD K. BROWN, and ending KEITH R. WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1491 MARINE CORPS nominations (4) beginning CHRISTINA L. HUDSON, and ending BRENT J. PATTERSON, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1492 MARINE CORPS nominations (2) beginning JAMES M. SHIPMAN, and ending PHILIP S. SPENCER, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1493 MARINE CORPS nomination of Christopher L. Kaiser, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1494 MARINE CORPS nominations (3) beginning PETER T. GRAHAM, and ending TRAVIS W. STORIE, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1495 MARINE CORPS nominations (3) beginning DANIEL E. FUSON, and ending JESUS T. RODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

IN THE NAVY

PN1224 NAVY nomination of Colin R. Young, which was received by the Senate and appeared in the Congressional Record of October 15, 2019.

PN1480 NAVY nomination of Catherine M. Dickinson, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1481 NAVY nomination of Donald A. Sinitiere, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1483 NAVY nominations (61) beginning STEPHEN W. ALDRIDGE, and ending GREGORY C. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1484 NAVY nomination of Paul J. Kaylor, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

PN1485 NAVY nomination of Andrew S. Jackson, which was received by the Senate and appeared in the Congressional Record of February 4, 2020.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

● Mr. DURBIN. Mr. President, I was necessarily absent for roll call vote No. 62, confirmation of the nomination of Travis Greaves to be a judge for the U.S. Tax Court. As I did on cloture, had I been present for the vote, I would have voted yea.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

WOMEN'S HEALTHCARE

● Ms. KLOBUCHAR. Mr. President, I rise today in opposition to the two bills that the Senate considered this week that would severely restrict women's access to reproductive healthcare. I have always believed that a woman's most personal and difficult medical decisions should be made with her doctor and her family and free from political interference.

These bills would prevent doctors from providing a full range of reproductive healthcare that meets the needs of their patients. These bills put women's health at risk, which is why they are opposed by groups that represent healthcare professionals, including the American Public Health Association. They would also disproportionately impact women of color, LGBTQ people, those facing intimate partner violence, and those living in rural areas.

All Americans deserve access to affordable, high-quality healthcare, including the full range of reproductive healthcare. It is for these reasons that I oppose the motions to invoke cloture on these bills.●

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I rise to submit to the Senate the budget scorekeeping report for February 2020. This is my fourth scorekeeping report since I filed the deemed budget resolution for fiscal year 2020 on September 9, 2019, as required by the Bipartisan Budget Act of 2019, BBA19. The report compares current-law levels of spending and revenues with the amounts agreed to in BBA19. In the Senate, this information is used to determine whether budgetary points of order lie against pending legislation. The Republican staff of the Budget Committee and the Congressional Budget Office, CBO, prepared this report pursuant to section 308(b) of the Congressional Budget Act, CBA. The information included in this report is current through February 21, 2020.

Since I filed the last scorekeeping report on January 15, 2020, only one measure was enacted with significant budgetary effects. On January 29, 2020, the President signed H.R. 5430, the United States-Mexico-Canada Agreement—USMCA—Implementation Act, into law. The measure implemented the USMCA and affected both revenue and spending. According to CBO, the USMCA Implementation Act will decrease direct spending outlays by $74 million over 10 years and increase revenues by nearly $3 billion over the same period. Direct spending effects are largely attributable to the act's provisions related to the dairy industry, while revenues are expected to increase due to higher receipts from tariffs on motor vehicles and parts. The USMCA Implementation Act also included $843 million in discretionary appropriations, designated as emergency spending, for Federal agencies to execute the agreement.

Budget Committee Republican staff prepared tables A–D.

Table A gives the amount by which each Senate authorizing committee exceeds or falls below its allocations for budget authority and outlays under the fiscal year 2020 deemed budget resolution. This information is used for enforcing committee allocations pursuant to section 302 of the CBA. Legislation enacted since the enactment of BBA19 has resulted in six authorizing committees being in breach of their allocations. The direct spending effects of the USMCA Implementation Act were credited to the Finance Committee, which continues to violate its allocation over all enforceable periods. In total, authorizing committees have breached outlay limitations by more than $29 billion over the 2020 through 2029 period.

Table B provides the amount by which the Senate Committee on Appropriations is below or exceeds the statutory spending limits. This information is used to determine points of order related to the spending caps found in sections 312 and 314 of the CBA. The table shows that the Appropriations Committee is compliant with spending limits for current the fiscal year. Those limits for regular discretionary spending are $666.5 billion for accounts in the defense category and $621.5 billion for accounts in the nondefense category of spending.

The 2018 budget resolution contained points of order limiting the use of changes in mandatory programs, CHIMPs, in appropriations bills. Table C, which tracks the CHIMP limit of $15 billion for 2020, shows the Appropriations Committee has complied with the CHIMP limit for this fiscal year.

Table D provides the amount of budget authority enacted for 2020 that has been designated as either for an emergency or for overseas contingency operations, OCO, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. Funding that receives either of these designations results in cap adjustments to enforceable discretionary spending limits. There is no limit on either emergency or overseas contingency operations spending; however, any Senator may challenge the designation with a point of order to strike the designation on the floor. The addition of $843 million in emergency-designated funds from P.L. 116–113 brings total emergency and OCO spending to $88.9 billion for the 2020 appropriations cycle.

In addition to the tables provided by Budget Committee Republican staff, I am submitting CBO tables, which I will use to enforce budget totals approved by Congress.

CBO provided a spending and revenue report for 2020, Table 1, which helps enforce aggregate spending levels in budget resolutions under CBA section 311. The current level is now in excess of allowable levels by $15.4 billion for budget authority and $1.7 billion for outlays in 2020. Details on 2020 levels can be found in CBO's second table.

Current-law revenues are currently below enforceable levels for all enforcement periods. Revenues are currently $34.4 billion, $150 billion, and $383.2 billion lower than assumed in the deemed budget resolution for 2020, 2020 through 2024, and 2020 through 2029, respectively.

Social Security spending levels are consistent with the budget resolution's figures for 2020; however, Social Security revenue levels are $15 million below assumed levels. CBO's report also provides information needed to enforce the Senate pay-as-you-go, PAYGO, rule, Table 3. This rule is enforced under section 4106 of the 2018 budget resolution. The Senate PAYGO scorecard currently shows an enacted deficit decrease of $984 million in 2020, but enacted deficit increases of $361 million and $2.2 billion over the 2019–2024 and 2019–2029 periods, respectively. The deficit effects of the USMCA Implementation Act do not include the amounts designated as supplemental appropriations because those amounts are recorded as discretionary spending, which is not recorded on the Senate's PAYGO scorecard.

This submission also includes a table tracking the Senate's budget enforcement activity on the floor since the enforcement filing on September 9, 2019. Since my last filing, one point of order was raised. On January 16, 2020, Senator TOOMEY raised a point of order against the emergency designations in the supplemental appropriations title of the USMCA Implementation Act. That point of order was waived by a vote of 78–21.

All years in the accompanying tables are fiscal years.

I ask unanimous consent that the accompanying tables be printed in the RECORD.

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

TABLE A.—SENATE AUTHORIZING COMMITTEES—ENACTED DIRECT SPENDING ABOVE (+) OR BELOW (−) BUDGET RESOLUTIONS

[In millions of dollars]

	2020	2020–2024	2020–2029
Agriculture, Nutrition, and Forestry			
Budget Authority	0	0	0
Outlays	0	0	0
Armed Services			
Budget Authority	32	1,972	5,637
Outlays	35	1,972	5,637
Banking, Housing, and Urban Affairs			
Budget Authority	169	2,260	5,402
Outlays	169	2,246	5,402
Commerce, Science, and Transportation			
Budget Authority	7	7	7
Outlays	7	7	7
Energy and Natural Resources			
Budget Authority	0	0	0
Outlays	0	0	0
Environment and Public Works			
Budget Authority	8,058	38,589	77,069
Outlays	415	683	1,130
Finance			
Budget Authority	8,161	14,280	17,226
Outlays	6,496	13,968	17,266
Foreign Relations			
Budget Authority	2	2	2
Outlays	37	37	37
Homeland Security and Governmental Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Judiciary			
Budget Authority	0	0	0
Outlays	0	0	0
Health, Education, Labor, and Pensions			
Budget Authority	−720	−400	0
Outlays	−997	−835	−435
Rules and Administration			
Budget Authority	0	0	0
Outlays	0	0	0
Intelligence			
Budget Authority	0	0	0
Outlays	0	0	0
Veterans' Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Indian Affairs			
Budget Authority	0	0	0
Outlays	0	0	0
Small Business			
Budget Authority	0	0	0
Outlays	0	0	0
Total			
Budget Authority	15,709	56,710	105,343
Outlays	6,162	18,078	29,044

This table is current through February 21, 2020. This table tracks the spending effects of legislation enacted compared to allowable levels. Each authorizing committee's initial allocation can be found in the Senate Budget Committee Chairman's Congressional Record filing on September 9, 2019.

TABLE B.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS [1]

[Budget authority, in millions of dollars]

	2020	
	Security [2]	Nonsecurity [2]
Statutory Discretionary Limits	666,500	621,500
Amount Provided by Senate Appropriations Subcommittee		
Agriculture, Rural Development, and Related Agencies	0	23,493

TABLE B.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS [1]—Continued

[Budget authority, in millions of dollars]

	2020	
	Security [2]	Nonsecurity [2]
Defense	622,522	143
Energy and Water Development	24,250	24,093
Financial Services and General Government	35	23,793
Homeland Security	2,383	48,085
Interior, Environment, and Related Agencies	0	35,989
Labor, Health and Human Services, Education, and Related Agencies	0	183,042
Legislative Branch	0	5,049
Military Construction, Veterans Affairs, and Related Agencies	11,315	92,171
State, Foreign Operations, and Related Programs	0	46,685
Transportation and Housing and Urban Development, and Related Agencies	300	73,977
Current Level Total	666,500	621,500

TABLE B.—SENATE APPROPRIATIONS COMMITTEE—ENACTED REGULAR DISCRETIONARY APPROPRIATIONS [1]—Continued

[Budget authority, in millions of dollars]

	2020	
	Security [2]	Nonsecurity [2]
Total Enacted Above (+) or Below (−) Statutory Limits	0	0

This table is current through February 21, 2020.

[1] This table excludes spending pursuant to adjustments to the discretionary spending limits. These adjustments are allowed for certain purposes in section 251(b)(2) of BBEDCA.

[2] Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

TABLE C.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)

[Budget authority, millions of dollars]

	2020
CHIMPS Limit for Fiscal Year 2020	15,000

TABLE C.—SENATE APPROPRIATIONS COMMITTEE—ENACTED CHANGES IN MANDATORY SPENDING PROGRAMS (CHIMPS)—Continued

[Budget authority, millions of dollars]

	2020
Senate Appropriations Subcommittees	
Agriculture, Rural Development, and Related Agencies	0
Commerce, Justice, Science, and Related Agencies	5,737
Defense	0
Energy and Water Development	0
Financial Services and General Government	0
Homeland Security	0
Interior, Environment, and Related Agencies	0
Labor, Health and Human Services, Education, and Related Agencies	9,263
Legislative Branch	0
Military Construction, Veterans Affairs, and Related Agencies	0
State, Foreign Operations, and Related Programs	0
Transportation, Housing and Urban Development, and Related Agencies	0
Current Level Total	15,000
Total CHIMPS Above (+) or Below (−) Budget Resolution	0

This table is current through February 21, 2020.

TABLE D.—SENATE APPROPRIATIONS COMMITTEE— ENACTED EMERGENCY AND OVERSEAS CONTINGENCY OPERATIONS SPENDING

[Budget authority, millions of dollars]

Emergency and Overseas Contingency Operations Designated Spending	2020			
	Emergency		Overseas Contingency Operations	
	Security [1]	Nonsecurity [1]	Security [1]	Nonsecurity [1]
Additional Supplemental Appropriations for Disaster Relief Act, 2019 (P.L.116–20) [2]	0	8	0	0
Consolidated Appropriations Act, 2020 (P.L. 116–93)	1,771	0	70,855	0
Further Consolidated Appropriations Act, 2020 (P.L. 116–94)	6,229	535	645	8,000
United States-Mexico-Canada Agreement Implementation Act (P.L. 116–113)	0	843	0	0
Current Level Total	8,000	1,386	71,500	8,000

This table is current through February 21, 2020.

[1] Security spending is defined as spending in the National Defense budget function (050) and nonsecurity spending is defined as all other spending.

[2] The Additional Supplemental Appropriations for Disaster Relief Act, 2019 was enacted after the publication of CBO's May 2019 baseline but before the Senate Budget Committee Chairman published the deemed budget resolution for 2020 in the Congressional Record. Pursuant to the Bipartisan Budget Act of 2019, the budgetary effects of this legislation have been incorporated into the current level as previously enacted funds.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 26, 2020.

Hon. MIKE ENZI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2020 budget and is current through February 21, 2020. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the allocations, aggregates, and other budgetary levels printed in the Congressional Record on September 9, 2019, pursuant to section 204 of the Bipartisan Budget Act of 2019 (Public Law 116–37).

Since our last letter dated January 15, 2020, the Congress has cleared, and the President has signed, the United States-Mexico-Canada Agreement Implementation Act (P.L. 116–113). That Act has significant effects on budget authority and outlays in fiscal year 2020.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2020, AS OF FEBRUARY 21, 2020

[In billions of dollars]

	Budget Resolution	Current Level	Current Level Over/Under (−) Resolution
On-Budget			
Budget Authority	3,817.0	3,832.3	15.4
Outlays	3,733.4	3,735.1	1.7
Revenues	2,740.5	2,706.1	−34.4
Off-Budget			
Social Security Outlays [a]	961.2	961.2	0.0
Social Security Revenues	940.4	940.4	0.0

Source: Congressional Budget Office.

[a] Excludes administrative expenses paid from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2020, AS OF FEBRUARY 21, 2020

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted [a b]			
Revenues	n.a.	n.a.	2,740,538
Permanents and other spending legislation	2,397,769	2,309,887	n.a.
Authorizing and Appropriation legislation	0	595,528	0
Offsetting receipts	−954,573	−954,573	n.a.
Total, Previously Enacted	1,443,196	1,950,842	2,740,538
Enacted Legislation			
Authorizing Legislation			
Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Div. B, P.L. 116–59)	693	667	0
Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (Div. B, P.L. 116–69)	8,058	415	0
Women's Suffrage Centennial Commemorative Coin Act (P.L. 116–71)	−2	−2	0
Fostering Undergraduate Talent by Unlocking Resources for Education Act (P.L. 116–91)	−720	−997	0
National Defense Authorization Act for Fiscal Year 2020 (P.L. 116–92)	32	35	1
Further Consolidated Appropriations Act, 2020 (Div. I-K, M-Q, P.L. 116–94)	8,360	6,720	−34,449
United States-Mexico-Canada Agreement Implementation Act (P.L. 116–113)	−19	−9	0
Subtotal, Authorizing Legislation	16,402	6,829	−34,448
Appropriation Legislation [a b]			
Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (Div. A, P.L. 116–59) [c]	0	128	0
Consolidated Appropriations Act, 2020 (P.L. 116–93)	884,979	530,980	0
Further Consolidated Appropriations Act, 2020 (Div. A–H, P.L. 116–94) [d]	1,585,345	1,239,739	0
United States-Mexico-Canada Agreement Implementation Act (Title IX, P.L. 116–113)	843	334	10
Subtotal, Appropriation Legislation	2,471,167	1,771,181	10
Total, Enacted Legislation	2,487,569	1,778,010	−34,438

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2020, AS OF FEBRUARY 21, 2020—Continued

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Entitlements and Mandatories	−98,431	6,242	0
Total Current Level [b]	3,832,334	3,735,094	2,706,100
Total Senate Resolution [e]	3,816,965	3,733,409	2,740,538
Current Level Over Senate Resolution	15,369	1,685	n.a.
Current Level Under Senate Resolution	n.a.	n.a.	34,438
Memorandum			
Revenues, 2020–2029			
Senate Current Level	n.a.	n.a.	34,464,133
Senate Resolution [e]	n.a.	n.a.	34,847,317
Current Level Over Senate Resolution	n.a.	n.a.	n.a.
Current Level Under Senate Resolution	n.a.	n.a.	383,184

Source: Congressional Budget Office.
n.a. = not applicable; P.L. = public law.
[a] Sections 1001–1004 of the 21st Century Cures Act (P.L. 114–255) require that certain funding provided for 2017 through 2026 to the Department of Health and Human Services—in particular the Food and Drug Administration and the National Institutes of Health—be excluded from estimates for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Deficit Control Act) and the Congressional Budget and Impoundment Control Act of 1974 (Congressional Budget Act). Therefore, the amounts shown in this report do not include $567 million in budget authority and $798 million in estimated outlays.
[b] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the resolution, as approved by the Senate, does not include budget authority, outlays, or revenues for off-budget amounts. As a result, amounts in this current level report do not include those items.
[c] Section 124 of the Continuing Appropriations Act, 2020 (division A of P.L. 116–59), appropriated funding for the Ukraine Security Assistance Initiative (within the jurisdiction of the Subcommittee on Defense) and designated those amounts as funding for overseas contingency operations. That provision took effect upon enactment on September 27, 2019.
[d] In consultation with the House and Senate Committees on the Budget and the Office of Management and Budget, rescissions of emergency funding that was not designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall not count for certain budgetary enforcement purposes. These amounts, which are not included in the current level totals, are as follows:

	Budget Authority	Outlays	Revenues
Further Consolidated Appropriations Act, 2020 (Division H, P.L. 116–94)	−7	0	0

[e] Section 204 of the Bipartisan Budget Act of 2019 requires the Chairman of the Senate Committee on the Budget to publish the aggregate spending and revenue levels for fiscal year 2020; those aggregate levels were first published in the Congressional Record on September 9, 2019. The Chairman of the Senate Committee on the Budget has the authority to revise the budgetary aggregates for the budgetary effects of certain revenue and spending measures pursuant to the Congressional Budget Act of 1974 and H.Con.Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, as updated by the Bipartisan Budget Act of 2019.

	Authority	Outlays	Revenues
Original Aggregates printed on September 9, 2019:	3,703,553	3,680,696	2,740,538
Revisions:			
Adjustment for P.L. 116–59, Continuing Appropriations Act, 2020, and Health Extenders Act of 2019	693	795	0
Adjustment for P.L. 116–69, Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019	4,750	4,050	0
Adjustment for P.L. 116–93, Consolidated Appropriations Act, 2020, and P.L. 116–94, Further Consolidated Appropriations Act, 2020	107,126	47,534	0
Adjustment for P.L. 116–113, United States-Mexico-Canada Agreement Implementation Act	843	334	0
Revised Senate Resolution	3,816,965	3,733,409	2,740,538

TABLE 3.—SUMMARY OF THE SENATE PAY-AS-YOU-GO SCORECARD AS OF FEBRUARY 21, 2020

[In millions of dollars]

	2020	2019–2024	2019–2029
Beginning Balance [a]	0	0	0
Enacted Legislation [b] [c]			
Continuing Appropriations Act, 2020, and Health Extenders Act of 2019 (H.R. 4378, P.L. 116–59) [d]	n.a.	n.a.	n.a.
Christa McAuliffe Commemorative Coin Act of 2019 (S. 239, P.L. 116–65)	0	0	0
Hidden Figures Congressional Gold Medal Act (H.R. 1396, P.L. 116–68)	*	*	*
Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019 (H.R. 3055, P.L. 116–69) [e]	—	—	—
Women's Suffrage Centennial Commemorative Coin Act (H.R. 2423, P.L. 116–71)	−2	0	0
Preventing Animal Cruelty and Torture Act (H.R. 724, P.L. 116–72)	*	*	*
Hong Kong Human Rights and Democracy Act of 2019 (S. 1838, P.L. 116–76)	*	*	*
An act to amend section 442 of title 18, United Stales Code, to exempt certain interests in mutual funds, unit investment trusts, employee benefit plans, and retirement plans from conflict of interest limitations for the Government Publishing Office. (H.R. 5277, P.L. 116–78)	*	*	*
Fostering Undergraduate Talent by Unlocking Resources for Education Act (H.R. 5363, P.L. 116–91)	−997	−835	−435
National Defense Authorization Act for Fiscal Year 2020 (S. 1790; P.L. 116–92)	34	1,975	5,645
Futher Consolidated Appropriations Act, 2020 (H.R. 1865, P.L. 116–94) [f]	—	—	—
Virginia Beach Strong Act (H.R. 4566, P.L. 116–98)	*	*	*
Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act (S. 216, P.L. 116–100)	*	*	*
Grant Reporting Efficiency and Agreements Transparency Act of 2019 (H.R. 150, P.L. 116–103)	*	*	*
TRACED Act (S. 151, P.L. 116–105)	*	*	*
Preventing Illegal Radio Abuse Through Enforcement Act (H.R. 583, P.L. 116–109)	*	*	*
President George H.W. Bush and First Spouse Barbara Bush Coin Act (S. 457, P.L. 116–112)	*	*	*
United States-Mexico-Canada Agreement Implementation Act (H.R. 5430, P.L. 116–113)	−19	−779	−3,044
	−984	361	2,166
Impact on Deficit	−984	361	2,166
Total Change in Outlays	−973	1,068	5,128
Total Change in Revenues	11	707	2,962

Source: Congressional Budget Office.
n.a. = not applicable; P.L. = public law; — = excluded from PAYGO scorecard; * = between −$500,000 and $500,000.
[a] On September 9, 2019, the Chairman of the Senate Committee on the Budget reset the Senate's Pay-As-You-Go Scorecard to zero for all fiscal years.
[b] The amounts shown represent the estimated effect of the public laws on the deficit.
[c] Excludes off-budget amounts.
[d] The budgetary effects of division B of this act are excluded from the Senate's PAYGO scorecard, pursuant to sec. 1701(b) of the act. The budgetary effects of division A were fully incorporated into the PAYGO ledger pursuant to the authority provided to the Chairman of the Senate Budget Committee in section 3005 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018. The Chairman exercised that authority through filing an adjustment in the *Congressional Record* on September 26, 2019.
[e] The budgetary effects of division B of this act are excluded from the Senate's PAYGO scorecard, pursuant to sec. 1801(b) of the act.
[f] The budgetary effects of this act are excluded from the Senate's PAYGO scorecard, pursuant to section 1001 of Title X of division I of the act.

ENFORCEMENT REPORT OF POINTS OF ORDER RAISED SINCE THE FY 2020 ENFORCEMENT FILING

Vote	Date	Measure	Violation	Motion to Waive [1]	Result
399	December 17, 2019	Conference Report to Accompany S. 1790, the National Defense Authorization Act for Fiscal Year 2020.	3101-long-term deficits [2]	Sen. Inhofe (R–OK)	82–12, wavied
414	December 19, 2019	H.R. 1865, the Further Consolidated Appropriations Act, 2020	3101-long-term deficits [3]	Sen. Shelby (R–AL)	64–30, waived
13	January 16, 2020	H.R. 5430, the United States-Mexico-Canada Agreement Implementation Act.	314(e)-emergency desgination [4]	Sen. Grassley (R–IA)	78–21, waived

[1] All motions to waive were offered pursuant to section 904 of the Congressional Budget Act of 1974.
[2] Senator Enzi raised a 3101(b) point of order against the conference report because the legislation would increase on-budget deficits by more than $5 billion in each of the four consecutive 10-year periods beginning in 2030.
[3] Senator Enzi raised a 3101(b) point of order against the bill because the legislation would increase on-budget deficits by more than $5 billion in at least one of the four consecutive 10-year periods beginning in 2030.
[4] Senator Toomey raised a 314(e) point of order against the emergency designation on page 233, lines 4 through 8, of the bill.

ARM SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19–76 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Jordan for defense articles and services estimated to cost $300 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures:

TRANSMITTAL NO. 19–76

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Jordan.

(ii) Total Estimated Value:
Major Defense Equipment* $40 million.
Other $260 million.
Total $300 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: Advanced Field Artillery Tactical Data System (AFATDS) including hardware, software, and associated services.

Major Defense Equipment (MDE): Up to seven hundred (700) AFATDS Software License Copies with a Tailored, International Ballistic Kernel.

Non-MDE: Also included are up to two hundred (200) each laptop and table computers, ancillary computer mounting hardware, battery kits and chargers, printers, scanners, network routers and communication hardware, modems, two hundred fifty (250) each diesel fueled 5 kilowatt auxiliary power units (APUs), one hundred (100) each diesel fueled electrical power generators, fifty (50) each model 7800–HF 150–Watt high frequency radios, five hundred (500) each model 7850–MB 50–Watt multiband (UHF & VHF) radios, five hundred fifty (550) each model 7850–MB IO-Watt multiband (UHF & VHF) radios, all the required cables and components, required engineering and installation services, operations, integration, and maintenance services, contractor furnished support, communications support equipment, tools and test equipment, training, U.S. Government technical/logistical Support, contractor technical support, spares and support equipment, and other related elements of logistical and program support services.

(iv) Military Department: Army (JO–B–YBJ).

(v) Prior Related Cases, if any: JO–B–WYB.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 25, 2020.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Jordan—Artillery Command, Control and Communications (C3) Equipment

The Government of Jordan has requested to buy up to seven hundred (700) Advanced Field Artillery Tactical Data System (AFATDS) software license copies with a tailored, international ballistic kernel. Also included are up to two hundred (200) each laptop and table computers, ancillary computer mounting hardware, battery kits and chargers, printers, scanners, network routers and communication hardware, moderns, two hundred fifty (250) each diesel fueled 5 kilowatt auxiliary power units (APUs), one hundred (100) each diesel fueled electrical power generators, fifty (50) each model 7800–HF 150–Watt high frequency radios, five hundred (500) each model 7850–MB 50–Watt multiband (UHF & VHF) radios, five hundred fifty (550) each model 7850–MB IO-Watt multiband (UHF & VHF) radios, all the required cables and components, required engineering and installation services, operations, integration, and maintenance services, contractor furnished support, communications support equipment, tools and test equipment, training, U.S. Government technical/logistical Support, contractor technical support, spares and support equipment, and other related elements of logistical and program support services. The estimated cost is $300 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of an important Major Non-NATO ally in the region. This sale is consistent with U.S. initiatives to provide key partners in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

The proposed upgrade will allow the Jordan Armed Forces (JAF) to fire Guided Multiple Launch Rocket System-Alternative Warhead (GMLRS–AW) rockets using a digital fire control system. The expansion will ensure uniformity among all indirect fire systems used by the JAF. The upgrade and expansion of the AFATDS fire control system will allow the JAF to defend its borders and ground forces with indirect fire weapon systems. This proposed sale will advance the JAF's efforts to modernize its military and to enhance interoperability with U.S., allied, and coalition military forces. Jordan will have no difficulty absorbing these defense articles and services into its armed forces.

The proposed sale will not alter the basic military balance in the region.

The prime contractors for the AFATDS and supporting equipment include Raytheon Company and the Harris Company. There are no known offset agreements in connection with this potential sale.

Implementation of this sale will not require the assignment of any U.S. Government or contractor representatives to Jordan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 19–76

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. All equipment, documentation, software and associated information proposed in this sale is UNCLASSIFIED.

2. The AFATDS software and tailored, international ballistic kernel included in this proposed sale will be formally tested to verify release for export and to verify the excision of any and all elements not authorized for release or export to Jordan.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Jordan can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19–75 concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $85 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 19–75

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the Netherlands.

(ii) Total Estimated Value:

Major Defense Equipment* $75 million.

Other $10 million.

Total $85 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE): Sixteen (16) MK–48 Mod 7 Advanced Technology (AT) Torpedo Conversion Kits.

Non-MDE: Also included are spare parts, containers, associated hardware, torpedo handling equipment, and cables; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) Military Department: Navy (NE–P–LHC A5).

(v) Prior Related Cases, if any: NE–P–LHC.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.

(viii) Date Report Delivered to Congress: February 25, 2020.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Netherlands—MK–48 Torpedo Conversion Kits

The Government of the Netherlands has requested to buy sixteen (16) MK–48 Mod 7 Advanced Technology (AT) torpedo conversion kits. Also included are spare parts, containers, associated hardware, torpedo handling equipment, and cables; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The total estimated program cost is $85 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve security of a NATO ally which is an important force for political stability and economic progress in Northern Europe.

The Netherlands desires to upgrade additional MK 48 Mod 4 torpedoes to the MK 48 Mod 7 AT model. They intend to use the MK 48 Mod 7 AT torpedo on their Walrus Class submarines. The Netherlands will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment will not alter the basic military balance in the region.

The prime contractor will be Raytheon Company, Portsmouth, RI. The Netherlands may require offset agreements in connection with this potential sale. Any offset agreement will be defined in negotiations between the Purchaser and the prime contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands. Travel of U.S. Government or contractor representatives to the Netherlands on a temporary basis for program technical support and management oversight will be required.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 19–75

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Mod 7 configuration is the United States Navy's most capable submarine launched torpedo. It has a new sonar receiver that has a broader bandwidth capability than previous versions, and also employs a new tactical processor that has increased memory and throughput. The Mod 7AT configuration has the same guidance and control system and the same software as the Mod 7. However, it employs the Mod 4M afterbody which results in higher radiated noise.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Netherlands can provide substantially the same degree of protection for the technology being released as the U.S. Government. This proposed sustainment program is necessary to the furtherance of the U.S. foreign policy and national security objectives as outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Netherlands.

ARM SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask to unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. JAMES E. RISCH,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 19–71 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Tunisia for defense articles and services estimated to cost $325.8 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 19–71

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Tunisia.

(ii) Total Estimated Value:

Major Defense Equipment* $123.2 million.

Other $202.6 million.

Total $325.8 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Three hundred twelve (312) MAU–169 Computer Control Groups (CCG).

Three hundred twelve (312) MXU–1006/B Air Foil Groups (AFG).

Four hundred sixty-eight (468) MK81 250 LB GP Bombs.

Eighteen (18) BDU–50s (MK–82 Filled Inert).

Sixty-six (66) MXU–650 C/B Air Foil Groups (AFG), GBU–12.

Sixty (60) Guidance Section, Guided Bombs, MAU–209, GBU–10,12,16.

Forty-eight (48) MK–82 5001b Bombs.

Five hundred sixteen (516) FMU–152 A/B Fuzes.

Eighteen (18) MAU–169H(D–2)/B Computer Control Groups.

Three thousand two hundred ninety (3290) Advanced Precision Kill Weapon Systems (APKWS).

Non-Major Defense Equipment (MDE): Also included are four (4) AT–6C Wolverine Light Attack Aircraft; two (2) Pratt & Whitney PT6A–68D 1600 SHP engines (spares); six (6) L–3 WESCAM MX–15D Multi-Spectral Targeting System; six (6) Machine Gun Caliber .50; Cartridge Actuated Device/Propellant Actuated Device (CAD/PAD); High Explosive Warhead; bomb components, repair and return of weapons, weapons training equipment, practice bombs, TTU–595 Test Set and spares, fin assemblies, rocket motors, training aids/devices/spare parts, aircraft spare parts, support equipment, clothing and textiles, publications and technical documentation, travel expenses, medical services, construction, aircraft ferry support, technical and logistical support services, major modifications/class IV support, personnel training and training equipment, U.S. Government and contractor program support, and other related elements of logistics and program support.

(iv) Military Department: Air Force (TU–D–SAC).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: February 25, 2020.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Tunisia—AT–6 Light Attack Aircraft

The Government of Tunisia has requested to buy four (4) AT–6C Wolverine Light Attack Aircraft with supporting equipment, to include: three hundred twelve (312) MAU–169 Computer Control Groups (CCG); three hundred twelve (312) MXU–1006/B Air Foil Groups (AFG); four hundred sixty-eight (468) MK81 250 LB GP bombs; eighteen (18) BDU–50s (MK–82 Filled Inert); sixty-six (66) MXU–650 C/B Air Foil Groups (AFG), GBU–12; sixty (60) Guidance Section, guided bombs, MAU–209, GBU–10,12,16; forty-eight (48) MK–82 5001b bombs; five hundred sixteen (516) FMU–152 A/B fuzes; eighteen (18) MAU–169H(D–2)/B Computer Control Groups; and three thousand two hundred ninety (3,290) Advanced Precision Kill Weapon Systems (APKWS); two (2) Pratt & Whitney PT6A–68D 1600 SHP engines (spares); six (6) L–3 WESCAM MX–15D Multi-Spectral Targeting System; six (6) Machine Gun Caliber .50; Cartridge Actuated Device/Propellant Actuated Device (CAD/PAD); High Explosive Warhead;

bomb components, repair and return of weapons, weapons training equipment, practice bombs, TTU–595 Test Set and spares, fin assemblies, rocket motors, training aids/devices/spare parts, aircraft spare parts, support equipment, clothing and textiles, publications and technical documentation, travel expenses, medical services, construction, aircraft ferry support, technical and logistical support services, major modifications/class IV support, personnel training and training equipment, U.S. Government and contractor program support, and other related elements of logistics and program support. The estimated value is $325.8 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the defense capabilities and capacity of a major non-NATO ally, which is an important force for political stability and economic progress in North Africa. This potential sale will provide additional opportunities for bilateral engagements and further strengthen the bilateral relationship between the United States and Tunisia.

The proposed sale will improve Tunisia's ability to meet current and future threats by increasing their capability and capacity to counter-terrorism and other violent extremist organization threats. The AT–6 platform will bolster their capability to respond to and engage threats in multiple areas across the country. Additionally, the procurement of the AT–6 aircraft strengthens interoperability between Tunisia, regional allies, and the United States. Tunisia will have no difficulty absorbing this aircraft into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Textron Aviation Defense LLC, Wichita, Kansas. There are no known offset agreements proposed with this potential sale. However, the purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of two (2) U.S. contractor logistics representatives to Tunisia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 19–71

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AT–6 Wolverine is a Beechcraft light attack, armed reconnaissance and irregular warfare and counterinsurgency mission aircraft. With a single engine PT6A–68D Pratt & Whitney engine and Lockheed Martin A–1OC mission computer and plug- and-play weapons management system with Seek Eagle certification, the AT–6 Wolverine can fire laser-guided rockets and deliver general purpose and inertially-aided munitions.

2. GBU–12 is a 5001b Mk–82 General Purpose (GP) bomb body fitted with the MXU–650 AFG, and MAU–209C/B or MAU–168L/B Computer Control Group (CCG) to guide to its laser designated target. The GBU–12 is a maneuverable, free-fall Laser Guided Bomb (LGB) that guides to a spot of laser energy reflected off of the target. Laser designation for the LGB can be provided by a variety of laser target markers or designators.

3. GBU–58 is a 2501b Mk–81 GP bomb body fitted with the MXU–1006 AFG, and MAU–209C/B or MAU–168L/B CCG to guide to its laser designated target. The GBU–58 is a maneuverable, free-fall LGB that guides to a spot of laser energy reflected from the target. Laser designation for the LGB can be provided by a variety of laser target markers or designators.

4. Mk–82 General Purpose (GP) bomb is a 500 pound, free-fall, unguided, low-drag weapon usually equipped with the mechanical M904 (nose) and M905 (tail) fuzes or the radar-proximity FMU–113 air-burst fuze. The Mk–82 is designed for soft, fragment sensitive targets and is not intended for hard targets or penetrations. The explosive filling is usually tritonal, though other compositions have sometimes been used.

5. BDU–50 (Mk–82 Inert) GP bomb is a 500 pound, free-fall, unguided, low-drag training weapon. There are no explosive elements with this bomb; it does not have a fuze and will not detonate when it hits the ground. It is used from flight training to give the pilot the insight into aircraft handling characteristics with the additional weight on the wing.

6. The Joint Programmable Fuze (JPF) FMU–152 is a multi-delay, multi-arm and proximity sensor compatible with general purpose blast, frag and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with JDAM weapons.

7. Advanced Precision Kill Weapon System (APKWS) II All-Up-Round (AUR) is an air-to-ground weapon that consists of an APKWS II Guidance Section (GS), legacy 2.75 inch MK66 Mod 4 rocket motor, and legacy MK152 and MK435/436 warhead/fuze. APKWS II uses a semi-active laser seeker. The GS is installed between the rocket motor and warhead to create a guided rocket. The APKWS II may be procured as an independent component to be mated to appropriate 2.75-inch warheads/fuzes and rocket motors purchased separately, or may be purchased as an AUR.

8. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

9. A determination has been made that the recipient country can provide substantially the same degree of protection for the technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

10. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Tunisia.

IMPEACHMENT

Mr. REED. Mr. President, I ask unanimous consent to have my opinion memorandum in the impeachment trial of President Donald John Trump printed in the RECORD.

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

OPINION MEMORANDUM OF UNITED STATES SENATOR JOHN F. REED IN THE IMPEACHMENT TRIAL OF PRESIDENT DONALD JOHN TRUMP

I. FINDINGS

Based on the evidence in the record, the arguments of the House Impeachment Managers, and the arguments of the President's Counsel, I conclude as follows: The President has violated his constitutional oath to ''take care that the laws be faithfully executed'' and placed his personal and political interests above the interests of the United States. The House Impeachment Managers have proven that the President's abuse of power and congressional obstruction amount to the constitutional standard of ''high Crimes and Misdemeanors'' for which the sole remedy is conviction and removal from office.

II. STATEMENT OF THE FACTS

On December 18, 2019, the United States House of Representatives passed H. Res. 755,[1] ''Impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.'' H. Res. 755 contains two Articles of Impeachment. The first Article declares that the President abused his power by soliciting foreign interference to help his bid for reelection in the 2020 United States presidential election and conditioning United States government acts of significant value on the foreign power's cooperation. The second Article declares that the President obstructed Congress by directing the categorical, indiscriminate defiance of subpoenas for witness testimony and documents deemed vital to the House Impeachment inquiry.

Pursuant to Article I, Section 3 of the United States Constitution, the United States Senate convened as a Court of Impeachment on January 16, 2020, and each Senator took an oath to ''do impartial justice according to the Constitution and laws.''[2] Alexander Hamilton spoke about the Senate's role in an Impeachment trial in Federalist Paper No. 65, when he wrote, ''What other body would be likely to feel *confidence enough in its own situation*, to preserve unawed and uninfluenced the necessary impartiality between an *individual* accused and the *representatives of the people, his accusers*?''[3]

The obligation of the Senate is to accord the President, as the accused, the right to conduct his defense fairly, while respecting the House's exclusive constitutional prerogative to bring Articles of Impeachment. At the core of the Senate's task is the fundamental understanding that our system of laws recognizes the rights of defendants and the responsibilities of the prosecution to prove its case. Such a basic tenet of our law and our experience as a free people does not evaporate in the rarified atmosphere of a Court of Impeachment, simply because the accused is the President and the accuser is the House of Representatives.

III. THE CONSTITUTIONAL GROUNDS FOR IMPEACHMENT

''The Senate shall have the sole Power to try all Impeachments.''[4] With these few words, the Framers of the Constitution entrusted the Senate with the most awesome power within a democratic society: whether to remove an impeached President from office.

A. High Crimes and Misdemeanors

The Constitution states, ''The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.''[5]

''Treason'' and ''Bribery'' are foundational impeachable offenses. No more heinous example of an offense against the constitutional order exists than betrayal of the nation to an enemy or betrayal of duty for personal enrichment. A President commits treason when he levies war against the United States or gives comfort or aid to its enemies.[6] As the House Judiciary Committee explains, a President engages in impeachable bribery when he ''offers, solicits, or accepts something of personal value to influence his own official actions.''[7]

In interpreting ''high Crimes and Misdemeanors,'' we must not only look to the

Federalist Papers and the records of the Constitutional Convention, but also to the contemporary and foundational writings on Impeachment available to the Framers.

Sir William Blackstone, whose influential Commentaries on the Laws of England were published from 1765–1770, discussed a classification of crimes he termed ''public wrongs, or crimes and misdemeanors'' that he defined as breaches of the public duty that an individual owed to their entire community.[8] Blackstone viewed treason, murder, and robbery as ''public wrongs'' not only because they cause injury to individuals but also because they ''strike at the very being of society.''[9]

Richard Wooddeson, a legal scholar who began giving lectures on English law in 1777, defined impeachable offenses as misdeeds that fail to clearly fall under the jurisdiction of ordinary tribunals. These wrongs were ''abuse[s] of high offices of trust'' that damaged the commonwealth.[10]

Much the same as Blackstone and Wooddeson, Alexander Hamilton included the dual components of abuse of public trust and national harm in his definition of impeachable crimes and misdemeanors. In Federalist Paper No. 65, Hamilton defined an impeachable offense as ''those offenses which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.''[11]

B. The Constitutional Debates

Adding impressive support to these consistent views of the meaning of the constitutional term, ''high Crimes and Misdemeanors,'' is the history of the deliberations at the Constitutional Convention.

The convention delegates considered limiting Impeachment to treason and bribery. However, they concluded that these enumerated offenses alone could not anticipate every manner of profound misconduct that a future President might engage in.[12] George Mason, a delegate from Virginia, declared that ''high crimes and misdemeanors'' would be an apt way to further capture ''great and dangerous offences'' or ''[a]ttempts to subvert the Constitution.''[13]

This wording would also set the necessarily high threshold for Impeachment that would be proportional to the severe punishment of removing an elected official and disqualification from holding future public office.

Further insight is provided by James Iredell, a delegate to the North Carolina Convention that ratified the Constitution, who later served as a Justice of the United States Supreme Court. During the Convention debates, Iredell stated:

The power of impeachment is given by this Constitution, to bring great offenders to punishment . . . This power is lodged in those who represent the great body of the people, because the occasion for its exercise will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal.[14]

Iredell's understanding sustains the view that an impeachable offense must cause ''great injury to the community.'' Private wrongdoing, without a significant, adverse effect upon the nation, cannot constitute an impeachable offense. James Wilson, a delegate to the Federal Constitutional Convention and, like Iredell, later a Supreme Court Justice, wrote that Impeachments are ''proceedings of a political nature . . . confined to political characters, to political crimes and misdemeanors, and to political punishments.''[15]

Later commentators expressed similar views. In 1833, Justice Joseph Story quoted favorably from the scholarship of William Rawle, who concluded that the ''legitimate causes of impeachment . . . can have reference only to public character, and official duty . . . In general, those offenses, which may be committed equally by a private person, as a public officer, are not the subject of impeachment.''[16]

This line of reasoning is buttressed by the careful and thoughtful work of the House of Representatives during the Watergate proceedings. The Democratic staff of the House Judiciary Committee concluded that, ''Because impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.''[17]

The deliberations at the Constitutional Convention also demonstrate a conscious movement to narrow the terminology as a means of raising the threshold for the Impeachment process to require an offense against the State.

Early in the debate on the issue of presidential Impeachment in July of 1787, it was suggested that Impeachment and removal could be founded on a showing of ''malpractice,'' ''neglect of duty,'' or ''corruption.''[18] By September of 1787, the issue of presidential Impeachment had been referred to the Committee of Eleven, which was created to resolve the most contentious issues. The Committee of Eleven considered whether the grounds for Impeachment should be ''treason or bribery.''[19] This was significantly more restricted than the amorphous standard of ''malpractice,'' too restricted, in fact, for some delegates. George Mason objected and suggested that ''maladministration'' be added to ''treason and bribery.''[20] This suggestion was opposed by Madison as being ''equivalent to a tenure during pleasure of the Senate.''[21] Mason responded by further refining his suggestion and offered the term ''other high crimes and misdemeanors against the State.''[22] The Mason language was a clear reference to the English legal history of Impeachment. Mason's proposal explicitly narrowed these offenses to those ''against the State.'' The Convention itself further clarified the standard by replacing ''State'' with the ''United States.''[23]

At the conclusion of the substantive deliberations on the constitutional standard of Impeachment, it was obvious that only serious offenses against the governmental system would justify Impeachment and subsequent removal from office. However, the final stylistic touches to the Constitution were applied by the Committee of Style. This Committee had no authority to alter the meaning of the carefully debated language, but could only impose a stylistic consistency through, among other things, the elimination of redundancy. In its zeal to streamline the text, the words ''against the United States'' were eliminated as unnecessary to the meaning of the passage.[24]

The weight of both authoritative commentary and the history of the Constitutional Convention combines to provide convincing proof that the Impeachment process was reserved for serious breaches of the constitutional order that threaten the country in a direct and immediate manner.

C. An Impeachable Offense is Not Limited to Criminal Liability or A Defined Offense

In the case before us, the President's Counsel wholly reject a longstanding understanding of Impeachment, by arguing that abuse of power is not an impeachable offense and by positing that ''the Framers restricted impeachment to specific offenses against 'already known and established law.' ''[25]

This assertion is clearly wrong. Article I, Section 3 of the United States Constitution provides that ''Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.''[26] As Delegate James Wilson wrote, ''impeachments, and offenses and offenders impeachable ''[do not come] within the sphere of ordinary jurisprudence. They are founded on different principles, are governed by different maxims, and are directed to different objects: for this reason, the trial and punishment of an offense on an impeachment, is no bar to a trial and punishment of the same offence at common law.''[27] The independence of the Impeachment process from the prosecution of crimes underscores the function of Impeachment as a means to remove a President from office, not only because of criminal behavior, but because the President poses a threat to the constitutional order. Criminal behavior is not irrelevant to an Impeachment, but it only becomes decisive if that behavior imperils the balance of powers established in the Constitution.

The assertion that an impeachable offense must be predicated on a criminal act goes against the well-established consensus of the legal community. For example, the argument by President's Counsel is undercut by the President's current Attorney General, William Barr. Mr. Barr wrote in a 2018 memo to the Department of Justice (DOJ) when he was still in private practice, that the President ''is answerable for any abuses of discretion and is ultimately subject to the judgment of Congress through the impeachment process [which] means that the president is *not* the judge in his own cause.''[28] As Mr. Barr makes clear, Impeachment does not need to be based on a crime.

Furthermore, the assertion that an impeachable offense must involve the violation of an ''already known or established'' law, even if not criminal, is not supported by the constitutional record. In advocating for the inclusion of Impeachment at the Constitutional Convention, James Madison made the case that the country must be protected against any number of abuses that a President could engage in and which might cause permanent damage to the country. Madison wrote that:

[It was] indispensable that some provision should be made for defending the Community [against] the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service, was not a sufficient security . . . He might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers.[29]

Confining Impeachment to criminal or even codified offenses goes against the mainstream consensus on the meaning of ''high Crimes and Misdemeanors'' and would fail to capture the universe of harms to the constitutional order in which a President could engage.

D. Impeachment as a Remedy for Corrupting Foreign Influence

The Founders were also gravely concerned about the dangers of foreign influence corrupting our elections and interfering with the rule of law.[30] The United States was then a fledging union that had just gained independence from Britain, with help from the French during the American Revolution. As

such, the Founders rightly feared that foreign governments might try to exploit American politics in order to further their own interests. During the Constitutional Convention, Elbridge Gerry, a delegate from Massachusetts, warned that ''[f]oreign powers will intermeddle in our affairs, and spare no expence to influence them.'' [31]

The Founders were also acutely aware of the potential for public officials to betray their office to a foreign power, if the temptation were strong enough. Hamilton conceded in Federalist Paper No. 22 that ''[o]ne of the weak sides of republics, among their numerous advantages, is that they afford too easy an inlet to foreign corruption.'' [32] In Hamilton's view, when ordinary men are elevated by their fellow citizens to high office, they ''may find compensations for betraying their trust, which to any but minds animated and guided by superior virtue, may appear to exceed the proportion of interest they have in the common stock, and to over-balance the obligations of duty. Hence it is that history furnishes us with so many mortifying examples of the prevalency of foreign corruption in republican governments.'' [33]

E. Conclusion

Authoritative commentary on, together with the structure of, the Constitution makes it clear that the term, ''other high Crimes and Misdemeanors,'' encompasses conduct that involves the President in the impermissible exercise of the powers of his office to upset the constitutional order. Moreover, since the essence of Impeachment is removal from office, rather than punishment for offenses, there is a strong inference that the improper conduct must represent a continuing threat to the American people and the Constitution. It must be an episode that either cannot be dealt with in the Courts or that raises generalized concerns about the continued service of the President, as is the case presented here.

IV. STANDARD OF PROOF

In an Impeachment trial, each Senator has the obligation to establish the burden of proof he or she deems proper.[34] The Founding Fathers believed maximum discretion was critical for Senators confronting the gravest of constitutional choices.[35] Differentiating Impeachment from criminal trials, Alexander Hamilton argued, in Federalist Paper No. 65, that Impeachments ''can never be tied down by such strict rules . . . as in common cases serve to limit the discretion of courts in favor of personal security.'' [36] In this regard, Hamilton further distinguished Impeachment proceedings from a criminal trial by stressing that an impeached official would be subject to the established rules of criminal prosecution after Impeachment.[37]

During the Clinton Impeachment trial, I believed, as I do now, that the House Impeachment Managers bear the burden of proving their case.[38] In that trial, the House Impeachment Managers asserted that the Senators should reach a conclusion utilizing a beyond a reasonable doubt standard before voting to convict the President. The House Impeachment Managers, explicitly stated, ''none of us, would argue . . . that the President should be removed from office unless you conclude he committed the crimes that he is alleged to have committed.'' [39] I chose that standard of proof during that trial.[40] As I stated then, ''[h]ad the charges of th[at] case involved threats to our constitutional order not readily characterized by criminal charges, I would have been forced to further parse an exact standard. However, for all practical purposes, the Managers have themselves established the burden of proof in [the Clinton Impeachment] case.'' [41]

As the charges in this case against President Trump cut to the core of our constitutional order, I believe that I am now required to offer further analysis on which standard of proof to apply.

While the House Impeachment Managers in the current trial did not provide a single standard of proof required for conviction and removal, it was clear that the bar they set was quite high, which is appropriate. However, what exact constitutional standard should be used remains debatable. Practical concerns related to utilizing the Impeachment power should be considered when determining the standard of proof required. Too low of a standard may lead to removal, even if significant doubts exist. A ''. . . high 'criminal' standard of proof could mean, in practice, that a man could remain president whom every member of the Senate believed to be guilty of corruption, just because his guilt was not shown 'beyond a reasonable doubt.' '' [42]

When uncertain about the standard of proof to apply, it is worth reviewing the writings of eminent scholars. In doing so, I have found a closer approximation to what the standard should be in many Impeachment trials as compared to those used in general legal practice: '' '[o]verwhelming preponderance of the evidence' . . .'' [43] Yet, I believe that the severity of removing a President of the United States warrants an even higher bar. As such, a definition slightly modified, but modeled on that proposed standard, is more applicable: overwhelmingly clear and convincing evidence.

This standard more closely comports with historical analysis of the Founders' desire to separate criminal law and Impeachment, and the arguments made by scholars, while reflecting the serious constitutional harms alleged in the Articles of Impeachment before the Senate. Further, after review of substantive differences between the Articles of Impeachment that allege President Trump's dire and ongoing threat to our constitutional order and the Articles of Impeachment levied against President Clinton—which could be more readily applied by analogy to criminal law—a different standard is clearly warranted. In a future case, if Articles of Impeachment contain a set of facts or allegations not contemplated in either the Clinton Impeachment trial or in this case, I will likely have to revisit this analysis.

The Articles, embodied in H. Res. 755, accuse the President of abuse of power and obstruction of Congress. After reading the materials and hearing the arguments presented at trial, I conclude that the evidence presented at trial was more than compelling. Indeed, it was overwhelmingly clear and convincing. Having concluded that the charges of abuse of power and obstruction of Congress rise to the level of ''high Crimes and Misdemeanors,'' an analysis of the specific charges is necessary.

V. ARTICLE I: ABUSE OF POWER

Article I of House Resolution 755 provides that, in the conduct of his office, the President abused his presidential powers, in violation of his constitutional duty to take care that the laws be faithfully executed, through a scheme, or course of conduct, to solicit interference of a foreign government, Ukraine, in the 2020 U.S. presidential election for personal political gain. The scheme included President Trump soliciting the Government of Ukraine to publicly announce investigations that would influence the 2020 U.S. presidential election to his advantage and the disadvantage of a potential political opponent in that election. Article I provides further that President Trump, for corrupt purposes, used the powers of the Office in a manner that injured the vital national interests of the United States by harming the integrity of the democratic process and compromising U.S. national security. As I will further explain, the conduct described in Article I amounts to an abuse of power and shows that President Trump remains an ongoing threat to the national interest if allowed to remain in office.

A. Abuse of Power Is an Impeachable Offense

A cardinal American principle that emerged during the drafting of the Constitution is that no one is above the law. As discussed in the previous section, this principle was a chief subject of debate at the Constitutional Convention. The Framers understood that power corrupts and they would need to build guardrails to protect the public good from a would-be authoritarian. The Framers were reacting to the overreach of King George III.

Yet, the President's Counsel argue that Impeachment is not an appropriate remedy for abuse of power, arguing that the Framers were not concerned about violations of the public trust. The President's Counsel instead argue that the Framers were primarily concerned about an Executive that would be beholden to a heavy-handed legislature. Indeed, during the debates at the Constitutional Convention, this fear was raised by opponents of Impeachment. Rufus King, a delegate from Massachusetts, said ''[impeachment by Congress] would be destructive of his independence and of the principles of the Constitution. He relied on the vigor of the Executive as a great security for the public liberties.'' [44] Clearly, King's arguments did not carry the day.

In drafting the Constitution, the Framers had carefully calibrated the powers between Congress and the Executive. Ultimately, they decided that they could not leave the nation without any recourse against a President who would be in a unique and potent position to engage in any number of abusive acts. Without a mechanism to keep an out-of-control President in check, there was little binding him to the law. Hamilton underscored the importance of the Impeachment process for holding the President liable by drawing a contrast with the British monarchy, for whom ''there is no constitutional tribunal to which he is amenable.'' [45]

George Mason, a delegate from Virginia, underscores abuse of power as one of the key reasons for the need for presidential Impeachment, asking ''Shall any man be above Justice? Above all shall that man be above it, who can commit the most extensive injustice?'' [46] Edmund Randolph, another delegate from Virginia, concurred, noting that ''[t]he Executive will have great opportunitys of abusing his power[,]'' and in such instances ''[g]uilt wherever found ought to be punished.'' [47]

The Framers debate on these matters was prescient, as public officials have, in fact, been found to have committed impeachable offenses including abuse of power. Most well-known, President Nixon resigned after the House Judiciary Committee (hereinafter known as ''Judiciary Committee'') found he had abused his powers on multiple occasions.[48] Three district judges were also impeached during the 20th century for abusing their power. In impeaching these judges, the House used ''abuse of power'' to describe misconduct ranging from the unlawful use of contempt of court, to the ordering of a jury to find a defendant guilty, to the improper appointing of an associate to an official position.[49]

In stark contrast to the positions of the Framers, the President's Counsel argue that a President who does something to benefit himself in a reelection, if he thinks it is in the nation's interest, has not committed an impeachable offense. This is not a credible argument because under this view, the President would have free reign to solicit foreign

interference, unlawfully withhold security assistance, use his powers to target his political opponents and engage in a whole host of corrupt conduct that might help him get reelected. This rings all too familiar of President Nixon when he said ''Well, when the *president does* it that means *that it is not illegal*.'' [50]

A.1. Definition of Abuse of Power

Black's Law Dictionary defines ''abuse of power'' as including ''The misuse or improper exercise of one's authority; esp., the exercise of a statutorily or otherwise duly conferred authority in a way that is tortious, unlawful or outside its proper scope.'' [51]

In its Impeachment inquiry of President Richard Nixon, the Judiciary Committee found the President repeatedly abused his power while in office.[52] Among its findings, the Judiciary Committee determined that President Nixon unlawfully directed or authorized federal agencies, including the Internal Revenue Service and the Federal Bureau of Investigation, to investigate and surveil American citizens, and used the resulting information for his own political purposes.[53] The Judiciary Committee further found that Nixon then interfered with investigations into these and other actions to conceal his misconduct, and stressed that Nixon's actions in all of these instances ''served no valid national policy objective.'' [54]

The Judiciary Committee concluded that the ''conduct of Richard M. Nixon has constituted a repeated and continuing abuse of the powers of the presidency in disregard of the fundamental principle of the rule of law in our system of government. This abuse of the powers of the President was carried out by Richard M. Nixon, acting personally and through his subordinates, for his own political advantage, not for any legitimate governmental purpose and without due consideration for the national good.'' [55]

In the current Impeachment of President Trump, the Judiciary Committee has defined abuse of power as occurring ''when a President exercises the powers of his office to obtain an improper personal benefit while injuring and ignoring the national interest.'' [56]

From these sources, I have concluded that an abuse of power by a sitting President has the following three elements:

1) The use of official governmental power;

2) For personal or some other corrupt purpose;

3) Without due consideration for the national interest.

President Trump's conduct in soliciting foreign interference in the 2020 presidential election meets each of these elements of the charge of abuse of power. Moreover, the defenses put forth by the President's Counsel are substantively deficient when viewed in the context of the corrupt scheme conducted by President Trump through his personal attorney, Rudy Giuliani, starting in late 2018.

B. The Corrupt Scheme

President Trump engaged in a corrupt scheme to solicit foreign interference in the 2020 presidential election to tarnish his political rivals and bolster public perceptions of the legitimacy of his 2016 electoral victory. The corrupt scheme served to benefit the President in a personal, political manner, and was contrary to the national interest. President Trump repeatedly misused the powers of the presidency to increase pressure on Ukraine to further the corrupt scheme, including withholding a White House meeting and U.S. military assistance that the Ukrainians desperately need to counter Russia. This scheme continued even after a whistleblower exposed the President's efforts and even following the launch of the Impeachment inquiry by the House.

The scheme directed by the President comprised two separate efforts—both aimed to damage his political rivals and benefit his reelection prospects. The first effort was to get the Ukrainian government to announce an investigation into baseless accusations propagated by a Russian disinformation campaign,[57] that Ukraine interfered in the 2016 election to benefit President Trump's political rival, Hillary Clinton (hereinafter referred to as the ''2016 campaign theory''). The 2016 campaign theory comprised numerous unfounded allegations including that Ukraine colluded with the Democrats to influence the 2016 election and that the cybersecurity company Crowdstrike, falsely alleged to be owned by a Ukrainian oligarch, investigated the hack of the Democratic National Committee (DNC) computer infrastructure, and covered up evidence of Ukrainian culpability in the cyber-attack by hiding the servers from the FBI inside Ukraine.[58]

President Trump's fixation on the 2016 campaign theory appears to have been intended to change public perceptions of President Trump's connection to Russia, in the wake of the Intelligence Community assessment that Russia interfered in the 2016 election to support then candidate Trump,[59] and the Special Counsel's mandate including to review ''any links or coordination between the Russian government and individuals associated with the Trump campaign.'' [60] The Special Counsel noted ''several [of President Trump's] advisors recalled that the President . . . viewed stories about his Russian connections, the Russian investigations and the Intelligence Community assessment of Russian interference as a threat to the legitimacy of his electoral victory.'' [61] Further, in the spring of 2019, the Special Counsel affirmed the assessments of the Intelligence Community and concluded that while there was no direct conspiracy or coordination between the Kremlin and the Trump campaign, ''. . . the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the campaign expected it would benefit electorally from information stolen and released through Russian efforts . . .'' [62] In directing this effort of the scheme, the President was attempting to rewrite history by having a foreign power make statements to validate his allegations that it was Ukraine colluding with the Democrats rather than Russia interfering to benefit then candidate Trump and exonerate himself of any wrongdoing or ties to Russia.

In addition, the 2016 campaign theory sought to implicate the President's political rival in 2016, former Secretary of State Hillary Clinton. As Deputy Assistant Secretary George Kent testified, the President ''wanted nothing less than President [Zelensky] to go to [a] microphone and say investigations, Biden, and Clinton.'' He confirmed that ''shorthand'' for Clinton ''was 2016.'' [63]

The scheme also comprised a second effort to get the Ukrainian government to announce an investigation into unfounded corruption allegations against former Vice President Joe Biden and his son Hunter Biden (hereinafter referred to as ''Biden/Burisma theory''). The allegations associated with this theory surround Vice President Biden's successful pressuring of Ukrainian President Poroshenko to remove Ukrainian Prosecutor General Victor Shokin in 2016, who purportedly was investigating a Ukrainian energy company, Burisma, on whose board Hunter Biden served.[64] Vice President Biden is a potential presidential challenger to President Trump in the 2020 Presidential election and was viewed as a frontrunner during the spring and summer of 2019 when President Trump directed such efforts to further the scheme. The President needed to undercut Vice President Biden as a candidate to enhance his chances of reelection.[65]

Successfully pressuring the Ukrainian government to announce investigations into the 2016 campaign and Biden/Burisma theories was likely to garner the President several political benefits including help with his reelection efforts. As the House Impeachment Managers state in their trial memo:

Although these theories were groundless, President Trump sought a public announcement by Ukraine of investigations into them [2016/the Bidens] in order to help his 2020 reelection campaign. An announcement of a Ukrainian investigation into one of his key political rivals would be enormously valuable to President Trump in his efforts to win reelection in 2020—just as the FBI's investigation into Hillary Clinton's emails had helped him in 2016. And an investigation suggesting that President Trump did not benefit from Russian interference in the 2016 election would give him a basis to assert—falsely—that he was the victim, rather than the beneficiary, of foreign meddling in the last election. Ukraine's announcement of that investigation would bolster the perceived legitimacy of his Presidency and, therefore, his political standing going into the 2020 race.[66]

President Trump needed to obfuscate what was known and proven about Russian involvement on his behalf in the 2016 election to bolster the credibility of claims of Ukrainian Government involvement in the 2016 election and corruption allegations against Vice President Biden ahead of the 2020 election. By soliciting investigations into the 2016 campaign and Biden/Burisma theories, he sought to accomplish both of those goals.

Throughout this scheme, which began in late 2018, President Trump employed Mr. Giuliani as his principal agent,[67] and enlisted several U.S. government officials to assist with efforts to compel Ukrainian officials to launch investigations into these baseless theories.

Mr. Giuliani involved associates in this scheme, including Lev Parnas and Igor Fruman, both of whom have been indicted in the Southern District of New York for conspiracy to violate election laws.[68] Mr. Parnas and Mr. Fruman leveraged their Ukrainian connections to facilitate contacts between Mr. Giuliani and then Ukrainian Prosecutor General Yuriy Lutsenko and his predecessor Victor Shokin to advance the scheme. Both Mr. Lutsenko[69] and Mr. Shokin[70] were removed from their positions under a cloud of corruption.

The corrupt Ukrainian Prosecutors General Lutsenko and Shokin were among Mr. Giuliani's sources for the unfounded allegations in support of the 2016 campaign and Biden/Burisma theories. During a January 2019 call via Skype,[71] Mr. Shokin asserted he had overseen the investigation into Burisma.[72] Mr. Shokin alleged that Vice President Biden forced his resignation to stop further investigation into Burisma and cover up wrongdoing.[73] He made additional allegations including that he had wanted to come to the United States to share information regarding corruption at the Embassy, and that U.S. Ambassador to Ukraine Marie Yovanovitch denied him a U.S. visa because she was close to Vice President Biden.[74] Mr. Shokin later provided an affidavit espousing allegations against Vice President Biden, which explicitly stated that his sworn statement was made at the behest of a pro-Putin Ukrainian oligarch.[75]

Also, in January 2019, Mr. Giuliani met in New York with Yuriy Lutsenko, who was then the Ukrainian Prosecutor General. During these initial conversations with Mr.

Giuliani, Mr. Lutsenko made multiple allegations that Ukrainian government officials interfered in the 2016 election to help Democratic candidate Hillary Clinton. He also made allegations about corrupt practices at Burisma and raised the possibility that there could have been improper payments to Hunter Biden. In addition, Mr. Lutsenko made false allegations against U.S. Ambassador to Ukraine Marie Yovanovitch.''[76]

Using these unfounded allegations, Mr. Giuliani launched a disinformation campaign on traditional and social media. In the spring of 2019, Mr. Giuliani and his associates worked with columnist John Solomon, who wrote a series of articles in *The Hill*, amplifying the false allegations of Mr. Lutsenko and Mr. Shokin.[77] Through these columns and a related interview, Mr. Lutsenko announced he was opening investigations into aspects of both the 2016 campaign and Biden/Burisma theories.[78] The President,[79] his son Donald Trump Jr.,[80] and Mr. Giuliani[81] amplified the false allegations by retweeting the articles. President Trump[82] and Mr. Giuliani[83] also repeated the false allegations contained in *The Hill* articles during press interviews.

In furtherance of the corrupt scheme, President Trump directed the removal of Ambassador Yovanovitch. As laid out in the Statement of Material Facts by the House Impeachment Managers, ''the removal of Ambassador Yovanovitch was the culmination of a months-long smear campaign waged by the President's personal lawyer, Rudy Giuliani, and other allies of the President. The President also helped amplify the smear campaign.''[84] Ambassador Yovanovitch testified she was told her removal from post was not for cause.[85] Mr. Giuliani later admitted he ''believed that [he] needed Ambassador Yovanovitch out of the way'' because ''[s]he was going to make the investigations difficult for everybody.''[86] Documents obtained by the House Permanent Select Committee on Intelligence further confirm that the Ambassador's firing was part of the effort to further the corrupt scheme. A text message from Ukrainian Prosecutor General Lutsenko warned Giuliani associate Lev Parnas that if they didn't fire Ambassador Yovanovitch, ''you are bringing into question all my allegations including about ''B.''[87] Mr. Parnas confirmed in a press interview that the ''B'' referred to Hunter Biden.[88]

As previously discussed, both the 2016 campaign and Biden/Burisma theories are unfounded. The 2016 campaign theory is an active Russian disinformation campaign.[89] On December 9, 2019, FBI Director Christopher Wray stated, ''We have no information that indicates that Ukraine interfered with the 2016 presidential election.''[90]

Further, the President's own national security officials have rejected the claim that the Ukrainian government systematically interfered in the 2016 election, including refuting the theory that Ukraine was behind the hack of the DNC servers.[91] Trump Homeland Security adviser Tom Bossert stressed, ''[t]he DNC server and that conspiracy theory has got to go, they have to stop with that, it cannot continue to be repeated . . . in our discourse.''[92]

With regards to the Biden/Burisma theory, no proof of any wrongdoing has been made to support this claim.[93] No evidence has been presented showing Vice President Biden specifically discussed Burisma with then President Poroshenko in relation to the removal of the corrupt Prosecutor General. Furthermore, U.S. diplomats, such as Former Special Envoy to Ukraine Ambassador Kurt Volker defended Vice President Biden's actions. In his closed interview with the House Committees, Volker stated, ''There is clear evidence that Vice President Biden did indeed weigh in with the President of Ukraine to have Shokin fired but the motivations for that are entirely different from those contained in that allegation.''[94] Vice President Biden, acting as the point person for Ukraine policy in the Obama Administration, was representing the interests of the United States and the international community,[95] promoting increased transparency, corruption reform, and the rule of law.[96] Vice President Biden's public statements from the time reflect such efforts, focusing on combatting corruption and institutional reform rather than specific companies, such as Burisma.[97]

The President's Counsel made misleading assertions that U.S. Government officials warned the Vice President of the appearance of wrongdoing in an attempt to convince him to take corrective action. One person they cited was Amos Hochstein, a diplomat who served in the Obama Administration.[98] Mr. Hochstein did raise the matter with the Vice President but did not recommend that Hunter Biden resign from the board of Burisma.[99]

By mid-May 2019, Mr. Lutsenko publicly recanted previous allegations he made to Mr. Giuliani, including admitting that he had no evidence of wrongdoing by Vice President Biden or Hunter Biden.[100] Ambassador Volker explained Mr. Lutsenko's motivations for making these baseless accusations, ''My opinion of Prosecutor General Lutsenko was that he was acting in a self-serving manner, frankly making things up, in order to appear important to the United States, because he wanted to save his job.''[101]

At no point during the trial did the President's Counsel dispute the facts surrounding the scheme. The record is clear that the President directed the corrupt scheme to solicit investigations into the 2016 campaign and Biden/Burisma theories for his personal political gain.

C. President Trump's Misuse of his Office to Advance the Corrupt Scheme

President Trump used the powers of his office to advance the corrupt scheme through multiple efforts, violating the public trust and placing his own personal political interests above the interests of the nation. In doing so, the President abused the power of his office.

C.1. President Trump Solicited Ukrainian President Zelensky to Open Investigations into the 2016 Campaign and Biden/Burisma Theories

President Trump abused the powers of his office in order to advance the corrupt scheme by attempting to leverage the Ukrainian desire for an Oval Office meeting and U.S. security assistance as a quid pro quo for Ukrainian investigations into his political opponents that would benefit his reelection in 2020. Starting in May 2019, President Trump directed a sustained campaign to solicit newly-elected Ukrainian President Zelensky to undertake investigations into the 2016 campaign and Biden/Burisma theories.

C.1.a. President Trump conditioned an Oval Office meeting on investigations into the 2016 campaign and Biden/Burisma theories

President Trump's misuse of his official powers, with regard to this matter, began shortly after Volodymyr Zelensky won the Ukrainian presidential election on April 21, 2019. In early May, Mr. Giuliani announced that he planned to travel to Ukraine to meet with President-elect Zelensky ''to urge him to pursue inquiries'' into ''the origin of the Special Counsel's investigation into Russia's interference in the 2016 election'' and Hunter Biden's ''involvement'' in Burisma.[102] Mr. Giuliani admitted that he was not conducting ''foreign policy'' but rather ''meddling in an investigation,''[103] and that President Trump was aware of his activities.[104]

In trying to arrange a meeting with President Zelensky, Mr. Giuliani was acting in a private capacity, not as a public official or to advance official U.S. policy. On May 10, 2019, Mr. Giuliani wrote to then President-Elect Zelensky, to request a meeting in his capacity as ''personal counsel to President Trump and with his knowledge and consent.''[105] Mr. Giuliani made clear in the letter he was representing Donald Trump as a private citizen, not as President of the United States. While the letter did not state the purpose of the requested meeting, Mr. Giuliani stated publicly on the same day that he intended to tell President Zelensky to pursue investigations into the 2016 campaign and Biden/Burisma theories.[106] Then on May 11th, Mr. Giuliani abruptly cancelled his trip to Ukraine, declaring that President-Elect Zelensky had surrounded himself with ''enemies of the President'' (referring to President Trump).[107]

President Trump intertwined Mr. Giuliani's private mission and the activities of public officials when he directed U.S. officials to aid his personal attorney in advancing this scheme. At a May 23rd meeting in the Oval Office, President Trump was briefed by Ambassador Paul Volker, Ambassador Gordon Sondland, and Secretary of Energy Rick Perry, who would subsequently describe themselves as the ''Three Amigos,'' (hereinafter referred to as the ''Three Amigos'') on their recent trip to attend the inauguration of President Zelensky.[108] Witness testimony indicates that despite their positive assessments about President Zelensky, President Trump was unconvinced, and replied that the Ukrainians tried to ''take me down'' in 2016, referring to the debunked 2016 campaign theory.[109] The President resisted the recommendation of the Three Amigos to invite President Zelensky to the White House, and instead repeatedly directed these three officials to ''talk to Rudy.''[110] Ambassador Sondland testified that he understood this to refer to Mr. Giuliani and that ''if we did not talk to Rudy, nothing would move forward on Ukraine.''[111] Ambassador Sondland further explained that they chose to follow the President's direction to communicate with Mr. Giuliani, not because they liked it, but because ''it was the only constructive path open to us.''[112]

The Three Amigos frequently operated outside regular diplomatic channels between the United States and Ukraine, but their activities were not a secret to the President's national security officials. Ambassador Bill Taylor, Charge d'affaires at the U.S. Embassy in Kyiv, described in his testimony how, while he operated in the regular channel of U.S. policymaking regarding Ukraine, beginning on May 23rd there emerged ''an irregular, informal channel,'' consisting of Special Envoy Volker, Ambassador Sondland, Secretary Perry, and Mr. Giuliani.[113] As Ambassador Sondland testified, ''everyone was in the loop,''[114] further clarifying that President Trump, Secretary Pompeo, Mr. Giuliani, and Acting Chief of Staff Mick Mulvaney were kept informed of the activities undertaken by the Three Amigos. Fiona Hill, National Security Council Director for European and Russian Affairs, concluded that Ambassador Sondland was correct that he was keeping the relevant officials informed of his activities because he was ''involved in a domestic political errand'' while she and other government officials were conducting U.S. national security foreign policy, and ''those two things had just diverged.''[115]

The purpose of these two channels diverged as well: while the career diplomats were engaged in promoting U.S. national security

interests in supporting Ukraine in its fight against Russian aggression, the irregular channel was engaged in pursuing a quid pro quo to secure Ukrainian investigations into the 2016 campaign and the Biden/Burisma theories for the benefit of the President's 2020 reelection. At the direction of the President, as conveyed through Mr. Giuliani and Acting White House Chief of Staff Mick Mulvaney, the Three Amigos pursued a quid pro quo—the offer of a politically valuable Oval Office meeting with President Trump in exchange for President Zelensky announcing the desired investigations. Ambassador Sondland testified ''Mr. Giuliani's requests were a quid pro quo for arranging a White House visit for President Zelensky.'' [116]

The evidence shows that by early July, the message was conveyed to Ukrainian officials that investigations were a prerequisite for their desired White House meeting. Ambassador Volker testified that when the Oval Office meeting was not scheduled by late June, he ''came to believe that the President's long-held negative view toward Ukraine was causing hesitation in actually scheduling the meeting.'' [117] At a bilateral meeting in Toronto in early July, Ambassador Volker testified that he told alerted President Zelensky that he couldn't get a date scheduled for the White House meeting. Ambassador Volker relayed to President Zelensky, ''I think we have a problem here, and that problem being the negative feed of information from Mr. Giuliani.'' [118] Ambassador Volker further testified that during the Toronto meeting, he specifically mentioned investigations into ''2016'' election and ''Burisma'' with President Zelensky.[119] Soon after this warning, President Zelensky's close aide Andriy Yermak asked to be connected with Mr. Giuliani.[120]

The President's conditions for securing a White House meeting were communicated an additional time, during a July 10, 2019, bilateral meeting led by then National Security Adviser John Bolton and then Ukrainian National Security Adviser Oleksandr Danylyuk. During the meeting, the Ukrainian delegation raised their desire to have a White House meeting.[121] NSC official Hill testified that Ambassador Sondland, who was in attendance at the meeting, responded to the Ukrainian request by stating, ''We have an agreement that there will be a meeting, if specific investigations are put under way.'' [122] NSC official Lt. Col. Vindman testified that during that afternoon's meetings with the Ukrainian delegation, Ambassador Sondland ''emphasized the importance of Ukraine delivering the investigations into 2016 elections, the Bidens and Burisma.'' [123] Later, Ambassador Sondland told Dr. Hill that there was agreement with Mr. Mulvaney that there would be a White House meeting with President Zelensky ''in return for investigations.'' [124] According to Dr. Hill, Ambassador Bolton was so alarmed that he told her to inform the lawyers about what happened in the meeting, adding that he was not be part of ''whatever drug deal that Mulvaney and Sondland are cooking up.'' [125]

C.1.b. President Trump withheld military assistance

President Trump also used the powers of his office to order, through the Office of Management and Budget (OMB), the withholding of congressionally appropriated security assistance to Ukraine. The evidence shows that the President fixated on a June 19, 2019 article in the *Washington Examiner* announcing the release of Ukraine security assistance as an additional leverage point to further the corrupt scheme.[126] By no later than July 12, 2019,[127] President Trump ordered a hold on $391 million in security assistance for Ukraine, consisting of $250 million in Department of Defense Ukraine Security Assistance Initiative (USAI) funding and $141 million in State Department Foreign Military Financing (FMF). At an interagency meeting on July 18, 2019, a week before the Trump-Zelensky phone call, OMB officials instructed relevant U.S. government departments and agencies to withhold obligation of the Ukraine security assistance at the direction of the President.[128] According to multiple witnesses, OMB did not provide a reason for the President's hold on the Ukraine aid.[129] OMB maintained this hold on Ukraine security assistance through September 11th, when OMB lifted the hold, again without providing a rationale for the change of course.[130]

The President's Counsel claim that the President's hold on security assistance was because of a policy difference, but that claim is not supported by the evidence. The manner in which the White House placed the hold on security assistance for Ukraine differed significantly from the process in which holds of assistance to other countries based on policy considerations had previously occurred. As the House Impeachment Managers stated, ''What the President did is not the same as routine withholding of foreign aid to ensure that it aligns with the President's policy priorities or to adjust with geopolitical developments.'' [131] The President began asking about the hold based on the announcement of the release of funds, after the Department of Defense had certified that the Ukrainian government made progress on corruption reform, showing that the hold was not placed due to policy considerations. Further, no geopolitical circumstances had changed in that timeframe to warrant the placing of a hold on security assistance funds to Ukraine.

In addition, despite substantial evidence that U.S. government officials were deeply concerned about conflicts with the Impoundment Control Act (ICA), there was no notification of the delay to Congress as required by this law, belying the idea that the President harbored legitimate concerns about policy.[132] Congress has an established bipartisan record of robust support for Ukraine. Since 2014, the United States has provided more than $3.5 billion in foreign assistance to Ukraine: $1.96 billion in military and other security assistance and $1.6 billion in political aid to Ukraine, all illustrating a policy that support to Ukraine furthers U.S. national security interests.[133] Interagency conversations while the hold was in place reflected concerns that withholding the funds would in fact violate the ICA,[134] yet there were no plans to notify Congress or rescind the funds as required by under the ICA. Further, when OMB official Mike Duffey directed Acting DOD Comptroller Elaine McCusker to formally hold the assistance for Ukraine, he added, ''Given the sensitive nature of the request, I appreciate your keeping that information closely held to those who need to know to execute the direction.'' [135] The secrecy maintained by Administration officials regarding the hold on this security assistance differs significantly from past practice and supports the inference that they were aware that the hold was contrary to U.S. policy and that they had no legitimate policy justification for a change in U.S. policy.

In withholding the security assistance for Ukraine, the President violated his duty to faithfully execute the laws. Congress enacted the ICA in 1974 as one of many responses to the abuses of President Nixon in order to require the President to obligate funds appropriated by Congress, unless Congress otherwise authorizes the withholding.[136] The ICA provides the President with narrowly circumscribed authority to withhold, or ''impound,'' appropriated funds only in limited, specified circumstances, and included a requirement to inform Congress. At no point did the Trump Administration either assert that it was impounding the Ukraine security assistance or inform Congress of any deferral or rescission of funds. In reviewing the OMB's withholding of funds appropriated to the Department of Defense for Ukraine security assistance, the Government Accountability Office concluded that OMB violated the ICA.[137]

C.1.c. *President Trump conditioned a White House meeting and Ukrainian security assistance on investigations*

The House Impeachment Managers' record demonstrates overwhelmingly that President Trump conditioned both a White House meeting and nearly $400 million in U.S. security assistance for Ukraine on a commitment by President Zelensky to conduct investigations for the personal political benefit of Donald Trump. The President's scheme to secure corrupt investigations to benefit his reelection efforts converged with his official duties during a July 25, 2019, phone call with President Zelensky. The President's actions during that phone call, understood in the context of the broader corrupt scheme, are compelling evidence that the President solicited foreign interference in U.S. elections.

The President's own words during the July 25th call, as summarized in a memorandum of telephone conversation released by the White House, demonstrate the President's demand for a quid pro quo.[138] Far from showing the ''perfect call'' that President Trump claims,[139] the memorandum of the telephone conversation makes clear that the President solicited politically-motivated investigations from President Zelensky in exchange for a White House meeting and U.S. military aid. When the Ukrainian President indicated he would be seeking additional U.S. military arms that Ukraine desperately needed for its conflict with Russia, President Trump responded by requesting that President Zelensky do him ''a favor though.'' [140] The memorandum of the telephone conversation makes clear that the favor President Trump sought as a condition for future military aid was the two investigations into the 2016 campaign and the Biden/Burisma theories. President Trump went on to espouse many of the allegations associated with the debunked 2016 campaign theory, including ''Crowdstrike,'' and ''one of your wealthy people,'' falsely insinuating that a Ukrainian oligarch owned the cybersecurity firm that investigated the DNC hack.[141] He then alleged that Ukraine has the server and added, ''. . . They say a lot of it started in Ukraine. Whatever you can do, it's very important that you do it. . .'' [142] Later in the phone call, President Trump mentioned ''the other thing'' he wanted investigated, declaring that there was ''a lot of talk about'' Vice President ''Biden's son,'' and that Vice President ''Biden stopped the prosecution.'' [143] President Trump told President Zelensky, ''A lot of people want to find out about that, so whatever you can do with the Attorney General would be great.'' [144] In addition, it must be noted President Trump specifically urged President Zelensky to call Mr. Giuliani, as well as Attorney General Barr,[145] regarding investigations into the 2016 campaign and Biden/Burisma theories.[146] Given all of the steps taken by Mr. Giuliani leading up to the call, including his letter to President Zelensky and public statements urging President Zelensky to undertake investigations into the 2016 campaign and Biden/Burisma theories, it is clear that President Trump was signaling that he wanted these investigations.

The President's Counsel disputed the notion that there was a quid pro quo by claiming that President Zelensky was not aware

of an arrangement and he felt no pressure during the July 25th phone call. However, evidence shows that the President's surrogates prepped President Zelensky ahead of the call to say that he would conduct investigations into the 2016 campaign and Biden/Burisma theories in order to get a White House meeting. Ambassadors Volker and Sondland had multiple exchanges with President Zelensky and his aide Mr. Yermak ahead of the call. Ambassador Volker, after having breakfast with Mr. Giuliani, told Ambassador Taylor and Ambassador Sondland via text, ''Most important is for Zelensky to say that he will help with investigation.'' [147] That same day, Ambassador Sondland directed President Zelensky to tell President Trump, he would ''run a fully transparent investigation and turn over every stone,'' [148] which he indicated in testimony referred to the ''Burisma and the 2016'' investigations.[149] The morning of the July 25th call, Ambassador Sondland spoke to President Trump and then alerted Ambassador Volker to contact him.[150] Approximately a half hour later, Ambassador Volker texted Zelensky aide Mr. Yermak, ''Heard from White House—assuming President Z[elensky] convinces Trump he will investigate/ 'get to the bottom of what happened' in 2016, we will nail down a date for a visit in Washington.'' [151]

The memorandum of the telephone conversation shows that President Zelensky understood the messages that he was told to convey during the call and followed those instructions. During the call, President Zelensky said to President Trump, ''I also wanted to thank you for your invitation to visit the United States, specifically Washington D.C. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation.'' [152] Lt. Col. Vindman testified that aspects of the call, including President Zelensky bringing up Burisma, suggested that he was ''prepped'' for this call.[153] President Zelensky knew what ''favor'' President Trump was asking for as a condition for receiving the White House meeting.

C.1.d. *The actions of Administration officials following the July 25th phone call demonstrate that the President conditioned U.S. military aid to Ukraine and the White House meeting on President Zelensky announcing the investigations into the 2016 campaign and Biden/Burisma theories*

The President's Counsel allege that there is no evidence that the President conditioned U.S. military aid for Ukraine or the White House meeting on a commitment by President Zelensky to announce investigations into the 2016 campaign and Biden/Burisma theories. The President's Counsel assert that any claims that President Trump made any such linkage, particularly relating to the military assistance, are unsupported and based on second or third-hand sources and speculation. They claim that no one with first-hand knowledge of the President's thinking came forward and testified that he conditioned the delivery of these official acts for Ukraine on the investigations. These claims are both disingenuous and wrong.[154]

Furthermore, the actions of Administration officials after the July 25th phone call make clear President Trump's request was a quid pro quo. Approximately 90 minutes after the call, OMB official Mike Duffey directed Acting DoD Comptroller McCusker to formally hold the Department of Defense security assistance for Ukraine.[155]

In addition, conversations on July 26, 2019, detail that President Trump appeared solely focused on whether efforts to pressure President Zelensky to initiate the investigations had been successful. On July 26th, the day after the phone call between Presidents Trump and Zelensky, Ambassador Sondland called President Trump from Kyiv. According to testimony from David Holmes, Counselor for Political Affairs at the U.S. Embassy who overheard the phone call, President Trump asked Ambassador Sondland, ''So he's going to do the investigation?'' referring to the 2016 campaign and Burisma/Biden theories.[156] Holmes also testified that he asked Ambassador Sondland that same day if President Trump cared about Ukraine. Sondland responded that President ''Trump only cared about 'big stuff' that benefits the President, like the 'Biden investigation' that Mr. Giuliani was pushing.'' [157]

Most telling, President Trump's Acting Chief of Staff Mick Mulvaney publicly admitted at a press conference on October 17th that withholding the security assistance for Ukraine provided leverage to convince Ukraine to investigate the source of the hack of the DNC servers in 2016, an aspect of the 2016 campaign theory.[158] Mr. Mulvaney confirmed that President Trump ''[a]bsolutely'' raised ''corruption related to the DNC server'' and added that was part of ''why we held up the money.'' [159] When a reporter pointed out that he had just described a quid pro quo, Mr. Mulvaney stated, ''We do that all the time with foreign policy'' and told everyone to ''Get over it. There's going to be political influence in foreign policy.'' [160]

Despite the assertions of the President's counsel, evidence indicates that the Zelensky Administration knew that there was a problem with the security assistance well before the hold was reported publicly on August 28, 2019.[161] The same afternoon of the July 25th phone call, Department of Defense officials learned that diplomats at the Ukrainian Embassy in Washington had made multiple overtures to the Pentagon and the State Department ''asking about security assistance.'' [162] Separately, during that same time frame, two different officials at the Ukrainian Embassy contacted Ambassador Volker's special assistant, Catherine Croft, to ask her in confidence about the hold.[163] In early August 2019, the Ukrainians reportedly made further inquiries about the security assistance funds.[164] The message sent back was that the holdup was not bureaucratic in nature, and that to address it they were advised to reach out to Mick Mulvaney.[165] NSC official Lt. Col. Vindman testified that by mid-August 2019, he had also received inquiries about the hold on the security assistance from an official at the Ukrainian Embassy.[166]

Evidence and reporting regarding the President's interactions with then National Security Adviser John Bolton further confirms that the President held security assistance in order to further the corrupt scheme. On August 16, 2019, Ambassador Bolton reportedly made a personal appeal to President Trump to release the security assistance for Ukraine and was ''rebuffed.'' [167] NSC official Tim Morrison affirmed this account in his testimony. Mr. Morrison testified that Ambassador Bolton said President Trump, ''wasn't ready'' to release the aid.[168] According to news reports that emerged during the Impeachment trial, an account from Ambassador Bolton's forthcoming book reportedly makes this link even more explicit.

Ambassador Bolton stated during the August meeting, President Trump ''appeared focused on the theories Mr. Giuliani had shared with him, replying to Mr. Bolton's question that he preferred sending no assistance to Ukraine until officials turned over all materials they had about the Russia investigation that related to Mr. Biden and supporters of Mrs. Clinton in Ukraine.'' [169]

The record also shows that after the July 25th Trump-Zelensky phone call, President Trump directed a campaign to increase the pressure in furtherance of the scheme. Starting in early August, Ambassadors Volker and Sondland, in coordination with Mr. Giuliani, attempted to get President Zelensky to publicly announce investigations into the 2016 campaign and Biden/Burisma theories.[170] Ambassadors Volker and Sondland worked in conjunction with President Zelensky's aide Mr. Yermak to generate an acceptable statement.[171] After the initial Ukrainian draft of the statement contained only a general commitment from President Zelensky to fight corruption, Ambassadors Volker and Sondland consulted Mr. Giuliani who responded that if the statement ''doesn't say Burisma and 2016, it's not credible.'' [172] Ambassador Volker then revised President Zelensky's draft statement to include specific references to ''Burisma'' and ''the 2016 U.S. elections.'' [173] No statement was ever released by President Zelensky, and Ambassador Volker testified that it was because the Ukrainians realized that making such a statement was tantamount to a quid pro quo.[174]

Furthermore, witness testimony shows that as the hold on the security assistance continued through the late summer, U.S. government officials realized the connection between the hold and the President's desire for Ukrainian announcements of investigations into President Trump's political rivals. By early September, Ambassador Taylor said his ''clear understanding'' was that President Trump would withhold security assistance until President Zelensky ''committed to pursue the investigations.'' [175] Ambassador Taylor further testified that his contemporaneous notes reflect that President Trump wanted President Zelensky ''in a box by making [a] public statement about ordering such investigations.'' [176] Ambassador Sondland explained to Ambassador Taylor that ''everything'' (the Oval Office meeting and security assistance) ''was dependent on the Ukrainian government announcing the political investigations.'' [177] Ambassador Taylor responded to Ambassador Sondland that he thought it was ''crazy to withhold security assistance for help with a political campaign.'' [178] Foreign Service Officer David Holmes testified that his ''clear impression'' around the same time was that ''the security assistance hold was likely intended by the President either to express dissatisfaction with the Ukrainians who had not yet agreed to the Burisma/Biden investigations, or as an effort to increase the pressure on them to do so.'' [179]

Once the hold on the security assistance was reported in the press in late August 2019, the conditions for releasing the assistance were soon overtly communicated to President Zelensky. President Trump's surrogates informed President Zelensky and his aides that the security assistance was held up as a result of President Zelensky's unwillingness to announce the investigations into President Trump's political rivals. These directions came from the President.[180] Ambassador Sondland testified that he had passed a message directly to President Zelensky's aide Mr. Yermak on September 1, 2019, that, ''I believed that the resumption of U.S. aid would not likely occur until Ukraine took some kind of action on the public statement that we had been discussing for weeks.'' [181] Affirming this account, Ambassador Taylor testified that Ambassador Sondland told him he had warned President Zelensky and Mr. Yermak that, ''although this was not a quid pro quo, if President Zelensky did not clear things up in public, we would be at a stalemate.'' [182] President Zelensky apparently understood the message because arrangements were made for the Ukrainian President to go on CNN to announce the investigations.[183]

The President's Counsel argue that there could not have been a quid pro quo because

the Ukrainians ultimately got the funding without making the commitment to conduct the investigations. Essentially, they argue ''no harm, no foul.'' However, the President's solicitation of the politically-motivated investigations in exchange for official acts is in and of itself an abuse of his office and the public trust. Further, President Trump released the hold on the security assistance only after a whistleblower's complaint had been provided to Congress and three House committees had initiated an investigation into the hold. On August 12, 2019, a whistleblower filed a complaint with the Intelligence Community's Inspector General, which stated multiple U.S. government officials had told him or her information indicating that the ''President of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election.'' [184] The complaint cited the July 25th call between Presidents Trump and Zelensky, the placing of the call on a codeword server, and other circumstances surrounding the call including the role of Mr. Giuliani.[185] The President was reportedly briefed by White House Counsel on the existence of a whistleblower complaint in late August.[186] On September 9, 2019, the whistleblower complaint was referred to Congress.[187] On the same day, the House Permanent Select Committee on Intelligence, the House Committee on Oversight and Government Reform, and the House Committee on Foreign Affairs opened an inquiry into the circumstances surrounding the hold.[188] The President subsequently lifted the hold on September 11, 2019.[189]

Moreover, the corrupt scheme did not end even after the House Committees began the Impeachment Inquiry. Mr. Giuliani, at the direction of the President, has continued to travel to Ukraine to generate compromising material on President Trump's political opponents,[190] raising the possibility of future attempts by President Trump to pressure foreign leaders to interfere in the 2020 election.

Consistent with the first element delineated for abuse of power, the evidence clearly shows that President Trump misused his office to advance a corrupt scheme.

The fact that President Trump's actions involve the misuse of the office of the presidency distinguishes the current proceedings from the circumstances in the 1999 Clinton Impeachment trial. Based on the historical record, the constitutional standard I applied in the Clinton proceedings was that ''private wrongdoing, without a significant adverse effect upon the nation, cannot constitute an impeachable offense.'' [191] On that basis, I concluded that ''Citizens may well lack confidence in the ability of President Clinton to be honest about his personal life, this is not however a threat to our government.'' [192] The circumstances regarding President Trump can be distinguished both on the grounds that his actions involved the misuse of his public office, not private wrongdoing, and because the nature of President Trump's abuse of power is an ongoing threat to our systems of government and our constitutional order.

D. The President's Solicitation of Investigations by Ukraine into the 2016 Campaign and Biden/Burisma Theories Was for his Personal or Other Corrupt Purpose

The second element of the offense of abuse of power, as previously delineated, is the use of official governmental power for personal or some other corrupt purpose. The President's Counsel have argued that the President had legitimate policy reasons for withholding the Ukraine security assistance or the White House meeting. Specifically, the President's Counsel asserted that President Trump had longstanding concerns about corruption and burden-sharing by European allies in support of Ukraine. Upon careful review of the record, these assertions simply do not square with the facts. While there is some basis for the assertion that President Trump cared about these issues, they were not the basis for the withholding of Ukraine security assistance.

Evidence shows that President Trump's solicitation alarmed Administration officials who listened in to the July 25th call, and their concerns did not stem from policy differences. NSC official Lt. Col. Vindman testified that he was ''concerned'' about the call and ''did not think it was proper to demand that a foreign government investigate a U.S. citizen.'' [193] Vice Presidential aide Jennifer Williams, who also listened to the July 25th call, testified she found it, ''unusual because, in contrast to other Presidential calls I had observed, it involved discussion of what appeared to be a domestic political matter.'' [194] Ms. Williams was informed of the security assistance hold on July 3rd and stated that the call ''shed some light on possible other motivations behind a security assistance hold.'' [195] Lt. Col. Vindman and NSC official Tim Morrison were sufficiently concerned that they separately reported the contents of the call to NSC lawyers, Mr. Eisenberg and Mr. Ellis.[196] The President's lawyers, in turn, took steps to restrict access to the rough transcript of the call by placing it on a highly-restricted classified server.[197]

Furthermore, the President's Counsel's claim that security assistance for Ukraine was withheld over concerns about corruption is unfounded. On May 23, 2019, the Department of Defense certified to Congress that Ukraine had made progress on defense reform and anti-corruption measures. Congress required this certification under the National Defense Authorization Act in order to allow USAI funding to be provided beyond the first 50 percent of amounts authorized and appropriated for Ukraine military aid.[198] Furthermore, support for providing security assistance to Ukraine was unanimous among relevant agencies of the United States government. Deputy Assistant Secretary of Defense Laura Cooper testified that there was a consensus within the interagency that corruption was not a legitimate reason for the hold.[199] Ambassador Taylor affirmed Ms. Cooper's recollection that no agencies raised policy-related concerns as reason for the hold on security assistance testifying, ''At every meeting, the unanimous conclusion was that the security assistance should be reassumed, the hold lifted. At one point the Defense Department was asked to perform an analysis of the effectiveness of the assistance. Within a day, the Defense Department came back with the determination that the assistance was effective and should be resumed.'' [200]

Nor does the evidence support the claim that President Trump, himself, had concerns about institutional corruption that would lead him to withhold military assistance for Ukraine. There is no evidence that President Trump in his interactions with his Ukrainian counterpart, raised concerns about corruption. Indeed, corruption was not raised by President Trump during the two calls he had with President Zelensky,[201] despite that issue being included in his talking points prepared by NSC staff for both calls.[202] Further evidence that President Trump was not interested in institutional corruption in Ukraine came from Mr. Morrison, who listened to the July 25th call, and testified that President Trump did not make a ''full-throated endorsement of the Ukraine reform agenda that I was hoping to hear.'' [203]

Further, communications by U.S. diplomats to President Zelensky or other Ukrainian officials do not indicate that President Trump held Ukrainian security assistance due to concern about corruption in Ukraine. As discussed earlier, Ambassador Volker and Ambassador Sondland had multiple contacts with President Zelensky and his close aide Mr. Yermak ahead of the July 25th call. No evidence shows that President Zelensky was advised to outline steps he was taking to address corruption on the call.[204] Similarly, previously discussed diplomatic efforts in August focused on securing a public commitment by President Zelensky to investigate the 2016 campaign and Biden/Burisma theories specifically, and a commitment to pursue corruption generally was deemed insufficient to meet President Trump's request.[205]

The evidence also does not indicate that President Trump used official auspices to undertake a corruption investigation in furtherance of official U.S. government policy. If the President was interested in pursuing a particular corruption investigation with the Government of Ukraine, he could have done so through established diplomatic channels. The President could have directed his Attorney General to make an official request of Ukraine to initiate investigations into corruption under the existing Mutual Legal Assistance Treaty (MLAT) with Ukraine.[206] In this instance, President Trump did not take such action. Rather, in the July 25th call, President Trump asked President Zelensky to work with both his personal attorney, Mr. Giuliani, and Attorney General Barr to pursue investigations into his political rivals.[207] Further, supporting the idea that the President did not ask for any official investigations, the DOJ has denied knowledge of any such investigations, declaring that ''the President has not asked the Attorney General to contact Ukraine—on this [the July 25th call] or any other matter.'' [208] Additionally, Mr. Yermak asked Ambassador Volker to make any official request for investigations through formal channels,[209] but there is no evidence that the DOJ or officials at the US Embassy Kyiv followed up on that suggestion.[210] That the President did not go through regular inter-governmental channels supports the conclusion that his interest in Ukrainian investigations was for his personal political benefit and not legitimate policy considerations.

In addition, there is no evidence to support the claim that President Trump withheld Ukrainian military assistance out of concerns about European burden sharing. While President Trump may be skeptical about European contributions to mutual defense, European nations contribute significantly more foreign aid overall to Ukraine than the United States. The EU is the single largest contributor of foreign assistance to Ukraine, having provided €15 billion since 2014 versus $1.96 billion in security assistance that the United States has provided over that same time period.[211]

The rationale that the President withheld security assistance because he was concerned with Europe paying more to support Ukraine was not raised until well after the hold was placed on U.S. security assistance for Ukraine. Witness testimony indicates that the President began making inquiries about the aid on June 19, 2019,[212] and that all security assistance for Ukraine had been put on hold by July 12, 2019.[213] OMB official Mark Sandy testified that when the hold was ordered no explicit reason was provided.[214] Mr. Sandy further testified that it wasn't until September, after the hold became public, that a concern was expressed about European burden sharing.[215]

Nor is there evidence that the Trump Administration made any efforts publicly or privately to get additional contributions

from Europe while the aid was on hold. Mr. Sandy testified that he was not aware of any other countries committing to provide more financial assistance to Ukraine prior to the lifting of the hold on September 11th.[216]

Moreover, as the GAO decision makes clear, the President does not have the authority to withhold funding that Congress has appropriated for a specific purpose. The GAO determined ''the law does not permit the President to substitute his own policy priorities for those that Congress has enacted into law. OMB withheld funds for a policy reason, which is not permitted under the Impoundment Control Act (ICA). The withholding was not a programmatic delay. Therefore, we conclude that OMB violated the ICA.''[217]

The OMB continued to implement the President's hold on the Ukraine security assistance despite repeated warnings starting in early August from Department of Defense (DOD) officials that further delays risked violating the ICA.[218] The OMB-directed hold on the apportionment of funds continued even after DOD warned that it could no longer guarantee that the Department would be able to obligate the funds before the end of the fiscal year, a clear violation of the ICA.[219] Ultimately, DOD failed to execute $35 million of the $250 million obligated for USAI before the end of the fiscal year.[220]

The President's Counsel have failed to produce credible evidence to support the contention that the President withheld security assistance and an Oval Office meeting from Ukraine for legitimate policy reasons. Instead, an adverse inference can be drawn that the President had no legitimate policy basis for his actions. Further, the House Impeachment Managers have established that the President acted for his own personal benefit, specifically to advance the ongoing corrupt scheme to solicit foreign interference in the 2020 presidential election.

E. The President's Solicitation of Investigations into the 2016 Campaign and Biden/Burisma Theories was Without Due Consideration of U.S. National Interests

The final element of the offense of abuse of power, as previously delineated, is that the use of official power, for personal or some other corrupt purpose, is made without due consideration for the national interest. The evidence presented at the Senate trial makes clear that in using the powers of his office to withhold valuable U.S. security assistance and an Oval Office visit for the newly-elected Ukrainian President to advance a corrupt scheme to solicit foreign interference for his personal benefit, President Trump harmed the national interest of the United States. President Trump's efforts to leverage two official acts to advance a scheme to solicit foreign interference in the 2020 election is contrary to the national interests of the United States in a number of ways.

First and foremost, President Trump's misuse of the powers of his office threatened the heart of the constitutional order itself, potentially undermining our democratic process. By pressuring Ukraine to engage in election interference through the promotion of two unfounded theories, President Trump's conduct posed an urgent danger to the integrity of our constitutional system. If the history of the 2016 election can be rewritten at the President's direction to cast doubt on Russia's interference, it invites Russia and other adversaries to interfere again in the future knowing that there will be no consequences. Similarly, it risks distorting the integrity of our electoral process if the President can leverage the power of the presidency to pressure foreign countries to commit their government resources to dig up ''dirt'' on his political opponents in order to benefit his reelection.

Second, President Trump's corrupt scheme threatened U.S. national security objectives by advancing a Russian disinformation narrative that it was Ukraine, and not Russia, that interfered in the 2016 presidential campaign. The Intelligence Community unanimously assessed that ''Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election.''[221] That assessment of the Intelligence Community was affirmed by the bipartisan Senate Select Committee on Intelligence,[222] and the Special Counsel's investigation.[223]

The perpetuation and promotion of a Russian disinformation operation undermines U.S. efforts to protect our electoral institutions from Russian interference and to build the resilience of the American people against foreign interference. Former NSC official Dr. Fiona Hill underscored the importance of countering this Russian information warfare campaign when she testified before the House Intelligence Committee on November 21, 2019. She assessed:

The impacts of the successful 2016 Russian campaign remains evident today. Our nation is being torn apart. Truth is questioned. Our highly professional expert career Foreign Service is being undermined. U.S. support for Ukraine which continues to face armed Russian aggression is being politicized. The Russian Government's goal is to weaken our country, to diminish America's global role, and to neutralize a perceived U.S. threat to Russian interests. President Putin and the Russian security services aim to counter U.S. foreign policy objectives in Europe including in Ukraine, where Moscow wishes to reassert political and economic dominance.[224]

Third, the President's withholding of nearly $400 million in U.S. security assistance to Ukraine undermined U.S. national security objectives in the strategic competition with Russia, a central pillar of the Administration's own National Defense Strategy. NSC official Tim Morrison stressed that ''Ukraine is on the front lines of a strategic competition between the West and Vladimir Putin's revanchist Russia.''[225] He added, ''The United States aids Ukraine and her people so they can fight Russia over there, and we don't have to fight Russia here.''[226] Ambassador Taylor also testified on the importance of supporting Ukraine for U.S. national security interests. He stressed, ''One of our national security goals is to resolve conflicts in Europe'' and our aid to Ukraine is ''in support of a broader strategic approach to Europe . . .,'' and is ''to support Ukraine when it negotiates with the Russians.''[227]

Ambassador Taylor and other witnesses were particularly alarmed by the withholding of the security assistance because of its potential impact on Ukraine at a critical time in its conflict with Russia. As Ambassador Taylor testified, ''It's one thing to try to leverage a meeting in the White House. It's another thing, I thought, to leverage security assistance to a country at war, dependent on both the security assistance and the demonstration of support. It was much more alarming.''[228] Ambassador Taylor further underscored the harm from withholding vital aid for Ukraine: ''Security assistance was so important for Ukraine as well as our national interests, to withhold that assistance for no good reason other than help with a political campaign made no sense. It was counterproductive to all of what we had been trying to do. It was illogical. It could not be explained. It was crazy.''[229]

President Trump's actions also threatened to undermine one of Ukraine's greatest assets in its conflict with Russia, the bipartisan nature of support for Ukraine in the U.S. Congress. Ambassador Taylor advised President Zelensky's close aide Yermak, of the ''high strategic value of a bipartisan support for Ukraine and the importance of not getting involved in other country's elections.''[230] Ambassador Volker also emphasized the importance of the bipartisan support in Congress for U.S. policy toward Ukraine.[231]

Finally, the President's efforts to secure investigations into the 2016 campaign and Biden/Burisma theories undermined U.S. policy promoting the rule of law and fighting corruption, which included discouraging partner governments from launching politically-motivated investigations into domestic rivals. Deputy Assistant Secretary George Kent, former Deputy Chief of Mission in Ukraine, testified to the official U.S. policies in place in countries like Ukraine and Georgia, stating that ''having the President of the United States effectively ask for a political investigation of his opponent would run directly contrary'' to these efforts.[232] As Chairman Schiff restated on December 18, 2019:

On September 14 in Ukraine, when Ambassador Volker sat down with Andriy Yermak, the top adviser to Zelensky, and he did what he should do. He supported the rule of law, and he said: You, Andriy Yermak, should not investigate the last President, President Poroshenko, for political reasons. You should not engage in political investigations. And do you know what Yermak said: ''Oh, you mean like what you want us to do with the Bidens and the Clintons?[233]

Based on the above analysis, I find that there is overwhelmingly clear and convincing evidence that elements of abuse of power have been met and that President Trump is guilty on the first Article of Impeachment.

VI. ARTICLE II: OBSTRUCTION OF CONGRESS

Article II of House Resolution 755 provides that, in the conduct of his office, the President directed the unprecedented and categorical indiscriminate defiance of subpoenas issued pursuant to the House's ''sole Power of Impeachment.''[234] Article I provides further provides that President Trump's ordering the White House and other Executive Branch agencies and Executive Branch officials to defy House subpoenas sought ''to seize and control the power of impeachment . . . a vital constitutional safeguard vested solely in the House of Representatives.''[235] I will first explain how historical and case precedent proves that obstruction of Congress is an impeachable offense. Next, I will explain how, through his indiscriminate order, President Trump sought to vitiate and in fact, did undermine, the lawful authority of Congress. Finally, I will explain how each of the arguments that the President's Counsel put forward during the Impeachment Trial to justify the President's obstruction do not amount to a lawful cause or excuse.

A. Obstruction of Congress Is An Impeachable Offense

When any one branch of government seeks to obstruct an essential function of another branch, it threatens a central feature of our republic: the separation of powers.[236] In the case where a President seeks to derogate the authority of another branch, it can also undermine the President's constitutional obligation to ''take Care that the Laws be faithfully executed.''[237]

President Trump continues to thwart Congress' oversight and investigative powers, which are essential constitutional functions of the Legislative Branch. In *McGrain* v. *Daugherty*, the Supreme Court firmly established that such inquiry power is ''an essential and appropriate auxiliary to the legislative function'' and included the ability to seek and enforce demands for information.[238]

The need to comply with subpoena-backed requests for information, including in an Impeachment, has been explicitly stated. In *Kilbourn* v. *Thompson*, the Supreme Court held that, ''Where the question of such impeachment is before either [the House or Senate] acting in its appropriate sphere on that subject [of impeachment], we see no reason to doubt the right to compel the attendance of witnesses, and their answer to proper questions, in the same manner and by the use of the same means that courts of justice can in like cases.'' [239]

Part of Congress' broad oversight authority is the power to hold sitting presidents accountable for grave misconduct and abuses of public trust through Impeachment. Indeed, Article I, Section 2, Clause 5 of the U.S. Constitution gives the House of Representatives ''the sole Power of Impeachment.'' [240] However, an Impeachment inquiry can only be discharged through the cooperation of the governmental branch being investigated; only this branch can provide documents and witness testimony related to its own conduct. By refusing to provide any information, President Trump is trying to stop Congress from gathering relevant information and render the Impeachment process toothless.[241] As John Quincy Adams noted, it would make a ''mockery'' of the Constitution's Impeachment power for Congress to have the power to impeach but ''not the power to obtain the evidence and proofs on which their impeachment was based.'' [242]

The Judiciary Committee also confirmed that subverting the constitutionally vested powers of the Legislative Branch can be an impeachable offense, when it previously approved Articles of Impeachment charging President Richard Nixon with the failure to comply with duly authorized congressional subpoenas. The Judiciary Committee explained that:

In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.[243]

Based on the above historical and case precedent, I conclude that obstruction of Congress can be an impeachable offense. I also conclude that a sitting President commits obstruction of Congress by:

1) Contravening the lawful authority of the Legislative Branch;

2) By imposing the powers of the presidency;

3) Without lawful cause or excuse.

B. The House of Representatives Exercised Its Lawful Authority in the Impeachment Inquiry

As explained in Section V, Subsection A of this Memorandum, Congress has broad power to conduct oversight and issue demands for information, and is vested with the sole power to conduct Impeachment.

In this case, the House of Representatives was using both its lawful investigative and Impeachment authorities, when it issued lawful subpoenas leading up to and after the adoption of House Resolution 660 on October 31, 2019, which formalized the ongoing investigations into whether sufficient grounds existed for the House of Representatives to impeach President Donald John Trump.[244]

On September 9, 2019, the House Committees on Intelligence, Foreign Affairs, and Oversight and Reform (hereinafter ''Investigating Committees'') first announced that they would be starting an investigation into reports that President Trump and his associates might have been seeking assistance from the Ukrainian government in his bid for reelection.[245] As part of this inquiry, the Investigating Committees requested that the White House provide documents related to the President's July 25th call with the Ukrainian President.[246]

Speaker Nancy Pelosi subsequently announced on September 24, 2019 that the House would be commencing ''an official Impeachment inquiry.'' [247] The Investigating Committees then subpoenaed documents and witness testimony from the White House,[248] the Department of State,[249] the Department of Defense,[250] the Office of Management and Budget,[251] the Department of Energy,[252] and Rudy Giuliani.[253]

Once H.Res. 660 was approved by the House on October 31st, the subpoenas issued as part of the ongoing investigations leading up to the adoption of H.Res. 660 remained in full force.[254] In addition, the House Intelligence Committee issued new subpoenas for witness testimony to officials at the National Security Council,[255] White House,[256] Office of Management and Budget,[257] and the Office of the Vice President.[258]

As such, I conclude that there is overwhelmingly clear and convincing evidence that the House used its lawful authority in conducting its Impeachment inquiry.

C. President Trump Used the Powers of the Presidency to Subvert the Powers of Congress

President Trump used the vast powers of his office to prevent the House of Representatives from exercising its oversight authority and sole power of Impeachment. The President did so by ordering the entire Executive Branch not to cooperate with the House Impeachment inquiry. White House Counsel Pat Cipollone sent a letter to Speaker Pelosi and the Investigating Committees on October 8, 2019, declaring that ''President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.'' [259] It is notable that, even before sending the October 8th letter, President Trump had made his intentions clear to obstruct any and all oversight by Congress, proclaiming, ''We're fighting all the subpoenas.'' [260] President Trump further asserted, ''As the President of the United States, I have an absolute right, perhaps even a duty, to investigate, or have investigated, CORRUPTION, and that would include asking, or suggesting, other Countries help us out!'' [261]

The President's sweeping directive on October 8th had the foreseeable effect of obstructing, and in fact, did materially thwart, the House Impeachment inquiry. Following President Trump's categorical order, the Department of State,[262] the Office of Management and Budget,[263] the Department of Energy,[264] and the Department of Defense [265] failed to produce a single document in response to requests or demands for records in their possession. To date, the only documents the Executive Branch has released are summaries of President Trump's phone calls with President Zelensky on April 21, 2019 [266] and July 25, 2019.[267] Even these documents are not complete. The President claimed the July 25th call is, ''an exact word for word transcript of the conversation.'' [268] However, witness testimony from the House Impeachment inquiry shows that there were key omissions. NSC official Lt. Col. Vindman, who listened to the calls, testified that edits that he provided to the draft July 25th document based on his notes were not included in the transcript that was released. Lt. Col. Vindman's edits included a reference to Burisma and President Trump telling President Zelensky that there are recordings of Vice President Biden.[269]

Additionally, as a result of the October 8th directive, multiple Trump Administration officials have defied congressional subpoenas and refused to testify in the Impeachment proceedings.[270] Overwhelming evidence of the President's abuse of power has come to light, despite the President's obstructionist efforts, largely because key Administration officials risked their jobs and careers to comply with subpoenas and requests issued by the House. Even in those cases, agency leadership worked to ensure that these officials would only be able to give limited testimony. In particular, the Department of State,[271] the Department of Defense,[272] and the Department of Energy [273] prevented Executive Branch employees who did participate as witnesses from accessing documents that they identified as directly relevant to the Impeachment inquiry—including their phone records, emails, notes, and memoranda. As a result, these witnesses were denied the opportunity to have documents that could have helped them give more specific testimony, and some had to rely on their own notes and recollections.[274]

President Trump personally sought, through intimidation or influence, to impede the testimony of officials that cooperated with the House Impeachment inquiry. He specifically sought to interfere with the testimonies of Ambassador Gordon Sondland,[275] Ambassador William Taylor,[276] Ambassador Marie Yovanovitch,[277] Lt. Col. Alexander Vindman,[278] and Jennifer Williams.[279]

There is indeed overwhelmingly clear and convincing evidence that President Trump used the powers of his office to prevent the House from exercising its constitutionally granted authority to conduct oversight related to the Impeachment inquiry.

D. President Trump Obstructed the Impeachment Inquiry Without Lawful Cause or Excuse

Whether President Trump obstructed Congress turns on whether there is evidence that he had legal cause or excuse for his total non-cooperation with the Impeachment inquiry. I will address how each of the arguments that the President's Counsel have made in attempting to justify the President's stonewalling do not provide sufficient legal excuse for his conduct.

D.1. Validity of Congressional Subpoenas

The President's Counsel argue that subpoenas related to the Impeachment proceeding are invalid, if they were issued before the House voted to approve H.Res. 660 formalizing the Impeachment inquiry on October 31, 2019. In the President's trial brief, Counsel states that ''It was entirely proper for Administration officials to decline to comply with subpoenas issued pursuant to a purported 'impeachment inquiry' before the House of Representatives had authorized any such inquiry. No House committee can issue subpoenas pursuant to the House's Impeachment power without authorization from the House itself.'' [280] Relying on the argument that subpoenas issued prior to the passage of H.Res. 660 were invalid, the White House, Department of State, and the Department of Defense instructed current and former employees not to testify before the Investigating Committees in the Impeachment proceedings.[281]

The President's Counsel's argument broadly fails because it goes against well-established case law recognizing Congress' power to conduct investigations [282] and issues subpoenas,[283] even when it is not engaged in an Impeachment. Furthermore, the standing rules of the House authorize a committee or subcommittee, with certain limitations, to issue subpoenas ''[f]or the purpose of carrying out any of its functions and duties.'' [284]

Therefore, the relevant question on the validity of the House subpoenas does not turn

on whether they were issued before or after H.Res. 660, as the President's Counsel argue. Rather, it should center on whether they were issued as part of a lawful congressional investigation.[285] In this case, the subpoenas at issue involved the legitimate purpose of investigating whether President Trump and his associates sought assistance from the Ukrainian government to influence the 2020 election. As a result, there is convincing evidence that the House Permanent Select Committee on Intelligence, the House Foreign Affairs Committee, and the House Committee on Oversight and Reform had valid investigative and subpoena authority, even before the passage of H.Res. 660.

Even if the argument made by the President's Counsel was legitimate, the Trump Administration failed to abide by its rule. Following the President's Counsel's own logic, the President would have to recognize the validity of and comply with subpoenas issued after the Impeachment inquiry was formalized on October 31, 2019. Yet, the President did not permit officials from OMB and the National Security Council to testify even though they were subpoenaed *after* H.Res. 660 passed the House.[286]

D.2. Assertions of Privilege

To the extent that the President has legitimate executive privilege claims, he failed to properly assert them or to go through the proper accommodation process to keep information confidential.

D.2.a. Presidential privilege is not absolute

The President's Counsel have stood by the October 8th letter from Mr. Cipollone to Speaker Pelosi declaring that the President and his Administration would not participate in the Impeachment inquiry.[287] President Trump himself has articulated his expansive view of his powers saying, ''Honestly, we have all the material . . . They don't have the material.'' [288]

However, in *United States* v. *Nixon*, the Supreme Court flatly rejected this kind of unlimited assertion of executive power. The Court held that ''neither the doctrine of separation of powers, nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances.'' [289] Instead, the Court found that, in an interbranch dispute, when a claim of presidential privilege is based merely on the grounds of a generalized interest in confidentiality, ''the generalized assertion of privilege must yield to the demonstrated, specific need for evidence.'' [290]

A related D.C. Circuit Court case, *Senate Select Committee on Presidential Campaign Activities* v. *Nixon*, affirmed that presidential privilege is not absolute and could be overcome by a ''strong showing of need by another institution of government.'' [291] The Court in this case articulated the following test in making its decision: Congress in using its investigative powers may override presidential privilege when it makes the requisite showing of need that ''the subpoenaed evidence is demonstrably critical to the responsible fulfillment of the Committee's function,'' such as a legitimate oversight or legislative purpose.[292]

In this case, Mr. Cipollone's October 8th letter makes clear the President intended to exercise privileges over the *whole* of the Executive Branch, regardless of whether an agency was involved in foreign policy or national security policy.[293] In contrast, the Investigating Committees overwhelmingly demonstrated a particularized interest in obtaining information to ascertain whether the President used the powers of his office to solicit foreign interference on his behalf in the 2020 election. In addition, it would be hard to think of a setting where congressional need for information is greater than during an Impeachment, which is the Constitution's most potent way to hold the President accountable for his misconduct.[294]

The President's Counsel further assert that senior advisors to the President do not have to comply with congressional subpoenas because they have ''absolute immunity.'' This doctrine of absolute immunity has also been rejected by the D.C. District Court in *House Judiciary Committee* v. *Miers* [295] and *House Judiciary Committee* v. *McGahn*.[296]

D.2.b. Accommodation of legislative branch

Moreover, even if President Trump did have a legitimate need to keep information confidential, each branch of government is required to accommodate the legitimate needs of the others to maintain the separation of powers. If President Trump had a valid need to keep confidential some of the information that the House requested, the agencies and offices involved could have entered into good-faith negotiations with the House to resolve their conflicting needs. The Courts have suggested that the Framers intended dynamic compromise as the most effective way to solve disputes between the branches and that view has been affirmed by the longstanding historical practice of the branches.[297] In *United States* v. *AT&T*, the D.C. Circuit Court held that ''Under this view, the coordinate branches do not exist in an exclusively adversary relationship to one another when a conflict in authority arises. Rather, each branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation.'' [298]

It is this accommodation process that is the norm, not a wholesale refusal by one branch to another. ''Cooperation dominates most congressional requests for information, with the executive turning over the requested information as a matter of routine.'' [299] A complete breakdown in these procedures is a rarity as ''information access disputes are typically worked out through one of several intermediate options'' such as the Executive Branch agency providing redacted documents or requiring Congress to keep the requested information confidential.[300] A memorandum written by the Office of Legal Counsel (OLC) during the administration of President George H. W. Bush explains that ''[I]f further negotiation is unavailing, it is necessary to consider asking the President to assert executive privilege.'' [301] Traditionally, Executive Branch agency branch officials then present their case for the assertion of executive privilege to the President and the agency asks Congress to hold its request in abeyance, pending the President's decision.[302]

The President's Counsel claim that the Executive Branch was willing to enter into an accommodation process with the House.[303] However, whereas the presumption in an inter-branch dispute is cooperation, the White House's default position has been total refusal of the House's requests for information. To this day, the Trump Administration has not turned over a single responsive document or worked to make a single witness available for questioning by Congress. The Administration has not sought an intermediate option to make information available to Congress. Nor has the Executive Branch ever formally invoked executive privilege or asked Congress to hold its requests in abeyance pending the President's decision to assert executive privilege.

D.2.c. Obstruction in Senate trial

President Trump's obstruction of Congress and his failure to resolve disputes with the Legislative Branch in good faith continued into the Senate trial, as his Administration continued to withhold the information that was subpoenaed during the House inquiry. The President's Counsel even went so far as to instruct the Senate that it could not consider the evidence the House did obtain saying that ''The Senate may not rely on a corrupted factual record derived from constitutionally deficient proceedings to support a conviction of the President of the United States.'' [304]

In addition, as the Senate Impeachment proceedings were underway, new and material evidence of President Trump's misconduct continued to come out. Lev Parnas, the associate of Rudy Giuliani, asserted that President Trump was fully aware of efforts to dig up ''dirt'' on his political rival, as were Vice President Mike Pence, Attorney General William Barr, and former Energy Secretary Rick Perry.[305] According to news reports, it also has come to light that President Trump directed John Bolton, his then-national security adviser, to help with his pressure campaign against the Ukrainian government.[306] Both Bolton and Parnas made it clear during the Impeachment trial that they were willing to testify before the Senate.[307] Yet, President Trump sought to discredit both witnesses [308] and even threatened to assert executive privilege to prevent John Bolton from coming to testify and cooperating in the Impeachment trial.[309]

D.3. *Purported Defectiveness of Impeachment Inquiry*

The President's Counsel argue that the subpoenas issued by the House are invalid not only because of when they were issued. They argue that the Impeachment inquiry itself is defective and unauthorized and therefore any compliance is unnecessary.

The President's Counsel argue that ''the House has never undertaken the solemn responsibility of a presidential impeachment inquiry without first authorizing a particular committee to begin the inquiry'' and ''[t]hat has also been the House's nearly unbroken practice for every judicial impeachment for two hundred years.'' [310]

As explained in Section V, Subsection D.1 of this Memorandum, Congress' power to conduct investigations and issue subpoenas, even when not as part of an Impeachment, has been repeatedly and firmly settled by the Courts. Therefore, even if one accepts that the Impeachment investigation was invalid unless authorized by the House, it does nothing to diminish the power of the committees at hand to engage in an oversight investigation. Nor does it diminish the duty to comply with subpoenas that were issued under this oversight authority.

The President's Counsel is contradicted by the cases of President Johnson and Nixon, where a committee of jurisdiction started taking steps toward Impeachment before the full House took any action. In the Johnson Impeachment, the Judiciary Committee considered Articles of Impeachment before reporting them out for a vote by the House.[311] In the case of President Nixon, the Judiciary Committee employed a Special Counsel to assist in the inquiry, before the House explicitly authorized the Committee's investigation to determine whether the House should impeach.[312]

What's more, the President's Counsel's position appears to be that the House must authorize an Impeachment before it has gathered enough evidence to warrant one, and also that a congressional investigation which begins to produce evidence of grounds for Impeachment loses its investigative authority until the House votes to formalize the Impeachment inquiry. These arguments defy both logic and past precedent.

Here, I am also persuaded by the House Impeachment Managers' argument that the Constitution grants the ''sole Power of Impeachment'' to the House of Representatives. In addition, the Constitution says that, ''[t]he Senate shall have the sole Power to try all Impeachments.'' [313] Nowhere does the Constitution empower the President to unilaterally decide that an Impeachment is illegitimate. I conclude that investigations leading up to H.Res. 660 and the formal inquiry that continued afterward were duly authorized.

D.4. *Further Litigation*

The President's Counsel argue that its categorical and comprehensive defiance cannot be deemed to be obstruction of Congress because the House has not sought judicial review of the subpoenas issued as part of the Impeachment inquiry.

This argument is unconvincing given that the involvement of the Courts in information access disputes between the Legislative and Executive Branches has been rare, at least with respect to conflicts over House subpoenas. As the Congressional Research Service explains:

The traditional preference for political rather than judicial solutions seems supported by the fact that neither Congress nor the President appears to have turned to the courts to resolve an investigative dispute until the 1970s . . . The courts themselves have also generally sought to avoid adjudicating investigative disputes between the executive and legislative branches, instead encouraging settlement of their differences through a political resolution. Consistent with that approach, lower federal courts have suggested that judicial intervention in investigative disputes ''should be delayed until all possibilities for settlement have been exhausted.'' . . . [In addition] some evidence suggests that both the House and the courts have viewed judicial involvement in an impeachment inquiry as inappropriate or in excess of the judiciary's power.[314]

Moreover, the argument of the President's Counsel is ineffective in the context of the dilatory tactics the Trump Administration has been using in other pending cases where the House also has subpoenaed documents. In particular, the Administration has used arguments which, if taken together, seem to assert the President cannot be held accountable by either the Judicial or Legislative Branch. These stall tactics were highlighted in a case currently pending in the D.C. Circuit Court, *Committee on the Judiciary* v. *McGahn*. In this case, the House Judiciary Committee is trying to enforce a subpoena against former White House Counsel, Don McGahn. The D.C. District Court ruled against the DOJ, which claimed that McGahn had absolute immunity from congressional subpoenas for his testimony. In its decision, the Judge compares the DOJ's inconsistent arguments in the *McGahn* case with a series of cases regarding congressional subpoenas for the President's tax returns. The Judge points out that the:

DOJ stood silent with respect to the jurisdictional question, as President Trump (in his personal capacity) has invoked the authority of the federal courts, on more than one occasion, seeking resolution of a dispute over the enforceability of a legislative subpoena concerning his tax returns. A lawsuit that asserts that a legislative subpoena should be quashed as unlawful is merely the flip side of a lawsuit that argues that a legislative subpoena should be enforced. And it is either DOJ's position that the federal courts have jurisdiction to review such subpoena-enforcement claims or that they do not. By arguing vigorously here that the federal courts have no subject-matter jurisdiction to entertain the Judiciary Committee's subpoena-enforcement action, yet taking no position on the jurisdictional basis for the President's maintenance of lawsuits to prevent Congress from accessing his personal records by legislative subpoena, DOJ implicitly suggests that (much like absolute testimonial immunity) the subject-matter jurisdiction of the federal courts is properly invoked only at the pleasure of the President.[315]

The Judge in the *McGahn* case also noted that the DOJ made conflicting arguments in the House's lawsuit seeking grand jury evidence that contributed to former Special Counsel Robert Mueller's report. The Judge goes on to write:

During oral argument, when one of the panelists asked DOJ about the district court's subject-matter jurisdiction to entertain the House's legal action, DOJ Counsel remarked that, while the Executive branch was ''not advancing that argument[,]'' it believed that DOJ ''certainly has both standing and jurisdiction'' to seek review of the district court's injunction . . . But if DOJ's position is that the federal courts have the authority to entertain a legal claim concerning the House's contested request for allegedly privileged grand jury materials, how can it be heard to argue, nearly simultaneously, that the instant Court has no jurisdiction to entertain a legal claim concerning the enforceability of a House committee's subpoena compelling the testimony of senior-level presidential aides?[316]

Further litigation is also problematic because, unlike Presidents Nixon and Clinton who were in their second terms, President Trump's misconduct is immediately preceding and, in anticipation of, the upcoming presidential election. The crux of President Trump's scheme was to corruptly use the vast powers of his presidency to invite foreign interference into the 2020 election in order to benefit himself politically. Allowing President Trump to delay this Impeachment through litigation would enable him to keep relevant documents and witnesses from coming out until after the 2020 election. It could also embolden him to engage in additional unfettered misconduct aimed at increasing his chances of getting reelected.

This threat to the integrity of our elections is exactly the kind of misconduct that the Framers were worried about. In George Mason's view, a risk of election fraud ''furnished a peculiar reason in favor of impeachments[.]'' [317] Another exchange between two delegates, William Richardson Davie and James Wilson, highlights the importance of safeguarding against a corrupt president that would cheat to get reelected. Davie stated, '' '[i]f he be not impeachable whilst in office, he will spare no efforts or means whatever to get himself reelected.' [Davie] considered this as an essential security for the good behaviour of the Executive.'' [318] Wilson concurred with Davie ''in the necessity of making the Executive impeachable while in office.'' [319]

D.5. Due Process

The President's Counsel assert that the Impeachment inquiry is defective because of a lack of due process protections for President Trump. Specifically, in Mr. Cipollone's October 8th letter, he asserts that the President was entitled to due process rights during the House's Impeachment inquiry, which he was not afforded, including ''the right to see all evidence, to present evidence, to call witnesses, to have Counsel present at all hearings, to cross-examine all witnesses, to make objections . . . and to respond to evidence and testimony.'' [320]

Procedural due process—meaning the legal procedures to be used in a proceeding—is rooted in basic constitutional principles of fundamental fairness. Determining due process of the law ''require[s] . . . that state action, whether through one agency or another, shall be consistent with the fundamental principles of liberty and justice which lie at the base of all our civil and political institutions and not infrequently are designated as 'law of the land.' '' [321]

In evaluating whether President Trump was afforded protections that are consistent with the ''fundamental principles of liberty and justice,'' the analysis should center on whether he was given rights customarily given to presidents in previous Impeachments.

During the Clinton Impeachment inquiry, the President's Counsel was invited to attend all Judiciary Committee executive sessions and open hearings, was allowed to cross-examine witnesses, object to pieces of evidence, suggest that the Committee review additional evidence, and respond to evidence used by the Committee.[322] During the Nixon Impeachment inquiry, the President's Counsel was not invited to participate in the Judiciary Committee's proceedings until months after the inquiry's authorizing resolution was passed.[323] Once invited, Nixon's counsel was allowed to attend the initial presentation of evidence and respond to it in later proceedings, attend later hearings with witnesses, submit requests to call witnesses, cross-examine witnesses that were called, and object to pieces of evidence.[324]

The House's Impeachment inquiry into President Trump afforded the President rights that were consistent with these precedents from prior presidential Impeachments. The President's Counsel was given the opportunity to participate in the House Judiciary Committee's proceedings during the impeachment inquiry. This included the right to attend every Judiciary Committee hearing; request additional witnesses during these hearings; present evidence orally or in writing; have the President's Counsel cross-examine witnesses; and raise objections during Judiciary Committee hearings.[325] In a November 29th letter to the President, House Judiciary Committee Chairman Nadler inquired which of these privileges the President's Counsel wished to exercise.[326] In his December 6th response, Mr. Cipollone chose not to exercise any of these rights and claimed the Impeachment inquiry violated due process rights.[327]

After reviewing this comparison, I conclude President Trump has been afforded as least as much due process protection as Presidents Nixon and Clinton, and therefore standards of fundamental fairness requisite for due process have been met in the current Impeachment proceeding.

Based on the above analysis, I find that there is overwhelmingly clear and convincing evidence that President Trump obstructed the House Impeachment inquiry without lawful cause or excuse and that President Trump is guilty on the second Article of Impeachment.

VII. LACK OF EVIDENTIARY RECORD

A. Senate's Role in Lack of Witnesses and Documents

As I have explained, the House of Representatives, as part of its Impeachment inquiry, subpoenaed documents and witnesses from multiple Executive Branch agencies. To date, the Administration has produced zero responsive documents. In fact, the Administration has engaged in a coordinated and systematic effort to deny relevant evidence and testimony to the House of Representatives in defiance of lawful Congressional subpoenas.[328]

Fortunately, patriotic and law-abiding federal employees and former officials complied

with lawful subpoenas and appeared at depositions or public hearings. As described previously, testimony provided by witnesses is probative of the President's guilt on both Articles of Impeachment.

Once the Articles of Impeachment were received by the Senate, the Senate had the opportunity to utilize its own oversight and Impeachment authority pursuant to Article I of the Constitution to gather relevant documents and testimony. However, in this Impeachment trial, unlike previous ones conducted by the Senate, whether of Presidents or other officials, no witnesses were allowed.[329]

My Republican colleagues voted against holding a fair trial. For example, Leader McConnell initially sought to have a set of rules governing this Impeachment trial that would not have included a provision to automatically adopt the House's evidence.[330] He also sought to have twenty-four hours of opening arguments over two days to speed up the trial.[331] My Republican colleagues relented on these points, allowing the House Impeachment Managers and the President's Counsel to each have twenty-four hours of argument over three days.[332] The Republican-authored resolution ultimately did not guarantee witnesses, only providing for a vote on whether witnesses could be heard at the end of arguments and the question period.[333] From the get-go, my Republican colleagues were reluctant to have evidence and arguments put in front of the American people for judgment.

My Democratic colleagues offered eleven amendments in an effort to ensure a fair trial.[334] The amendments, if adopted, would have permitted Senators and the American people to see relevant evidence and hear from witnesses. These amendments were defeated—almost entirely along party lines.[335]

After the question and answer portion of the Impeachment trial, the Senate voted on amendments offered by my Democratic colleagues that would have provided for witnesses and documents.[336] These amendments were again defeated, largely along partisan lines.[337] It is crucial to note, that this second series of votes was taken *after* reports that Ambassador Bolton's draft manuscript contained evidence relevant and central to the allegations in the Articles of Impeachment. Through the end of the trial, the vast majority of my Republican colleagues did not want to hear from Ambassador Bolton, other relevant witnesses, or see documents that would likely reveal evidence damaging to the President.

Further, Leader McConnell compared his approach in this trial to that of the Impeachment Trial of President Clinton, when Senators voted on whether to hear witnesses at the end of arguments.[338] Leader McConnell's assertion is disingenuous considering that the Clinton Impeachment trial occurred after a lengthy and comprehensive investigation led by the then independent Counsel, Kenneth Starr, which included tens of thousands of pages of evidence and recorded testimony. During the Clinton Impeachment trial, witnesses had also previously testified in grand jury proceedings.[339] There were no surprises as to what witnesses would say. President Trump's Impeachment Trial represents a stark departure from what occurred during the Clinton Impeachment Trial and indeed, sets a damaging and devastating precedent.

VIII. CONCLUSION: REMOVAL OF PRESIDENT TRUMP IS THE SOLE APPROPRIATE REMEDY

Conviction and removal of a President from office is a high standard, and one that should only be arrived at when there are no other remedies available. As I laid out during the 1999 Impeachment trial of President Clinton, ''the independence of the Impeachment process from the prosecution of crimes underscores the function of Impeachment as a means to remove a President from office, not because of criminal behavior, but because the President poses a threat to the Constitutional order.''[340] Furthermore, during the Clinton Impeachment proceedings, I concluded that the President's improper conduct must represent a continuing threat to the American people.[341] In the current case, I have concluded that allowing President Trump to remain in office would pose such a continuing threat to our electoral system and the Constitution.

A. Subversion of the Constitutional Order and an Unaccountable President

The President's Counsel have argued that even if President Trump abused the power of his office to withhold U.S. military assistance to an ally, in order to pressure that country to conduct investigations for his personal and political benefit, doing so would not be an impeachable offense. According to the President's Counsel, ''If a President does something which he believes will help him get elected—in the public interest—that cannot be the kind of quid pro quo that results in impeachment.''[342] It is on this basis that the President's Counsel further argue that, even if the President did in fact condition security assistance for Ukraine on politically-motivated investigations, it would not be an impeachable offense.[343] That argument violates the fundamental principle of our constitutional system that no one is above the law.

Furthermore, President Trump has shown that he will block any congressional check on his misuse of office by ignoring subpoenas as he pleases, without asserting a lawful cause. At the same time, Trump Administration lawyers have been arguing in various court cases that the Judiciary has no role in enforcing the very subpoenas from Congress that the Administration is resisting.

President Trump's defiance of both Congress and the Courts on subpoenas threatens to nullify the constitutional authority of both the House and Senate, not merely to check the personal excesses of any given president, but also to oversee the entire Executive Branch. It validates and encourages the President's strategy of large-scale obstruction of congressional inquiries. It emboldens the President to defy investigations into his misconduct and strengthens the President's determination to resist additional congressional oversight.

The result of permitting the Executive Branch to wholly disregard Congressional requests for information is not only to neuter the Impeachment power, but more profoundly, impact Congress as a fundamental check on executive mismanagement, abuse, corruption, and overreach embodied in the power of congressional oversight.

B. Ongoing Harm to the Constitutional Order

An additional basis for seeking the removal of a President from office is that his conduct poses continuing harm to the constitutional order. President Trump's solicitation of foreign election interference, based on the perpetuation and amplification of baseless and unfounded theories that harm his political opponents, serves to damage the fundamental institutions of our democracy.

President Trump's behavior was not a one-time indiscretion, but rather part of a pattern of behavior to invite foreign influence into our elections which thereby undermines the constitutional order and harms the integrity of our democracy. In 2016, then-candidate Trump called on Russia to hack the emails of his political rival, Secretary Clinton.[344] He also promoted hacked emails from Secretary Clinton's campaign that were stolen by Russian Military Intelligence units, in order to benefit himself politically in the 2016 election.[345] In June 2019, President Trump publicly announced that he would take information on his political rival from a foreign government.[346] Moreover, he pressured Ukraine to announce investigations into his political opponents to benefit his 2020 campaign. Indeed, even after the House began its Impeachment inquiry and he was confronted by allegations of soliciting foreign interference, President Trump doubled down by asking China also to investigate the Bidens.[347] In addition, as stated earlier, his personal attorney, Mr. Giuliani as recently as December 2019, was working to gather disinformation on political opponents.[348]

The President has in no way taken responsibility for these actions or shown that he understands the consequences of his behavior and its harm to the Constitution. After the Impeachment trial in 1999, President Clinton apologized to the nation and acted contrite. In contrast, President Trump has not, in any way, admitted wrongdoing and clings to the fiction that his call with President Zelensky was ''perfect.''[349] This lack of remorse, combined with his past and present actions, leaves open the possibility that President Trump will repeat such offenses in the future.

C. Elections Cannot be the Sole Remedy

It has been argued that Impeachment and removal of the President is not the appropriate remedy when the country is roughly ten months away from an election. The President's Counsel argue that any judgment regarding the President's actions should be left to the American people when they go to the polls in November 2020. However, by soliciting foreign interference in the coming election, President Trump's actions threaten the viability of our elections and the very foundation of our constitutional order to serve as a check on the President's conduct.

The Founders were acutely aware of the dangers of foreign election interference. As Alexander Hamilton said in Federalist Paper Number 68, ''[t]he desire [of] foreign powers to gain an improper ascendant in our Counsels'' was one of ''the most deadly adversaries of republican government.''[350] The Founders knew this risk was inevitable in an election setting. In a letter to John Adams, Thomas Jefferson wrote ''You are apprehensive of foreign Interference, Intrigue, Influence. So am I—But, as often as Elections happen, the danger of foreign Influence recurs.''[351]

I reject the notion, put forward by the President's Counsel, that a President who believes his reelection is in the best interest of the country cannot be impeached for abusing his power to tilt the next election in his favor. The Impeachment clause cannot be read to provide a carte blanche for the President to engage in illegal acts[352] that directly undermine the operation of our free and fair electoral system. The remedy for a President attempting to corrupt the next election cannot be allowing the President to corrupt that election. Even a well-intentioned autocrat is still an autocrat and not a President subject to the Constitution. If accepted as true, these views would pave the way for the type of autocratic government that the Founders feared and fought to leave behind.

For elections to express the will of the electorate, they must be free and fair. Elections must be legitimate, and the public must have confidence in them. Even the perception that our elections are tainted would lead voters to question whether their vote matters. That is why one of our jobs as lawmakers is to ensure the integrity of the electoral process. We work to ensure that every vote cast is fairly and accurately counted.

We work to ensure that external forces, foreign or otherwise, cannot sway or pre-determine the outcome of the election. The United States government should not be playing a role in advancing the goals of foreign powers that seek to use our institutions to further their own interests.

Acquitting President Trump would undermine the integrity of our elections and clear the way for Russia or other countries to repeat in 2020, and beyond, the kind of election interference that the Intelligence Community unanimously assessed occurred in the 2016 election. Through acquittal, the Senate will give its blessing for President Trump to use any means at his disposal to sway the next election in his favor, with no consequences. President Trump has already demonstrated unequivocally that he has no compunction about violating the law, obstructing congressional oversight, and putting our nation and allies at risk. The difference now will be that President Trump will know that the Senate will give him cover for his future abuses of office. The ongoing threat to the constitutional order must be remedied, and therefore removal of the President is the only logical finding in this case.

ENDNOTES

1. H.R. Res. 755, 116th Cong. (2019).
2. U.S. Const. art. I, §3, cl. 6; 166 Cong. Rec. 10, S268 (daily ed. Jan. 16, 2020).
3. The Federalist No. 65, at 441 (Alexander Hamilton) (Jacob E. Cooke ed., 1961) (emphasis in original).
4. U.S. Const. art. I, §3, cl. 6.
5. U.S. Const. art. II, §4.
6. U.S. Const. art III, §3, cl. 1.
7. Staff of H. Comm. on the Judiciary, 116th Cong., Rep. on Constitutional Grounds for Presidential Impeachment 14 (Comm. Print 2019).
8. 2 Sir William Blackstone, Commentaries on the Laws of England 2152 (William Carey Jones ed., 1976).
9. *Id*. at 2153.
10. Charles Doyle, Cong. Research Serv., 98–882, Impeachment Grounds: A Collection of Selected Materials 4 (1998).
11. The Federalist No. 65, *supra* note 3, at 439 (emphasis in original).
12. 2 The Records of the Federal Convention of 1787 550 (Max Farrand ed., 1911).
13. *Id*.
14. 4 The Debates in the Several State Conventions on the Adoption of the Federal Constitution 113 (Jonathon Elliot ed., 2nd ed. 1861).
15. Michael J. Gerhardt, The Federal Impeachment Process: A Constitutional and Historical Analysis 21 (3rd ed. The University of Chicago Press 2019) (1996).
16. 2 Joseph Story, Commentaries on the Constitutions 799 at 269–70 quoting William Rawle, A View of the Constitution of the United States at 213 (2d ed. 1829).
17. Staff of H. Comm. on the Judiciary, 93rd Cong., Rep. on Constitutional Grounds for Presidential Impeachment 27 (Comm. Print 1974).
18. 2 The Records of the Federal Convention of 1787, *supra* note 12, at 64–65.
19. *Id*. at 550
20. *Id*.
21. *Id*.
22. *Id*.
23. *Id*. at 551.
24. *Id*. at 600.
25. Trial Memorandum of President Donald J. Trump, In Proceedings Before the United States Senate 1 (Jan. 20, 2020).
26. U.S. Const. art. I, §3, cl. 7.
27. 1 The Collected Works of James Wilson 736 (Kermit L. Hall and Mark David Hall eds., 2007).
28. Memorandum from William Barr, Attorney General, Department of Justice, to Rod Rosenstein, Deputy Attorney General, Department of Justice, and Steve Engel, Assistant Attorney General, Department of Justice 12 (June 8, 2018) (on file with the New York Times) (emphasis in original).
29. 2 The Records of the Federal Convention of 1787, *supra* note 12, at 65–66.
30. The Federalist No. 68, at 458–459 (Alexander Hamilton) (Jacob E. Cooke ed., 1961); 1 The Records of the Federal Convention of 1787 319 (Max Farrand, ed., 1911); 2 The Records of the Federal Convention of 1787, *supra* note 12, at 271–272.
31. 2 The Records of the Federal Convention of 1787, *supra* note 12, at 268.
32. The Federalist No. 22, at 142 (Alexander Hamilton) (Jacob E. Cooke ed., 1961).
33. *Id*.
34. Charles L. Black, Jr. & Philip Bobbit, Impeachment: A Handbook, New Edition 17 (2018).
35. The Federalist No. 65, *supra* note 3, at 441; Laurence Tribe & Joshua Matz, To End a Presidency: The Power of Impeachment 127 (2018).
36. The Federalist No. 65, *supra* note 3, at 441.
37. *Id*. at 442.
38. Opinion Memorandum of United States Senator John F. Reed, Trial of President William Jefferson Clinton 1 (Feb. 14, 1999).
39. 145 Cong. Rec. 6, S260 (daily ed. Jan. 15, 1999) (statement of Mr. Manager McCollum).
40. Opinion Memorandum of U.S. Senator John F. Reed, *supra* note 38, at 6.
41. *Id*.
42. Black & Bobbitt, *supra* note 34.
43. *Id*. (Black's analysis is cited by several other scholars as persuasive; *See e.g*., Laurence Tribe and Joshua Matz, To End a Presidency: The Power of Impeachment 137 (2018).
44. 2 The Records of the Federal Convention of 1787, *supra* note 12, at 67.
45. The Federalist No. 69, at 463 (Alexander Hamilton) (Jacob E. Cooke ed., 1961).
46. 2 The Records of the Federal Convention of 1787, *supra* note 12, at 65.
47. *Id*. at 67.
48. H.R. Rep. No. 93–1305, at 139 (1974).
49. S. Doc. No. 58–133, at 5 (1905); S. Doc. No. 69–101, at 1 (1926); S. Doc. No. 72–215, at 2 (1933). These judges were district judges Charles Swayne of Florida, George English of Illinois, and Harold Louderback of California.
50. James M. Naughton, *Nixon Says a President Can Order Illegal Actions Against Dissidents*, Special to N.Y. Times, May 19, 1977, available at https://www.nytimes.com/1977/05/19/archives/nixon-says-a-president-can-order-illegal-actions-against-dissidents.html.
51. Black's Law Dictionary 13 (11th ed. 2019).
52. H.R. Rep. No. 93–1305, at 139 (1974).
53. *Id*. at 3, 139–40.
54. *Id*. at 4, 139, 140.
55. *Id*. at 180.
56. H.R. Rep. No. 116–346, at 5 (2019).
57. *Impeachment Inquiry: Fiona Hill and David Holmes Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 40 (2019) (statement of Dr. Fiona Hill). (On November 21, 2019, NSC senior adviser Fiona Hill described the theory of Ukrainian interference in the 2016 election as ''a fictional narrative that is being perpetrated and propagated by the Russian security services themselves.'')
58. Scott Shane, *How a Fringe Theory About Ukraine Took Root in the White House*, N.Y. Times, Oct. 3, 2019, https://www.nytimes.com/2019/10/03/us/politics/trump-ukraine-conspiracy.html.
59. Office of the Director of National Intelligence, National Intelligence Council, Assessing Russian Activities in Recent US Elections ii (2017). (The Intelligence Community unanimously concluded on January 6, 2017, that Russia interfered in the 2016 election to ''undermine public faith in the US democratic process, denigrate Secretary Clinton and her electability and potential Presidency.'' The Intelligence Community further assessed that ''Putin and the Russian Government developed a clear preference for President-elect Trump.'')
60. 1 Robert S. Mueller, III, Report On The Investigation Into Russian Interference In The 2016 Presidential Election 1–2 (Mar., 2019). (The Special Counsel's investigation into Russian interference in the 2016 concluded that ''. . . the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the campaign expected it would benefit electorally from information stolen and released through Russian efforts . . .'')
61. 2 Robert S. Mueller, III, Report On The Investigation Into Russian Interference In The 2016 Presidential Election 23 (Mar., 2019).
62. 1 Mueller, *supra* note 60, at 1.
63. *Interview of: George Kent Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 268 and 275 (2019).
64. *Interview of: Kurt Volker Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 37 (2019). (As part of Biden's role as the lead on Ukraine policy for the Obama Administration, he called for institutional reform in the justice sector, including the firing of then Prosecutor General Victor Shokin. The Obama administration had urged his resignation because he was not actively investigating serious cases of corruption, and threatened to withhold $1 billion in loan guarantees. The call for Shokin to resign was the unanimous position of the United States and the West. Multiple witnesses testified that Vice President Biden was acting in accordance with bipartisan US policy towards Ukraine. For example, Ambassador Volker stated: ''When Vice President Biden made those representations . . . he was representing U.S. policy at the time.''); *Impeachment Inquiry: Ambassador Kurt Volker and Timothy Morrison Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 20 (2019) (statement of Amb. Volker). (Ambassador Volker testified at his public hearing, ''it's not credible to me that former Vice President Biden would have been influenced in any way by financial or personal motives in carrying out his duties as Vice President.''); Daryna Krasnolutska, Kateryna Choursina and Stephanie Baker, *Ukraine Prosecutor Says No Evidence of Wrongdoing by Bidens*, Bloomberg, May 16, 2019, https://www.bloomberg.com/news/articles/2019-05-16/ukraine-prosecutor-says-no-evidence-of-wrongdoing-by-bidens. (Allegations of wrong doing by Hunter Biden have also been found to be without merit including by then Prosecutor General Lutsenko who stated in mid-May 2019, that he had found no evidence of wrongdoing by Hunter Biden, recanting his previous allegations.)
65. *See e.g*. Arlette Saenz, *Joe Biden Announces He is Running for President in 2020*, CNN, Apr. 25, 2019, https://www.cnn.com/2019/04/25/politics/joe-biden-2020-president/index.html. (Vice President Biden declared his candidacy for president on April 25, 2019, following months of speculation about whether he would run and being cast by the press as a formidable rival to President Trump.)
66. Trial Memorandum of the United States House of Representatives, In the Impeachment Trial of President Donald J. Trump 3 (Jan. 18, 2020).

67. Kenneth P. Vogel, *Rudy Giuliani Plans Ukraine Trip to Push for Inquires that Could Help Trump*, N.Y. Times, May 9, 2019, https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html. (According to Mr. Giuliani, the President was fully witting of the Mr. Giuliani's activities to further the scheme. Mr. Giuliani told the *New York Times* that the President, ''basically knows what I'm doing, sure, as his lawyer,'' and, ''[m]y only client is the president of the United States. He's the one I have an obligation to report to, tell him what happened.'')

68. *See generally* Karen Freifeld & Aram Roston, *Exclusive: Trump Lawyer Giuliani was Paid $500,000 to Consult on Indicted Associate's Firm*, Reuters, Oct. 14, 2019, https://www.reuters.com/article/us-usa-trump-whistleblower-giuliani-excl/exclusive-trump-lawyer-giuliani-was-paid-500000-to-consult-on-indicted-associates-firm-idUSKBN1WU07Z; Rosalind S. Helderman, Josh Dawsey, Paul Sonne and Tom Hamburger, *How Two Soviet-Born Emigres Made it into Elite Trump Circles—and the Center of the Impeachment Storm*, Washington Post, Oct. 12, 2019, https://www.washingtonpost.com/politics/how-two-soviet-born-emigres-made-it-into-elite-trump-circles-and-the-center-of-the-impeachment-storm/2019/10/12/9a3c03be-ec53-11e9-85c0-85a098e47b37_story.html; Kenneth P. Vogel, Ben Protess and Sarah Maslin Nir, *Behind the Deal that put Giuliani Together with a Dirt-Hunting Partner*, N.Y. Times, Nov. 6, 2019, https://www.nytimes.com/2019/11/06/us/politics/ukraine-giuliani-charles-gucciardo.html; United States of America v. Lev Parnas, Igor Fruman, David Correia, And Andrey Kukushkin, Defendants. No. 19 CRIM 725 (S.D.N.Y filed October 9, 2019). (In the spring of 2018, Soviet born businessmen Lev Parnas and Igor Fruman had multiple contacts with President Trump and his associates. Mr. Parnas and Mr. Fruman donated $325,000 to the pro-Trump Super Pac America First Action through an LLC. Through those contacts, they forged a relationship with Trump personal attorney Rudy Giuliani. In August, 2018, Mr. Parnas and Mr. Fruman hired Giuliani for $500,000 to provide legal advice for their company ''Fraud Guarantee.'' Press reports indicate that Fraud Guarantee appears to have no customers. On October 10, 2019 a federal indictment from the Southern District of New York charged Mr. Parnas and Mr. Fruman with funneling illegal campaign contributions from foreign donors to U.S. government officials and political action committees.)

69. *See* Kim Hjelmgaard, *Ukraine Opens Case Against Former Prosecutor Yuriy Lutsenko*, USA Today, Oct. 1, 2019, https://www.usatoday.com/story/news/world/2019/10/01/ukraine-opens-case-against-ex-prosecutor-yuriy-lutsenko/3828779002/. (Mr. Lutsenko was fired in late August 2019 by newly-elected President Zelensky. In October 2019, Ukraine's State Bureau of investigations (SBI) opened criminal proceedings against Mr. Lutsenko over possible abuse of power charges, stemming from illegal gambling operations.)

70. *See* Christopher Miller, *Why was Ukraine''s Top Prosecutor Fired? The Issue at the Heart of the Dispute Gripping Washington*, Radio Free Europe, Sep. 24, 2019, https://www.rferl.org/a/why-was-ukraine-top-prosecutor-fired-viktor-shokin/30181445.html. (Mr. Shokin had served as the Prosecutor General during the Poroshenko administration from February 2015–March 2016. In the fall of 2015, the Obama Administration grew concerned that Mr. Shokin, despite promises to increase anti-corruption investigations, had not followed through, including on promises to investigate corruption allegations against the Ukrainian energy company Burisma. In March 2016, Vice President Biden called for Mr. Shokin to be fired and told Ukrainian authorities that the United States would withhold $1 billion in loan guarantees if he was not relieved of his position. The U.S. position that Mr. Shokin should be removed and replaced with a prosecutor general that was dedicated to institutional reforms was coordinated with European allies and partners and held popular support inside Ukraine. On March 29, 2016, the Ukrainian Rada (parliament) voted overwhelmingly in approval of President Poroshenko's decision to fire Mr. Shokin); *Interview of: George Kent, supra* note 63, at 45. (Regarding Mr. Shokin, Deputy Assistant Secretary Kent, a leading authority on rule of law and anti-corruption efforts, assessed in his deposition, ''There was a broad-based consensus that he [Shokin] was a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime, and having covered up crimes that were known to have been committed.'')

71. *Interview of: George Kent, supra* note 63, at 47. (The Skype call between Mr. Shokin and Mr. Giuliani occurred after Mr. Shokin was denied a visa to travel to the United States, based on his record of corrupt dealings. Deputy Assistant Secretary George Kent testified that the State Department objected to the visa because Mr. Shokin was ''very well and very unfavorably known to us. And we felt, under no circumstances, should a visa be issued to someone who knowingly subverted and wasted U.S. taxpayer money.'' Mr. Kent further testified that White House aide Robert Blair called to follow up on why Shokin was denied a visa.); *Deposition of: Marie ''Masha'' Yovanovitch, Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 264–265 (2019). (Ambassador Yovanovitch stated at her closed-door interview, ''The embassy had received a visa application for a tourist visa from Mr. Shokin, the previous prosecutor general. And he said that he was coming to visit his children, who live in the United States . . . The consular folks . . . got the application, recognized the name, and believed he was ineligible for a visa, based on his . . . corrupt activities . . . so I alerted Washington to this, that this had happened. And the next thing we knew, Mayor Giuliani was calling the White House as well as the Assistant Secretary of Consular Affairs, saying that I was blocking the visa for Mr. Shokin, and that Mr. Shokin was coming to meet him to provide information about corruption at the embassy, including my corruption.'')

72. Notes from Interview with Mr. Shokin, Rudolph Giuliani (Jan. 23, 2019) (on file with the State Department).

73. *Id.*

74. *Id.*

75. *See* Stephanie Baker & Irina Reznik, *To Win Giuliani's Help, Oligarch's Allies Pursued Biden Dirt*, Bloomberg, Oct. 18, 2019, https://www.bloomberg.com/news/articles/2019-10-18/to-win-giuliani-s-help-oligarch-s-allies-pursued-biden-dirt. (In early September 2019, Shokin swore in an affidavit that Vice President Biden pressured the Poroshenko administration to fire him to protect Hunter Biden. He further testified that he was forced out because he was leading ''a wide ranging corruption probe'' of Burisma and that he was ''forced to leave office, under direct and intense pressure from Joe Biden and the U.S. Administration.'' At the beginning of the affidavit, Shokin wrote that he was making the statement at the request of lawyers acting for pro-Putin Ukrainian oligarch Dmitry Firtash, who has a history of acting as a Russian agent and in July 2019, retained the pro-Trump legal team Victoria Toensing and Joe DiGenova, who have been working in coordination with Giuliani to further the corrupt scheme. As part of his legal representation, Mr. Firtash retained Giuliani associate Lev Parnas to be his translator. Furthermore, court filings indicate that Mr. Firtash wired Mr. Parnas's wife a million dollars through an intermediary. It must be further noted that Mr. Giuliani referenced that Ms. Toensing would accompany him to the meeting he requested with then President- elect Zelensky in mid-May. While the letter did not state the purpose of the requested meeting, Mr. Giuliani stated publicly that he intended to tell President Zelensky to pursue the investigation.); *See also* Letter from Rudolph Giuliani to Volodymyr Zelensky, President-Elect, Ukraine (May 10, 2019) (on file with H. Perm. Select Comm. On Intelligence); Christian Berthelsen, *Giuliani Ally Got $1 Million from Ukrainian Oligarch's Lawyer*, Bloomberg, Dec. 17, 2019, https://www.bloomberg.com/news/articles/2019-12-17/firtash-lawyer-was-source-of-1-million-to-parnas-giuliani-ally.

76. Andy Heil & Christopher Miller, *U.S. Rejects Ukraine Top Prosecutor's 'Don't Prosecute' Accusation*, Radio Free Europe, Mar. 21, 2019, https://www.rferl.org/a/us-rejects-top-ukrainian-prosecutors-dont-prosecute-accusation/29834853.html. (On March 21, a State Department spokesperson responded: ''The allegations by the Ukrainian prosecutor-general are not true and intended to tarnish the reputation of Ambassador Yovanovitch.'')

77. Staff of H. Perm. Select Comm. on Intelligence, 116th Cong., Rep. on The Trump-Ukraine Impeachment Inquiry 44 (Comm. Print 2019). (The House Committees who led the impeachment investigation, ''uncovered evidence of close ties and frequent contacts between Mr. Solomon and Mr. Parnas, who was assisting Mr. Giuliani in connection with his representation of the President.''); Adam Entous, *The Ukrainian Prosecutor Behind Trump's Impeachment*, The New Yorker, Dec. 16, 2019, https://www.newyorker.com/magazine/2019/12/23/the-ukrainian-prosecutor-behind-trumps-impeachment. (In December 2019, Giuliani affirmed coordination with *Hill* columnist John Solomon: ''I said, 'John [Solomon], let's make this as prominent as possible . . . I'll go on TV. You go on TV. You do columns.' '')

78. *See* John Solomon, *As Russia Collusion Fades, Ukrainian Plot to Help Clinton Emerges*, The Hill, Mar. 20, 2019, https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges; John Solomon, *US Embassy Pressed Ukraine to Drop Probe of George Soros Group During the 2016 election*, The Hill, Mar. 26, 2019, https://thehill.com/opinion/campaign/435906-us-embassy-pressed-ukraine-to-drop-probe-of-george-soros-group-during-2016; John Solomon, *Joe Biden''s 2020 Ukrainian Nightmare: A Closed Probe is Revived*, The Hill, Apr. 1, 2019, https://thehill.com/opinion/white-house/436816-joe-bidens-2020-ukrainian-nightmare-a-closed-probe-is-revived; John Solomon, *Ukrainian to U.S. Prosecutors: Why Don't You Want Our Evidence on Democrats?*, The Hill, Apr. 7, 2019, https://thehill.com/opinion/white-house/437719-ukrainian-to-us-prosecutors-why-dont-you-want-our-evidence-on-democrats; (John Solomon wrote the above columns based on the disinformation that Mr. Giuliani gathered from Mr. Shokin, Mr. Lutsenko and others.)

79. *See* Donald J. Trump (@realDonaldTrump), Twitter (Mar. 20, 2019, 10:40 PM), https://twitter.com/realdonaldtrump/status/1108559080204001280. (For instance, President Trump promoted a link to Solomon's column from March 20, 2019).

80. *See* Donald Trump, Jr. (@DonaldJTrumpJr), Twitter (Apr. 2, 2019,

7:52 AM), https://twitter.com/donaldjtrumpjr/status/1113046659456528385. (Donald Trump Jr. retweeted Solomon's April 1 column on April 2, 2019.)

81. *See* Rudy Giuliani (@RudyGiuliani), Twitter (Mar. 22, 2019, 11:38 AM), https://twitter.com/RudyGiuliani/status/1109117167176466432. (On March 22, Mr. Giuliani tweeted an allegation from the article: ''Hillary, Kerry, and Biden people colluding with Ukrainian operatives to make money and affect 2016 election.'')

82. Interview by Sean Hannity with Donald Trump, President, United States (Apr. 25, 2019). (Mr. Hannity asked the President if the people of the United States needed to see the evidence Ukraine has with regards to Ukraine colluding with Hillary Clinton's campaign. President Trump responded, ''. . . I think we do.'' He went on to claim that that, ''People have been saying . . . the concept of Ukraine, they have been talking about it actually for a long time . . .'')

83. Interview by Howard Kurtz with Rudolph Giuliani (Apr. 7, 2019). (For instance, on April 7, 2019, Mr. Giuliani stated on *Fox News*, ''I got information about three or four months ago that a lot of the explanations for how this whole phony investigation started will be in the Ukraine, that there were a group of people in the Ukraine that were working to help Hillary Clinton and were colluding really . . . And then all of a sudden, they revealed the story about Burisma and Biden's son . . . [Vice President Biden] bragged about pressuring Ukraine's president to firing [sic] a top prosecutor who was being criticized on a whole bunch of areas but was conducting an investigation of this gas company which Hunter Biden served as a director . . .'')

84. Trial Memorandum of the United States House of Representatives, *supra* note 66, at SMF 4.

85. *Deposition of: Marie ''Masha'' Yovanovitch, Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 131 (2019). (Ambassador Yovanovitch testified that Deputy Secretary of State John Sullivan informed her that ''the President had lost confidence, and I would need to depart my post . . . And he said, you've done nothing wrong. And he said that he had to speak to ambassadors who had been recalled for cause before and this was not that.'')

86. Adam Entous, *The Ukrainian Prosecutor Behind Trump's Impeachment*, The New Yorker, Dec. 16, 2019, https://www.newyorker.com/magazine/2019/12/23/the-ukrainian-prosecutor-behind-trumps-impeachment.

87. Text Message from Yuriy Lutsenko, Prosecutor General, Ukraine, to Lev Parnas (Mar. 22, 2019) (on file with H. Perm. Select Comm. on Intelligence).

88. Interview by Rachel Maddow with Lev Parnas (Jan. 16, 2020).

89. *Impeachment Inquiry: Fiona Hill and David Holmes*, *supra* note 57, at 40; Vladimir Putin, President, Russia, Remarks in Joint News Conference with Hungarian Prime Minister Viktor Orban (Feb. 2, 2017). (Russian President Vladimir Putin publicly accused Ukraine of interfering to support Secretary Clinton in 2016. On February 2, 2017 Putin stated: ''As we all know, during the presidential campaign in the United States, the Ukrainian government adopted a-unilateral position in favor of one candidate. More than that, certain oligarchs, certainly with the approval of the political leadership, funded . . . this female candidate.'')

90. Luke Barr & Alexander Mallin, *FBI Director Pushes Back on Debunked Conspiracy Theory About 2016 Election Interference*, ABC News, Dec. 9, 2019, https://abcnews.go.com/Politics/fbi-director-pushes-back-debunked-conspiracy-theory-2016/story?id=67609244.

91. Chris Grancescani, *President Trump's Former National Security Advisor 'Deeply Disturbed' by Ukraine Scandal: 'Whole World is Watching'*, ABC News, Sept. 29, 2019, https://abcnews.go.com/Politics/president-trumps-national-security-advisor-deeply-disturbed-ukraine/story?id=65925477. (Mr. Tom Bossert, President Trump's former Homeland Security Adviser stated in a Press interview that the Crowdstrike allegations are, ''completely debunked.'' Mr. Bossert further stated, ''The United States government reached its conclusion on attributing to Russia the DNC hack in 2016 before it even communicated it to the FBI, before it ever knocked on the door at the DNC. So a server inside the DNC was not relevant to our determination to the attribution. It was made up front and beforehand.'')

92. Allan Smith, *'Enough': Trump's Ex-Homeland Security Adviser 'Disturbed,' 'Frustrated' by Ukraine Allegations, Says President Must Let 2016 Go*, NBC News, Sept. 29, 2019, https://www.nbcnews.com/politics/donald-trump/enough-trump-s-former-homeland-security-adviser-disturbed-ukraine-allegations-n1060051.

93. *See* 166 Cong. Rec. 17, S596–98 (daily ed. Jan. 27, 2020) (Statement of Ms. Counsel Bondi); *See generally* Adam Entous, *Will Hunter Biden Jeopardize his Father's Campaign?*, New Yorker, Jul. 1, 2019, https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign; Michael Kranish & David L. Stern, *As Vice President, Biden Said Ukraine Should Increase Gas Production. Then His Son Got a Job at a Ukrainian Gas Company.*, Washington Post, Jul. 22, 2019, https://www.washingtonpost.com/politics/as-vice-president-biden-said-ukraine-should-increase-gas-production-then-his-son-got-a-job-with-a-ukrainian-gas-company/2019/07/21/f599f42c-86dd-11e9-98c1-e945ae5db8fb_story.html; Lucien Bruggeman, *Biden Sought to Avoid a Conflict of Interest Before the 2008 Campaign: Court Records*, ABC News, Oct. 8, 2019, https://abcnews.go.com/Politics/joe-bidens-effort-dodge-sons-conflict-interest-backfired/story?id=66371399; Glen Kessler, *GOP Tries to Connect Dots on Biden and Ukraine, but Comes Up Short*, Washington Post, Dec. 4, 2019, https://www.washingtonpost.com/politics/2019/12/04/gop-tries-connect-dots-biden-ukraine-comes-up-short/. (The President's Counsel made assertions of the appearance of conflict of interest, but did not produce evidence that Hunter Biden broke the laws of the United States or Ukraine or that Vice President Biden acted corruptly in calling for the removal of then Prosecutor General Victor Shokin. Multiple media outlets have also undertaken investigations into the allegations regarding Vice President Biden and Hunter Biden, and produced no evidence of wrongdoing.)

94. *Interview of: Kurt Volker Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 36–37 (2019).

95. Alan Cullison, *Bidens in Ukraine: An Explainer*, Wall Street Journal, Sept. 22, 2019, https://www.wsj.com/articles/bidens-anticorruption-effort-in-ukraine-overlapped-with-sons-work-in-country-11569189782. (For example, Ukraine expert Anders Aslund from the Atlantic Council recalls, ''Everyone in the Western community wanted Shokin sacked. The whole G–7, the IMF, the EBRD, everybody was united that Shokin must go, and the spokesman for this effort was Joe Biden.'')

96. Geoffrey Pyatt, then-U.S. Ambassador to Ukraine, Remarks at the Odesa Financial Forum in Odesa, Ukraine (Sept. 24, 2015). (In the fall of 2015, the Obama Administration grew concerned that Shokin, despite promises to increase anti-corruption investigations, had not followed through with enacting forms. For example, on September 24, 2015, then US Ambassador to Ukraine Geoffrey Pyatt stated publicly that Shokin's office ''not only did not support investigations into corruption, but rather undermined prosecutors working on legitimate corruption cases.'' Ambassador Pyatt specifically brought up Burisma as an example of an investigation that had languished under Shokin's tenure as Prosecutor General.)

97. *See* Joe Biden, then-Vice President, United States, Remarks to the Ukrainian Rada in Kyiv, Ukraine (Dec. 9, 2015). (On December 9, 2015, Vice President Biden stated in front of the Ukrainian Parliament (Rada): ''. . . you cannot name me a single democracy in the world where the cancer of corruption is prevalent. You cannot name me one. They are thoroughly inconsistent. And it's not enough to set up a new anti-corruption bureau and establish a special prosecutor fighting corruption. The Office of the General Prosecutor desperately needs reform. The judiciary should be overhauled. The energy sector needs to be competitive, ruled by market principles—not sweetheart deals.'')

98. 166 Cong. Rec. 20, S727 (daily ed. Jan. 30, 2020) (statement of Mr. Counsel Philbin).

99. Entous, *supra* note 86.

100. *See* UNIAN, *Ukrainian Prosecutor General Lutsenko Admits U.S. Ambassador Didn't Give Him a Do Not Prosecute List*, Apr. 18, 2019, https://www.unian.info/politics/10520715-ukraine-prosecutor-general-lutsenko-admits-u-s-ambassador-didn-t-give-him-a-do-not-prosecute-list.html; Daryna Krasnolutska, Kateryna Choursina and Stephanie Baker, *Ukraine Prosecutor Says No Evidence of Wrongdoing by Bidens*, Bloomberg, May 16, 2019, https://www.bloomberg.com/news/articles/2019-05-16/ukraine-prosecutor-says-no-evidence-of-wrongdoing-by-bidens; Michael Birnbaum, David L. Stern and Natalie Gryvnyak, *Former Ukraine Prosecutor Says Hunter Biden 'Did Not Violate Anything'*, Washington Post, Sept. 26, 2019, https://www.washingtonpost.com/world/europe/former-ukraine-prosecutor-says-hunter-biden-did-not-violate-anything/2019/09/26/48801f66-e068-11e9-be7f-4cc85017c36f_story.html; Andrew E. Kramer, Andrew Higgins and Michael Schwirtz, *The Ukrainian Ex-Prosecutor Behind the Impeachment Furor*, N.Y. Times, Oct. 5, 2019, https://www.nytimes.com/2019/10/05/world/europe/ukraine-prosecutor-trump.html. (On April 21, 2019, Mr. Lutsenko admitted that the claim he made about U.S. ambassador Yovanovitch was false. In May 2019, Mr. Lutsenko said there was no evidence of wronging by Vice President Biden or his son. In September 2019, Mr. Lutsenko said that Hunter Biden did not violate Ukrainian laws. In October 2019, Mr. Lutsenko told the New York Times, ''I understood very well what would interest them . . . I have 23 years in politics. I knew. I am a political animal.'')

101. *Interview of: Kurt Volker*, *supra* note 94, at 354.

102. Vogel, *supra* note, 67.

103. *Id.*

104. *Id.* (Mr. Giuliani said, ''He basically knows what I am doing, sure, as his lawyer.'')

105. Letter from Rudolph Giuliani to Arsen Avakov, Minister of Internal Affairs, Ukraine (May 10, 2019) (on file with H. Perm. Select Comm. on Intelligence). (The letter was provided to the House Permanent Select Committee on Intelligence and was made public on January 14, 2020. In the letter, Mr. Giuliani wrote, ''I will be accompanied by my colleague Victoria Toensing, a distinguished American attorney who is very familiar with this matter.''); Jo Becker, Walt

Bogdanich, Maggie Haberman, and Ben Protess, *Why Giuliani Singled out 2 Ukrainian Oligarchs to Help Look for Dirt*, N.Y. Times, Nov. 25, 2019, https://www.nytimes.com/2019/11/25/us/giuliani-ukraine-oligarchs.html; (As noted prior, Victoria Toensing, along with her Partner Joe DiGenova, were retained by pro-Putin Ukrainian oligarch Dmitry Firtash in July 2019. Facing extradition related to a bribery charge in Chicago in 2014, Mr. Firtash was convinced by Mr. Giuliani and his associates to get new legal representation to better ingratiate himself with the leadership at the Department of Justice under the Trump Administration. Mr. Firtash told the New York Times that Mr. Parnas and Mr. Fruman told him: ''We may help you, we are offering you good lawyers in D.C. who might represent you and deliver this message to the U.S. DOJ.'' Mr. Firtash said that his contract to Ms. Toensing and Mr. DiGenova was $300,000 per month. Mr. Parnas's lawyer told the New York Times, ''Per Mr. Giuliani's instructions, Mr. Parnas told Mr. Firtash that Ms. Toensing and Mr. DiGenova were interested in collecting information on the Bidens.'')

106. *See* Eliana Johnson, Darren Samuelsohn, Andrew Restuccia, and Daniel Lippman, *Trump: Discussing a Biden Probe with Barr Would Be 'Appropriate'*, Politico, May 10, 2019, https://www.politico.com/story/2019/05/10/trump-biden-ukraine-barr-1317601.

107. Charles Creitz, *Giuliani Cancels Ukraine Trip, Says He'd Be ''Walking into a Group of People that are Enemies of the US,''*, Fox News, May 11, 2019, https://www.foxnews.com/politics/giuliani-i-am-not-going-to-ukraine-because-id-be-walking-into-a-group-of-people-that-are-enemies-of-the-us.

108. *Interview of: Kurt Volker*, *supra* note 94, at 305; *Impeachment Inquiry: Ambassador Gordon Sondland Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 8, 21 (2019) (statement of Amb. Sondland).

109. *Interview of: Kurt Volker*, *supra* note 94, at 31. *Interview of: Ambassador Gordon Sondland Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 90 (2019).

110. *Interview of: Ambassador Gordon Sondland Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 91–92 (2019).

111. *Id*. at 71.

112. *Id*. at 22.

113. *Deposition of: William B. Taylor Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 23 (2019) (statement of Amb. Taylor).

114. *Impeachment Inquiry: Ambassador Gordon Sondland Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 27 (2019) (statement of Amb. Sondland).

115. *Impeachment Inquiry: Fiona Hill and David Holmes*, *supra* note 57, at 92.

116. *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 114, at 18.

117. *Impeachment Inquiry: Ambassador Kurt Volker and Timothy Morrison Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 18 (2019) (statement of Mr. Morrison).

118. *Id*. at 41.

119. *Id*. at 94.

120. *Id*. at 19.

121. *Impeachment Inquiry: Fiona Hill and David Holmes*, *supra* note 57, at 65–66.

122. *Id*. at 66.

123. *Impeachment Inquiry: Ms. Jennifer Williams and Lieutenant Colonel Alexander Vindman Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 19 (2019).

124. *Impeachment Inquiry: Fiona Hill and David Holmes*, *supra* note 57, at 66.

125. *Id*. at 67.

126. *See* Releases Under FOIA, Just Security (Dec. 20, 2019) (on file at https://assets.documentcloud.org/documents/6590667/CPI-v-DoD-Dec-20-2019-Release.pdf). (Released emails show that the OMB official Mike Duffey sent Acting Comptroller Elaine McCusker a copy of the Washington Examiner article on June 19, 2019 and said the President ''has asked about this funding release.''); Eric Lipton, Maggie Haberman and Mark Mazzetti, *Behind the Ukraine Aid Freeze: 84 Days of Conflict and Confusion*, N.Y. Times, Dec. 29, 2019, https://www.nytimes.com/2019/12/29/us/politics/trump-ukraine-military-aid.html?wpisrc=nl_powerup&wpmm=1. (The New York Times reported that OMB Officials learned President Trump had ''a problem with the aid'' on June 19, 2019. The report further indicates: ''Typical of the Trump White House, the inquiry was not born of a rigorous policy process. Aides speculated that someone had shown Mr. Trump a news article about the Ukraine assistance and he demanded to know more . . . [Acting OMB Director Russell] Vought and his team took to Google, and came upon a piece in the conservative Washington Examiner saying that the Pentagon would pay for weapons and other military equipment for Ukraine, bringing American security aid to the country to $1.5 billion since 2014.'')

127. *Deposition of: Mark Sandy Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 39 (2019). (OMB official Mark Sandy testified that he received an email on July 12, 2019, forwarded from White House aide Robert Blair, which stated that the President had directed a hold on Ukraine security assistance.); *Deposition of: Jennifer Williams Before the H. Perm. Select Comm. On Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 55 (2019). (Vice Presidential aide, Jennifer Williams testified that she learned of a hold on State Department security assistance funds (FMF) on July 3, 2019.)

128. *Impeachment Inquiry: Fiona Hill and David Holmes*, *supra* note 57, at 26. (Multiple witnesses testified to this announcement occurring at the July 18 interagency meeting on Ukraine, including Political Counselor to US Embassy in Ukraine, David Holmes.).

129. *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 35 (2019). (For instance, Ambassador Taylor testified the directive had come from the President to the Chief of Staff to OMB, ''but could not say why.'')

130. *Impeachment Inquiry: Ms. Jennifer Williams and Lieutenant Colonel Alexander Vindman*, *supra* note 123, at 14–15. (For instance, Vice Presidential aide Williams testified that from when she first learned about the hold on July 3, 2019, until it was lifted on September 11, 2019, she never came to understand why President Trump ordered the hold.); *Deposition of: Lieutenant Colonel Alexander S. Vindman Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 306 (2019). (Similarly, NSC official Lt. Col Vindman testified, none of the ''facts on the ground'' changed before the President lifted the hold.)

131. 166 Cong. Rec. 19, S688 (daily ed. Jan. 29, 2020) (statement of Mr. Manager Crow).

132. *Deposition of: Mark Sandy Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 51 (2019). (For instance, OMB official Mark Sandy testified that he conferred with other officials such as Acting Deputy Assistant Secretary (Comptroller) Elaine McCusker, ''[t]he nature of the communication was that—how could we institute a temporary hold consistent with the Impoundment Control Act.''); *Deposition of: Laura Katherine Cooper Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 47 (2019). (Deputy Assistant Secretary of Defense Laura Cooper testified that at an interagency meeting soon after learning that the hold was implemented for Ukraine security assistance the ''deputies began to raise concerns about how this [the hold] could be done a legal fashion . . .'')

133. Corey Welt, Cong. Research Serv., R45008, Ukraine: Background Conflict with Russia and U.S. Policy 30 (2019).

134. *Deposition of: Laura Katherine Cooper Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 47 (2019). (Deputy Assistant Secretary of Defense Cooper further explained that the conversation, ''reflected a sense that there was not an understanding of how this [the hold] could legally play out,'' and that ''there was not an available [legal] mechanism to simply not spend money'' authorized, appropriated and notified to Congress for Ukraine.)

135. *See* Just Security FOIA Releases, *supra* note 126.

136. *See* S. Rep. No. 93–688, at 75 (1987). (The legislative history indicates that the purpose of the ICA was to ensure that ''the practice of reserving funds does not become a vehicle for furthering Administration policies and priorities at the expense of those decided by Congress.'')

137. U.S. Govt. Accountability Office, Legal Decision Regarding Office of Management and Budget—*Withholding of Ukraine Security Assistance*, File B–3311564, 1 (Jan. 16, 2020).

138. Memorandum from The White House of President Trump's Telephone Conversation with President Zelenskyy of Ukraine (July 25, 2019).

139. Donald J. Trump (@realDonaldTrump), Twitter (Jan. 16, 2020, 3:39 PM), https://twitter.com/realDonaldTrump/status/1217909231946477575?s=20 (President Trump has repeatedly claimed that his call with President Zelensky on July 25 was perfect. For example, on January 16, 2020 President Trump tweeted, ''I JUST GOT IMPEACHED FOR MAKING A PERFECT PHONE CALL!'')

140. Memorandum from The White House of President Trump's Telephone Conversation with President Zelenskyy of Ukraine 3 (July 25, 2019).

141. *Id*.

142. *Id*.

143. *Id*. at 4.

144. *Id*. at 4, 5. (The President referenced Attorney General Barr several times during his phone call with President Zelensky.)

145. *See* Katie Benner, *Justice Dept.'s Dismissal of Ukraine Call Raises New Questions About Barr*, N.Y. Times, Sept. 25, 2019, https://www.nytimes.com/2019/09/25/us/politics/william-barr-trump-ukraine.html. (As noted in the article, after the memorandum of telephone conversation from July 25th became public, the Justice Department spokesperson stated, ''Mr. Trump has not asked Mr. Barr to contact Ukraine for any reason, Mr. Barr has not communicated with Ukraine on any topic and Mr. Barr has not spoken with Mr. Giuliani about the president's phone call ''or anything related to Ukraine.'')

146. *See* Mark Mazzetti & Katie Benner, *Trump Pressed Australian Leader to Help Barr Investigate Mueller Inquiry's Origins*, N.Y. Times, Sept. 30, 2019, https://www.nytimes.com/2019/09/30/us/politics/trump-australia-barr-mueller.html. Kim Sengupta, *''It's Like Nothing We Have Come Across Before'': UK Intelligence Officials Shaken By Trump Administration's Requests For*

Help With Counter-Impeachment Inquiry, The Independent, Nov. 1, 2019, https://www.independent.co.uk/news/world/americas/us-politics/trump-impeachment-inquiry-latest-russia-mueller-ukraine-zelensky-a9181641.html. Katie Benner & Adam Goldman, *Justice Dept. is Said to Open Criminal Inquiry Into Its Own Russia Investigation*, N.Y. Times, Oct. 24, 2019, https://www.nytimes.com/2019/10/24/us/politics/john-durham-criminal-investigation.html. (Despite denials that the Attorney General had no knowledge of the topics discussed on the call, the Attorney General opened a Department of Justice investigation in April 2019, into the origins of the counterintelligence investigation against the Trump campaign in 2016. Aspects of this investigation involved contacting foreign leaders and asking that their governments investigate aspects of their involvement in that investigation. For example, at the Attorney General's request, the President asked the governments of Australia and the United Kingdom to assist with the investigation including looking at the role that their intelligence and law enforcement agencies played. The New York Times further reported that Attorney General Barr ''is closely managing the investigation even traveling to Italy to seek help from foreign officials there . . . Mr. Barr has also contacted government officials in Britain and Australia about their roles in the early stages of the Russia investigation.).); Interview by Rachel Maddow *supra* note 88. (Additionally, Giuliani associate Lev Parnas stated publicly that Attorney General Barr, ''had to know everything'' and was ''basically on the team.'')

147. Text Message from Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine, to Gordon Sondland, U.S. Ambassador to EU, and William B. Taylor, Charge d'affaires at the U.S. Embassy in Kyiv (July 19, 2019) (on file with H. Perm. Select Comm. on Intelligence).

148. *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 114, at 27.

149. *Id.* at 94–95.

150. *Id.* at 52–55.; Text Message from Gordon Sondland, U.S. Ambassador to EU, to Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine (July 25, 2019) (on file with H. Perm. Select Comm. on Intelligence).

151. Text Message from Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine, to Gordon Sondland, U.S. Ambassador to EU, and William B. Taylor, Charge d'affaires at the U.S. Embassy in Kyiv (July 19, 2019) (on file with H. Perm. Select Comm. on Intelligence); Text Message from Gordon Sondland, U.S. Ambassador to EU, to Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine (July 25, 2019) (on file with H. Perm. Select Comm. on Intelligence). (Text messages between Ambassadors Sondland and Volker affirm that the message that Ambassador Volker passed to Mr. Yermak was passed by Ambassador Volker in coordination with Ambassador Sondland. On July 25, just prior to the phone call between Presidents Trump and Zelensky, Ambassador Sondland texted to Ambassador Volker: ''call me.'' Ambassador Volker replied, ''Had a great lunch w[ith] Yermak and then passed your message to him . . . think everything is in place.'')

152. Memorandum from The White House of President Trump's Telephone Conversation with President Zelensky of Ukraine 5 (July 25, 2019).

153. *Impeachment Inquiry: Ms. Jennifer Williams and Lieutenant Colonel Alexander Vindman*, *supra* note 123, at 31.

154. 166 Cong. Rec. 19, S647 (daily ed. Jan. 29, 2020) (statement of Mr. Counsel Philbin). (For example, the President's counsel falsely claimed that the House Impeachment Managers didn't try to obtain first hand witnesses while they were making their case in the House. The President's Counsel argued, ''They didn't even subpoena John Bolton. They didn't even try to get his testimony. To insist now that this body will become the investigative body—that this body will have to do all of the discovery—then, this institution will be effectively paralyzed for months on end because it will have to sit as a Court of Impeachment while now discovery will be done. It would be Ambassador Bolton, and if there are going to be witnesses, in order for there to be, as they said, a fair trial, fair adjudication, then, the President would have to have his opportunity to call his witnesses, and there would be depositions. This would drag on for months. Then that will be the new precedent.'' As the House Impeachment Managers argued, these assertions do not actually represent the facts, ''We asked John Bolton to testify in the House, and he refused. We asked his deputy, Dr. Kupperman, to testify, and he refused. Fortunately, we asked their deputy, Dr. Fiona Hill, to testify, and she did. We asked her deputy, Colonel Vindman, to testify, and he did. We did seek the testimony of John Bolton as well as Dr. Kupperman, and they refused. When we subpoenaed Dr. Kupperman, he sued us. He took us to court. When we raised a subpoena with John Bolton's counsel, the same counsel for Dr. Kupperman, the answer was, '. . . you serve us with a subpoena, and we will sue you, too.'' We knew, based on the McGahn litigation, it would take months, if not years, to force John Bolton to come and testify.'')

155. Just Security FOIA Releases, *supra* note 126, at 40.

156. *Impeachment Inquiry: Fiona Hill and David Holmes* supra note 57, at 29.

157. *Id.* at 29–30.

158. Mick Mulvaney, Acting Chief of Staff, The White House, at Press Briefing by Acting Chief of Staff Mick Mulvaney (Oct. 17, 2019).

159. *Id.*

160. *Id.*

161. Caitlin Emma & Connor O'Brien, *Trump Holds Up Ukraine Military Aid Meant to Confront Russia*, Politico, Aug. 28, 2019, https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531.

162. *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 14 (2019) (statement of Ms. Cooper).

163. *Deposition of: Catherine Croft Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 86–87, 101 (2019). (Croft, a career foreign service officer, further testified that she was surprised at the effectiveness of their ''diplomatic tradecraft,'' noting that they ''found out very early on'' that the United States was withholding critical security assistance to Ukraine.)

164. Andrew E. Kramer & Kenneth P. Vogel, *Ukraine Knew of Aid Freeze by Early August, Undermining Trump Defense*, N.Y. Times, Oct. 23, 2019, https://www.nytimes.com/2019/10/23/us/politics/ukraine-aid-freeze-impeachment.html.

165. *Id.*

166. *Deposition of: Lieutenant Colonel Alexander S. Vindman Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 314 (2019).

167. Eric Lipton, Maggie Haberman and Mark Mazzetti, *Behind the Ukraine Aid Freeze: 84 Days of Conflict and Confusion*, N.Y. Times, Dec. 29, 2019, https://www.nytimes.com/2019/12/29/us/politics/trump-ukraine-military-aid.html?wpisrc=nl_powerup&wpmm=1.

168. *Deposition of: Tim Morrison Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 268 (2019).

169. Maggie Haberman & Michael S. Schmidt, *Trump Tied Ukraine Aid to Inquiries He Sought, Bolton Book Says*, N.Y. Times, Jan. 26, 2020, https://www.nytimes.com/2020/01/26/us/politics/trump-bolton-book-ukraine.html.

170. Text Messages from Gordon Sondland, U.S. Ambassador to EU, to Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine (Aug. 9, 2019) (on file with H. Perm. Select Comm. on Intelligence). (The effort began with a text message from Ambassador Sondland to Ambassador Volker stating, ''I think POTUS really wants the deliverable.); *See Interview of: Kurt Volker*, *supra* note 94, at 71–72.

171. *Interview of: Kurt Volker*, *supra* note 94, at 71.

172. *Interview of: Kurt Volker*, *supra* note 94, at 113.

173. Text Messages from Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine, to Gordon Sondland, U.S. Ambassador to EU, and Andriy Yermak, Aide to Ukrainian President Zelensky (Aug. 13, 2019) (on file with H. Perm. Select Comm. on Intelligence); *Interview of: Kurt Volker*, *supra* note 94, at 71, 73.

174. *Interview of: Kurt Volker*, *supra* note 94, at 188–189; *See generally* Text Message from Gordon Sondland, U.S. Ambassador to EU, to Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine (Aug. 9, 2019) (on file with H. Perm. Select Comm. on Intelligence); Text Messages from Kurt Volker, U.S. Ambassador to NATO and Special Envoy to Ukraine, to Andriy Yermak, Aide to Ukrainian President Zelensky (Aug. 10–12, 2019) (on file with H. Perm. Select Comm. on Intelligence); (Ambassador Volker testified in his closed interview regarding the process on the draft statement: ''Rudy discussed, Rudy Giuliani and Gordon [Sondland] and I, what it is they are looking for. And I shared that with Andriy [Yermak]. And then Andriy came back to me and said: We don't think it's a good idea. So that was obviously before Andriy came back and said: We don't want to do that.'' Ambassador Volker further elaborated: ''So the Ukrainians were saying that just coming out of the blue and making a statement didn't make any sense to them. If they're invited to come to the White House on a specific date for President Zelensky's visit, then it would make sense for President Zelensky to come out and say something, and it would be a much broader statement about a reboot of U.S.-Ukraine relations, not just on we're investigating these things [2016/Burisma].'')

175. *Deposition of: William B. Taylor*, *supra* note 113, at 190.

176. *Id.* at 36.

177. *Id.*

178. *Id.* at 39–40.

179. *Deposition of: David A. Holmes Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 28 (2019).

180. *Deposition of: William B. Taylor*, *supra* note 113, at 39. (For instance, Ambassador Taylor testified that he spoke to Sondland by phone and that Sondland, ''said he had talked to President Trump . . . Trump was adamant that President Zelensky himself had to clear things up and do it in public.''); *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 114, at 109. (Ambassador Sondland did not dispute Taylor's characterization of these accounts.)

181. *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 114, at 19.

182. *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 129, at 44.
183. *Id.* at 44, 46.
184. Letter from Whistleblower to Adam Schiff, Chairman, H. Perm. Select Comm. on Intelligence, and Richard Burr, Chairman, S. Select Comm. on Intelligence (August 12, 2019).
185. *Id.*
186. Michael S. Schmidt, Julian E. Barnes, and Maggie Haberman, *Trump Knew of Whistleblower Complaint When He Released Aid to Ukraine*, N.Y. Times, Nov. 26, 2019, https://www.nytimes.com/2019/11/26/us/politics/trump-whistle-blower-complaint-ukraine.html.
187. Letter from Michael K. Atkinson, Inspector General, the Intelligence Community, to Adam Schiff, Chairman, House Perm. Select Comm. on Intelligence, and Devin Nunes, Ranking Member, House Perm. Select Comm. on Intelligence (Sep. 9, 2019).
188. Press Release, H. Perm. Select Comm. on Intelligence, Three House Committees Launch Wide-Ranging Investigation into Trump-Giuliani Ukraine Scheme (Sept. 9, 2019). (On September 9, 2019, the House Foreign Affairs Committee, in conjunction with the House Permanent Select Committee on Intelligence, and House Committee on Oversight and Government Reform launched ''a wide-ranging investigation into reported efforts by President Trump, the President's personal lawyer Rudy Giuliani, and possibly others to pressure the government of Ukraine to assist the President's reelection campaign.'')
189. *See* Just Security Releases, *supra* note 126, at 1.
190. Kenneth P. Vogel & Benjamin Novak, *Giuliani, Facing Scrutiny, Travels to Europe to Interview Ukrainians*, N.Y Times, Dec. 4, 2019, https://www.nytimes.com/2019/12/04/us/politics/giuliani-europe-impeachment.html. (For instance, Mr. Giuliani met with Mr. Shokin in Ukraine as part of a trip to generate additional information on the Bidens and 2016 election collusion. According to the *New York Times*, Giuliani's trip was intended ''to help prepare more episodes of a documentary series for a conservative television outlet promoting his pro-Trump, anti-impeachment narrative.'')
191. Opinion Memorandum of United States Senator John F. Reed, *supra* note 38, at 3.
192. *Id.* at 9
193. *Deposition of: Lieutenant Colonel Alexander S. Vindman*, *supra* note 166, at 18.
194. *Impeachment Inquiry: Ms. Jennifer Williams and Lieutenant Colonel Alexander Vindman*, *supra* note 123, at 15.
195. *Deposition of: Jennifer Williams Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 149 (2019).
196. *Deposition of: Lieutenant Colonel Alexander S. Vindman*, *supra* note 166, at 97; *Deposition of: Tim Morrison*, *supra* note 168, at 16.
197. Letter from Whistleblower, *supra* note 184, at 3.
198. Letter from John C. Rood, Under Secretary of Defense, U.S. Department of Defense, to Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs (May 23, 2019).
199. *Deposition of: Laura Katherine Cooper*, *supra* note 134, at 49. (Ms. Cooper testified that the officials present at the July 26 meeting did not consider corruption to be a legitimate reason for the hold because they unanimously agreed that Ukraine was making sufficient progress on anti-corruption reforms, as certified by the Defense Department on May 23, 2019.)
200. *Deposition of: William B. Taylor*, *supra* note 113, at 28.
201. Memorandum from The White House of President Trump's Telephone Conversation with President-Elect Zelenskyy of Ukraine (Apr. 21, 2019); Memorandum from The White House of President Trump's Telephone Conversation with President Zelenskyy of Ukraine (July 25, 2019).
202. *Impeachment Inquiry: Ms. Jennifer Williams and Lieutenant Colonel Alexander Vindman*, *supra* note 123, at 24–25. (Lt. Col. Vindman testified that recommended talking points for the April 21 call included rooting out corruption.); See Memorandum from The White House of President Trump's Telephone Conversation with President-Elect Zelenskyy of Ukraine (Apr. 21, 2019). (The memorandum of telephone call from April 21 shows the issue was not raised.); *Impeachment Inquiry: Ms. Jennifer Williams and Lieutenant Colonel Alexander Vindman*, *supra* note 123, at 31. (Lt. Col Vindman further testified that he prepared the President's talking points for his July 25th phone call with President Zelensky and the topics for that call included, ''cooperation on supporting a reform agenda, anticorruption efforts, and helping President Zelensky implement his plans to end Russia's war against Ukraine.''); Memorandum from The White House of President Trump's Telephone Conversation with President Zelenskyy of Ukraine (July 25, 2019). (The memorandum of telephone call from July 25, 2019, indicates that the President did not raise these issues.); *Impeachment Inquiry: Kurt Volker and Timothy Morrison*, *supra* note 117, at 34. (NSC official Morrison testified that references to Crowdstrike, the DNC server, and 2016 election, and to Vice President Biden and his son, were not included in the President's talking points as written by the NSC.)
203. *Deposition of: Tim Morrison*, *supra* note 168, at 41.
204. *See* further discussion of this topic on pages 22–23.
205. *See* further discussion of this topic on page 23.
206. *Impeachment Inquiry: Ambassador Marie ''Masha'' Yovanovitch Before the H. Perm. Select Comm. on Intelligence*, 116th Cong. 115 (2019). (For instance, during her testimony, Ambassador Yovanovitch was asked whether it was appropriate to investigate corruption including a potentially corrupt company such as Burisma. Ambassador Yovanovitch responded: ''I think it's appropriate if it's part of our national strategy. What I would say is that we have a process for doing that. It's called the Mutual Legal Assistance Treaty. We have one with Ukraine, and generally it goes from our Department of Justice to the Ministry of Justice in the country of interest.''); *Interview of: George Kent*, *supra* note 63, at 158. (Deputy Assistant Secretary Kent, a career diplomat and recognized expert on anti-corruption measures stated in his deposition: ''. . . if there's any criminal nexus for any activity involving the U.S., that U.S. law enforcement by all means should pursue that case, and if there's an international connection, that we have mechanisms to ask either through Department of Justice MLAT in writing or through the presence of individuals representing the FBI, our legal attaches, to engage foreign governments directly based on our concerns that there had been some criminal act violating U.S. law.'')
207. Memorandum from The White House of President Trump's Telephone Conversation with President Zelensky of Ukraine (July 25, 2019).
208. Caitlin Oprysko, *Trump pressed Ukraine's president to work with Barr for dirt on Biden*, Politico, Sep. 25, 2019, https://www.politico.com/story/2019/09/25/white-house-releases-transcript-of-trumps-call-with-ukraines-president-1510767.
209. *Interview of: Kurt Volker*, *supra* note 94, at 191. (Ambassador Volker testified that ''Andriy [Yermak, President Zelensky's close aide] asked whether any request had ever been made by the U.S. to investigate election interference in 2016.'' Ambassador Volker confirmed in his testimony that Yermak's inquiry equated to ''a request from the Department of Justice.'')
210. *Interview of: Kurt Volker*, *supra* note 94, at 199. (Ambassador Volker testified that to his knowledge there was not an official United States Department of Justice request.).
211. European Union External Action, EU-Ukraine Relations—Factsheet (Jan. 28, 2020), https://eeas.europa.eu/headquarters/headquarters-homepage_en/4081/%20EU-Ukraine%20relations%20-%20factsheet; Iain King, Not Contributing Enough? A Summary of European Military and Development Assistance to Ukraine Since 2014 (Ctr. for Strategic & Int'l Studies, Sept. 26, 2019), https://www.csis.org/analysis/not-contributing-enough-summary-european-military-and-development-assistance-ukraine-2014.
212. *See* further discussion of this topic at page 21.
213. *Id.*
214. *Deposition of: Mark Sandy Before the H. Perm. Select Comm. on Intelligence, Joint with the Comm. on Oversight and Reform and the Comm. on Foreign Affairs*, 116th Cong. 143 (2019). (Mr. Sandy testified that OMB Official Mike Duffey, ''simply said, we need to let the hold take place . . . and then revisit this issue with the President.'')
215. *Id.* at 179. (Mr. Sandy responded ''that's correct'' to the question: ''at some point in early September, Mr. Blair stopped by your office and told you that the reason for the hold was out of concern that the United States gives more aid to Ukraine than other countries? Or, rather, that other countries should give more as well.'')
216. *Id.* at 180.
217. U.S. Govt. Accountability Office, *supra* note 137.
218. Kate Brannen, *Exclusive: Unredacted Ukraine Documents Reveal Extent of Pentagon's Level Concerns*, Just Security, Jan. 2, 2020, https://www.justsecurity.org/67863/exclusive-unredacted-ukraine-documents-reveal-extent-of-pentagons-legal-concerns/.
219. *Deposition of: Laura Katherine Cooper*, *supra* note 134, at 79–81.
220. *Id.* at 80–81.
221. Office of the Director of National Intelligence, National Intelligence Council, *supra* note 63.
222. Staff of the S. Select Comm. on Intelligence, 115th Cong., Rep. on The Intelligence Community Assessment: Assessing Russian Activities and Intentions in Recent U.S. Elections 2 (Comm. Print 2018). (On July 3, 2018, the Senate Select Committee on Intelligence announced that they had concluded an in-depth review of the Intelligence Committee's January 6, 2017, assessment and concluded that the assessment ''is a sound intelligence product.'')
223. 1 Mueller, *supra* note 60, at 1. (Special Counsel Mueller concluded ''the Russian government interfered . . . in sweeping and systematic fashion.'')
224. *Impeachment Inquiry: Fiona Hill and David Holmes*, *supra* note 57 (statement of Dr. Fiona Hill).
225. *Impeachment Inquiry: Ambassador Kurt Volker and Timothy Morrison*, *supra* note 117, at 11.
226. *Id.*
227. *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 129, at 169–170.
228. *Id.* at 57.
229. *Id.* at 54.
230. *Id.* at 45.

231. *Interview of: Kurt Volker*, *supra* note 94, at 15.
232. *Interview of: George Kent*, *supra* note 63, at 114.
233. 165 Cong. Rec. 205, H12193 (daily ed. Dec. 18, 2019) (statement of Rep. Adam Schiff).
234. H.R. Res. 755, 116th Cong. Art. II (2019).
235. *Id*.
236. *See generally* The Federalist Paper No. 47 (James Madison) (Jacob E. Cooke ed., 1961); The Federalist Paper No. 48 (James Madison) (Jacob E. Cooke ed., 1961); The Federalist Paper No. 49 (James Madison) (Jacob E. Cooke ed., 1961); The Federalist Paper No. 50 (James Madison) (Jacob E. Cooke ed., 1961); The Federalist Paper No. 51 (James Madison) (Jacob E. Cooke ed., 1961). (Federalist Papers No. 47 through No. 51 explain how the Executive, Legislative, and Judicial Branches were to be wholly separated from each other, yet accountable to each other through a system of checks and balances.); *See also* Nixon v. Administrator of General Services, 433 U.S. 425, 426 (1977). (In *Nixon v. GSA*, the Supreme Court articulated the test for a violation of the separation of powers as occurring when the action of one branch ''prevents [another branch] from accomplishing its constitutionally assigned functions.'')
237. U.S. Const. art. II, §3.
238. McGrain v. Daugherty, 273 U.S. 135, 174–175 (1927). (''A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed. All this was true before and when the Constitution was framed and adopted. In that period the power of inquiry—with enforcing process—was regarded and employed as a necessary and appropriate attribute of the power to legislate—indeed, was treated as inhering in it. Thus there is ample warrant for thinking, as we do, that the constitutional provisions which commit the legislative function to the two houses are intended to include this attribute to the end that the function may be effectively exercised.'')
239. Kilbourn v. Thompson, 103 U.S. 168, 190 (1880).
240. U.S. Const. art. I, §2, cl. 5.
241. Frank O. Bowman III, High Crimes & Misdemeanors: A History of Impeachment for the Age of Trump 199–200 (2019). (''The subpoena power in impeachment cases arises directly from an explicit constitutional directive that the House conduct an adjudicative proceeding akin to a grand jury, the success of which is necessarily dependent on the availability of relevant evidence. Without the power to compel compliance with subpoenas and the concomitant right to impeach a president for refusal to comply, the impeachment power would be nullified.'')
242. Cong. Globe, 27th Cong., 2d Sess. 580 (1842) (statement of Rep. John Quincy Adams).
243. H.R. Rep. 93–1305, at 4 (1974).
244. H.R. Res. 660, 116th Cong. (2019).
245. Press Release, H. Perm. Select Comm. on Intelligence, Three House Committees Launch Wide-Ranging Investigation into Trump-Giuliani Ukraine Scheme (Sept. 9, 2019).
246. Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to Pat Cipollone, Counsel to the President, The White House, (Sep. 9, 2019).
247. Nancy Pelosi, Speaker, U.S. House of Representatives, Impeachment Inquiry Announcement (Sep. 24, 2019).
248. Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, et al., to John Michael Mulvaney, Acting Chief of Staff to the President, The White House (Oct. 4, 2019).
249. Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to Michael R. Pompeo, Secretary, U.S. Department of State (Sept. 27, 2019); Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to T. Ulrich Brechbuhl, Counselor, U.S. Department of State (Oct. 25, 2019).
250. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Mark T. Esper, Secretary, U.S. Department of Defense (Oct. 7, 2019).
251. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Russell T. Vought, Acting Director, U.S. Office of Management and Budget (Oct. 7, 2019); Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to Russell T. Vought, Acting Director, U.S. Office of Management and Budget (Oct. 25, 2019); Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to Michael Duffey, Associate Director for National Security Programs, U.S. Office of Management and Budget (Oct. 25, 2019).
252. Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to James Richard ''Rick'' Perry, Secretary, U.S. Department of Energy (Oct. 10, 2019).
253. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Rudolph ''Rudy'' W. L. Giuliani, Giuliani Partners LLC (Sept. 30, 2019).
254. H.R. Rep. No. 116–266, at 3 (2019).
255. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Paul W. Butler, Esq., Counsel to Michael Ellis, Senior Associate Counsel to the President, The White House, and Deputy Legal Advisor, National Security Council (Nov. 3, 2019); Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Karen Williams, Esq., Counsel to Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council (Nov. 4, 2019).
256. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Whitney C. Ellerman, Counsel to Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House (Nov. 3, 2019); H. Perm. Select Comm. on Intelligence, Subpoena to John Michael Mulvaney, Acting Chief of Staff, The White House (Nov. 7, 2019).
257. Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to Brian McCormack, Associate Director for Natural Resources, Energy and Science, U.S. Office of Management and Budget (Nov. 1, 2019).
258. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Justin Shur, Esq., Counsel to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 4, 2019); H. Perm. Select Comm. on Intelligence, Subpoena to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 19, 2019).
259. Letter from Pat A. Cipollone, Counsel to the President, The White House, to Nancy Pelosi, Speaker, U.S. House of Representatives, et al. 7 (Oct. 8, 2019).
260. Jordyn Phelps, '*We're Fighting All the Subpoenas': Trump on Battle with House Democrats*, ABC News, Apr. 24, 2019, https://abcnews.go.com/Politics/fighting-subpoenas-trump-battle-democrats/story?id=62600497.
261. Donald J. Trump (@realDonaldTrump), Twitter (Oct. 3. 2019, 9:04 PM), https://twitter.com/realDonaldTrump/status/1179925259417468928?s=20.
262. Staff of H. Perm. Select Comm. on Intelligence, 116th Cong., Rep. on The Trump-Ukraine Impeachment Inquiry 220–224 (Comm. Print 2019).
263. *Id*. at 219–220.
264. *Id*. at 226–227.
265. *Id*. at 224–226.
266. Memorandum from The White House of President Trump's Telephone Conversation with President-Elect Zelenskyy of Ukraine (Apr. 21, 2019).
267. Memorandum from The White House of President Trump's Telephone Conversation with President Zelenskyy of Ukraine (July 25, 2019).
268. Donald Trump, President, United States of America, Remarks by President Trump and President Niinist of the Republic of Finland in Joint Press Conference (Oct., 2, 2019). (On October 2, 2019, President Trump stated, ''All because they didn't know that I had a transcript done by very, very talented people—word for word, comma for comma. Done by people that do it for a living. We had an exact transcript.'')
269. *Deposition of: Lieutenant Colonel Alexander S. Vindman*, *supra* note 166, at 53–55.
270. H.R. Rep. No. 116–346, at 134–135 (2019). (The following Trump Administration officials defied congressional subpoenas directing them to testify in the impeachment inquiry: John Michael Mulvaney, Acting Chief of Staff to the President, The White House; Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House; John A. Eisenberg, Deputy Counsel to the President for National Security Affairs, the White House and Legal Advisor, National Security Council; Michael Ellis, Senior Associate Counsel to the President, The White House, and Deputy Legal Advisor, National Security Council; Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council; Russell T. Vought, Acting Director, Office of Management and Budget; Michael Duffey, Associate Director for National Security Programs, Office of Management and Budget; Brian McCormack, Associate Director for Natural Resources, Energy and Science, Office of Management and Budget, and former Chief of Staff to Secretary, U.S. Department of Energy; and T. Ulrich Brechbuhl, Counselor, Department of State).
271. Staff of H. Perm. Select Comm. on Intelligence, 116th Cong., Rep. on The Trump-Ukraine Impeachment Inquiry 222–224 (Comm. Print 2019).
272. *Id*. at 225.
273. *Id*. at 226–227.
274. *Id*. at 25, 108–109, 134–135, 137–138.
275. Donald J. Trump (@realDonaldTrump), Twitter (Oct. 8, 2019, 9:23 AM), https://twitter.com/realDonaldTrump/status/1181560772255719424. (Ten days before Ambassador Sondland's deposition before the House Permanent Select Committee on Intelligence, the President issued two tweets, indicating that Ambassador Sondland should not cooperate because he had done nothing wrong: ''I would love to send Ambassador Sondland, a really good man and great American, to testify, but unfortunately he would be testifying before a totally compromised kangaroo court, where Republican's rights have been taken away, and true facts are not allowed out for the public. . . . to see. Importantly, Ambassador Sondland's tweet, which few report, stated, I believe you are incorrect about President Trump's intentions. The President has been crystal clear: no quid pro quo's of any kind.' That says it ALL!'')
276. Donald J. Trump (@realDonaldTrump), Twitter (Oct. 23, 2019, 2:58 PM), https://twitter.com/realdonaldtrump/status/

1187080923961012228?lang=en. (The day after Ambassador Taylor's October 22, 2019, deposition before the House Permanent Select Committee on Intelligence, President Trump suggested that Ambassador Taylor's testimony was politically motivated: ''Never Trumper Republican John Bellinger, represents Never Trumper Diplomat Bill Taylor (who I don't know), in testimony before Congress! Do Nothing Democrats allow Republicans Zero Representation, Zero due process, and Zero Transparency. . . .'')

277. Donald J. Trump (@realDonaldTrump), Twitter (Nov. 15, 2019, 10:01 AM), https://twitter.com/realDonaldTrump/status/1195356211937468417. (The morning of her hearing on November 15, 2019, President Trump issued a series of disparaging, accusatory tweets saying: ''Everywhere Marie Yovanovitch went turned bad. She started off in Somalia, how did that go? Then fast forward to Ukraine, where the new Ukrainian President spoke unfavorably about her in my second phone call with him. It is a U.S. President's absolute right to appoint ambassadors. . . . They call it ''serving at the pleasure of the President.'' The U.S. now has a very strong and powerful foreign policy, much different than proceeding administrations. It is called, quite simply, America First! With all of that, however, I have done FAR more for Ukraine than O.'')

278. The White House (@WhiteHouse), Twitter (Nov. 19, 2019, 12:49 PM), https://twitter.com/whitehouse/status/1196848072929796096?lang=en. (During the hearing of Lt. Col Vindman on November 19, 2019, the official White House twitter account tweeted the following message, suggesting that Lt. Col. Vindman was not a reliable witness: ''Tim Morrison, Alexander Vindman's former boss, testified in his deposition that he had concerns about Vindman's judgment.'')

279. Donald J. Trump (@realDonaldTrump), Twitter (Nov. 17, 2019, 2:57 PM), https://twitter.com/realdonaldtrump/status/1196155347117002752?lang=en. (On Sunday, November 17, 2019, two days before Ms. Williams scheduled hearing before the House Permanent Select Committee on Intelligence on November 19, the President attempted to influence her testimony by tweeting: ''Tell Jennifer Williams, whoever that is, to read BOTH transcripts of the presidential calls, & see the just released ststement (sic) from Ukraine. Then she should meet with the other Never Trumpers, who I don't know & mostly never even heard of, & work out a better presidential attack!'')

280. Trial Memorandum of President Donald J. Trump, *supra* note 25, at 37.

281. Staff of H. Perm. Select Comm. on Intelligence, 116th Cong., Rep. on The Trump-Ukraine Impeachment Inquiry 235–236, 239–241, 243–250 (Comm. Print 2019). (From the Department of State, that included Marie Yovanovitch, Gordon Sondland, George Kent, William Taylor, and T. Ulrich Brechbuhl. From the Department of Defense, that included Laura Cooper. In addition, the White House directed Charles Kupperman not to cooperate.).

282. *See* Watkins v. United States, 354 U.S. 178, 187 (1957). (Even in exercising its ordinary oversight powers, the Supreme Court held in *Watkins v. United States* that ''[t]he power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste.'')

283. McGrain v. Daugherty, 273 U.S. 135, 175 (1927). (The Supreme Court in *McGrain v. Daugherty* elaborated on Congress' occasional need to compel information, writing that ''A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed.''); *See also* Watkins v. United States, 354 U.S. 178, 187–95 (1957); *See also* Eastland v. U.S. Servicemen's Fund, 421 U.S. 491, 504–05 (1975).

284. H.R. Doc. No. 115-77, at 586–588 (2019).

285. Watkins v. United States, 354 U.S. 178, 179 (1957). (The Supreme Court held in *Watkins* that ''In authorizing an investigation by a committee, it is essential that the Senate or House should spell out the committee's jurisdiction and purpose with sufficient particularity to insure that compulsory process is used only in furtherance of a legislative purpose.'' As such, the Court also held that ''a congressional investigation into individual affairs is invalid if unrelated to any legislative purpose, because it is beyond the powers conferred upon Congress by the Constitution.'')

286. Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Paul W. Butler, Esq., Counsel to Michael Ellis, Senior Associate Counsel to the President, The White House, and Deputy Legal Advisor, National Security Council (Nov. 3, 2019); Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Karen Williams, Esq., Counsel to Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council (Nov. 4, 2019); Letter from Adam B. Schiff, Chairman, H. Perm. Select Comm. on Intelligence, et al., to Whitney C. Ellerman, Counsel to Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House (Nov. 3, 2019); H. Perm. Select Comm. on Intelligence, Subpoena to John Michael Mulvaney, Acting Chief of Staff, The White House (Nov. 7, 2019); Letter from Eliot L. Engel to Brian McCormack, *supra* note 257; Letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al., to John A. Eisenberg, Deputy Counsel to the President for National Security Affairs, the White House and Legal Advisor, National Security Council (Nov. 1, 2019); H.R. Rep. No. 116–346, at 134–135 (2019).

287. Letter from Pat A. Cipollone to Nancy Pelosi, *supra* note 259, at 2.

288. Donald Trump, President, United States of America, Remarks by President Trump in Press Conference, Davos, Switzerland (Jan. 22, 2020).

289. United States v. Nixon, 418 U.S. 683, 706 (1974).

290. *Id.* at 706, 713. (Dicta from *United States v. Nixon* further suggests that a claim of confidentiality of presidential communications would be stronger if a need to protect military, diplomatic, or sensitive national security secrets is claimed.)

291. Senate Select Comm. on Presidential Campaign Activities v. Nixon, 498 F.2d 725, 730 (D.C. Cir. 1974).

292. *Id.* at 731.

293. Letter from Pat A. Cipollone to Nancy Pelosi, *supra* note 259, at 2.

294. *See* The Federalist No. 66, at 446 (Alexander Hamilton) (Jacob E. Cooke ed., 1961). (The Framers created impeachment as an ''essential check in the hands of [Congress] upon the encroachments of the executive'' and to ensure that the President could not be above the law.)

295. Comm. on the Judiciary, U.S. House of Representatives v. Miers, 558 F. Supp. 2d 53, 102–103 (2008). (''Congress's power of inquiry is as broad as its power to legislate and lies at the very heart of Congress's constitutional role. Indeed, the former is necessary to the proper exercise of the latter: according to the Supreme Court, the ability to compel testimony is ''*necessary to the effective functioning of courts and legislatures* . . . Thus, Congress's use of (and need for vindication of) its subpoena power in this case is no less legitimate or important than was the grand jury's in *United States v. Nixon*. Both involve core functions of a co-equal branch of the federal government, and for the reasons identified in *Nixon*, the President may only be entitled to a presumptive, rather than an absolute, privilege here. And it is certainly the case that if the President is entitled only to a presumptive privilege, his close advisors cannot hold the superior card of absolute immunity.'')

296. Comm. on Judiciary, U.S. House of Representatives v. McGahn, ___F. Supp. 3d ___, No. 19–cv–2379 (KBJ), 2019 WL 6312011 (D.D.C. Nov. 25, 2019) (Ketanji Brown Jackson, J.) (Rejecting the Department of Justice's argument that presidential advisors like Don McGahn enjoy absolute immunity from compelled congressional testimony.)

297. William French Smith, *Assertion of Executive Privilege in Response to a Congressional Subpoena in* Opinions of the Legal Counsel, Department of Justice 31 (October 13, 1981) (''The accommodation required is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch.'')

298. United States v. AT&T Co., 567 F.2d 121, 127 (D.C. Cir. 1977).

299. *See e.g.* Neal Devins, *Congressional-Executive Information Access Disputes: A Modest Proposal—Do Nothing*, 48 Admin. L. Rev. 109, 116 (1996).

300. *See id.* at 122, 125. (''Types of intermediate options [when there are executive privilege claims] include the executive providing the requested information in timed stages, the executive releasing expurgated or redacted versions of the information, the executive preparing summaries of the information, Congress promising to maintain confidentiality regarding the information, and Congress inspecting the material while it remains in executive custody.'')

301. William P. Barr, *Congressional Requests for Confidential Executive Branch Information* in Opinions of the Legal Counsel, Department of Justice 153, 162 (June 19, 1989).

302. *See* John E. Bies, *Primer on Executive Privilege and the Executive Branch Approach to Congressional Oversight*, Lawfare, June 16, 2017, https://www.lawfareblog.com/primer-executive-privilege-and-executive-branch-approach-congressional-oversight. (''If negotiations reach a standstill and these officials conclude that the circumstances warrant invocation of executive privilege, they prepare materials for the White House counsel to present the issue to the president for his or her decision. Traditionally, this presentation involves a memorandum from the head of the agency that received the congressional request explaining the information sought by Congress, why the information is privileged, and the efforts that the agency has made to date to accommodate the congressional request; a memorandum from the attorney general evaluating the legal basis for a privilege assertion over the requested information, including whether the qualified privilege might be overcome in the balancing of

interests and needs; and the White House counsel's recommendation to the president. Pending the president's decision, the agency is directed to ask Congress to hold the request in abeyance, and to explain that this is simply to protect the president's ability to assert the privilege and does not itself constitute a claim of privilege.'')

303. 166 Cong. Rec. 16, S575 (daily ed. Jan. 25, 2020) (Statement of Mr. Counsel Philbin).

304. Trial Memorandum of President Donald J. Trump, *supra* note 25, at 75.

305. Alison Durkee, *Lev Parnas: Trump ''Knew Exactly What Was Going On'' in Ukraine*, Vanity Fair, Jan. 6, 2020, https://www.vanityfair.com/news/2020/01/lev-parnas-maddow-ukraine-trump; Olivia Rubin & Soo Rin Kim, *Giuliani's Associate Lev Parnas Speaks Again: 'It Was All About 2020.'*, ABC News, Jan. 17, 2020, https://abcnews.go.com/Politics/giulianis-associate-lev-parnas-speaks-2020/story?id=68340258.

306. Maggie Haberman & Michael S. Schmidt, *Trump Told Bolton to Help His Ukraine Pressure Campaign, Book Says*, N.Y. Times, Jan. 31, 2020, https://www.nytimes.com/2020/01/31/us/politics/trump-bolton-ukraine.html.

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319. *Id.*

320. Letter from Pat A. Cipollone to Nancy Pelosi, *supra* note 259, at 4.

321. Hebert v. State of La., 272 U.S. 312, 316–317 (1926).

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324. Staff of H. Comm on the Judiciary, 93rd Cong., Impeachment Inquiry Procedures 1–2 (Comm. Print 1974).

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326. Letter from Jerrold Nadler, Chairman, H. Comm. on the Judiciary, to Donald Trump, President, United States of America (Nov. 29, 2019).

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332. S. Res. 483, 116th Cong. (2019).

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335. 166 Cong. Rec. 12, S385–S431 (Jan. 21, 2020).

336. 166 Cong. Rec. 21, S766–S769 (daily ed. Jan. 31, 2020).

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338. Nicholas Fandos, *McConnell Says He Will Proceed on Impeachment Trial Without Witness Deal*, N.Y. Times, Jan. 7, 2020, https://www.nytimes.com/2020/01/07/us/politics/impeachment-trial-witnesses.html.

339. H.R. Rep. 116–346, at 20, 24 (2019).

340. Opinion Memorandum of United States Senator John F. Reed, supra note 38, at 4.

341. *Id.*

342. 166 Cong. Rec. 19, S650–S651 (daily ed. Jan. 29, 2020) (statement of Mr. Counsel Dershowitz).

343. 166 Cong. Rec. 17, S614 (daily ed. Jan. 27, 2020) (statement of Mr. Counsel Dershowitz). (In response to the report in the New York Times on January 26, 2020, that the manuscript of a book by former National Security Adviser John Bolton contends that President Trump directly tied the freeze on security assistance for Ukraine to Ukraine agreeing to conduct investigations into the 2016 campaign and Biden/Burisma theories, defense counsel Alan Dershowitz argued that ''if a President-any President-were to have done what 'The Times' reported about the content of the Bolton manuscript, that would not constitute an impeachable offense. Let me repeat it. Nothing in the Bolton revelations, even if true, would rise to the level of an abuse of power or an impeachable offense . . . You cannot turn conduct that is not impeachable into impeachable conduct simply by using words like 'quid pro quo''' and 'personal benefit.'''')

344. Ashley Parker & David E. Sanger, *Donald Trump Calls on Russia to Find Hillary Clinton's Missing Emails*, N.Y. Times, July 27, 2016, https://www.nytimes.com/2016/07/28/us/politics/donald-trump-russia-clinton-emails.html.

345. 1 Mueller, *supra* note 60, at 5. (The Special Counsel's investigation concluded that, ''[t]he presidential campaign of Donald J. Trump . . . showed interest in WikiLeaks's releases of documents and welcomed their potential to damage candidate Clinton.'')

346. Interview by George Stephanopoulos with Donald Trump, President, United States of America, in Washington, D.C. (June 16, 2019).

347. Peter Baker & Eileen Sullivan, *Trump Publicly Urges China to Investigate the Bidens*, N.Y. Times, Oct. 3, 2019, https://www.nytimes.com/2019/10/03/us/politics/trump-china-bidens.html.

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349. Donald J. Trump (@realDonaldTrump), Twitter (Jan. 16, 2020. 3:39 PM), https://twitter.com/realDonaldTrump/status/1217909231946477575?s=20. (President Trump has repeatedly claimed that his call with President Zelensky on July 25 was perfect. For example, on January 16, 2020 President Trump tweeted, ''I JUST GOT IMPEACHED FOR MAKING A PERFECT PHONE CALL!'')

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351. Letter from John Adams to Thomas Jefferson (Dec. 6, 1787).

352. Ellen L Weintraub (@EllenLWeintraub), Twitter (June 13, 2019, 7:11 PM), https://twitter.com/EllenLWeintraub/status/1139309394968096768/photo/1. (In response to President Trump's statement to George Stephanopoulos that he would consider taking information from a foreign government on one of his political opponents, Ellen Weintraub, Chair, Federal Election Commissioner, wrote, ''Let me make something 100% clear to the American public and anyone running for public office: It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election. This is not a novel concept. Electoral intervention from foreign governments has been considered unacceptable since the beginning of our nation. Our Founding Fathers sounded the alarm about 'foreign interference, intrigue and influence.' They knew that when foreign governments seek to influence American politics, it is always to advance their own interests, not America's.'')

Mr. CASEY. Mr. President, I ask unanimous consent that the text of a more comprehensive version of my statement regarding the impeachment trial of President Donald John Trump be printed in the RECORD.

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

STATEMENT ON THE IMPEACHMENT OF PRESIDENT DONALD JOHN TRUMP

I. INTRODUCTION

Throughout this impeachment trial, I have often thought of an inscription above the front door of the Finance Building in Harrisburg, Pennsylvania from the 1930s: ''All public service is a trust, given in faith and accepted in honor.''

This inscription helped me frame my own understanding of the evidence offered during this trial because I believe that President Trump and every public official in America must earn that trust every day. That sacred trust is given to us ''in faith'' by virtue of our election. The question for the President—and every official—is: Will we accept that ''trust'' by our honorable conduct? The trust set forth in the inscription is an echo of Alexander Hamilton's words in Federalist No. 65, where he articulated the standard for impeachment as ''offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust.'' [1]

Much time has been devoted to why and how we got here. Let us make no mistake about this—we are here because of the President's conduct. He solicited the interference of a foreign government in our next election and demanded that same government announce an investigation of his political opponent, as well as an investigation into a debunked conspiracy theory about the last presidential election.

President Trump has exhibited an unmistakable pattern of behavior that indicates a predisposition toward autocratic leadership and a willingness to embrace an agenda based on foreign propaganda, directly undermining the national interests of the United States.[2] The world watched President Trump stand next to Russian President Vladimir Putin in Helsinki, Finland in July 2018.[3] When President Trump was asked whether he believed President Putin or his intelligence agencies—all of which definitively concluded that Russia interfered in the 2016 election [4]—President Trump responded: ''My people came to me . . . [and] said they think it's Russia. I have President Putin. He just said it's not Russia. I will say this: I don't see any reason why it would be.'' [5]

After this press conference and despite his attempts to retract his comments, President Trump faced widespread and bipartisan condemnation. Republican members of Congress called his performance ''troubling,'' ''a step backwards,'' ''shameful, ''untenable,'' ''bizarre and flat-out wrong.'' [6] However, only Senator John McCain offered a forceful rebuke of President Trump:

Today's press conference in Helsinki was one of the most disgraceful performances by an American president in memory. The damage inflicted by President Trump's naiveté, egotism, false equivalence, and sympathy for autocrats is difficult to calculate.

No prior president has ever abased himself more abjectly before a tyrant. Not only did President Trump fail to speak the truth about an adversary; but speaking for America to the world, our president failed to defend all that makes us who we are—a republic of free people dedicated to the cause of liberty at home and abroad. American presidents must be the champions of that cause if it is to succeed. Americans are waiting and hoping for President Trump to embrace that sacred responsibility. One can only hope they are not waiting totally in vain.[7]

Over a year and a half later, the President's pattern of conduct has made it clear. Just as Senator McCain feared, Americans have waited in vain for President Trump to embrace—or even understand—his duties as a public servant. This President has not and never will be faithful to the ''sacred responsibility'' that he holds as President of the United States, nor will he ever truly honor the trust that the people placed in him.

Besides Senator McCain, Republican Senators failed to fully confront the President when he chose the word of a former KGB agent over the United States Intelligence Community. For this reason, it is unsurprising that our Nation has found itself imperiled yet again by another example of President Trump's shameful and dishonorable conduct. In response to Republican Senators who have expressed concern about the President's ''inappropriate'' conduct but have repeatedly refused to hold him accountable, I must ask: What will it take? What action will finally be so objectionable, so inappropriate to break from this President? He will not learn. He will not change. When confronted with a choice between the national interests and his personal political interests, President Trump will always choose the latter. The Senate's failure to hold him accountable in this impeachment trial would be a stain on American history.

After a thorough, careful review of all of the available evidence in this impeachment trial, I have determined that House Managers have not only met, but exceeded, their burden of proof in this case. President Trump violated his duty as a public servant by corruptly abusing his power to solicit foreign interference in the 2020 election and by repeatedly obstructing Congress's constitutionally-based investigation into his conduct. President Trump's clearly established pattern of conduct indicates he will continue to be a ''threat to national security and the Constitution if allowed to remain in office.'' [8] For these reasons, I will vote ''guilty'' on both Article I and Article II.

II. PROCEDURAL HISTORY

Before discussing the facts of this case, it is important to address the Senate trial itself. To ensure a full and fair trial for all parties, Senate Democrats repeatedly called for relevant witnesses and relevant documents to be subpoenaed during this trial in the Senate.[9] The testimonial and documentary evidence would supplement an already substantial record presented by the House Managers and ensure that this was a fair trial for all parties involved. Senate Republicans refused to allow any witnesses and documents.[10]

Seventy-five percent of Americans supported calling witnesses during his trial.[11] Unfortunately, President Trump has been calling the shots and dictating the Republican approach to this trial.[12] This is the third Presidential impeachment trial in our country's history, and it is the only one to be completed without calling a single witness.[13] In fact, every completed impeachment trial in history has included *new* witnesses that were not even originally interviewed in the House of Representatives.[14]

By blocking relevant witnesses and relevant documents, Senate Republicans have denied the American people the full and fair trial they deserve. It is clear that this proceeding was rigged from the start to protect President Trump rather than to hear all of the facts.

III. MATERIAL FACTS

Special Counsel Mueller & Russian Interference in the 2016 Presidential Election

To fully understand the facts established by the House Managers in this case, it is necessary to first understand the context in which President Trump engaged in this behavior. In May 2017, Special Counsel Robert Mueller was appointed to investigate '' 'the Russian government's efforts to interfere in the 2016 presidential election,' including any links or coordination between the Russian government and individuals associated with the Trump Campaign.'' [15] Special Counsel Mueller released his comprehensive report in April 2019, which established in meticulous detail that Russian President Vladimir Putin personally directed an ongoing and systemic Russian attack in the 2016 presidential election in the United States.[16]

Special Counsel Mueller's conclusions were also confirmed by the United States Intelligence Community [17] and the bipartisan Senate Select Committee on Intelligence.[18] The Mueller investigation did not find evidence that President Trump's 2016 campaign conspired or coordinated with the Russian government, but Special Counsel Mueller did confirm that ''the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the [Trump] Campaign expected it would benefit electorally from information stolen and released through Russian efforts.'' [19] For example, then-candidate Trump declared during a public rally in July 2016: ''Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing'' from then-candidate Hillary Clinton's email server.[20] Russian hackers targeted Clinton's personal server within hours of Trump's request.[21] After the Mueller Report, in June 2019, President Trump was asked whether he would accept opposition research from a foreign government against his political opponent. President Trump responded ''I think I'd take it.'' [22]

Rather than embrace the Special Counsel's investigation and condemn Russian interference in the election, President Trump reportedly tried to undermine the investigation by calling it a ''witch hunt'' [23] and a ''hoax.'' [24] In fact, in Volume II of his report, Special Counsel Mueller detailed the President's numerous efforts to obstruct the Special Counsel's investigation into Russian interference and his attempts to remove the Special Counsel in order to end the investigation. The Special Counsel identified ten separate episodes of potential obstruction of justice including, but not limited to: (1) President Trump firing former FBI Director James Comey;[25] (2) President Trump attempting to fire Special Counsel Mueller;[26] and (3) President Trump requesting his White House Counsel lie and publically deny that President Trump tried to fire Special Counsel Mueller.[27]

Neither Special Counsel Mueller nor Attorney General William Barr charged President Trump with a crime for the actions detailed in Special Counsel Mueller's report,[28] in part because of a controversial Office of Legal Counsel opinion indicating that a sitting President cannot be indicted for a crime.[29] However, over a thousand former federal prosecutors, who served under Republican and Democratic administrations, issued a statement shortly after the release of the Special Counsel's report that stated, in part, as follows:

Each of us believes that the conduct of President Trump described in Special Counsel Robert Mueller's report would, in the case of any other person not covered by the Office of Legal Counsel policy against indicting a sitting President, result in multiple felony charges for obstruction of justice.[30]

After releasing his report in April, Special Counsel Mueller testified in front of the House Judiciary Committee and the House Intelligence Committee on July 24, 2019.[31] During his testimony, Special Counsel Mueller confirmed that Russia was still engaging in ongoing efforts to attack future elections and warned that the United States must ''use the full resources that we have to address this'' interference.[32] On July 25, one day after Special Counsel Mueller testified, President Trump spoke on the phone with the newly-elected President of Ukraine, President Volodymyr Zelensky.[33] Unknown at the time, this phone call would soon set off the comprehensive investigation leading to President Trump's impeachment and the current trial in the Senate.

Ukraine

On April 21, 2019, several months before Special Counsel Mueller's public testimony,

Volodymyr Zelensky was elected President of Ukraine and later that day, President Trump called him to congratulate him on his victory.[34] On that call, President Trump extended a future invitation to the White House and he also promised that he would send a ''very, very high level'' representative from the United States to attend President Zelensky's inauguration.[35]

Two days after President Trump's call with President Zelensky, on April 23, media reports confirmed that former Vice President Joe Biden would enter the 2020 presidential race.[36] Around this time, the President's personal attorney, Rudy Giuliani, was leading a smear campaign to tarnish and remove then-U.S. ambassador to Ukraine, Marie Yovanovitch, a respected diplomat known for advancing the United States' anti-corruption efforts abroad.[37] The smear campaign was also advanced by two ''corrupt former prosecutors''—Mr. Lutsenko and Mr. Shokin—in Ukraine.[38] It was widely confirmed that the corrupt Ukraine prosecutors were seeking ''revenge against'' Ambassador Yovanovitch for exposing their misconduct.[39] On the day after the media reported that former Vice President Biden was entering the presidential race, President Trump recalled Ambassador Yovanovitch from her position in Ukraine.[40]

Mr. Lutsenko and Mr. Giuliani both promoted two conspiracy theories that have been pursued by President Trump.[41] One of the conspiracy theories alleged that Ukraine hacked a Democratic National Committee (DNC) server in 2016 in order to frame Russia for election interference and help the Clinton Campaign.[42] The other theory alleged that former Vice President Biden coerced the Ukrainian government into firing Mr. Shokin to ''prevent an investigation into Burisma Holdings, a Ukrainian energy company for which Vice President Biden's son, Hunter, served as a board member.'' [43] Both theories have been criticized and debunked by officials in the Trump Administration.[44]

On May 3, 2019, shortly after President Zelensky's election, President Trump and President Putin spoke by telephone and discussed, in part, the so-called ''Russian Hoax,'' referring to Special Counsel Mueller's investigation.[45] During that conversation, President Putin reportedly spoke negatively about Ukraine, suggesting that it was corrupt and that President Zelensky was ''in the thrall of oligarchs.'' [46] A *Washington Post* article, published on December 19, 2019, reported that a senior White House official even indicated that President Trump suggested that ''he knew Ukraine was the real culprit [of 2016 election interference] because 'Putin told me.' '' [47]

On May 9, the *New York Times* reported that the President's personal attorney, Mr. Giuliani, would be traveling to Ukraine to pressure the government to open investigations into the conspiracy theories about Burisma and the 2016 election.[48] Mr. Giuliani specifically acknowledged ''[t]his isn't foreign policy'' but that the investigations ''will be very, very helpful to my client.'' [49]

Around May 13, President Trump ordered Vice President Pence not to attend President Zelensky's inauguration and sent a lower-ranking delegation, despite his promise to President Zelensky to send a ''very, very high level'' representative.[50] This delegation included Secretary of Energy Rick Perry, Ambassador to the European Union Gordon Sondland, Special Representative for Ukraine Negotiations Ambassador Kurt Volker and NSC Director for Ukraine Lieutenant Colonel Alexander Vindman.[51]

On May 23, despite positive reports from the delegation regarding President Zelensky's effort to combat corruption, President Trump said he ''didn't believe'' the delegation because that was not what Mr. Giuliani had told him.[52] The President also reiterated that Ukraine ''tried to take me down'' during the 2016 election, confirming that he still believed the conspiracy theory that Ukraine, not Russia, was actually responsible for 2016 election interference.[53] President Trump directed Ambassador Sondland, Secretary Perry and Ambassador Volker to ''talk to Rudy'' and coordinate engagement with the Ukraine government.[54]

Despite President Trump's misplaced concerns about Ukrainian conspiracy theories, in May 2019, the Department of Defense (DOD) and the State Department *certified* that Ukraine had ''taken substantial actions'' to decrease corruption.[55] This was important because it was a necessary requirement in order for DOD to release $250 million in Ukrainian military assistance that had been appropriated and authorized by Congress.[56] Congress had also appropriated and authorized another $141 million to be administered by the State Department for security assistance to Ukraine.[57]

However, by July 12, the President had ordered a block on all military and security assistance for Ukraine against overwhelming recommendations from across the Executive Branch and strong bipartisan support for the aid.[58] The hold continued throughout August in violation of the Impoundment Control Act of 1974.[59] The President did not initially give a reason for the hold, although by September, the President claimed that the hold was because he was concerned about corruption in Ukraine and burden-sharing for Ukrainian assistance among European allies.[60]

Throughout this time period, it also became clear that President Trump was withholding the White House meeting that he promised President Zelensky during their April 21 phone call.[61] Ambassador Taylor, Ambassador Yovanovitch's replacement in Ukraine, pushed for the White House meeting, but he learned that the meeting was conditioned explicitly on Ukraine publically announcing investigations into the 2016 election and Burisma.[62] Ambassador Sondland was unequivocal in his description during his testimony: ''Was there a quid pro quo? As I testified previously with regard to the requested White House call and the White House meeting, the answer is yes.'' [63]

After a July 10 meeting, Dr. Fiona Hill, former Senior Director of European and Russian Affairs at the National Security Council, informed then-National Security Advisor John Bolton that Ambassador Sondland reiterated the quid pro quo to Ukrainian officials during a meeting at the White House.[64] Dr. Hill testified that Mr. Bolton advised her to ''go and tell [the NSC Legal Advisor] that I am not part of whatever drug deal Sondland and Mulvaney are cooking up on this.'' [65] Over the next two weeks, Mr. Giuliani coordinated with Ambassadors Sondland and Volker to arrange a phone call between President Trump and President Zelensky for President Zelensky to inform President Trump that he would announce the investigations.[66]

On July 25, President Trump spoke on the phone with President Zelensky.[67] At one point, President Zelensky thanked President Trump for the ''great support'' in military assistance and indicated that Ukraine would be interested in purchasing more Javelin anti-tank missiles soon.[68] In response, immediately after the Javelin reference, President Trump stated as follows: ''I would like you to do us a favor though.'' [69] President Trump brought up the investigations that he sought into the Ukrainian election interference and Biden conspiracy theories.[70] After the call, Ambassador Sondland informed a State Department aide that President Trump ''did not give a [expletive] about Ukraine'' and he only cared only about ''big stuff,'' meaning '' 'the Biden investigation' that Mr. Giuliani was pushing.'' [71]

Around that time, the Ukrainian government also became aware that President Trump was withholding military aid.[72] On August 12, Ambassadors Volker and Sondland, with consultation from Mr. Giuliani, edited a draft statement for President Zelensky to publically release that included explicit references to ''Burisma and the 2016 U.S. elections.'' [73] On that same day, a whistleblower filed a complaint with the Intelligence Community Inspector General expressing concerns about President Trump's phone call with President Zelensky on July 25.[74]

Ukraine ultimately did not release the statement regarding investigations and no further action was taken regarding a White House meeting.[75] Furthermore, there were increasing concerns among national security officials regarding President Trump's hold on military aid, which many began to understand was meant to pressure Ukraine too.[76] Ambassador Sondland testified that President Trump's effort to condition release of the security assistance on Ukraine announcing investigations was as clear as ''two plus two equals four.'' [77]

On September 7, President Trump and Ambassador Sondland spoke on the telephone and Ambassador Sondland explained that President told him ''there was no quid pro quo, but President Zelensky must announce the opening of the investigations and he should want to do it.'' [78] Shortly after, on September 9, Ambassador Taylor texted Ambassadors Sondland and Volker and explicitly said, ''I think it's crazy to withhold security assistance for help with a political campaign.'' [79] On that same day, the Intelligence Community Inspector General notified Congress of the August 12 whistleblower complaint regarding President Trump's July 25 phone call with President Zelensky.[80]

Two days later, President Trump unexpectedly released his hold on Ukraine's security assistance.[81] Since President Trump lifted the hold, however, he has continued to press Ukraine, and even other foreign countries, to open investigations into his political rival.[82] For example, on October 3, President Trump stated as follows on the White House lawn:

Well I would think that if they [Ukraine] were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer. They should investigate the Bidens. . . . Likewise, China should start an investigation into the Bidens because what happened in China is just about as bad as what happened with Ukraine. So, I would say that President Zelensky, if it were me, I would recommend that they start an investigation into the Bidens.[83]

To date, President Zelensky still has not met with President Trump at the White House.

Congressional Investigations

As noted above, Congress was notified on September 9 of the August 12 whistleblower complaint regarding President Trump's phone call with Ukraine.[84] Speaker Nancy Pelosi announced on September 24 that the House would move forward with an official impeachment inquiry.[85]

On September 9 and September 24, three House Committee sent letters to White House Counsel Pat Cipollone asking for six specific categories of documents related to the Ukraine investigation.[86] The White House did not respond, and as a result, the Committees issued a subpoena to Acting White House Chief of Staff, Mick Mulvaney.[87]

On October 8, Mr. Cipollone responded and indicated that ''President Trump cannot permit his Administration to participate in this

partisan inquiry under these circumstances.'' [88] The letter called the inquiry ''constitutionally invalid'' even though the Constitution grants the House the sole power of impeachment.[89] The letter made reference to ''long-established Executive Branch confidentiality interests and privileges,'' [90] although President Trump has never specifically asserted an executive privilege over a single piece of information related to the inquiry.

As a result of President Trump's blanket directive, every Executive Branch agency that received an impeachment inquiry request or subpoena has not complied with the request.[91] Specifically, the Executive Branch has not produced a single document or permitted a single witness to testify in response to a subpoena.[92] The only witnesses who did testify or submit documents did so in direct violation of the White House's directive.[93]

IV. ARTICLES OF IMPEACHMENT

As we know, Article I, Section 2, Clause 5 of the Constitution states that ''[t]he Senate shall have the sole Power to try all Impeachments.'' [94] As a Senator reviewing this case, I have based my assessment of the evidence on the following two questions:

(1) Did the president do what he is charged with in the Articles?; and

(2) If so, is that action an impeachable offense that warrants removal from office?

Abuse of Power

In the first Article of Impeachment, the House of Representatives charged President Trump with abusing his power as President by corruptly ''soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage.'' [95] In this case, I have found that the House has presented substantial, persuasive evidence to prove the allegations in Article I.

First, there is no dispute that the White House directly withheld $391 million dollars in military aid from Ukraine.[96] The Office of Management and Budget (OMB) held the aid, at the direction of the President, despite the Department of Defense and the State Department certifying that Ukraine was taking necessary measures to reduce corruption.[97] Furthermore, all agencies—except OMB—strongly supported the release of the aid because it was in the national interest of the United States.[98]

Nor is there dispute that President Trump withheld a White House meeting with President Zelensky. On his April 21 phone call, President Trump explicitly invited President Zelensky to the White House in the future.[99] However, after former Vice President Joe Biden announced his candidacy for President just a few days later, President Zelensky—despite numerous efforts—still has not met with President Trump at the White House.

Second, the evidence establishes that President Trump conditioned the aid and the White House meeting on Ukraine announcing investigations into Burisma and the 2016 election. In the July 25 phone call, President Trump asked President Zelensky to ''do us a favor though'' and referenced the 2016 election and Burisma investigations immediately after President Zelensky brought up military assistance.[100]

Related to the White House meeting, Ambassador Sondland could not have been more clear when he testified that ''yes,'' there was a quid pro quid conditioning a White House meeting with Ukraine announcing investigations into the Bidens and Burisma.[101] He further testified that the conditioning of the White House meeting and military assistance on Ukraine publically announcing investigations was as clear as ''2+2=4.'' [102]

So, the question is: Why? Was President Trump acting corruptly to advance his own political interests, or was he, as his defense attorneys would have us believe, deeply concerned about ongoing ''corruption'' in Ukraine and ''burden-sharing?'' [103] The facts clearly established that President Trump was acting corruptly to further his own political interests.

First, while the President's defense lawyers have rightly argued that the President ''defines foreign policy,'' [104] the facts do not support that the President's actions related to Ukraine were based on ''legitimate concerns'' regarding corruption and burden-sharing.[105] Also, if the President was so concerned about corruption in Ukraine, why did he dismiss one of the Nation's best corruption-fighting diplomats, Ambassador Marie Yovanovitch? [106]

Second, the President was utilizing his personal attorney, Mr. Giuliani, to coordinate the announcement of investigations in Ukraine. Mr. Giuliani explicitly said that he was not engaged in foreign policy, but was acting on behalf of President Trump in his ''personal capacity.'' [107] The State Department also released a statement in August emphasizing that Mr. Giuliani is a private citizen acting in his personal capacity and ''does not speak on behalf of the U.S. government.'' [108] Accordingly, one cannot reasonably argue that the investigations pursued by Mr. Giuliani were related to ''legitimate'' foreign policy when they were coordinated by the President's personal attorney for the President's personal benefit.

Third, it was the prior practice of the Administration to release aid to Ukraine without delay or regard to alleged corruption and burden-sharing concerns. Both of these asserted concerns were an after-the-fact distraction from the truth. The Trump Administration disbursed—without question—approximately $511 million and $359 million to Ukraine in 2017 and 2018, respectively.[109] The only thing that changed in 2019 was that former Vice President Joe Biden announced that he was running for President.

Finally, the proposed investigations into Burisma and 2016 election interference were debunked conspiracy theories that would have only benefited one person—Donald Trump. Regarding Burisma, President Trump claimed that former Vice President Biden corruptly forced Ukraine to fire then-Prosecutor General Shokin to avoid further investigation into Burisma.[110] The truth is that Vice President Biden was actually pursuing Mr. Shokin's termination—with bipartisan and international support—because Mr. Shokin was a corrupt and ineffective prosecutor.[111] In fact, Mr. Shokin was not actively investigating Burisma and his removal would have made it *more likely*—not less—that Burisma would be investigated in the future.[112]

Furthermore, even if we were to accept that President Trump had legitimate interests regarding alleged corruption in Ukraine, he certainly should not have asked a foreign government to announce the investigation. Rather, he should have gone through official channels and asked the Department of Justice to look into the allegations.[113] Ambassador Sondland indicated that President Trump was only concerned about the *announcement* of investigations—he was not concerned with the actual completion of investigations.[114] President Trump was not actually interested in corruption in Ukraine, but was only concerned with harming a political opponent with the announcement of an investigation.

Regarding Ukrainian election interference, President Trump has suggested that Ukraine attempted to help the Hillary Clinton campaign in 2016 by framing Russia and hacking a Democratic National Committee server.[115] This theory is not supported by any evidence. The U.S. Intelligence Community, the Senate Select Committee on Intelligence and Special Counsel Robert Mueller all came to the conclusion that *Russia*, not Ukraine, interfered in the 2016 election.[116] Dr. Fiona Hill called this Ukraine theory a ''fictional narrative that is being perpetrated and propagated by the Russian security services'' to raise doubts about Russia's own culpability and to harm the relationship between the United States and Ukraine.[117] President Trump's former Homeland Security Advisor, Tom Bossert, also indicated that the Ukraine theory was ''not only a conspiracy theory, it is completely debunked.'' [118] Pursuing such a clearly debunked conspiracy theory only served to benefit President Trump, and Putin, by raising doubts regarding Russia's own election interference and its preference for President Trump's election in 2016.

Based on this evidence, it is clear that President Trump acted corruptly by conditioning the release of military aid and a White House meeting on Ukraine announcing investigations into his political opponent.

Obstruction of Congress

Under the second Article of Impeachment, the House charged that President Trump has obstructed Congress by directing the ''the unprecedented, categorical, and indiscriminate defiance of subpoenas issued by the House of Representatives pursuant to its 'sole Power of Impeachment.' '' [119] I have concluded that the House has presented substantial evidence to prove the allegations in this Article.

On October 8, 2019, during the House impeachment inquiry, the White House Counsel wrote that ''President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.'' [120] As a result of President Trump's directives, the House did not receive a ''single document'' from the White House, the Vice President, OMB, the Department of State, DOD or the Department of Energy—despite 71 requests and demands.[121] Furthermore, the only witnesses who testified or produced documents did so in opposition to the President's directive.[122]

President Trump did not assert a single claim of ''executive privilege'' over any specific document or piece of testimony during this inquiry.[123] Rather, he issued a blanket directive that completely denied the constitutional oversight responsibilities of the House.[124] Based on this evidence, it is clear that President Trump has obstructed Congress.

V. IMPEACHABLE CONDUCT

Having established that the President did, in fact, engage in the conduct alleged in these Articles—I now turn to whether this conduct warrants removal from office.

During the Constitutional Convention of 1787, our Founders grappled significantly with how to elect the Executive, but they also debated how to hold the Executive accountable. While some delegates believed that the President should only be held accountable at the ballot box through elections, others voiced the logical concern that ''if [the President] be not impeachable whilst in office, he will spare no efforts or means whatever to get himself re-elected.'' [125] After much debate, the Convention voted that the Executive shall be ''removable on impeachments'' [126] and later confirmed the grounds for impeachment included ''Treason, bribery and other high crimes and misdemeanors.'' [127]

''High Crimes and Misdemeanors'' is left ambiguous in the Constitution. At the time of the drafting, the Founders' understanding

of ''high Crimes and Misdemeanors'' was informed by centuries of English legal precedent.[128] This understanding was reflected in Federalist No. 65, written by Alexander Hamilton, which explained that impeachment should stem from an ''abuse or violation of some public trust.''[129] Noted historian Ron Chernow explained that Hamilton's understanding of impeachment should ''count heavily because he was the foremost proponent of a robust presidency, yet he also harbored an abiding fear that a brazen demagogue could seize the office.''[130] Informed by this history, Congress has consistently interpreted ''high Crimes and Misdemeanors'' broadly to mean ''serious violations of the public trust.''[131]

The President's defense lawyers argued that impeachment requires a violation of a criminal statute to be constitutionally valid.[132] This argument is not supported by historical precedent, credible scholarship or our common sense about the sacred notion of the public trust.[133] When applying the accurate Hamiltonian standard for impeachment—an ''abuse or violation of some public trust''—it is clear that President Trump's conduct exceeds that standard. Any effort to corrupt an election must be met with a swift measure of accountability as provided for under the impeachment clause in the Constitution. There is no other remedy to constrain a President who has acted, time and again, to advance his personal interests over those of the Nation.

Furthermore, since his candidacy, President Trump has engaged in substantial and ongoing efforts to solicit foreign interference in our elections. As detailed in Special Counsel Mueller's report, the Trump campaign routinely welcomed Russian interference in the 2016 presidential election because they ''expected [the Campaign] would benefit electorally from information stolen and released through Russian efforts.''[134] As an illustration of just how brazen President Trump has become in his conduct, his July 25 phone call with President Zelensky occurred just one day after Special Counsel Mueller testified in Congress, where he warned of the ongoing threat of foreign interference in elections.[135] As the *Washington Post* reported on September 21 in a story written by three reporters who have covered the President for several years, the President's conduct on the Ukraine call revealed ''a president convinced of his own invincibility—apparently willing and even eager to wield the vast powers of the United States to taint a political foe and confident that no one could hold him back.''[136]

The President's blanket obstruction of Congress also substantially imperils our constitutional system of checks and balances. Not only has this President taken the unprecedented step of issuing an outright refusal to cooperate with Congressional oversight in this case, but President Trump has exhibited an ongoing hostility to oversight of his administration. As detailed in Special Counsel Mueller's report, President Trump engaged in ten distinct efforts to obstruct and curtail investigations into his conduct and Russia's interference in the 2016 election.[137] It is clear that this President has engaged in an ongoing pattern of behavior that threatens to diminish any meaningful future oversight of the Executive Branch.

Given the President's ongoing pattern of corrupt behavior, especially as it relates to the next election, I find him ''guilty'' under both Articles of Impeachment.

VI. CONCLUSION

Our Founders had the foresight to ensure that the power of the President was not unlimited and that Congress could—if necessary—hold the Executive accountable for abuses of power through the impeachment process. This Senate trial is not simply about *grave* presidential *abuse of power*, it is about our Democracy, the sanctity of our elections and the very values that the Founders agreed should guide our Nation.

The inscription—''[a]ll public service is a trust, given in faith and accepted in honor''—serves as a reminder to us all of the bedrock principles of our republic. We must hold those accountable who violate this sacred trust. President Trump *dishonored* that public trust given to him by abusing his power for personal, political gain. In order to prevent continuing interference in our upcoming election and blatant obstruction of Congress, the Senate should find him guilty under both Articles.

ENDNOTES

1. THE FEDERALIST NO. 65 (Alexander Hamilton).

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3. *Transcript: Trump and Putin's Joint Press Conference*, NPR (July 16, 2018) [hereinafter Helsinki Transcript], https://www.npr.org/2018/07/16/629462401/transcript-president-trump-and-russian-president-putins-joint-press-conference.

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5. *Helsinki Transcript*, *supra* note 3.

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9 *See* 166 CONG. REC. S438–41 (daily ed. Jan. 21, 2020) (identifying the amendments proposed by Minority Leader Schumer seeking documents and witnesses).

10. *See id.* at S394–431 (detailing the amendments and roll call votes on the amendments).

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13. Press Release, Citizens For Responsibility & Ethics in Washington, New Analysis: Every Impeachment Trial Has Had New Witnesses (Jan. 28, 2020), https://www.citizensforethics.org/press-release/new-witnesses-impeachment/.

14. *Id.*

15. I ROBERT S. MUELLER, III, U.S. DEP'T OF JUSTICE, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION 1 (2019) [hereinafter MUELLER REPORT].

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17. U.S. INTELLIGENCE CMTY., *supra* note 4, at ii.

18. 2 SELECT COMM. ON INTELLIGENCE, U.S. SENATE, 116TH CONG. REPORT ON RUSSIAN ACTIVE MEASURES CAMPAIGNS AND INTERFERENCE IN THE 2016 U.S. ELECTION: RUSSIA'S USE OF SOCIAL MEDIA 3–4 (Comm. Print 2019).

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20. *Id.* at 49.

21. *Id.*

22. *Transcript: ABC News' George Stephanopoulos' Exclusive Interview with President Trump*, ABC NEWS (June 16, 2019), https://abcnews.go.com/Politics/transcript-abc-news-george-stephanopoulos-exclusive-interview-president/story?id=63749144.

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32. *Mueller Hearing II*, *supra* note 31, at 75.

33. H.R. PERMANENT SELECT COMM. ON INTELLIGENCE, THE TRUMP-UKRAINE IMPEACHMENT INQUIRY REPORT, H.R. REP. NO. 116–335, at 2–3 (2019) [hereinafter HPSCI REPORT].

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35. *Id.*

36 Molly Nagle, *Former Vice President Joe Biden to Announce He's Entering the 2020 Race Thursday Morning*, ABC NEWS (Apr. 23, 2019), https://abcnews.go.com/Politics/vice-president-joe-biden-announce-hes-entering-2020/story?id=62558852.

37. HPSCI REPORT, *supra* note 33, at 25.

38. *Id.* at 28.

39. *Id.*

40. *Id.* at 26–27.

41. *Id.* at 29.

42. *Id.* at 29–30.

43. *Id.*

44. *Id.* at 88–89. Related to the Ukraine election interference theory, President

Trump's former Homeland Security Advisor, Tom Bossert, publicly stated that it was ''not only a conspiracy theory, it is completely debunked.'' *Id*. at 89. Dr. Fiona Hill, former Senior Director of European and Russian Affairs at the National Security Council, called it a ''fictional narrative that is being perpetrated and propagated by the Russian security services.'' *Id*. at 88. She also indicated that former National Security Advisor H.R. McMaster ''spent a lot of time'' trying to convince President Trump that the theory was Russian propaganda. *Id*. at 89. Furthermore, FBI Director Christopher Wray confirmed that the FBI had ''no information that indicates that Ukraine interfered with the 2016 presidential election.'' Luke Barr & Alexander Mallin, *FBI Director Pushes Back On Debunked Conspiracy Theory About 2016 Election Interference*, ABC NEWS (Dec. 9, 2019), https://abcnews.go.com/Politics/fbi-director-pushes-back-debunked-conspiracy-theory-2016/story?id=67609244.

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47. Shane Harris et al., *Former White House Officials Say They Feared Putin Influenced the President's Views on Ukraine and 2016 Campaign*, WASH. POST (Dec. 19, 2019), https://www.washingtonpost.com/national-security/former-white-house-officials-say-they-feared-putin-influenced-the-presidents-views-on-ukraine-and-2016-campaign/2019/12/19/af0fdbf6-20e9-11ea-bed5-880264cc91a9_story.html.
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52. *Id*. at 50.
53. *Id*. Despite reports that certain Ukrainian officials did prefer Hillary Clinton in the 2016 election, there is little comparison to the Russian interference personally directed by President Vladimir Putin to assist the Trump campaign: ''There's little evidence of such a top-down effort by Ukraine. Longtime observers suggest that the rampant corruption, factionalism and economic struggles plaguing the country—not to mention its ongoing strife with Russia—would render it unable to pull off an ambitious covert interference campaign in another country's election.'' Kenneth P. Vogel & David Stern, *Ukrainian Efforts to Sabotage Trump Backfire*, POLITICO (Jan. 11, 2017), https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446.
54. HPSCI REPORT, *supra* note 33, at 50.
55. *Id*. at 57.
56. *Id*.
57. *Id*. at 57–58.
58. *Id*. at 59.
59. U.S. GOV'T ACCOUNTABILITY OFF., B–331564, MATTER OF OFFICE OF MGMT. & BUDGET—WITHHOLDING OF UKRAINE SEC. ASSISTANCE (2020), https://www.gao.gov/assets/710/703909.pdf.
60. HPSCI REPORT, *supra* note 33, at 59–62. *See, e.g.*, EVIDENTIARY RECORD, vol. II, pt. 1, *supra* note 49, at 48–49 (testifying that burden-sharing was first provided as a rationale to him in September).
61. HPSCI REPORT, *supra* note 33, at 70–71.
62. *Id*. at 72.
63. *Id*. at 82.
64. *Id*. at 76–78.
65. *Id*. at 78.
66. *Id*. at 79–84.
67. *Id*. at 86.
68. *Id*. at 87.
69. *Id*. at 87–88.
70. *Id*. at 88–90.
71. *Id*. at 99.
72. *Id*. at 69–70.
73. *Id*. at 106–08.
74. *Id*. at 128.
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77. *Id*. at 16.
78. *Id*. at 120.
79. *Id*. at 122.
80. *Id*. at 128.
81. *Id*. at 129–30.
82. *Id*. at 131–35.
83. PBS NewsHour, *Trump Says China Should Investigate the Bidens*, YOUTUBE (Oct. 3, 2019), https://youtu.be/eJd1y0TPP18?t=99.
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85. *Id*. at 173.
86. *Id*. at 181.
87. *Id*.
88. Letter from Pat A. Cipollone, Counsel to the President, to Speaker Nancy Pelosi, House of Representatives, et al., 2 (Oct. 8, 2019), https://www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf.
89. *Id*.
90. *Id*. at 4.
91. HPSCI REPORT, *supra* note 33, at 180.
92. *Id*.
93. *Id*.
94. U.S. CONST. art. I, §2, cl. 5.
95. H.R. Res. 755, 116th Cong. art. I (2019).
96. *See supra* text accompanying notes 58–60.
97. HPSCI REPORT, *supra* note 33, at 57.
98. *Id*. at 60–62.
99. *Id*. at 39.
100. *Id*. at 87–90.
101. *Id*. at 82.
102. *Id*. at 16.
103. Trial Memorandum of President Donald J. Trump at 10, In Re Impeachment of President Donald J. Trump (Jan. 20, 2020).
104. *Id*. at 2.
105. *Id*. at 10.
106. *See supra* text accompanying notes 36–40.
107. EVIDENTIARY RECORD, vol. IV, *supra* note 49, at 7639.
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109. Statement of Material Facts: Attachment to the Trial Memorandum of the United States House of Representatives at 14, In Re Impeachment of President Donald J. Trump (Jan. 18, 2020) [hereinafter House Manager's Statement of Material Facts].
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112. *Id*. at 43.
113. *Id*. at 108–09.
114. House Manager's Statement of Material Facts, *supra* note 109, at 20.
115. HPSCI REPORT, *supra* note 33, at 88.
116. *Id*. at 29.
117. *Id*. at 88.
118. *Id*. at 89.
119. H.R. Res. 755, 116th Cong. art. II (2019) (quoting U.S. CONST. art. I, §2, cl. 5).
120. HPSCI REPORT, *supra* note 33, at 175
121. *Id*. at 180.
122. *Id*.
123. *Id*. at 179.
124. *Id*.
125. 2 MAX FARRAND, ED., THE RECORDS OF THE FEDERAL CONVENTION OF 1787, 64 (1911) (Madison).
126. *Id*. at 69 (Madison).
127. *Id*. at 550 (Madison). *See also* U.S. CONST. art. II, §4 (''The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.'').
128. *See* CHARLES L. BLACK, JR. & PHILIP BOBBITT, IMPEACHMENT: A HANDBOOK, NEW EDITION 43 (2018) (''The phrase 'high Crimes and Misdemeanors' comes to us out of English law and practice, starting (as far as we know) in 1386.'').
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131. H.R. REPT. NO. 101–36, at 5 (1989).
132. 166 CONG. REC. S611 (daily ed. Jan. 27, 2020) (statement of Counsel Dershowitz explaining that ''[p]urely non-criminal conduct, including abuse of power and obstruction of Congress, are outside the range of impeachable offenses'').
133. *See e.g.*, S. MISC. DOC. NO. 40–42, at 8 (1868) (impeaching President Johnson for bringing ''the high office of the President of the United States into contempt, ridicule and disgrace''); H.R. REPT. NO. 93–1305, at 2 (1974) (recommending Articles of Impeachment against President Nixon because he ''prevented, obstructed, and impeded the administration of justice''); H.R. Res. 601, 105th Cong. art. IV (1998) (impeaching President Clinton for an ''abuse of high office'').
134. I MUELLER REPORT, *supra* note 15, at 5.
135. *See supra* text accompanying note 31–33.
136. Philip Rucker et al., *Trump's Ukraine Call Reveals a President Convinced of His Own Invincibility*, WASH. POST (Sept. 21, 2019), https://www.washingtonpost.com/politics/trumps-ukraine-call-reveals-a-president-convinced-of-his-own-invincibility/2019/09/21/1a56466c-dc6a-11e9-ac63-3016711543fe_story.html.
137. *See* II MUELLER REPORT, *supra* note 15, at 3–4 (summarizing the ten incidents).

Mr. CRAMER. Mr. President, I seek recognition today regarding the recent impeachment trial of President Donald Trump. This was a rare moment in our young Nation's history. We had little to guide us other than the Founding Fathers' collective wisdom and sparse precedent.

The process may seem daunting, and the debate over even the most basic mechanics of the trial could leave the future Members of this body susceptible to deception or misinformation. I therefore want to offer my thoughts for future Senators when this issue inevitably rises again.

The impeachment trial proceedings are unique. It is an inherently political process analogous to a legal trial. There is a prosecution, represented by the House managers, as well as a defense, representing the President. There is also a presiding judge, the Chief Justice of the Supreme Court.

As in a courtroom, the prosecution and defense take opposite sides of the judge as they make their arguments. The burden of proof is on the prosecutors, who must present their evidence, and it is the job of the defense to refute the arguments.

There is also a jury, the U.S. Senate. Like a courtroom jury, we sit in silence throughout the trial listening to the arguments of both sides and are asked to render a verdict at the conclusion. However, unlike a courtroom but as instructed by the Constitution, we are not jurors subject to peremptory challenge; we are elected officials instructed to offer impartial justice based on the evidence presented to us.

We are not expected to check our knowledge or our existing relationships at the door. If this were a true trial, all Senators would have to recuse themselves for the inherent bias connected to the election certificate they earned. As Alexander Hamilton wrote in Federalist Paper 65, ''In many cases, it [impeachment] will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence, and interest on one side or on the other.'' Rather, we are asked to follow our conscience, to hear the arguments of both sides with an open mind and deliver a verdict. We also differ from courtroom jurors in that we establish the rules for the proceedings. This is done through organizing resolutions we debate and pass.

Before considering the merits of this particular case, it is important to discuss the idea of impeachment itself in light of the present context. During President Trump's hearing, the President's legal team alluded to the idea that a President can do essentially whatever he or she wants, and it will not be considered an impeachable offense as long as that President's interests in doing so align with the interests of the United States.

''If a President does something which he believes will help him get elected in the public interest, that cannot be the kind of quid pro quo that results in impeachment,'' said Alan Dershowitz, a member of the President's legal team, during the trial.

I feel that particular statement is wrong. The Constitution grants no President absolute power. There is a threshold that can be reached. Thankfully, this was later clarified by Mr. Dershowitz in an opinion piece he wrote for The Hill entitled ''I never said the President could do anything to get re-elected.'' In it, he said:

> Any action by a politician motivated in part by a desire to be reelected was, by its nature, corrupt. Moving to my response, I listed three broad categories of relevant motives, which are pure national interest to help the military, pure corrupt motive to obtain a kickback, and mixed-motive to help the national interest in a way that can also help a reelection effort. I said the third motive was often the reality of politics, and helping your own reelection effort cannot by itself necessarily be deemed corrupt.

In the end, it is the duty of every Senator to determine whether the President acted in a purely self-interested manner without any regard for the national interest. Given the full context of his actions, it is clear President Trump did not act in a purely selfish, boundless manner.

While the question of whether a President can commit a crime and therefore be impeached is firmly settled, there arises another question this impeachment trial did not sufficiently answer but must be addressed in the future.

The Constitution says it is the job of the House of Representatives to impeach a President whose trial is held before the Senate. According to current Senate rules, our body must move forward with impeachment proceedings, but is that according to the Constitution?

Article I, section 3 of the Constitution states:

> The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

With this impeachment behind us, now is the time we as a body need to evaluate the constitutionality and wisdom of our rules requiring the Senate to move forward with any impeachment articles. We must reaffirm our right to dictate what is considered on the Senate floor and when it is considered, which is not without precedent.

Article II, section 2 of the Constitution says:

> He [the President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States.

In 2016, after the passing of Supreme Court Justice Antonin Scalia, President Barack Obama appointed a Supreme Court nominee to replace him. However, with the election of a new President just months away, the Senate declared it would not consider this particular nominee and would instead let the people decide whom they would like to nominate a Supreme Court Justice.

The Senate was well within its right to decide the timing and consideration, or lack thereof, of this constitutional obligation to consider judicial nominations, and the same should be true of impeachment trials.

This is a question in need of an answer for future impeachment proceedings because impeachment articles brought by the House completely derail Senate legislative activity. We are unable to consider legislation, nominations, or conduct any floor activity.

While I agree such an enormous responsibility should elicit our undivided attention, it seems illogical to automatically grant primacy to impeachment articles, especially those as flawed as the ones presented by House Democrats.

The House's impeachment process was entirely partisan. Since the moment he was sworn in, Democrats schemed to remove Donald Trump from office. By May of 2017, 26 Democratic Members of Congress had called for the impeachment of President Trump. Speaker PELOSI herself said impeachment was 2½ years in the making.

When House Democrats finally agreed on a reason to impeach the President, their vote to begin the process received no Republican votes, and multiple Democrats voted against it. It does not seem unreasonable to me that a vote to begin an impeachment inquiry which has only partisan support and bipartisan opposition—as this one did—is not what the Founders had in mind and is what they firmly rejected and cautioned us against.

''Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority,'' Founding Father James Madison wrote in Federalist Paper 10. ''However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true.''

When it came time for the House to vote on impeaching the President, the same ''overbearing majority'' outcome occurred. No minds were changed, but the country was further torn apart and the process strayed beyond the original intent of the Founding Fathers. The two Articles of Impeachment before this body were, in my view, without merit. They were an affront to this institution and to our Constitution, representing the very same partisan derangement that worried our Founding Fathers so much that they made the threshold for impeachment so high.

I think it would be universally agreeable that Impeachment Articles passed by a majority of one party and opposed by members of both parties at the very least fail the spirit of the Constitution. To this point, detractors could say the partisan nature of this impeachment proceeding is the fault of Republicans who blindly follow President Trump, rather than Democrats whose hatred for this President compels them to act more than the facts in front of them.

Such an argument quickly falls apart when you read the statements of Republicans who found the President's actions inappropriate but did not believe they rose to the level of impeachment. That argument further corrodes when you consider the content of the Impeachment Articles and the partisan and secretive process House Democrats followed in writing them.

Fundamentally, the Articles of Impeachment were incomplete. Democrats did not complete their own investigation before drafting and ultimately passing the articles, which is why Senate Democrats spent most of their time demanding witnesses and more documents. The House also did not provide

due process to the President, nor to the minority during the House investigation. In October of 2019, as the House began formally considering impeachment in earnest, Senator LINDSEY GRAHAM led several Senators in introducing S. Res. 378. It laid out specific issues we had with the House process in hopes it would remedy the situation before sending the articles to the Senate.

In it, we mentioned five rights President Trump was being denied, although the House had provided similar due process to Presidents Nixon and Clinton during their impeachments. The denied rights included allowing the President to be represented by counsel, permitting the President's counsel to be present at all hearings and depositions, permitting the President's counsel to present evidence and object to the admission of evidence, allowing the President's counsel to call and cross-examine witnesses; and giving the President's counsel access to and the ability to respond to the evidence offered by the Committee.

The impeachment process against President Trump had been nothing more than secretive hearings and selective leaks designed to sway public opinion and hurt the President politically. It was a hyper-partisan process completely void of due process, and that never changed until it reached the Senate. In our resolution, we also highlighted the fact that ''the main allegations against President Trump are based on assertions and testimony from witnesses whom he is unable to confront, as part of a process in which he is not able to offer witnesses in his defense or have a basic understanding of the allegations lodged against him.''

The issue of evidence, both its origin and the lack of compelling proof from the House managers, became the foundation of this impeachment. This investigation began because an anonymous national security official approached Democratic chairman ADAM SCHIFF with a secondhand claim that President Trump sought to withhold aid to a foreign country to force it to announce it would launch an investigation into one of the President's political rivals.

President Trump was quick to offer the transcript of the phone call where this allegedly occurred. He did, and it showed there was, in fact, no quid pro quo, and House Democrats in their investigation were never able to produce a firsthand witness to testify otherwise.

Future Senators should be sure to note the eagerness or reluctance of an accused President to share clarifying information. President Trump took unprecedented action to release the transcript of the conversation Democrats called into question—an action he was not legally required to take and most of his predecessors have never done. Contrast that with President Nixon, who fought until the end to hide his recorded conversations because he knew the contents were damning. Contrast President Trump's actions even further with the House Democrats who pursued a secretive, one-sided process to craft the narrative they wanted.

Despite several pieces of information demonstrating the President's innocence and none to the contrary, House Democrats continued this crusade. Their fixation on his removal was a conclusion in search of a justification.

They manufactured criminality from a simple phone conversation between world leaders, leaked by one of the many career bureaucrats who seem to have forgotten they work for the elected leaders in this country, not the other way around. Motives matter. In the future, Senators should be vigilant in figuring out an accuser's intention.

There is a common narrative that career bureaucrats are simply righteous, opinion-less civil servants. This impeachment and the actions leading up to it prove the exact opposite. By no means are all of them evil or ill-willed, but this proceeding showed they are far from unbiased, and they are capable of weaponizing the tools and access they are given.

Unsurprisingly, this led to two Impeachment Articles being sent to the Senate on a party-line vote that were without merit. They were an affront to this institution and to our Constitution, representing the very same partisan derangement that worried our Founding Fathers so much they made the threshold for impeachment this high.

The Founders created the Senate for moments just like this. When Impeachment Articles are sent to the Senate, it is not our job to fix the mistakes made by the House, and it is not our job to finish an investigation it admittedly did not complete. It is the Senate's solemn duty to set aside the heat of the moment, prevent short-term stress from leading to long-term decay, and deliver impartial justice.

As James Madison said at the Constitutional Convention, ''The Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch.'' That is why, even under the cloud of purely partisan politics of the House of Representatives, the Senate conducted a complete, comprehensive trial. The obvious result of which was the conclusion that the Democratic-led House of Representatives failed to meet the most basic standards of proof and dramatically lowered the bar for impeachment in the future to unacceptable levels.

With all of this established, we as a Congress and as a nation must unite around some commonsense changes, both to institutional rules and to our understanding of the impeachment process. Lowering the bar for impeachment undermines our shared democratic principles.

Impeachment must be a tool employed only when the evidence is overwhelming and well-founded. We must discourage future House actions like what we just witnessed from ever occurring again.

We must also find ways to take on a bureaucracy run rampant. President Trump was impeached because an unelected bureaucrat provided falsehoods to an overly receptive Democratic House chairman's office with a directive to remove President Trump. The opinion of Federal career staff is not sacrosanct. Without further action, these impeachment proceedings will be interpreted as empowering to them, rather than a reminder of who holds constitutional power.

Finally, as we seek to apply the lessons learned from this historic time, I was reminded of the words Chaplain Black offered to us during his daily opening prayer. ''We must pray for God's will to be done.'' There is a higher power than any of us, and our country would benefit from remembering that more often.

BAHRAIN

Mr. WYDEN. Mr. President, 9 years ago this month, citizens of Bahrain took up banners to demand a greater role in their society and political process.

Bahrain's ruling monarchy cracked down on the peaceful protestors; State police and security forces arrested hundreds and killed more than a dozen, according to press reports at the time. Bahrain's leaders promised accountability and reforms in response to international condemnation, but they would implement hardly any of them, and they rolled back some of the few they did implement.

Indeed, the situation in Bahrain has only grown worse. Americans for Democracy and Human Rights in Bahrain wrote last year that ''since 2017, the government has intensified the repression through the arrest, detention, and conviction of individuals who draw attention to the kingdom's human rights record or criticise the government.''

Last month, Human Rights Watch wrote, ''Bahrain's human rights record worsened in 2019, as the government carried out executions, convicted critics for peaceful expression, and threatened social media activists.''

It gives me no great pleasure to point out the monarchy's increasing repression. I have no personal animosity toward Bahrain, which remains an important U.S. ally.

But the U.S. Government has a duty—an obligation—to be honest with friends and allies and to hold them to a high standard. I regret to say that the Obama administration did not do nearly enough to hold Bahrain to that high standard, as I repeatedly came to this floor to discuss. The Trump administration has, for its part, been even more callously indifferent to the regime's abuses, despite Secretary of State Mike Pompeo speaking many times about the importance of human rights.

Just last year, Secretary Pompeo said America can effect change ''[b]y articulating abuses and pressuring noncompliant regimes.''

I agree.

So where is Secretary Pompeo when it comes to articulating Bahrain's abuses and pressuring Bahrain's rulers to do better? The Secretary, like his boss, is missing in action.

I urge my colleagues to take a hard look at Bahrain's human rights record, to talk with victims of the regime and hear their stories of persecution.

As I do every year, I renew my call on Bahrain's rulers to change course and open space for dialogue, for free thought, and for peaceful expression and protest.

CAREER AND TECHNICAL EDUCATION MONTH

Mr. KAINE. Mr. President, our Nation's continued progress and the socioeconomic mobility of our citizens are contingent on the education and skills of the American workforce and its ability to adjust to and fulfill the needs of the 21st-century economy. Career and technical education, CTE, programs are essential to every student's education, providing them access to the important knowledge, skills, and credentials needed to obtain careers in rapidly growing, high-demand industries. Today, approximately 11.8 million students across the Nation are enrolled in CTE programs offered by thousands of career academies, comprehensive high schools, CTE high schools, community colleges, and CTE centers. Through applied learning, these students obtain workplace skills and technical training that mirror in-demand positions in the workforce.

In the next decade, nearly 3 million skilled workers will be needed to fill infrastructure positions in the United States, including jobs related to designing, building, and operating transportation, housing, telecommunication, and utilities facilities. CTE programs intentionally match skills with workforce demands, lowering the probability of high school dropout and increasing the likelihood of graduating on time. These skills-based training programs will help fill the estimated 30 million U.S. jobs available with an average income annual income of $55,000 that do not require a bachelor's degree yet necessitate some level of postsecondary education.

Across Virginia, I hear from manufacturers frustrated by the shortage of qualified skilled production employees—roles that require the training and instruction provided by CTE. It is essential that we highlight the important role of CTE in the country's ability to meet the challenges we face in economic development, student achievement, and global competitiveness. In 2018, Congress affirmed the importance of CTE by passing the Strengthening Career and Technical Education for the 21st Century Act which supports CTE programs in secondary and postsecondary education.

Today, with my Senate CTE Caucus cochairs Senator PORTMAN, Senator BALDWIN, and Senator YOUNG and more than half of my colleagues in the Senate, I am pleased to introduce a bipartisan resolution to designate February as Career and Technical Education, CTE, Month. CTE Month encourages students, parents, counselors, educators, and school leaders to learn more about the diverse educational opportunities offered in their communities and recognize the valuable role of CTE in developing a well-educated and highly skilled workforce in the United States.

By formally recognizing CTE Month through this resolution, it is our aim to raise greater awareness of the importance of improving access to high-quality CTE for millions of America's students and our Nation's ongoing economic competitiveness.

RECOGNIZING THE WYOMING STOCK GROWERS ASSOCIATION

Mr. BARRASSO. Mr. President, Scott Sims and his family are ranchers at McFadden, in southeastern Wyoming. Scott also serves as president of the Wyoming Stock Growers Association.

The Sims family are practitioners of holistic management and low-cost production. They believe they have a responsibility ''to take care of the land, with its weather, beauty, isolation and recreation. We strive to live independently and to follow our passion: with power of choice, faith in States rights, and freedom from excessive regulation.''

The values the Sims family follows in their work and lives are simple: honesty, respect, integrity, trust, fairness, tolerance, work ethic, self-work, and appreciation of each other and individual faiths.

The Wyoming Stock Growers Association is making plans to celebrate their 150th anniversary in 2022. They are laying the groundwork for the association to begin its next 150 years of service to Wyoming's livestock businesses and families with a strong commitment to Wyoming's resources, the industry and their communities.

In the Winter 2020 edition of Cow Country, the official magazine of the Wyoming Stock Growers Association, Scott authored an article titled ''Defining the Path Forward.'' I believe his words apply just as much to life in America today as they do to the association's planning for the next 150 years. I wish the Stock Growers all the best as they complete their first 150 years in Wyoming, and begin their next century of work on behalf of Wyoming's livestock producers.

Mr. President, I ask unanimous consent that an article written by Scott Sims be printed in the RECORD.

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

[From Cow Country, Winter 2020]

DEFINING THE PATH FORWARD

I can only imagine what the founders of the Wyoming Stock Growers Association envisioned as to what the path forward would look like back in 1872. It probably had more to do with control of the range and dealing with cattle rustling. I am pretty sure their vision did not include the range of issues that the association deals with today, that came about as obstacles developed while riding up the path.

I do know that right now I want to look back down the path to the 2019 Winter Roundup Convention. Thank you to all that attended and made it such a success. There was a wide range from older, to young, to very young in attendance. There was broad representation from other industry groups, state and federal agencies, legislators, and etc. The point being is that the great diversity, the variety of issues that are dealt with, and the huge array of people that come to share their knowledge and expertise, make for a strong organization. For you members that can't come to the convention, feel assured that the Wyoming Stock Growers is only a phone call away from addressing your needs.

So what does the path forward look like? I think that it might look different moving forward. Many of us realize that the dynamics of the ranching industry look much different than in past generations. The future of the Wyoming Stock Growers is in the hands of the next generations. They will have the voice as to what is most important to their future in the business, and where the association might play a role.

I feel there is a great future in the ranching business. The way businesses are structured will have a different look as to the land we operate on. There will be land arrangements such as leasing and smarter estate planning to keep family ranches in the right hands. There will be marketing opportunities if you take the time to develop and promote a good product. There is no one solution that will make or break the cattle business, but ultimately it will come down to cattle cycles and how you manage through them. There is a role for government, but keep it limited. Regenerative agriculture is a growing way of management that can allow for substantially increasing production on the land. Two things that you have control over are managing costs, and managing the land. Being able to sell what you do to improve the health of the land will allow you many opportunities. Tell your story and tell it with confidence. You may find yourself at the table across from people that may not understand you. They definitely won't understand if you are not there.

I just gave my thoughts on what I think is along the path forward, but what does it look like for you? Whatever it is, let's ride the path together as an industry and as members of the Wyoming Stock Growers.

TRIBUTE TO LAURA DOVE

Mr. SHELBY. Mr. President, I rise today to recognize and honor Laura Dove as she retires from serving as Secretary for the Majority of the U.S. Senate.

Laura began her service many years ago as a Senate page. She returned as an assistant in the Senate Republican Cloakroom under Republican Leader Bob Dole. In her more than 20 years of dedicated service, she has worked in various capacities. This includes in the Republican Cloakroom, with the Senate Republican Conference, under Republican leadership, and in her current

role as Secretary for the Majority. This is quite an honor and an accomplishment, as Secretaries for the Majority and the Minority are elected officers nominated by the party's leader. During her time in the Senate, Laura provided much-needed parliamentary guidance and counsel to Senators. She was no stranger to this type of advice, as her father served as the Senate Parliamentarian for many years.

Laura has succeeded in every aspect of her service to the U.S. Senate, and I can personally say she will be greatly missed throughout the Upper Chamber. I wish her all the best as she transitions to the next exciting chapter in her life.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE PUGH

● Mr. CASSIDY. Mr. President, I rise today to congratulate Professor George Pugh for his distinguished legal career and outstanding tenure as an educator at the Paul M. Hebert Law Center at Louisiana State University LSU. His dedication to the law, along with his many accomplishments and military career, is exceptionally impressive and displays his commitment to his community and fellow American.

Pugh was born on Bayou Lafourche in 1925 and in 1942 began his studies at LSU. In the midst of World War II, he volunteered for military service and was deployed to France. After the war, he returned to LSU after three semesters, he enrolled in LSU Law School. He earned his juris doctor in 1950 and went on to Yale Law School to earn his doctorate of juridical science in 1952. Later that year, he joined the LSU Law School faculty as an assistant professor.

Pugh served 2 years on the Judicial Council as the State's first judicial administrator for the Louisiana Supreme Court. He is known as the ''intellectual father'' of the Louisiana Code of Evidence, as he and his fellow co-reporters confected the Code of Evidence for the Louisiana State Law Institute, using the Federal Rules of Evidence as its model. It would be enacted into state law in 1998 and serve as an invaluable resource for judges, district attorneys, and other legal professionals. In all, he has provided 43 years of instruction to almost three generations of students.

Pugh also served as a member of the Baton Rouge, LA, and American Bar Associations, chairing several committees. He was a member of the American Law Institute and received several invitations to teach at law schools in America and around the globe. At LSU, he received the ''Hub'' Cotton Faculty Excellence Award and an honorary doctorate of law from the University of Aix-Marseille III in France, was named a Sterling Fellow at Yale Law School, and was listed in ''Who's Who in America.'' Upon retiring in 1994, the Louisiana Law Review dedicated its January publication to Professor Pugh, as he had been its longtime editor and associate editor.

I cannot congratulate Professor George Pugh without mentioning his late wife of 60 years, Jean Hemphill. Together, they founded the George W. and Jean H. Pugh Institute for Justice in 1998, working to promote justice for individuals in the administration of criminal and civil justice systems in Louisiana and around the world.

Professor Pugh's compilation of the Louisiana Code of Evidence, distinguished teaching career, and contributions to the legal system of Louisiana show the extent to which he has used his God-given talents to make the world a better place. His incredible legal career and many awards speak volumes to who he is as a Louisianan and an American.

Professor Pugh, you have made our State and our Nation proud.●

TRIBUTE TO FRED AND TRESSIE FIKE

● Mr. DAINES. Mr. President, this week I have the honor of recognizing Fred and Tressie Fike of Mineral County for their commitment to helping others in the community.

Fred and Tressie lead the Superior Community Church Shoebox Ministry, which is part of the Samaritan's Purse's national initiative, Operation Christmas Child Shoebox Ministry.

Fred and Tressie partner with their church and folks in the community to provide shoeboxes filled with toys, hygiene items, clothes, sewing kits, and school supplies around the world to children impacted by devastating circumstances like war, natural disasters, poverty and disease.

When Superior Community Church first participated in this ministry 15 years ago, they were able to deliver 25 boxes. In 2019, thanks to the leadership of Fred and Tressie, they delivered 900.

It is my honor to recognize Fred and Tressie for their generous and selfless efforts within their church ministry helping children across the world. The world is a better place as a result of their dedication.●

REMEMBERING CHARLES PITMAN

● Mr. RUBIO. Mr. President, today pay tribute to the memory of retired U.S. Marine Corps Lt. Gen. Charles Pitman, a leader who served in our Nation's Armed Forces for nearly 40 years, earning the Silver Star, four Distinguished Flying Crosses, and a Purple Heart.

Chuck Pitman was born in Chicago in 1935 and enlisted in the U.S. Naval Reserve in 1952 and the U.S. Marine Corps in 1953. A pilot by the age of 14, Chuck logged more than 12,000 flight hours during his career, flying jets and attack and reconnaissance helicopters. He flew three combat tours in Vietnam, where his aircraft were shot down seven times by enemy fire.

On January 7, 1973, Chuck was commanding officer of the Marine Air Reserve Training Detachment in New Orleans when he saw a sniper firing at civilians from a hotel on the news. Without approval from his supervisors and at the risk of his career with the Marines, he and his crew flew a Marine helicopter loaded with police officers to the hotel and helped to end the carnage. Many of the police officers and survivors credited his actions with saving countless lives.

Chuck served as special assistant to the Chairman of the Joint Chiefs of Staff during the Iranian hostage crisis. By 1990, Chuck was a three-star general and retired from the Marine Corps. His commands included the Marine Aviation Training Support Group in Pensacola, a role as assistant wing commander for the 3rd Marine Aircraft Wing in California, and the command of the 1st Marine Aircraft Wing in Japan.

Chuck spent much of the rest of his life in Florida's Pensacola Beach. He volunteered his time with organizations including the Marine Corps League of Pensacola and participated in numerous veteran's events throughout the city, becoming a fixture in the community.

I express my sincere condolences to his wife, two sons, and two daughters on the loss of an American hero and patriot. May God bless his family during this time of sorrow.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:24 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 473. An act to authorize the Every Word We Utter Monument to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

H.R. 560. An act to amend section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes''.

H.R. 561. An act to amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and

controlled by veterans, and for other purposes.

H.R. 1492. An act to update the map of, and modify the maximum acreage available for inclusion in, the Yucca House National Monument.

H.R. 2227. An act to amend the Servicemembers Civil Relief Act to clarify the authority of servicemembers who incur a catastrophic injury or illness while in military service to terminate leases of premises and motor vehicles, and for other purposes.

H.R. 2427. An act to amend the Chesapeake Bay Initiative Act of 1998 to reauthorize the Chesapeake Bay Gateways and Watertrails Network.

H.R. 2490. An act to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes.

H.R. 3399. An act to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes.

H.R. 3749. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make grants to entities that provide legal services for homeless veterans and veterans at risk for homelessness, and for other purposes.

H.R. 4613. An act to direct the Secretary of Veterans Affairs to establish and maintain a website of the Department that allows the public to obtain electronic copies of certain legislatively requested reports of the Department of Veterans Affairs, and for other purposes.

H.R. 4852. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to make available to veterans certain additional information about post-secondary educational institutions, and for other purposes.

At 1:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 35. An act to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

MEASURES REFERRED

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

H.R. 473. An act to authorize the Every Word We Utter Monument to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 560. An act to amend section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes''; to the Committee on Energy and Natural Resources.

H.R. 561. An act to amend title 38, United States Code, to improve the oversight of contracts awarded by the Secretary of Veterans Affairs to small business concerns owned and controlled by veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2227. An act to amend the Servicemembers Civil Relief Act to clarify the authority of servicemembers who incur a catastrophic injury or illness while in military service to terminate leases of premises and motor vehicles, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2427. An act to amend the Chesapeake Bay Initiative Act of 1998 to reauthorize the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

H.R. 2490. An act to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3399. An act to amend the Nutria Eradication and Control Act of 2003 to include California in the program, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3749. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to make grants to entities that provide legal services for homeless veterans and veterans at risk for homelessness, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4613. An act to direct the Secretary of Veterans Affairs to establish and maintain a website of the Department that allows the public to obtain electronic copies of certain legislatively requested reports of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4852. An act to amend title 38, United States Code, to require the Secretary of Veterans Affairs to make available to veterans certain additional information about post-secondary educational institutions, and for other purposes; to the Committee on Veterans' Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3339. A bill to restore military priorities, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1492. An act to update the map of, and modify the maximum acreage available for inclusion in, the Yucca House National Monument.

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–4035. A communication from the Director of Congressional Relations and Government Affairs, Office of the Special Inspector General for Afghanistan Reconstruction, transmitting, pursuant to law, a report relative to the Office's January 2020 quarterly report to Congress (OSS–2020–0201); to the Committees on Appropriations; Armed Services; and Foreign Relations.

EC–4036. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nomenclature changes; Technical Amendment'' ((7 CFR Chapter I) (Docket No. AMS–LRRS–19–0099)) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4037. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's proposed fiscal year 2021 Budget and Performance Plan; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4038. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the ''National Defense Authorization Act for Fiscal Year 2021''; to the Committee on Armed Services.

EC–4039. A communication from the Acting Assistant Secretary of Defense (Special Operations/Low Intensity Conflict), transmitting, pursuant to law, a report entitled ''Report to Congress on Procedures for Status Review of Detainees outside the United States''; to the Committees on Armed Services; and the Judiciary.

EC–4040. A communication from the Acting Assistant Secretary of Defense (Nuclear, Chemical, and Biological Defense Programs) transmitting, pursuant to law, a notice of additional time required to complete a report relative to the Department of Energy's National Nuclear Security Administration (NNSA) budget meeting the nuclear stockpile and stockpile stewardship requirements; to the Committee on Armed Services.

EC–4041. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Venezuela that was declared in Executive Order 13692 of March 8, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–4042. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Entities to the Entity List, and Revision of Entry on the Entity List'' (RIN0694–AH96) received during adjournment of the Senate in the Office of the President of the Senate on February 20, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC–4043. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Libya declared in Executive Order 13566; to the Committee on Banking, Housing, and Urban Affairs.

EC–4044. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–4045. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC–4046. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Cyber Security - Communications between Control Centers Reliability Standard'' received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Energy and Natural Resources.

EC–4047. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–4048. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; California; Mojave Desert Air Quality Management District'' (FRL No. 10005–31–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4049. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; California; San Diego County Air Pollution Control District'' (FRL No. 10004–14–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4050. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Massachusetts; Infrastructure State Implementation Plan Requirements for the 2015 Ozone Standard'' (FRL No. 10005–36–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4051. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Washington; Updates to Source-Category Regulations'' (FRL No. 10005–19–Region 10) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4052. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Conditional Approval; Arizona; Maricopa County'' (FRL No. 10005–65–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4053. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; Ventura County; 8-Hour Ozone Nonattainment Area Requirements'' (FRL No. 10005–67–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4054. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; Determination of Attainment by the Attainment Date; Imperial County, California'' (FRL No. 10005–51–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Environment and Public Works.

EC–4055. 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 ''Revenue Ruling: 2019–13 and Revenue Ruling 2009–14'' (Rev. Rul. 2020–05) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Finance.

EC–4056. 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 ''Determination of the Maximum Value of a Vehicle for Use with the Fleet-Average and Vehicle Cents-Per-Mile Valuation Rules'' ((RIN1545–BP14) (TD 9893)) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Finance.

EC–4057. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Advance Designation of Representative Payees for Social Security Beneficiaries'' (RIN0960–AI33) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Finance.

EC–4058. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Passports; Clarification of Previous Rule Relating to Treatment of Serious Tax Debt'' ((RIN1400–AE90) (22 CFR Part 51)) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2020; to the Committee on Foreign Relations.

EC–4059. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for fiscal year 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–4060. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Annual Performance Report for fiscal year 2019 and Annual Performance Plan for fiscal year 2021; to the Committee on Health, Education, Labor, and Pensions.

EC–4061. A communication from the Acting Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report entitled ''Analysis of Entity's Systems, Controls, and Legal Compliance, fiscal year 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–4062. A communication from the President of the United States, transmitting, pursuant to law, the Economic Report of the President together with the 2020 Annual Report of the Council of Economic Advisers; to the Joint Economic Committee.

EC–4063. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to the views of the Department on H.R.J. Res. 79 and S.J. Res. 6, the ''Removing the Deadline for the Ratification of the Equal Rights Amendment''; to the Committee on the Judiciary.

EC–4064. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the corrected and updated report entitled ''2019 Report of Statistics Required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005''; to the Committee on the Judiciary.

EC–4065. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Federal Civil Penalties Inflation Adjustment Act Amendments'' (RIN2900–AQ85) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Veterans' Affairs.

EC–4066. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Risk Reduction Program'' (RIN2130–AC11) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4067. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Transportation, received in the Office of the President of the Senate on February 12, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4068. A communication from the Associate Administrator for OPA, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Safety Underground Natural Gas Storage Facilities'' (RIN2137–AF22) received in the Office of the President of the Senate on February 12, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4069. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Gasparilla Marine Parade; Hillsborough Bay; Tampa, FL'' ((RIN1625–AA08) (Docket No. USCG–2020–0020)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4070. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Recurring Marine Events, Sector Miami'' ((RIN1625–AA08) (Docket No. USCG–2018–0749)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4071. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Delaware River, Philadelphia, PA'' ((RIN1625–AA00) (Docket No. USCG–2019–0897)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4072. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Super Bowl 2020, Bayfront Park, Miami, FL'' ((RIN1625–AA87) (Docket No. USCG–2019–0830)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4073. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Delaware River, Hamilton Township, NJ'' ((RIN1625–AA00) (Docket No. USCG–2020–0072)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4074. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Coast Guard Sector Virginia; Technical

Amendment'' (Docket No. USCG–2019–0943) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4075. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Humboldt Bay Bar and Entrance Channel, Eureka, CA, Noyo River Entrance Channel, Ft. Bragg, CA, and Crescent City Harbor Entrance Channel, Crescent City, CA'' ((RIN1625–AA00) (Docket No. USCG–2019–0956)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4076. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Hurricanes, Tropical Storms and Other Disasters in South Florida'' ((RIN1625–AA00) (Docket No. USCG–2016–1067)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4077. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters, and Shipping; Technical, Organizational, and Conforming Amendments for U.S. Coast Guard Field District 1'' ((RIN1625–ZA83) (Docket No. USCG–2018–0532)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4078. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters, and Shipping; Technical, Organizational, and Conforming Amendments for U.S. Coast Guard Field Districts 5, 8, 9, 11, 13, 14, and 17'' ((RIN1625–ZA38) (Docket No . USCG–2018–0533)) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4079. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions for Tropical Tuna in the Eastern Pacific Ocean 2018–2020'' (RIN0648–BH13) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4080. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XG885) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4081. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2018 Management Area Annual Catch Limits'' (RIN0648–XF898) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4082. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2020 Bering Sea and Aleutian Islands Pollock, Atka Mackerel, and Pacific Cod Total Allowable Catch Amounts'' (RIN0648–XY059) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4083. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XY068) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4084. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY066) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4085. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY067) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4086. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Pot Catcher/Processors in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XY065) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4087. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Pelagic Fisheries; 2018 U.S. Territorial Longline Bigeye Tuna Catch Limits'' (RIN0648–XG025) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4088. A communication from the Assistant Deputy Director for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendment To Update Internet Web Addresses in Marine Mammal Protection Act and Dolphin Protection Consumer Information Act Regulations'' (RIN0648–BH09) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4089. A communication from the Acting Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Expanding the Scallop Dredge Exemption Areas Under the Northeast Multispecies Fishery Management Plan'' (RIN0648–BH68) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4090. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendments 50A–F'' (RIN0648–BI84) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4091. A communication from the Acting Director, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Fisheries; 2019 Commercial Pacific Bluefin Tuna Inseason Actions; Notice of Commercial Pacific Bluefin Tuna 2020 Catch Limit'' (RIN0648–XW017) received in the Office of the President of the Senate on February 13, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4092. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2019–2020 Biennial Specifications and Management Measures; Correction'' (RIN0648–BJ21) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4093. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2018 Allocation of Northeast Multispecies Annual Catch Entitlements and Approval of a Regulatory Exemption for Sectors'' (RIN0648–XF989) received during adjournment of the Senate in the Office of the President of the Senate on February 14, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4094. A communication from the Chief of Regulatory Development, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fees for the Unified Carrier Registration Plan and Agreement'' (RIN2126–AC25) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4095. A communication from the Associate Managing Director, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Report and Order'' ((FCC 20–7) (CG Docket Nos. 10–51, and 03–123)) received during adjournment of the Senate in the Office of the President of the Senate on February 19, 2020; to the Committee on Commerce, Science, and Transportation.

EC–4096. A communication from the Senior Director of Government Affairs and Corporate Communications, National Railroad Passenger Corporation, Amtrak, transmitting, pursuant to law, Amtrak's fiscal year 2021 General and Legislative Annual Report, fiscal year 2021 grant request, and Amtrak's fiscal year 2021–2025 Five-Year Service and Asset Line Plan; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–182. A resolution adopted by the House of Representatives of the State of Michigan urging the United States Congress to establish and fund programs that support positive health practices for minority mothers; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 123

Whereas, as the country with the highest maternal death rate in the developed world, the U.S. lags behind many other countries. The U.S. also struggles with persistent racial disparities. Black mothers in the U.S. die at three to four times the rate of white mothers according to the Centers for Disease Control and Prevention. From 2011 to 2013, pregnancy-related deaths among black women were dramatically higher than women of other races, with 43.5 deaths per 100,000 live births among black women compared to 12.7 and 14.4 deaths per 100,000 live births among white women and women of other races, respectively; and

Whereas, Michigan ranks 27th in the nation for its maternal mortality rate, and Michigan's pregnancy-related mortality rates are particularly concerning for black women. Between 1999 and 2010, black women in Michigan experienced a pregnancy-related mortality rate of 50.8 deaths per 100,000 live births compared to 16.6 deaths per 100,000 live births for white women according to the Michigan Maternal Mortality Surveillance Project; and

Whereas, the high death rate of minority mothers is one of the widest of all racial disparities in women's health. Black women are 22 percent more likely to die from heart disease than white women and 71 percent more likely to die from cervical cancer, but they are 243 percent more likely to die from pregnancy- or childbirth-related causes. Black women are two to three times more likely than white women to die from pregnancy-related conditions, such as preeclampsia, eclampsia, abruptio placentae, placenta previa, and postpartum hemorrhage. These alarming statistics for black maternal health cut across socio-economic status, maternal age, and education levels; and

Whereas, despite the nationwide need for improvements in maternal health, more than 100 diseases and conditions receive more funding from the National Institutes of Health than maternal health; and

Whereas, it is important to recognize the necessity of ending maternal mortality nationally and globally and intensifying initiatives to improve maternal health and rights. It is vital to bring attention to the state of minority and black maternal health, study and understand the root causes of poor maternal health outcomes, and support community-driven programs and care solutions. We acknowledge the crucial importance of improving prenatal care, overall maternal health care, breastfeeding rates, and nutrition. To properly address maternal health disparities, it is critical to amplify the voices of black mothers, women, families, and stakeholders, as well as people from all racial and ethnic minorities who are burdened by unjust health disparities; now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States to establish and fund programs that support positive health practices for minority mothers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Health and Human Services, and members of the Michigan congressional delegation.

POM–183. A joint resolution adopted by the Legislature of the State of Maine urging the United States Congress to provide access to banking and insurance services to legal cannabis and cannabis-related businesses; to the Committee on the Judiciary.

HOUSE PAPER 1440

Whereas, despite being illegal at the federal level, cannabis is now legal in 33 states, the District of Columbia, Guam and the Commonwealth of Puerto Rico, which account for 68% of the population of the United States; and

Whereas, due to the conflict between state and federal law, the vast majority of financial institutions and insurers are unwilling to provide services to legal cannabis businesses, and those that do could be subject to severe criminal and civil penalties; and

Whereas, in addition to legal cannabis businesses being denied access to banking services, businesses that serve the cannabis industry, either directly or indirectly, may be denied banking services simply because they are being paid with money derived from cannabis sales; and

Whereas, lacking banking services, many legal cannabis businesses operate solely in cash, and cash-based systems are inefficient, expensive and opaque and make illicit activity more difficult for law enforcement agencies and state regulators to track; and

Whereas, lacking access to insurance, many legal cannabis businesses are unable to obtain sufficient coverage for business risks, leaving consumers, employees, vendors and owners without adequate financial protection; and

Whereas, a bipartisan group of 38 attorneys general has identified cash associated with the cannabis industry as a public safety concern; and

Whereas, despite guidance from the United States Department of the Treasury, Financial Crimes Enforcement Network to clarify federal Bank Secrecy Act expectations, federal banking regulators lack the legal authority to provide banks a safe harbor from federal law; and

Whereas, the Congress of the United States has the sole authority to solve the banking and insurance issue by enacting legislation that provides protections for insurers, including surety bond writers, and financial institutions that offer services to legal cannabis businesses and service providers for such businesses; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States enact federal laws regarding the use and sale of cannabis that respect state law and promote public safety without compromising federal enforcement of money laundering laws against criminal enterprises; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

POM–184. A resolution adopted by the House of Representatives of the Commonwealth of Kentucky urging the United States Congress to require car manufacturers to improve safety devices on automobiles for the protection of children left in cars; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 11

Whereas, vehicular heatstroke is a term used by safety experts to describe the death of a person, especially a child, left unattended in a vehicle, where even on mild days temperatures can reach greater than 100 degrees; and

Whereas, in 2018, a record number of 53 children died, and in the first half of 2019 at least 29 children have died, due to vehicular heatstroke; and

Whereas, more than half of vehicular heatstroke cases from 1998 to 2018 were because an adult accidently left a child in the vehicle; and

Whereas, a child's vehicular heatstroke death is a matter of circumstance that could happen to any parent and has happened to people in all walks of life; and

Whereas, vehicular heatstroke is one of the leading causes of non-crash-related fatalities among children; and

Whereas, technology currently exists, such as seat belt clasp monitors, rear door opening sensors, and seat weight sensors, that could equip motor vehicles with a system to detect the presence of a child in the rear seat of a vehicle after the vehicle is turned off and the driver exits the vehicle; and

Whereas, if sensors detect a child is left, the system would issue an audible warning; and

Whereas, the installation of such technology would help prevent heatstroke-related deaths due to children being left alone in a vehicle; Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky House of Representatives respectfully urges the Congress of the United States to require automobile manufacturers to install safety features that will give an audible alert when a child is left in the backseat to prevent the deaths of children from being left alone in a hot car. Technology used could include, but not be limited to, seat belt monitors, rear door opening sensors, and seat weight sensors. These sensors should give an audible alert through the car's horn if the child is not removed within a minimum amount of time after the driver exits the vehicle.

Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution to the President and Vice President of the United States of America, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and each member of the Kentucky Congressional Delegation.

POM–185. A petition from a citizen of the State of Texas relative to drug pricing negotiation for Medicare and Medicaid recipients; to the Committee on Finance.

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. BENNET (for himself and Mr. KING):

S. 3340. A bill to amend the Help America Vote Act of 2002 to support State and local governments making a transition to ranked choice voting; to the Committee on Rules and Administration.

By Mr. VAN HOLLEN (for Mr. SANDERS (for himself and Mr. VAN HOLLEN)):

S. 3341. A bill to amend the Internal Revenue Code of 1986 to restrict the tax benefits of executive deferred compensation and increase disclosure, and for other purposes; to the Committee on Finance.

By Mr. COTTON (for himself, Mrs. LOEFFLER, and Mrs. BLACKBURN):

S. 3342. A bill to amend the Controlled Substances Act to prohibit the deceptive sale of fentanyl, and for other purposes; to the Committee on the Judiciary.

By Mr. HAWLEY:

S. 3343. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide enhanced security for the medical supply chain; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN:

S. 3344. A bill to direct the Secretary of Education to develop and disseminate an evidence-based curriculum for kindergarten through grade 12 on substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PETERS (for himself and Mrs. CAPITO):

S. 3345. A bill to amend the Homeland Security Act of 2002 to protect U.S. Customs and Border Protection officers, agents, other personnel, and canines against potential synthetic opioid exposure, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself and Mr. BOOZMAN):

S. 3346. A bill to amend the Homeland Security Act of 2002 to authorize the use of Homeland Security Grant Program funds for anti-blood loss purposes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 3347. A bill to promote youth athletic safety, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 3348. A bill to amend section 923 of title 18, United States Code, to require an electronic, searchable database of the importation, production, shipment, receipt, sale, or other disposition of firearms; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. RUBIO, and Ms. SMITH):

S. 3349. A bill to require the Under Secretary of Commerce for Oceans and Atmosphere to identify a consistent, Federal set of best available forward-looking meteorological information and to require the Director of the National Institute of Standards and Technology to convene an effort to make such set available, with advice and technical assistance, to standards-developing organizations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 3350. A bill to amend title XVIII of the Social Security Act to deem certain State Veterans homes meeting certain health and safety standards as meeting conditions and requirements for skilled nursing facilities under the Medicare and Medicaid programs; to the Committee on Finance.

By Mr. CORNYN (for himself and Ms. ROSEN):

S. 3351. A bill to direct the Director of the National Science Foundation to support multidisciplinary research on the science of suicide, and to advance the knowledge and understanding of issues that may be associated with several aspects of suicide including intrinsic and extrinsic factors related to areas such as wellbeing, resilience, and vulnerability; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN (for himself, Mrs. FEINSTEIN, Mr. KING, and Ms. MURKOWSKI):

S. 3352. A bill to require that Federal agencies only procure cut flowers and cut greens grown in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASSIDY (for himself, Mr. DURBIN, Ms. ERNST, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. YOUNG):

S. 3353. A bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients, and for other purposes; to the Committee on Finance.

By Mr. BROWN:

S. 3354. A bill to amend the Child Nutrition Act of 1966 to establish a community health partnership grant program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THUNE (for himself, Mr. TESTER, Mr. MORAN, Mr. PETERS, and Mr. WICKER):

S. 3355. A bill to address the workforce needs of the telecommunications industry; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING:

S. 3356. A bill to support the reuse and recycling of batteries and critical minerals, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S. 3357. A bill to amend the Child Nutrition Act of 1966 to enhance State efforts to cross-enroll participants to improve nutritional outcomes for pregnant women, postpartum women, and young children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for Ms. WARREN (for herself, Mr. BOOKER, Mr. MARKEY, and Ms. HARRIS)):

S. 3358. A bill to extend protections to part-time workers in the areas of family and medical leave and pension plans, and to ensure equitable treatment in the workplace; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself and Ms. SINEMA):

S. 3359. A bill to amend title 23, United States Code, to modify the distribution of funds under the tribal transportation program, and for other purposes; to the Committee on Indian Affairs.

By Mr. INHOFE (for himself and Ms. DUCKWORTH):

S. 3360. A bill to establish the National Center for the Advancement of Aviation; to the Committee on Finance.

By Mr. WARNER:

S. 3361. A bill to amend the Securities Exchange Act of 1934 to require issuers to disclose to the Securities and Exchange Commission information regarding human capital management policies, practices, and performance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VAN HOLLEN:

S. 3362. A bill to require the Federal Communications Commission to use a portion of the proceeds from the auction of the C-band to fund measures to provide students with access to the internet at home, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself and Mr. JONES):

S. 3363. A bill to establish the Alabama Black Belt National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOKER:

S. 3364. A bill to improve the health and academic achievement of students in highly polluted environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASSIDY (for himself and Mr. KENNEDY):

S. 3365. A bill to designate the facility of the United States Postal Service located at 100 Crosby Street in Mansfield, Louisiana, as the ''Dr. C.O. Simpkins, Sr., Post Office'' ; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KING (for himself and Mr. ALEXANDER):

S. 3366. A bill to amend the Federal Lands Recreation Enhancement Act to make the National Parks and Federal Recreational Lands Pass available at no cost to members of Gold Star Families; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 506. A resolution expressing the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with the Republic of Tunisia; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mrs. CAPITO, Mr. DURBIN, Mr. MARKEY, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, Mr. BROWN, Mr. MANCHIN, Mrs. GILLIBRAND, Mr. GRASSLEY, Ms. KLOBUCHAR, Ms. ERNST, Ms. WARREN, Mr. MORAN, Mr. KAINE, and Mr. COTTON):

S. Res. 507. A resolution supporting Minor League Baseball; to the Committee on Commerce, Science, and Transportation.

By Mr. WICKER (for himself, Mr. ALEXANDER, Ms. BALDWIN, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. GARDNER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAWLEY, Mr. HEINRICH, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. JONES, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mrs. LOEFFLER, Mr. MANCHIN, Mr. MENENDEZ, Mr. MORAN, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. RISCH, Mr. ROBERTS, Mr. ROMNEY, Ms. ROSEN, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SMITH, Mr. TESTER, Mr. TILLIS, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. YOUNG, Mr. ROUNDS, and Mr. BENNET):

S. Res. 508. A resolution commemorating the 150th anniversary of the historic seating of Hiram Rhodes Revels as the first African American United States Senator; considered and agreed to.

By Mr. TOOMEY (for himself, Ms. ROSEN, Mr. GARDNER, and Mr. COONS):

S. Res. 509. A resolution calling upon the United Nations Security Council to adopt a resolution on Iran that extends the dates by which Annex B restrictions under Resolution 2231 are currently set to expire; to the Committee on Foreign Relations.

By Mr. GARDNER (for himself, Mr. MARKEY, and Mr. RISCH):

S. Res. 510. A resolution commending the people of Taiwan on holding free and fair democratic presidential and legislative elections, and congratulating Madame Tsai Ing-wen on her re-election to the presidency of Taiwan; to the Committee on Foreign Relations.

By Mr. RUBIO (for himself, Mr. KAINE, Ms. COLLINS, Ms. CANTWELL, and Mrs. SHAHEEN):

S. Res. 511. A resolution supporting the role of the United States in helping save the lives of children and protecting the health of people in developing countries with vaccines and immunization through GAVI, the Vaccine Alliance; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself, Mr. REED, Mr. BRAUN, Mr. CARPER, Mr. WICKER, Ms. HASSAN, Mrs. CAPITO, Mr. WHITEHOUSE, Ms. WARREN, Ms. KLOBUCHAR, and Mr. DURBIN):

S. Res. 512. A resolution designating March 2, 2020, as ''Read Across America Day'' ; considered and agreed to.

By Ms. SINEMA (for herself, Mrs. FISCHER, Ms. HIRONO, Ms. BALDWIN, Mrs. BLACKBURN, Ms. CANTWELL, Ms. ERNST, Mrs. CAPITO, Mrs. HYDE-SMITH, Ms. KLOBUCHAR, Ms. MCSALLY, Ms. ROSEN, Mrs. SHAHEEN, and Ms. STABENOW):

S. Res. 513. A resolution designating February 2020 as ''American Heart Month'' and February 7, 2020, as ''National Wear Red Day'' ; considered and agreed to.

By Mr. GARDNER (for himself and Mr. BENNET):

S. Res. 514. A resolution expressing the sense of the Senate that Donald Stratton be remembered for a lifetime of heroism and service to the United States; considered and agreed to.

By Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Ms. CANTWELL, Mrs. CAPITO, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Ms. ERNST, Mrs. FEINSTEIN, Ms. HARRIS, Ms. HASSAN, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JONES, Mr. KING, Ms. KLOBUCHAR, Mrs. LOEFFLER, Mr. MANCHIN, Ms. MCSALLY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PERDUE, Mr. PETERS, Mr. REED, Mr. ROBERTS, Mr. ROMNEY, Ms. ROSEN, Mr. RUBIO, Mr. SANDERS, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. VAN HOLLEN, Mr. WARNER, Mr. WICKER, Mr. WYDEN, and Mrs. FISCHER):

S. Res. 515. A resolution supporting the goals and ideals of Career and Technical Education Month; considered and agreed to.

By Mr. BOOKER (for himself, Mr. SCOTT of South Carolina, Ms. HARRIS, Mr. GRASSLEY, Mr. MURPHY, Mr. BRAUN, Mr. WHITEHOUSE, Mr. BLUNT, Mrs. GILLIBRAND, Mr. SULLIVAN, Mr. UDALL, Mr. PORTMAN, Mr. BENNET, Mr. RUBIO, Mr. KAINE, Mrs. HYDE-SMITH, Mr. DURBIN, Mr. SCOTT of Florida, Ms. ROSEN, Mr. CASSIDY, Mr. MARKEY, Mr. INHOFE, Ms. HIRONO, Mr. WICKER, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. BLUMENTHAL, Mr. BURR, Mr. BROWN, Mr. CRAMER, Ms. DUCKWORTH, Mr. RISCH, Mr. COONS, Ms. ERNST, Ms. KLOBUCHAR, Mr. TILLIS, Mr. MENENDEZ, Mr. CORNYN, Mr. WYDEN, Mr. PAUL, Mr. VAN HOLLEN, Mr. CRAPO, Mr. REED, Mr. SHELBY, Ms. SMITH, Ms. COLLINS, Mr. PETERS, Mr. BOOZMAN, Mrs. FEINSTEIN, Mr. GARDNER, Mr. CARDIN, Ms. MCSALLY, Mrs. SHAHEEN, Mr. ROMNEY, Mr. WARNER, Mr. JONES, Ms. HASSAN, Ms. CANTWELL, Mr. KING, Mr. SANDERS, Ms. WARREN, Mr. CASEY, Mrs. MURRAY, Ms. BALDWIN, Mr. CARPER, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Ms. SINEMA, Mr. MANCHIN, Mr. MERKLEY, Mr. SCHATZ, Mr. HEINRICH, Mrs. LOEFFLER, Mr. TESTER, and Mr. HAWLEY):

S. Res. 516. A resolution celebrating Black History Month; considered and agreed to.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. Res. 517. A resolution honoring the life and legacy of Judge Nathaniel R. Jones; considered and agreed to.

By Mr. MORAN (for himself and Mr. TESTER):

S. Res. 518. A resolution honoring the 100th anniversary of Disabled American Veterans; considered and agreed to.

By Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. WARNER, and Mr. KAINE):

S. Res. 519. A resolution honoring the life and achievements of Katherine Coleman Goble Johnson; considered and agreed to.

By Mr. GRASSLEY (for himself, Mr. COONS, Ms. ERNST, Ms. KLOBUCHAR, Mr. CRAPO, Mr. DURBIN, Mr. BRAUN, Mr. KING, Ms. WARREN, and Mr. COTTON):

S. Res. 520. A resolution designating March 6, 2020, as ''National Speech and Debate Education Day'' ; considered and agreed to.

By Ms. COLLINS (for herself, Mr. TESTER, Mrs. CAPITO, Mr. REED, Mr. BRAUN, Mr. CARPER, Mr. BOOZMAN, Mr. KING, Mr. GRASSLEY, Mr. KAINE, Ms. ERNST, Ms. BALDWIN, Mr. BROWN, Ms. WARREN, Mr. DURBIN, Mr. BOOKER, Mr. VAN HOLLEN, Ms. ROSEN, Ms. HASSAN, Mr. CARDIN, Ms. SMITH, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. JONES, Mr. MURPHY, Mr. CASEY, Mr. PETERS, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. BENNET, Mrs. SHAHEEN, Mr. WHITEHOUSE, Ms. HIRONO, Ms. SINEMA, Mr. WYDEN, Mr. MANCHIN, Mr. COONS, Mr. MERKLEY, Mrs. MURRAY, Mr. MENENDEZ, Mr. SANDERS, Ms. DUCKWORTH, Mr. MARKEY, Mr. WARNER, Ms. HARRIS, and Mrs. FISCHER):

S. Res. 521. A resolution designating the week of February 24 through February 28, 2020, as ''Public Schools Week''; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 522. A resolution electing Robert M. Duncan, of the District of Columbia, as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. BARRASSO, Mr. SCHUMER, Mr. JOHNSON, Mr. DURBIN, Mr. TILLIS, Mr. MURPHY, Mr. TOOMEY, Ms. HASSAN, Mr. RUBIO, Mr. WHITEHOUSE, Mr. ENZI, Mr. BLUMENTHAL, Mr. BRAUN, Mr. WYDEN, Ms. MCSALLY, Mr. CARDIN, Mr. GARDNER, Mr. CASEY, Mr. BOOZMAN, Mr. VAN HOLLEN, Mr. PERDUE, Ms. STABENOW, Mr. CRUZ, Mrs. SHAHEEN, Mr. YOUNG, Mr. PETERS, Mr. SCOTT of Florida, Mr. REED, Mr. BENNET, Mr. BROWN, Mrs. GILLIBRAND, Mr. COONS, Mr. BOOKER, and Mr. CARPER):

S. Res. 523. A resolution recognizing the 199th anniversary of the independence of Greece and celebrating democracy in Greece and the United States; to the Committee on Foreign Relations.

By Mr. COONS (for himself, Mr. RUBIO, and Mr. CARPER):

S. Con. Res. 37. A concurrent resolution honoring the life and work of Louis Lorenzo Redding, whose lifelong dedication to civil rights and service stand as an example of leadership for all people; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 178

At the request of Mr. RUBIO, the names of the Senator from Tennessee (Mrs. BLACKBURN) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 178, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

S. 206

At the request of Mr. TESTER, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 206, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the ''Hello Girls''.

S. 500

At the request of Mr. PORTMAN, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 500, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 524

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 524, a bill to establish the Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes.

S. 698

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 698, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for residents of Puerto Rico with respect to the refundable portion of the child tax credit and to provide the same treatment to families in Puerto Rico with one child or two children that is currently provided to island families with three or more children.

S. 739

At the request of Mr. UDALL, the name of the Senator from Nevada (Ms.

ROSEN) was added as a cosponsor of S. 739, a bill to protect the voting rights of Native American and Alaska Native voters.

S. 815

At the request of Mr. BOOZMAN, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 815, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 892

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 892, a bill to award a Congressional Gold Medal, collectively, to the women in the United States who joined the workforce during World War II, providing the aircraft, vehicles, weaponry, ammunition, and other materials to win the war, that were referred to as ''Rosie the Riveter'', in recognition of their contributions to the United States and the inspiration they have provided to ensuing generations.

S. 1081

At the request of Mr. MANCHIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1081, a bill to amend title 54, United States Code, to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

S. 1105

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1105, a bill to require the Secretary of Veterans Affairs to establish and maintain a registry for certain individuals who may have been exposed to per- and polyfluoroalkyl substances due to the environmental release of aqueous film-forming foam on military installations.

S. 1564

At the request of Mr. TILLIS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1564, a bill to require the Securities and Exchange Commission and certain Federal agencies to carry out a study relating to accounting standards, and for other purposes.

S. 1902

At the request of Mr. CASEY, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Indiana (Mr. BRAUN) were added as cosponsors of S. 1902, a bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

S. 2085

At the request of Ms. ROSEN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2085, a bill to authorize the Secretary of Education to award grants to eligible entities to carry out educational programs about the Holocaust, and for other purposes.

S. 2154

At the request of Ms. ROSEN, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 2154, a bill to direct the Secretary of Defense to carry out a program to enhance the preparation of students in the Junior Reserve Officers' Training Corps for careers in computer science and cybersecurity, and for other purposes.

S. 2168

At the request of Mr. MURPHY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2168, a bill to establish a student loan forgiveness plan for certain borrowers who are employed at a qualified farm or ranch.

S. 2353

At the request of Mr. PETERS, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Massachusetts (Ms. WARREN), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2353, a bill to direct the Administrator of the Federal Emergency Management Agency to develop guidance for firefighters and other emergency response personnel on best practices to protect them from exposure to PFAS and to limit and prevent the release of PFAS into the environment, and for other purposes.

S. 2433

At the request of Mr. PETERS, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 2433, a bill to direct the Federal Communications Commission to take certain actions to increase diversity of ownership in the broadcasting industry, and for other purposes.

S. 2438

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Mr. PETERS), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. SMITH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2438, a bill to prevent, treat, and cure tuberculosis globally.

S. 2479

At the request of Mr. HOEVEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2479, a bill to provide clarification regarding the common or usual name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

S. 2492

At the request of Mr. GARDNER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2492, a bill to amend the Public Health Service Act to provide best practices on student suicide awareness and prevention training and condition State educational agencies, local educational agencies, and tribal educational agencies receiving funds under section 520A of such Act to establish and implement a school-based student suicide awareness and prevention training policy.

S. 2499

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2499, a bill to effectively staff the public elementary schools and secondary schools of the United States with school-based mental health services providers.

S. 2567

At the request of Mrs. SHAHEEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2567, a bill to provide rental assistance to low-income tenants of certain multifamily rural housing projects, and for other purposes.

S. 2590

At the request of Mr. BRAUN, the names of the Senator from Georgia (Mrs. LOEFFLER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 2590, a bill to protect the dignity of fetal remains, and for other purposes.

S. 2660

At the request of Ms. SMITH, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2660, a bill to establish a grant program for wind energy research, development, and demonstration, and for other purposes.

S. 2679

At the request of Ms. DUCKWORTH, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 2679, a bill to facilitate the automatic acquisition of citizenship for lawful permanent resident children of military and Federal Government personnel residing abroad, and for other purposes.

S. 2680

At the request of Mr. RUBIO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2680, a bill to impose sanctions with respect to foreign support for Palestinian terrorism, and for other purposes.

S. 2688

At the request of Mr. CASSIDY, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 2688, a bill to amend the Energy Policy Act of 2005 to establish an Office of Technology Transitions, and for other purposes.

S. 2702

At the request of Mr. RISCH, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 2702, a bill to require the Secretary of Energy to establish an integrated energy systems research, development, and demonstration program, and for other purposes.

S. 2715

At the request of Mr. BLUNT, the names of the Senator from Connecticut

(Mr. MURPHY) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 2715, a bill to develop and implement policies to advance early childhood development, to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 2950

At the request of Mr. SULLIVAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Texas (Mr. CORNYN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2950, a bill to amend title 38, United States Code, to concede exposure to airborne hazards and toxins from burn pits under certain circumstances, and for other purposes.

S. 2965

At the request of Mr. DAINES, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. 2965, a bill to amend title 5, United States Code, to repeal the requirement that the United States Postal Service prepay future retirement benefits, and for other purposes.

S. 2970

At the request of Ms. ERNST, the names of the Senator from Arkansas (Mr. COTTON) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 2970, a bill to improve the fielding of newest generations of personal protective equipment to the Armed Forces, and for other purposes.

S. 3015

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 3015, a bill to amend title 5, United States Code, to limit the number of local wage areas allowable within a General Schedule pay locality.

S. 3020

At the request of Ms. BALDWIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3020, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts with States or to award grants to States to promote health and wellness, prevent suicide, and improve outreach to veterans, and for other purposes.

S. 3167

At the request of Mr. BOOKER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3167, a bill to prohibit discrimination based on an individual's texture or style of hair.

S. 3171

At the request of Mr. WHITEHOUSE, the names of the Senator from Delaware (Mr. COONS) and the Senator from Louisiana (Mr. KENNEDY) were added as cosponsors of S. 3171, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

S. 3176

At the request of Mr. RUBIO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3176, a bill to amend the Foreign Assistance Act of 1961 and the United States-Israel Strategic Partnership Act of 2014 to make improvements to certain defense and security assistance provisions and to authorize the appropriations of funds to Israel, and for other purposes.

S. 3217

At the request of Ms. STABENOW, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 3217, a bill to standardize the designation of National Heritage Areas, and for other purposes.

S. 3259

At the request of Mr. LEE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 3259, a bill to restrict the availability of Federal funds to organizations associated with the abortion industry.

S. 3286

At the request of Mrs. BLACKBURN, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 3286, a bill to restrict certain Federal grants for States that grant driver licenses to illegal immigrants and fail to share information about criminal aliens with the Federal Government.

S. RES. 274

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 274, a resolution expressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and other rights for adhering to their beliefs and practices, and condemning the practice of non-consenting organ harvesting, and for other purposes.

S. RES. 315

At the request of Mr. JONES, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. Res. 315, a resolution memorializing the discovery of the Clotilda.

S. RES. 458

At the request of Mr. LANKFORD, the names of the Senator from Louisiana (Mr. KENNEDY) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. Res. 458, a resolution calling for the global repeal of blasphemy, heresy, and apostasy laws.

S. RES. 497

At the request of Mr. COTTON, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. Res. 497, a resolution commemorating the life of Dr. Li Wenliang and calling for transparency and cooperation from the Government of the People's Republic of China and the Communist Party of China.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. THUNE (for himself, Mr. TESTER, Mr. MORAN, Mr. PETERS, and Mr. WICKER):

S. 3355. A bill to address the workforce needs of the telecommunications industry; to the Committee on Health, Education, Labor, and Pensions.

Mr. THUNE. 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. 3355

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 ''Telecommunications Skilled Workforce Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) 5G.—The term ''5G'', with respect to wireless infrastructure and wireless technology, means fifth-generation wireless infrastructure and wireless technology.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Education and Labor of the House of Representatives.

(3) BROADBAND INFRASTRUCTURE.—The term ''broadband infrastructure'' means any buried, underground, or aerial facility, and any wireless or wireline connection, that enables users to send and receive voice, video, data, graphics, or any combination thereof.

(4) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) RURAL AREA.—The term ''rural area'' means any area other than—

(A) a city, town, or incorporated area that has a population of more than 20,000 inhabitants; or

(B) an urbanized area adjacent to a city or town that has a population of more than 50,000 inhabitants.

(7) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Labor.

(8) STATE WORKFORCE DEVELOPMENT BOARD.—The term ''State workforce development board'' means a State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111).

SEC. 3. INTERAGENCY WORKING GROUP EVALUATION.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Chairman of the Commission, shall convene an interagency working group to develop recommendations to address the workforce needs of the telecommunications industry.

(b) DUTIES.—In developing recommendations under subsection (a), the interagency working group shall—

(1) determine whether, and if so how, any Federal laws (including regulations), policies, or practices, or any budgetary constraints, inhibit institutions of higher education or for-profit businesses from establishing, adopting, or expanding programs intended to address the workforce needs of the telecommunications industry, including the workforce needed to build and maintain the 5G wireless infrastructure necessary to support 5G wireless technology;

(2) identify potential policies and programs that could encourage and improve coordination among Federal agencies, between Federal agencies and States, and among States, on telecommunications workforce needs;

(3) identify ways in which existing Federal programs, including programs that help facilitate the employment of veterans and military personnel transitioning into civilian life, could be leveraged to help address the workforce needs of the telecommunications industry;

(4) identify ways to encourage individuals and for-profit businesses to participate in qualified industry-led workforce development programs, including the Telecommunications Industry Registered Apprenticeship Program and other industry-recognized apprenticeship programs;

(5) identify ways to improve recruitment in qualified industry-led workforce development programs, including the Telecommunications Industry Registered Apprenticeship Program and other industry-recognized apprenticeship programs; and

(6) identify Federal incentives that could be provided to institutions of higher education, for-profit businesses, State workforce development boards, or other relevant stakeholders to establish or adopt programs, or expand current programs, to address the workforce needs of the telecommunications industry, including such needs in rural areas.

(c) MEMBERS.—The interagency working group convened under subsection (a) shall be composed of representatives of such Federal agencies and relevant non-Federal industry stakeholder organizations as the Secretary considers appropriate, including—

(1) a representative of the Department of Education, appointed by the Secretary of Education;

(2) a representative of the National Telecommunications and Information Administration, appointed by the Assistant Secretary of Commerce for Communications and Information;

(3) a representative of the Department of Commerce, appointed by the Secretary of Commerce;

(4) a representative of the Commission, appointed by the Chairman of the Commission;

(5) a representative of the Telecommunications Industry Registered Apprenticeship Program, appointed by the Secretary;

(6) a representative of a telecommunications industry association, appointed by the Chairman of the Commission;

(7) a representative of an Indian Tribe or Tribal organization, appointed by the Secretary;

(8) a representative of a rural telecommunications carrier, appointed by the Secretary; and

(9) a representative from a labor organization, appointed by the Secretary.

(d) REPORT TO CONGRESS.—Not later than 180 days after the date on which the interagency working group is convened under subsection (a), the interagency working group shall submit to the appropriate congressional committees a report containing recommendations to address the workforce needs of the telecommunications industry.

(e) POWERS.—

(1) HEARINGS.—The interagency working group convened under subsection (a) may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the interagency working group considers advisable to carry out the objectives of this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The interagency working group convened under subsection (a) may secure directly from any Federal agency such information as the interagency working group considers necessary to carry out the provisions of this section. Upon request of the interagency working group, the head of such agency shall furnish such information to the interagency working group.

(3) POSTAL SERVICES.—The interagency working group convened under subsection (a) may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(f) PERSONNEL.—

(1) TRAVEL.—The members of the interagency working group convened under subsection (a) shall not receive compensation for the performance of services for the interagency working group, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the interagency working group. Notwithstanding section 1342 of title 31, United States Code, the interagency working group may accept the voluntary and uncompensated services of members of the interagency working group.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the interagency working group convened under subsection (a) without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the interagency working group convened under subsection (a).

(h) SUNSET.—The interagency working group convened under subsection (a) shall terminate on the day after the date on which the interagency working group submits the report to Congress under subsection (d).

SEC. 4. TELECOMMUNICATIONS WORKFORCE GUIDANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Chairman of the Commission, shall establish and issue guidance on how States can address the workforce needs of the telecommunications industry, including guidance on how a State workforce development board can—

(1) utilize Federal resources available to States to meet the workforce needs of the telecommunications industry; and

(2) promote and improve recruitment in qualified industry-led workforce development programs, including the Telecommunications Industry Registered Apprenticeship Program and other industry-recognized apprenticeship programs.

SEC. 5. GAO ASSESSMENT OF WORKFORCE NEEDS OF THE TELECOMMUNICATIONS INDUSTRY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that estimates the number of skilled telecommunications workers that will be required to build and maintain—

(1) broadband infrastructure in rural areas; and

(2) the 5G wireless infrastructure needed to support 5G wireless technology.

By Mr. THUNE (for himself and Ms. SINEMA):

S. 3359. A bill to amend title 23, United States Code, to modify the distribution of funds under the tribal transportation program, and for other purposes; to the Committee on Indian Affairs.

Mr. THUNE. 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. 3359

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 ''Tribal Transportation Equity and Transparency Improvement Act of 2020''.

SEC. 2. TRIBAL TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 202 of title 23, United States Code, is amended—

(1) in subsection (a)(9)(A), by striking ''construction and improvement'' and inserting ''construction, improvement, and highway safety'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (D) and inserting the following:

''(D) ADDITIONAL FACILITIES.—

''(i) IN GENERAL.—Not later than 270 days after the date of enactment of the Tribal Transportation Equity and Transparency Improvement Act of 2020, and not less frequently than every 3 years thereafter, the Secretary of the Interior shall publish in the Federal Register a notice requesting proposals from Indian tribes to include additional transportation facilities that are eligible for funding under the tribal transportation program in the inventory described in subparagraph (A), if those proposed additional facilities are included in the inventory in a uniform and consistent manner nationally.

''(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph—

''(I) prohibits the Secretary of the Interior from including in the inventory under subparagraph (A) additional transportation facilities more frequently than required under clause (i), including, as necessary, in response to a proposal from an eligible Indian tribe submitted during a period not described in the notice under clause (i); or

''(II) requires Indian tribes to submit proposals to the Secretary of the Interior in response to the notice required under clause (i).''; and

(ii) by adding at the end the following:

''(F) PUBLIC AVAILABILITY.—The Secretary of the Interior shall ensure that all non-confidential information within the inventory described in subparagraph (A) is made available—

''(i) in a user-friendly manner on the public website of the Department of the Interior; and

''(ii) in a manner capable of being searched and downloaded by users of the public website of the Department of the Interior.''; and

(B) in paragraph (3)(B), in the matter preceding clause (i), by striking ''fiscal year 2012'' and inserting ''the most recent fiscal year for which data is available'';

(3) in subsection (c)—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking ''; and'' at the end and inserting a period;

(ii) by striking subparagraph (B); and

(iii) in the matter preceding subparagraph (A), by striking ''shall be—'' and all that follows through ''selected by'' in subparagraph (A), and inserting ''shall be selected by''; and

(B) by adding at the end the following:

''(4) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—Notwithstanding any other provision of this section, amounts made available to Indian tribes under subsection (b)(3) may be used for planning and design activities related to applications for grants under the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94).''; and

(4) in subsection (e)(2), by striking ''as appropriate,'' and inserting ''subject to subsection (a)(9),''.

(b) INSPECTOR GENERAL REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Transportation and the Inspector General of the Department of the Interior shall jointly begin an audit of the tribal transportation program under section 202 of title 23, United States Code (referred to in this section as the ''program'').

(2) REVIEW.—The audit under paragraph (1) shall include—

(A) a review of the data collection and management processes used by the Secretary of the Interior in maintaining the national inventory of tribal transportation facilities under section 202(b)(1) of title 23, United States Code; and

(B) a review of the administration of the program, including whether—

(i) funding under the program is distributed in a timely manner that is consistent with statutory and regulatory requirements; and

(ii) the current procedures and practices used by the Secretary of the Interior to allocate funding for tribal transportation facilities (as defined in section 101(a) of title 23, United States Code) under the program are transparent and consistently applied.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation and the Inspector General of the Department of the Interior shall jointly submit a report describing the results of the audit under paragraph (1) to—

(A) the Committee on Environment and Public Works of the Senate;

(B) the Committee on Indian Affairs of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Natural Resources of the House of Representatives.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States (referred to in this subsection as the ''Comptroller General'') shall initiate an audit of the program.

(2) REVIEW.—The audit under paragraph (1) shall include an examination of—

(A) the funding formula of the program under section 202(b)(3) of title 23, United States Code, including key decisions made over time that have affected the methods used to determine tribal shares of program funds;

(B) whether, for purposes of allocating funding under section 202 of title 23, United States Code, the allocation methodology under subpart D of part 1000 of title 24, Code of Federal Regulations (as in effect on the date of enactment of this Act), provides an accurate and reliable estimate of tribal population;

(C) potential alternatives to the methodology described in subparagraph (B) for purposes of allocating funding under section 202 of title 23, United States Code;

(D) how the Secretary of the Interior ensures that—

(i) the program is consistently administered; and

(ii) program decisions are transparently and consistently made; and

(E) the potential effects of having the program administered solely by the Secretary of the Interior or the Secretary of Transportation.

(3) REPORT.—Not later than 540 days after the date of enactment of this Act, the Comptroller General shall submit a report describing the results of the audit under paragraph (1) to—

(A) the Committee on Environment and Public Works of the Senate;

(B) the Committee on Indian Affairs of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Natural Resources of the House of Representatives.

(d) OBLIGATION LIMITATIONS.—Notwithstanding section 1102(a) of the FAST Act (23 U.S.C. 104 note; Public Law 114–94) or any other provision of law providing a limitation on obligations for Federal-aid highway and highway safety construction programs for a fiscal year, amounts made available to carry out the tribal transportation program under section 202 of title 23, United States Code, for a fiscal year shall not be subject to the obligation limitation for that fiscal year.

SEC. 3. TRANSPORTATION FACILITY ELIGIBILITY.

(a) DEFINITIONS.—In this section:

(1) INVENTORY.—The term ''inventory'' means the national inventory of tribal transportation facilities under section 202(b) of title 23, United States Code.

(2) PROPOSED ROAD.—The term ''proposed road'' means a proposed road or facility (as defined in section 170.5 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act)) that is a road, including a primary access route (as defined in that section).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) DEADLINE.—Not later than 180 days after the date of enactment of this Act, and not less frequently than every 3 years thereafter, the Secretary and the Secretary of Transportation shall require each Indian tribe that intends to include a proposed road in the inventory to complete and submit for approval the documentation and other information required under section 170.443(a) of title 25, Code of Federal Regulations (as in effect on November 6, 2019), for the proposed road.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after each deadline described in subsection (b), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the proposed roads approved to be included in the inventory.

(2) REQUIREMENTS.—Each report under paragraph (1) shall include, for each Indian reservation, Alaska Native village, or other recognized Indian community (including former Indian reservations in the State of Oklahoma)—

(A) the mileage of proposed roads included in the inventory before the deadline described in subsection (b);

(B) the mileage of proposed roads approved to be included in the inventory on the basis of the documentation and other information submitted under subsection (b); and

(C) an estimate, based on the documentation and other information submitted under subsection (b), of the construction and maintenance costs of the proposed roads described in subparagraph (B).

SEC. 4. TRIBAL HIGHWAY SAFETY PARTNERSHIPS.

Section 402 of title 23, United States Code, is amended—

(1) in subsection (b)(1)(C), by striking ''by'' and inserting ''by, or on behalf of,''; and

(2) in subsection (h)(2)—

(A) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(B) by adding at the end the following:

''(B) COOPERATION.—In accordance with section 202(a)(9)(A), an Indian tribe may use amounts described in subparagraph (A) in cooperation with States, counties, and other local subdivisions for highway safety purposes.''.

SEC. 5. NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.

Section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) is amended—

(1) in subsection (c)(3), by inserting ''for a project that is to be carried out by an eligible entity that is not an Indian tribe,'' before ''having an''; and

(2) in subsection (g)(1)—

(A) by striking ''shall be up to'' and inserting the following: ''shall be—

''(A) for a project carried out by an Indian tribe, up to 100 percent; and

''(B) for a project not described in subparagraph (A), up to''.

SEC. 6. TRIBAL TRANSPORTATION ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall establish within the Bureau of Indian Affairs a committee, to be known as the ''Tribal Transportation Advisory Committee'' (referred to in this section as the ''Committee''), which shall replace the Tribal Transportation Program Coordinating Committee established under sections 170.135 through 170.137 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of—

(A) the Secretary (or a designee);

(B) representatives of a diverse group of Indian tribes, including—

(i) not fewer than 1 tribal representative from each region of the Bureau of Indian Affairs; and

(ii) not more than 3 tribal representatives from any 1 region of the Bureau of Indian Affairs;

(C) State and local representatives;

(D) not fewer than 1 representative of the Bureau of Indian Affairs;

(E) not fewer than 1 representative of the Department of Transportation; and

(F) other members, as determined to be appropriate by the Secretary in consultation with the Committee.

(2) APPOINTMENT.—The Secretary shall appoint each member of the Committee.

(3) CHAIRPERSON.—The Secretary (or a designee) shall serve as chairperson of the Committee.

(c) TERMS.—Except for the Secretary, each member of the Committee shall serve for a term of 3 years.

(d) VACANCIES.—Any vacancy occurring in the membership of the Committee—

(1) shall be filled in the same manner as the original appointment was made; and

(2) shall not affect the power of the remaining members to carry out the duties of the Committee.

(e) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) regularly provide advice to the Secretary on and, subject to the discretion of the Committee, study issues relating to tribal transportation, including—

(i) the tribal transportation program under section 202 of title 23, United States Code, including—

(I) the funding formula used to determine tribal shares under the tribal transportation program; and

(II) the national tribal transportation facility inventory established under subsection (b)(1) of that section;

(ii) the road maintenance program managed by the Bureau of Indian Affairs;

(iii) grants awarded to Indian tribes for public transportation using amounts made available under section 5311(c)(1) of title 49, United States Code;

(iv) transportation safety within tribal reservations, including—

(I) traffic safety; and

(II) safety partnerships with Federal, State, and local authorities;

(v) the availability of transportation funding in the event of a natural disaster; and

(vi) any other policies or procedures related to tribal transportation, as determined by the Committee; and

(B) carry out the duties of the Tribal Transportation Program Coordinating Committee established under sections 170.135 through 170.137 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(2) BEST PRACTICES AND RECOMMENDATIONS.—The Committee may, on a periodic basis, develop and present to the Secretary best practices and recommendations regarding the issues described in clauses (i) through (vi) of paragraph (1)(A).

(3) SUBCOMMITTEES.—The Committee may establish any subcommittees necessary to carry out the duties of the Committee.

(f) REPORT TO CONGRESS.—Not later than 180 days after receiving any recommendations from the Committee under subsection (e)(2), the Secretary shall submit to the relevant committees of Congress a report describing those recommendations.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee and each subcommittee of the Committee.

(h) DETAIL OF FEDERAL EMPLOYEES.—

(1) IN GENERAL.—On request of the Committee, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of the Interior or, in consultation with the Secretary of Transportation, the Department of Transportation, to the Committee to assist the Committee in carrying out the duties of the Committee.

(2) CIVIL SERVICE STATUS.—Any detail of a Federal employee under paragraph (1) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee being detailed.

(i) PAYMENT AND EXPENSES.—

(1) COMPENSATION.—Members of the Committee shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Committee shall receive, for a meeting called by the Secretary, travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(j) TERMINATION.—The Committee, including subcommittees of the Committee, shall terminate on the date that is 10 years after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 506—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH THE REPUBLIC OF TUNISIA

Mr. MURPHY (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 506

Whereas Tunisia has been developing its democratic and market-economy institutions since its democratic revolution in 2011;

Whereas the people of the United States and Tunisia share core values, such as respect for human rights, democracy, and the rule of law;

Whereas the democratically elected Government of Tunisia has committed to combat corruption and increase transparency and accountability in government institutions, and should continue to work toward these important goals;

Whereas the Government of Tunisia has implemented a number of economic reforms intended to encourage entrepreneurship and small business development, particularly in its tax and regulatory regimes, and has passed new laws on investment, public-private partnerships, and bankruptcy;

Whereas the efforts of the Government of Tunisia to reduce its budget deficit by tightening government spending, reforming domestic subsidies for fuel and foodstuffs, and allowing its currency to devalue through more exchange rate flexibility have arguably caused economic hardships for many families;

Whereas strong economic growth and investment would help provide the necessary resources to reduce unemployment in Tunisia, as well as to further strengthen democratic institutions and solidify public support for democratic governance;

Whereas a vibrant, stable, and prosperous democracy in the Middle East and North Africa is in the interest of the United States;

Whereas the political evolution of Tunisia stands as an inspiration for citizens of other states aspiring to establish the institutions of democracy after a history of autocratic rule;

Whereas Tunisia continues to face serious threats to its security from violent extremist groups operating within the country as well as in neighboring countries;

Whereas, in July 2015, the United States designated Tunisia as a major non-NATO ally;

Whereas the Government of Tunisia has committed a significant portion of its budget to defense and interior ministries for counterterrorism in recent years, at the expense of economic and social development;

Whereas Tunisia faces economic challenges, including high inflation and high unemployment, especially among young Tunisians and college graduates;

Whereas the United States is committed to continuing a strong economic partnership with Tunisia as its government undertakes reforms to transform its economy to meet the aspirations of all of the citizens of Tunisia;

Whereas closer engagement with Tunisia through trade negotiations would encourage even greater reform in Tunisia and build its capacity to further modernize and develop its economy;

Whereas the United States is Tunisia's 7th largest trading partner;

Whereas bilateral trade between Tunisia and the United States has increased from $949,000,000 in 2011 to $1,200,000,000 in 2018, according to the United States Census Bureau;

Whereas the United States and Tunisia held the 8th round of Trade and Investment Framework Agreement (TIFA) talks in May 2019;

Whereas Tunisia is a member of the World Trade Organization;

Whereas Tunisia is currently eligible for preferential duty treatment under the United States Generalized System of Preferences program;

Whereas the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (TPA) (title I of Public Law 114–26) includes provisions to require that a trading partner adopt, implement, and enforce its own labor statutes, and that those statutes include internationally recognized core labor standards; and

Whereas, pursuant to the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (TPA), Congress has mandated that the President provide a 90-day notification of intent to begin trade negotiations and established principal negotiating objectives, which include that parties to a trade agreement combat corruption, trade in goods and services obtain competitive opportunities for export, and labor provisions are subject to the same dispute settlement procedures as all other obligations: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with Tunisia.

SENATE RESOLUTION 507—SUPPORTING MINOR LEAGUE BASEBALL

Mr. BLUMENTHAL (for himself, Mrs. CAPITO, Mr. DURBIN, Mr. MARKEY, Mr. LEAHY, Mr. SANDERS, Mr. MENENDEZ, Mr. BROWN, Mr. MANCHIN, Mrs. GILLIBRAND, Mr. GRASSLEY, Ms. KLOBUCHAR, Ms. ERNST, Ms. WARREN, Mr. MORAN, Mr. KAINE, and Mr. COTTON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 507

Whereas, each season for 15 consecutive years, more than 40,000,000 fans have attended a Minor League Baseball game;

Whereas Minor League Baseball provides wholesome, affordable entertainment in 160 communities throughout the United States;

Whereas, in 2018, Minor League Baseball clubs—

(1) donated more than $45,000,000 in cash and in-kind gifts to the communities in which those clubs were located; and

(2) completed more than 15,000 volunteer hours;

Whereas the economic stimulus and development provided by Minor League Baseball clubs extends beyond the cities and towns where Minor League Baseball games are played to a wide range of diverse geographic areas in which 80 percent of the people of the United States are located;

Whereas Minor League Baseball is committed to promoting diversity and inclusion through—

(1) the Copa de la Diversión initiative;

(2) the MiLB Pride initiative;

(3) the Fostering Inclusion through Education and Leadership Development Program (commonly known as the ''FIELD Program''); and

(4) the Women in Baseball Leadership initiative;

Whereas Minor League Baseball is the first touchpoint with the ''national pastime'' for millions of youth, and the only touchpoint for youth located in communities far from cities in which Major League Baseball clubs are located;

Whereas Congress has enacted numerous statutory exemptions and immunities to preserve and sustain—

(1) a system for Minor League Baseball; and

(2) the relationship between Minor League Baseball and Major League Baseball;

Whereas the proposed abandonment of 42 Minor League Baseball clubs by Major League Baseball would devastate communities, bond purchasers, and other stakeholders that rely on the economic stimulus that those Minor League Baseball clubs provide;

Whereas Minor League Baseball facilities not only house the affiliated team, but also serve as venues for community events and other sporting competitions;

Whereas Minor League Baseball clubs enrich the lives of millions of people in the United States each year through economic, social, cultural, and charitable contributions; and

Whereas the preservation of Minor League Baseball clubs in 160 communities across the United States is in the public interest, as those clubs will continue to provide affordable, family-friendly entertainment to those communities: Now, therefore, be it

Resolved, That the Senate—

(1) supports the preservation of Minor League Baseball clubs in 160 communities across the United States;

(2) recognizes the unique social, economic, and historical contributions that Minor League Baseball has made to the lives and culture of the people of the United States; and

(3) encourages the continuation in 160 communities across the United States of the 117-year foundation of Minor League Baseball through the continued affiliation of the Minor League Baseball clubs in those communities with Major League Baseball.

SENATE RESOLUTION 508—COMMEMORATING THE 150TH ANNIVERSARY OF THE HISTORIC SEATING OF HIRAM RHODES REVELS AS THE FIRST AFRICAN AMERICAN UNITED STATES SENATOR

Mr. WICKER (for himself, Mr. ALEXANDER, Ms. BALDWIN, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CASEY, Mr. CASSIDY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Ms. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. GARDNER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAWLEY, Mr. HEINRICH, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. JOHNSON, Mr. JONES, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mrs. LOEFFLER, Mr. MANCHIN, Mr. MENENDEZ, Mr. MORAN, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. RISCH, Mr. ROBERTS, Mr. ROMNEY, Ms. ROSEN, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCOTT of Florida, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SMITH, Mr. TESTER, Mr. TILLIS, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. YOUNG, Mr. ROUNDS, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 508

Whereas Hiram Rhodes Revels (referred to in this preamble as ''Hiram Revels'') was born a free African American on September 27, 1827, in Fayetteville, Cumberland County, North Carolina;

Whereas Hiram Revels understood the importance of education from an early age in North Carolina, where he received a secondary school education at a school run by a free black woman;

Whereas, after being denied the ability to advance his education in North Carolina, Hiram Revels attended postsecondary schools where he cultivated his faith, including Beech Grove Quaker Seminary in Union County, Indiana, Darke County Seminary in Ohio, and, later, Knox College in Galesburg, Illinois;

Whereas Hiram Revels served as an ordained minister to African Methodist Episcopal congregations across the United States, including congregations in Maryland and Missouri, which were both slave States at the time of his service;

Whereas Hiram Revels, a talented orator and preacher, practiced and promoted his faith, which informed and encouraged his efforts to advance education for free African Americans;

Whereas Hiram Revels—

(1) was dedicated to the fight for freedom;

(2) served in the military;

(3) aided in the recruitment of members for regiments of the United States Colored Troops, including 2 regiments established in Maryland and 1 regiment established in Missouri; and

(4) served as the chaplain for members of the United States Colored Troops in Vicksburg, Mississippi, in 1864;

Whereas Hiram Revels courageously stepped forward to engage in civic life in the aftermath of the Civil War by serving as—

(1) an alderman for Natchez, Mississippi, in 1868;

(2) a Mississippi State senator in 1870; and

(3) the Secretary of State ad interim of Mississippi in 1873;

Whereas the State legislature of Mississippi elected Hiram Revels to fill a vacancy in 1 of its 2 seats in the United States Senate with 1 year remaining on the term of the seat;

Whereas, despite challenges to his credentials, Hiram Revels was seated in the United States Senate on February 25, 1870, becoming the first African American to serve as a Member of Congress;

Whereas Hiram Revels represented Mississippi in the United States Senate for a period of 1 year from February 25, 1870, until March 3, 1871;

Whereas Hiram Revels was the first of only 10 African American Senators to serve among the nearly 2,000 men and women who have served as Senators in the history of the United States Senate as of the date of introduction of this resolution;

Whereas Hiram Revels was a Reconstruction era Republican Senator who helped to advance the United States, including in education, military service, civic engagement, and community service;

Whereas February 25, 2020, marks the 150th anniversary of the United States Senate—

(1) rejecting the challenges to the credentials of Hiram Revels; and

(2) voting 48 to 8 to seat Hiram Revels as the first African American to serve in Congress;

Whereas, following his engagement in civic life, Hiram Revels—

(1) served as the first president of Alcorn Agricultural and Mechanical College in Claiborne County, Mississippi, which was the first African American land grant college in the United States; and

(2) later taught theology and served as a member of the Board of Trustees at Rust College, formerly known as Shaw College, in Holly Springs, Mississippi;

Whereas Hiram Revels died on January 16, 1901, in Aberdeen, Mississippi and was laid to rest in Hill Crest Cemetery in Holly Springs, Mississippi; and

Whereas the life and service of Hiram Rhodes Revels remain a symbol of the ideals of the United States, including the principle that all men are created equal: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, accomplishments, and legacy of Hiram Rhodes Revels;

(2) recognizes the commitment of Hiram Rhodes Revels to fighting for equality and social justice;

(3) celebrates the legacy that Hiram Rhodes Revels left to guide and inspire future generations; and

(4) commemorates the 150th anniversary of the historic seating of Hiram Rhodes Revels as the first African American United States Senator.

SENATE RESOLUTION 509—CALLING UPON THE UNITED NATIONS SECURITY COUNCIL TO ADOPT A RESOLUTION ON IRAN THAT EXTENDS THE DATES BY WHICH ANNEX B RESTRICTIONS UNDER RESOLUTION 2231 ARE CURRENTLY SET TO EXPIRE

Mr. TOOMEY (for himself, Ms. ROSEN, Mr. GARDNER, and Mr. COONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 509

Whereas, on July 20, 2015, the United Nations Security Council adopted Resolution 2231;

Whereas Annex B of Resolution 2231 imposed a number of restrictions on Iran and on arms technology suppliers to Iran that will soon begin expiring;

Whereas the Government of Iran has never accepted the Annex B restrictions as legitimate and has not agreed to abide by them;

Whereas Annex B of Resolution 2231 imposed an arms embargo on Iran that requires Security Council approval for, among other things, the sale or transfer to Iran of battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles, and missile systems including man-portable air-defense systems;

Whereas the arms embargo has limited the flow of advanced conventional weapons to Iran;

Whereas some United Nations member states are already preparing to provide Iran with advanced weapons systems upon expiration of the arms embargo;

Whereas Russian state news services have reported that the Russian Federation and Iran are negotiating an arms sale that will provide Iran with artillery systems, helicopters, combat aircraft, and tanks;

Whereas the arms embargo in Annex B of Resolution 2231 will expire on October 18, 2020;

Whereas Annex B of Resolution 2231 prohibits Iran from exporting weapons and military equipment, including to foreign countries, its proxy militias throughout the region, and terrorist organizations such as Hezbollah and Katai'b Hezbollah;

Whereas Hassan Nasrallah, the Secretary-General of Hezbollah, which is estimated to possess at least 100,000 rockets and missiles, has stated that the terrorist group receives all of its weapons and missiles from Iran;

Whereas the arms export ban on Iran in Annex B of Resolution 2231 will expire on October 18, 2020;

Whereas Annex B of Resolution 2231 banned travel and froze financial assets for Iranian individuals and entities designated on a list established and maintained pursuant to United Nations Security Council Resolution 1737 (2006) for their involvement in certain illicit behavior;

Whereas these travel bans and asset freezes will expire in October 2020 and October 2023, respectively;

Whereas Annex B of Resolution 2231 banned United Nation member states from supplying Iran's nuclear-capable ballistic missile program; and

Whereas this restriction in Annex B of Resolution 2231 will expire in October 2023: Now, therefore, be it

Resolved, That the Senate—

(1) asserts that the expiration of the aforementioned restrictions on Iran and on arms technology suppliers to Iran in Annex B of United Nations Security Council Resolution 2231 (2015) will enhance the ability of Iran to continue its destabilizing actions in the Middle East that threaten the security of the United States and that of our allies;

(2) urges the international community to fully enforce the aforementioned restrictions on Iran and on arms technology suppliers to Iran in Annex B of United Nations Security Council Resolution 2231; and

(3) calls upon the United Nations Security Council to adopt a resolution on Iran that extends the dates by which the aforementioned restrictions on Iran and on arms technology suppliers to Iran in Annex B are currently set to expire.

SENATE RESOLUTION 510—COMMENDING THE PEOPLE OF TAIWAN ON HOLDING FREE AND FAIR DEMOCRATIC PRESIDENTIAL AND LEGISLATIVE ELECTIONS, AND CONGRATULATING MADAME TSAI ING-WEN ON HER RE-ELECTION TO THE PRESIDENCY OF TAIWAN

Mr. GARDNER (for himself, Mr. MARKEY, and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 510

Whereas the people of the United States and Taiwan enjoy extensive, close, and friendly commercial, cultural, and other relations founded in shared strategic interests and cemented by a commitment to democratic values;

Whereas Taiwan is a free, democratic, and prosperous nation of more than 23,000,000 people and an important contributor to peace and stability around the world, and its transformation into a robust democracy and a strong free market economy with a vibrant civil society offers a model for others in the Indo-Pacific;

Whereas the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.), signed into law on April 10, 1979, codified the basis for continued commercial, cultural, security, and other relations between the people of the United States and the people of Taiwan, serves as the foundation to preserve and promote continued bilateral bonds, and states that it is the policy of the United States—

(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;

(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;

(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;

(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;

(5) to provide Taiwan with arms of a defensive character; and

(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan;

Whereas the United States and Taiwan have built a strong economic partnership in which—

(1) the United States is Taiwan's second largest trading partner; and

(2) Taiwan is the 10th largest trading partner of the United States and a key destination for United States agricultural exports;

Whereas the people of the United States and the people of Taiwan share deep cultural and personal ties, as exemplified by the large flow of visitors and exchanges each year and the over 23,000 Taiwanese students who study in the United States;

Whereas the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States signed a memorandum of understanding in June 2015 establishing the Global Cooperation and Training Framework, under which Taiwan, the United States, and Japan jointly sponsor training programs to share Taiwan's expertise with partners around the world, including in the areas of public health, law enforcement, disaster relief, energy cooperation, women's empowerment, digital economy and cybersecurity, media literacy, and good governance;

Whereas, in 2019, the United States and Taiwan also launched Indo-Pacific Democratic Governance Consultations, to help Indo-Pacific countries address governance challenges, and a new Pacific Islands Dialogue, to help meet the development needs of Taiwan's diplomatic partners in the Pacific;

Whereas Taiwan has the expertise, willingness, and capability to engage further in international efforts to mitigate global challenges related to such issues as public health, aviation safety, crime, and terrorism, but its participation in such efforts has been constrained by conditions imposed by the People's Republic of China;

Whereas successive Congresses have directed the executive branch to develop strategies to obtain meaningful participation for Taiwan in international organizations, such as the World Health Organization, the International Civil Aviation Organization, and the International Criminal Police Organization (commonly known as ''INTERPOL'');

Whereas the Asia Reassurance Initiative Act of 2018 (Public Law 115–409) states that—

(1) it is United States policy ''to support the close economic, political, and security relationship between Taiwan and the United States''; and

(2) the President should—

(A) ''conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People's Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces''; and

(B) ''encourage the travel of high-level United States officials to Taiwan, in accordance with the Taiwan Travel Act'';

Whereas, in presidential elections held on January 11, 2020, the incumbent President of Taiwan, Tsai Ing-wen, won a second four-year term with the most votes for a presidential candidate since Taiwan began direct elections, winning 57.1 percent of the presidential vote; and

Whereas President Tsai stated in her acceptance speech: ''This election has shown that the Taiwanese people hope the international community will witness our commitment to democratic values and will respect our national identity. We also hope that Taiwan will be given a fair opportunity to participate in international affairs.'': Now, therefore, be it

Resolved, That the Senate—

(1) commends the people of Taiwan on holding free and fair democratic elections on January 11, 2020;

(2) congratulates Madame Tsai Ing-wen on her re-election to the presidency of Taiwan, wishes her well on her inauguration on May 20, 2020, and pledges to deepen the relationship between the peoples of the United States and Taiwan in her second term;

(3) encourages the President to send a high-level official delegation for President Tsai's second inauguration, consistent with United States law;

(4) calls upon the United States Government to advocate for Taiwan's active participation in international organizations, including the World Health Organization, the International Civil Aviation Organization, and the International Criminal Police Organization; and

(5) encourages United States financial support to enhance Taiwan's international participation through the Global Cooperation and Training Framework in recognition of our shared commitment to an open, free, and prosperous Indo-Pacific region and beyond.

SENATE RESOLUTION 511—SUPPORTING THE ROLE OF THE UNITED STATES IN HELPING SAVE THE LIVES OF CHILDREN AND PROTECTING THE HEALTH OF PEOPLE IN DEVELOPING COUNTRIES WITH VACCINES AND IMMUNIZATION THROUGH GAVI, THE VACCINE ALLIANCE

Mr. RUBIO (for himself, Mr. KAINE, Ms. COLLINS, Ms. CANTWELL, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 511

Whereas access to vaccines and routine immunizations can protect children from deadly but preventable diseases, reduce poverty, and contribute to economic growth by enabling people to live longer, healthier, and more productive lives;

Whereas investments in the development and deployment of vaccines and immunizations can also help enhance global health security by reducing the incidence of deadly

and debilitating diseases and containing the spread of infectious diseases before they become pandemic health threats;

Whereas, prior to 2000, resources for and access to vaccines for children in the developing world were declining, immunization rates were stagnant or decreasing, and nearly 10,000,000 children were dying each year before reaching their fifth birthday;

Whereas, prior to 2000, it was common for new life-saving vaccines to take up to 15 years to be introduced in the world's least developed countries;

Whereas, in 2000, the United States Government joined forces with the Bill & Melinda Gates Foundation, the United Nations Children's Fund (UNICEF), the World Health Organization, the World Bank, other donor governments, and representatives of developing countries, faith-based organizations, civil society, and the private sector, including the vaccine industry, to create the Global Alliance for Vaccines and Immunization (now known as GAVI or GAVI, the Vaccine Alliance), a public-private partnership to expand access to new and underused vaccines, reduce the incidence of deadly and debilitating diseases, prevent epidemics, and save lives;

Whereas GAVI, the Vaccine Alliance has since supported country-led vaccine initiatives in 73 countries, enabled immunizations for more than 760,000,000 of the world's most vulnerable children, helped avert an estimated 13,000,000 deaths, and contributed to a 70 percent reduction in the number of deaths due to vaccine-preventable diseases;

Whereas country ownership and sustainability are at the core of the GAVI model, which requires each eligible country to commit their own domestic resources to vaccination and immunization programs;

Whereas 15 countries have transitioned from GAVI support and are now self-financing their own vaccination and immunization programs, three more are expected to transition by the end of 2020, and an additional 10 countries are expected to transition by 2025 (in total, 40 percent of the original set of GAVI-eligible countries);

Whereas GAVI has transformed the market for vaccines by pooling demand from developing countries, securing predictable financing, expanding the global supplier base, enhancing the competitiveness and security of supply chains, and creating efficiencies that are expected to generate an estimated $900,000,000 in savings between 2021–2025;

Whereas, in addition to its current portfolio of vaccines, GAVI is working to support the roll-out and scale-up of newly approved vaccines for diphtheria, tetanus and pertussis (DTP) boosters, hepatitis B birth dose, multivalent meningococcal, respiratory syncytia (RSV), routine oral cholera, and rabies;

Whereas GAVI also collaborates with the Global Polio Eradication Initiative to bring polio vaccines into routine immunization programs, strengthen health systems, and implement additional polio protections;

Whereas GAVI has made significant progress in supporting the development and stockpiling of an effective vaccine to combat Ebola;

Whereas GAVI is participating in efforts to test and implement an effective vaccine to prevent malaria, a disease that kills more than 270,000 children a year;

Whereas, in June 2020, the United Kingdom will host GAVI's third replenishment conference, with an ambitious goal to raise $7,400,000,000 in new donor commitments;

Whereas, with these additional resources, GAVI plans to support the immunization of 300,000,000 children against potentially fatal diseases and save an additional 7,000,000 to 8,000,000 lives between 2021 and 2025; and

Whereas the United States has been a leading supporter of GAVI since its inception, and its continued commitment will be essential to the achievement of the alliance's goals for 2021–2025: Now, therefore, be it

Resolved, That the Senate—

(1) commends the work of GAVI and its partners for their efforts to expand access vaccines and immunizations for the most vulnerable men, women, and children in developing countries;

(2) affirms the continued support of the United States Government for GAVI as an efficient and effective mechanism to advance global health security and save lives by—

(A) reducing the incidence of deadly and debilitating diseases;

(B) leveraging donor, partner country, and private sector investments in health systems capable of sustainably delivering vaccines and immunizations; and

(C) reducing the cost of vaccines while promoting supply chain security and sustainability;

(3) affirms the support of the United States Government for the goal of securing a minimum of $7,400,000,000 in donor commitments for GAVI's third replenishment, to be held in June 2020 in the United Kingdom;

(4) urges donor countries and private sector partners to step up the fight and increase their pledges for the third replenishment;

(5) urges GAVI partner countries to continue to make and meet ambitious co-financing commitments to sustain progress in ending vaccine-preventable deaths; and

(6) encourages the United States Agency for International Development (USAID) and the Centers for Disease Control and Prevention, in cooperation with GAVI, to continue their work to strengthen public health capacity to introduce and sustain the use of new and underused vaccines in routine immunization programs.

SENATE RESOLUTION 512—DESIGNATING MARCH 2, 2020, AS ''READ ACROSS AMERICA DAY''

Ms. COLLINS (for herself, Mr. REED, Mr. BRAUN, Mr. CARPER, Mr. WICKER, Ms. HASSAN, Mrs. CAPITO, Mr. WHITEHOUSE, Ms. WARREN, Ms. KLOBUCHAR, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 512

Whereas reading is—

(1) a basic requirement for quality education and professional success; and

(2) a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention and providing additional resources for reading assistance, including through—

(1) the programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); and

(2) annual appropriations for library and literacy programs; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to designate March 2, the anniversary of the birth of Theodor Geisel (commonly known as ''Dr. Seuss''), as a day to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2020, as ''Read Across America Day'';

(2) honors—

(A) all authors for their success in encouraging children to discover the joy of reading; and

(B) the 23rd anniversary of Read Across America Day; and

(3) encourages—

(A) parents, educators, and communities—

(i) to read with children for at least 30 minutes on Read Across America Day; and

(ii) in honor of the commitment of the Senate to building a country of readers, to promote a love of reading and opportunities for all children to see themselves reflected in literature; and

(B) the people of the United States to observe Read Across America Day with appropriate ceremonies and activities.

SENATE RESOLUTION 513—DESIGNATING FEBRUARY 2020 AS ''AMERICAN HEART MONTH'' AND FEBRUARY 7, 2020, AS ''NATIONAL WEAR RED DAY''

Ms. SINEMA (for herself, Mrs. FISCHER, Ms. HIRONO, Ms. BALDWIN, Mrs. BLACKBURN, Ms. CANTWELL, Ms. ERNST, Mrs. CAPITO, Mrs. HYDE-SMITH, Ms. KLOBUCHAR, Ms. MCSALLY, Ms. ROSEN, Mrs. SHAHEEN, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 513

Whereas cardiovascular disease affects men, women, and children of every age and race in the United States;

Whereas, between 2003 and 2013, the death rate from cardiovascular disease fell nearly 30 percent, but cardiovascular disease continues to be the leading cause of death in the United States, taking the lives of approximately 800,000 individuals in the United States each year and accounting for 1 in 3 deaths across the country;

Whereas congenital heart defects are the—

(1) most common birth defect in the United States; and

(2) leading killer of infants with birth defects;

Whereas, each year, an estimated 800,000 individuals in the United States have a heart attack, of whom an estimated 115,000 die;

Whereas, in 2015, cardiovascular disease accounted for approximately $555,000,000,000 in health care expenditures and lost productivity;

Whereas it is estimated that cardiovascular disease will account for approximately $1,093,900,000,000 in health care expenditures and lost productivity annually by 2035;

Whereas individuals in the United States have made great progress in reducing the death rate for cardiovascular disease, but this progress has been more modest with respect to the death rate for cardiovascular disease in women and minorities;

Whereas many people do not recognize that cardiovascular disease is the leading killer of women in the United States, taking the lives of over 400,000 women in 2017;

Whereas over ½ of all African-American adults have some form of cardiovascular disease, including 57.1 percent of African-American women and 60.1 percent of African-American men;

Whereas Alaska Natives and American Indians are more likely to die from cardiovascular disease than individuals from other ethnic groups;

Whereas Native Hawaiians have higher mortality rates and die at a younger average age from cardiovascular disease than other ethnic groups in Hawaii;

Whereas many minority women, including African-American, Hispanic, Asian-American, and Native American women and women from indigenous populations, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but are less likely to know of the risk;

Whereas women constitute about 20 percent of enrolled patients in cardiovascular disease clinical trials;

Whereas, due to the differences in cardiovascular disease between men and women, more research and data on the effects of cardiovascular disease treatments for women is vital;

Whereas veterans have higher rates of cardiovascular disease than nonveterans;

Whereas female veterans are less likely than male veterans to be included in studies on the effects of cardiovascular disease on veterans;

Whereas female veterans are less likely than male veterans to receive adequate treatment for cardiovascular disease;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of cardiovascular disease, including—

(1) high blood pressure;
(2) high blood cholesterol;
(3) using tobacco products;
(4) exposure to tobacco smoke;
(5) physical inactivity;
(6) obesity; and
(7) diabetes mellitus;

Whereas an individual can greatly reduce the risk of cardiovascular disease through lifestyle modification coupled with medical treatment when necessary;

Whereas greater awareness and early detection of risk factors for cardiovascular disease can improve and save the lives of many individuals in the United States each year;

Whereas, under section 101(1) of title 36, United States Code, the President is requested to issue an annual proclamation designating February as American Heart Month;

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate National Wear Red Day during February by ''going red'' to increase awareness about cardiovascular disease as the leading killer of women; and

Whereas, every year since 1964, the President has issued a proclamation designating the month of February as American Heart Month: Now, therefore, be it

Resolved, That the Senate—

(1) designates—

(A) February 2020 as ''American Heart Month''; and

(B) February 7, 2020, as ''National Wear Red Day'';

(2) supports the goals and ideals of American Heart Month and National Wear Red Day;

(3) recognizes and reaffirms the commitment of the United States to—

(A) promoting awareness about the causes, risks, and prevention of cardiovascular disease;

(B) supporting research on cardiovascular disease; and

(C) expanding access to medical treatment for cardiovascular disease;

(4) commends the efforts of States, territories, and possessions of the United States, localities, nonprofit organizations, businesses, and other entities, and the people of the United States who support American Heart Month and National Wear Red Day; and

(5) encourages every individual in the United States to learn about his or her risk for cardiovascular disease.

SENATE RESOLUTION 514—EXPRESSING THE SENSE OF THE SENATE THAT DONALD STRATTON BE REMEMBERED FOR A LIFETIME OF HEROISM AND SERVICE TO THE UNITED STATES

Mr. GARDNER (for himself and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 514

Whereas, on February 15, 2020, Donald Stratton, a veteran of World War II and one of the last remaining survivors of the attack on Pearl Harbor, passed away peacefully surrounded by his loving family in Colorado Springs, Colorado;

Whereas, on December 7, 1941, the attack on Pearl Harbor lasted for approximately 5 hours, during which 2,403 members of the United States Armed Forces were killed or mortally wounded, 1,247 members of the United States Armed Forces were wounded, and 57 civilians lost their lives;

Whereas, during the attack on Pearl Harbor, Seaman First Class Donald Stratton was one of 6 sailors trapped in the control tower main mast after a massive explosion on the U.S.S. Arizona;

Whereas Boatswain's Mate Second Class Joseph Leon George saved the lives of Seaman First Class Donald Stratton, Seaman First Class Harold Kuhn, Seaman First Class Russell Lott, Gunner's Mate Third Class Earl Riner, Boatswain's Mate Second Class Alvin Dvorak, and Fire Controlman Third Class Lauren Bruner;

Whereas, despite suffering severe burns on more than 70 percent of his body and being medically discharged, Donald Stratton later reenlisted in the United States Navy to continue serving during World War II;

Whereas, after serving in the United States Armed Forces, Donald Stratton committed his life to pursuing the posthumous recognition of Joseph George with the award of a Bronze Star; and

Whereas Donald Stratton exemplified the heroism and selfless service of the members of the United States Armed Forces: Now, therefore, be it

Resolved, That the Senate—

(1) honors Donald Stratton for his lifelong commitment to service to the United States and the example he set for future generations; and

(2) remembers the men and women of the Greatest Generation of the United States, including the few remaining survivors of that generation.

Mr. GARDNER. Mr. President, I come to the floor with somber news for Colorado and our country. It is about a gentleman I have talked about many times on this floor and across Colorado—Donald Stratton, a veteran of World War II, who was on the USS *Arizona* on December 7, 1941. Our country has suffered a great loss this past week with Mr. Stratton's passing.

A gallant man, Donald Stratton served his country, his family, and our great State with honor, pride, and courage. He was the type of person who only comes around once in a generation and was someone whom I was lucky to have gotten to know and certainly proud to have worked with. It is with great emotion that I come to the floor to share his story once again. I am sure it will not be the last time, but it is certainly the most personal time that I have ever shared this story.

Donald Stratton was born in a tiny town in Nebraska—Red Cloud—in 1922. Its population today is of 900 or so people. I didn't have a chance to look up how big it was when he was born in 1922. I imagine it may have been a little bit bigger. It has certainly faced the fate that many rural communities in America have. It has seen times of growth and times of loss. Certainly, the people of Red Cloud know they have lost a great hero as well.

Donald Stratton wrote in his memoirs on December 6, 1941, as a young Nebraskan sailor, that he felt like the luckiest boy from Red Cloud because he was in an incredibly beautiful part of the world. In fact, he wrote in his memoir that he was in the Navy, seeing the world, and was stationed in one of the most beautiful parts of the world. He was 19, and his entire life stretched before him. That next morning, December 7, 1941, would change forever Donald Stratton and his country.

In his book, he talked about that day, December 7, 1941. A little after 5 a.m., he had awoken, on his cot, about an hour and a half before sunrise.

He writes:

> I stretched, rubbed the sleep from my eyes, and folded up my cot. I stored it in the incinerator room, then went below to shower. After, I dressed for the day in the typical casual clothes that sailors wore on Sundays—a clean pair of pressed, white shorts and a white T-shirt, along with my sailor's hat.

A few minutes later, a 5:30 reveille sounded over the intercom, and the ship stirred to life, he talked about. Below decks, men tumbled out of their hammocks and headed to the showers. A few hours later, at 7:55 that morning, after a Sunday morning breakfast, he heard airplanes and bombs in the distance as the attacks on Pearl Harbor began. By 8:06—11 minutes later—two-thirds of his body would be engulfed in flames.

He was at his station, directing anti-aircraft guns, and trying his best to fight off the surprise attack by the Japanese. At that moment, a 1,700-pound armor-piercing bomb was dropped from 10,000 feet above the USS *Arizona*. That bomb came crashing down through four steel decks, where it reached the ammunition magazine, causing a series of explosions and shooting a fireball 500 to 600 feet in the air, engulfing Donald Stratton and his shipmates in even more flames.

That Sunday morning of December 7, aboard the USS *Arizona*, were 1,512 officers, sailors, and marines. The attack that day—that 1,700-pound bomb and so many others—killed 1,177. Only 335 brave people survived that morning. Donald Stratton was one of those 335 sailors. His story of survival happened because of a sailor who was stationed next to the USS *Arizona* on a ship called the *Vestal*. He was a sailor by the name of Joe George.

On that morning, as they were trying to fight back, they had been trapped in their tower. Donald Stratton and five of his other shipmates were burning—trapped on that tower—as the ship was going down. Joe George, a sailor aboard the *Vestal*, saw them and saw what was happening. He tried many times to throw a rope over to the USS *Arizona* to provide help. Finally, he succeeded. Out of the smoke and out of the flames, a lifeline from Joe George to that tower was seen, and they were able to affix it to the tower. Miraculously, Donald Stratton and these other sailors were able to shimmy across the rope, over the burning water, to safety on the *Vestal*. Despite their terrible wounds, they made it to the *Vestal*.

This story led to an incredible fight again by Donald Stratton. After he spent a year recovering from the burns that were over almost all of his body, he told his parents that he couldn't just abandon the fight, that he couldn't abandon his country, that he had to go back to duty. With that, he went back into service for his country. But the fight Donald Stratton gave for this country and for his fellow sailors didn't stop there. After he served in the Navy, after he left it, he knew he had to spend the rest of his life fighting for the man who saved his life and his fellow shipmates.

It wasn't like people left the ship at the end of the day on December 7 to go back to the office and fill out reports and say: Well, it was a busy day at the office. These things happen.

America was at war. Thousands of lives had been lost. In the fire, in the smoke, and in the fight, what Joe George had done for Donald Stratton and those other brave sailors was lost for that time. Donald Stratton went back into service. He went back into the fight. He spent the rest of his life trying to find the man who saved his life. He spent a decade-plus looking for Joe George, finding out who he was. After he found out who he was, he spent 16 years fighting the Navy so that Joe George would be recognized for his heroic actions.

Donald Stratton went to the Arizona Legislature, and he went to the Colorado Legislature. They passed resolutions asking that Joe George be recognized for his acts of bravery and his courage.

He then came to this Congress. Lauren Bruner, Donald Stratton, and the other members who survived the USS *Arizona*—the remaining few of the USS *Arizona*—came to the Senate and said: As fewer and fewer of us are able to celebrate and to commemorate December 7 each and every year, would you please celebrate one more life—Joe George's? On December 7, 2017, the Navy recognized Joe George with the Bronze Star and the ''V'' for valor device.

I have a picture of Donald Stratton as he said goodbye one more time to his fellow shipmates on December 7, 2017. He thanked Joe George for saving his life and probably never fully understood why his mission didn't end that day while so many others' missions did, but thank God he was able to continue the fight for this country.

While Donald Stratton was on the brink of death, he knew he had to get back into the fight, and he did. He went back into the Pacific theater.

He wrote in his book:

> Though I may have left Pearl Harbor on a stretcher, I had returned on a destroyer. I had recovered my strength, as had my country. I was ready to meet what was coming, and I had a boatload of reinforcements with me.

Donald Stratton came back, fighting for our country and fighting for the man who saved his life.

He wrote in his memoir that, in life, the only question that matters is ''Have I lived a good life?'' He wrote that he wonders if he will be remembered when he is gone. He wonders who will remember him and why.

Please know that we will remember you eternally and your family for what you have done for this country.

I introduce a resolution to recognize and remember Donald Stratton's life because there are only a few remaining brave men and women who survived that day, who survived that war, who fought for us so many years ago. I hope all of my colleagues will support it so that this American hero and his incredible life can be remembered by our Nation forever.

The first time I met Donald Stratton, he told me his story. He told me what he had done. He told me how he and his wife had met and how he had gone back into the fight after receiving such severe burns that his wife used to take a bristle brush to them to help his skin feel better.

I asked how he did it and said: Mr. Stratton, I am pretty sure I never could have done what you did.

In his kind of ''ah, shucks'' demeanor from Red Cloud, NE, he said: ''Well, Cory, everyone has to be somewhere.''

It was not the response I thought I was going to get, but everybody does have to be somewhere. Thank God Donald Stratton was on that boat on December 7, 1941. Thank God Joe George was on that boat on December 7, 1941. Thank God that rope was thrown over to the tower to save his life. Thank God Donald Stratton returned to the fight to stand up for this country, to continue his fight for Joe George, and to have an incredible family who continues to share in his legacy today.

Thank God for all of them. Thank God for all of the men and women who were there that day and what they have been able to do to fight for this country, to stand for this country, to pay back the blessings of this country as we must fight each and every day to pay back the blessings they so generously bestowed upon this Nation when they stood up, because they were there.

We know that Donald Stratton has joined his fellow shipmates. That reveille at the Pearly Gates must be quite spectacular. He passed away at his home in Colorado Springs on February 15, at the age of 97, next to his beloved wife. He joins Lauren Bruner, another survivor of that morning on the USS *Arizona*, who came to my office to fight with him for Joe George—Bruner, a shipmate who passed away on September 10 of last year and who was interred in the USS *Arizona* this past December 7 on the 78th anniversary of the Pearl Harbor attack. I pray that they all rest in peace as they join their family in arms.

This Saturday, the community of Colorado Springs and our State will hold a memorial service for Donald Stratton when he will be lain in his final resting place next to his daughters in Nebraska. As we say goodbye to this hero, let us all do it with thanks to Donald Stratton and to the two remaining survivors of the USS *Arizona* today, Lou Conter and Ken Potts.

To every brave man and woman who serves our country, we are eternally grateful.

I am going to miss him.

SENATE RESOLUTION 515—SUPPORTING THE GOALS AND IDEALS OF CAREER AND TECHNICAL EDUCATION MONTH

Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mr. YOUNG, Mr. BARRASSO, Mr. BENNET, Mrs. BLACKBURN, Mr. BLUMENTHAL, Mr. BOOZMAN, Mr. BRAUN, Mr. BROWN, Ms. CANTWELL, Mrs. CAPITO, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Mr. DAINES, Ms. DUCKWORTH, Mr. DURBIN, Mr. ENZI, Ms. ERNST, Mrs. FEINSTEIN, Ms. HARRIS, Ms. HASSAN, Ms. HIRONO, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. JONES, Mr. KING, Ms. KLOBUCHAR, Mrs. LOEFFLER, Mr. MANCHIN, Ms. MCSALLY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PERDUE, Mr. PETERS, Mr. REED, Mr. ROBERTS, Mr. ROMNEY, Ms. ROSEN, Mr. RUBIO, Mr. SANDERS, Mr. SCOTT of South Carolina, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. THUNE, Mr. TILLIS, Mr. VAN HOLLEN, Mr. WARNER, Mr. WICKER, Mr. WYDEN, and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 515

Whereas a competitive global economy requires workers who are prepared for skilled professions;

Whereas, in the next several years, an estimated 3,000,000 new workers will be needed in infrastructure positions in the United States, including in positions for designing, building, and operating transportation, housing, utilities, and telecommunications facilities;

Whereas career and technical education (referred to in this preamble as ''CTE'') ensures that competitive and skilled workers are ready, willing, and capable of holding jobs in high-wage, high-skill, and in-demand career fields such as science, technology, engineering, mathematics, nursing, allied health, construction, information technology, energy sustainability, and many

other career fields that are vital in keeping the United States competitive in the global economy;

Whereas CTE helps the United States meet the very real and immediate challenges of economic development, student achievement, and global competitiveness;

Whereas the United States has 30,000,000 jobs with an average income of $55,000 per year that do not require a bachelor's degree yet increasingly require some level of postsecondary education;

Whereas over 11,800,000 students are enrolled in CTE across the country at secondary and postsecondary institutions, with CTE programs in thousands of CTE centers, comprehensive high schools, career academies, and CTE high schools, and nearly 1,000 2-year colleges;

Whereas CTE matches employability skills with workforce demand and provides relevant academic and technical coursework leading to industry-recognized credentials for secondary, postsecondary, and adult learners;

Whereas CTE affords students the opportunity to gain the knowledge, skills, and credentials needed to secure careers in growing, high-demand fields;

Whereas secondary CTE is associated with a lower probability of dropping out of high school and a higher likelihood of graduating on-time;

Whereas CTE students were significantly more likely than non-CTE students to report having developed problem-solving, project completion, research, math, college application, work-related, communication, time management, and critical thinking skills during high school;

Whereas, according to an American Federation of Teachers poll, 94 percent of parents approve of expanding access to CTE and other programs that prepare students for jobs;

Whereas students at schools with highly integrated rigorous academic and CTE programs are significantly more likely to meet college and career readiness benchmarks than students at schools with less integrated programs;

Whereas, in 2018, Congress affirmed the importance of CTE by passing the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115–224), which supports program improvement in secondary and postsecondary CTE programs in all 50 States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and outlying areas;

Whereas 2020 marks the 100th anniversary of State CTE leadership by Advance CTE (formerly known as the ''National Association of State Directors of Career Technical Education Consortium'' or ''NASDCTEc''); and

Whereas February 23, 2020, marks the 103d anniversary of the signing of the Act of February 23, 1917 (commonly known as the ''Smith-Hughes Vocational Education Act of 1917'') (39 Stat. 929, chapter 114), which was the first major Federal investment in secondary CTE and laid the foundation for the bipartisan, bicameral support for CTE that continues as of February 2020: Now, therefore, be it

Resolved, That the Senate—

(1) designates February 2020 as ''Career and Technical Education Month'' to celebrate career and technical education across the United States;

(2) supports the goals and ideals of Career and Technical Education Month;

(3) recognizes the importance of career and technical education in preparing a well-educated and skilled workforce in the United States; and

(4) encourages educators, guidance and career development professionals, administrators, and parents to promote career and technical education as a respected option for students.

SENATE RESOLUTION 516—CELEBRATING BLACK HISTORY MONTH

Mr. BOOKER (for himself, Mr. SCOTT of South Carolina, Ms. HARRIS, Mr. GRASSLEY, Mr. MURPHY, Mr. BRAUN, Mr. WHITEHOUSE, Mr. BLUNT, Mrs. GILLIBRAND, Mr. SULLIVAN, Mr. UDALL, Mr. PORTMAN, Mr. BENNET, Mr. RUBIO, Mr. KAINE, Mrs. HYDE-SMITH, Mr. DURBIN, Mr. SCOTT of Florida, Ms. ROSEN, Mr. CASSIDY, Mr. MARKEY, Mr. INHOFE, Ms. HIRONO, Mr. WICKER, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. BLUMENTHAL, Mr. BURR, Mr. BROWN, Mr. CRAMER, Ms. DUCKWORTH, Mr. RISCH, Mr. COONS, Ms. ERNST, Ms. KLOBUCHAR, Mr. TILLIS, Mr. MENENDEZ, Mr. CORNYN, Mr. WYDEN, Mr. PAUL, Mr. VAN HOLLEN, Mr. CRAPO, Mr. REED, Mr. SHELBY, Ms. SMITH, Ms. COLLINS, Mr. PETERS, Mr. BOOZMAN, Mrs. FEINSTEIN, Mr. GARDNER, Mr. CARDIN, Ms. MCSALLY, Mrs. SHAHEEN, Mr. ROMNEY, Mr. WARNER, Mr. JONES, Ms. HASSAN, Ms. CANTWELL, Mr. KING, Mr. SANDERS, Ms. WARREN, Mr. CASEY, Mrs. MURRAY, Ms. BALDWIN, Mr. CARPER, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Ms. SINEMA, Mr. MANCHIN, Mr. MERKLEY, Mr. SCHATZ, Mr. HEINRICH, Mrs. LOEFFLER, Mr. TESTER, and Mr. HAWLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 516

Whereas, in 1776, people envisioned the United States as a new nation dedicated to the proposition stated in the Declaration of Independence that ''all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness'';

Whereas Africans were first brought involuntarily to the shores of the United States as early as the 17th century;

Whereas African Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of the basic and fundamental rights of citizenship;

Whereas, in 2020, the vestiges of those injustices and inequalities remain evident in the society of the United States;

Whereas, in the face of injustices, people of good will and of all races in the United States have distinguished themselves with a commitment to the noble ideals on which the United States was founded and have fought courageously for the rights and freedom of African Americans and others;

Whereas African Americans, such as Lieutenant Colonel Allen Allensworth, Maya Angelou, Arthur Ashe, Jr., James Baldwin, James Beckwourth, Clara Brown, Blanche Bruce, Ralph Bunche, Shirley Chisholm, Holt Collier, Miles Davis, Louis Armstrong, Larry Doby, Frederick Douglass, W. E. B. Du Bois, Ralph Ellison, Medgar Evers, Aretha Franklin, Alex Haley, Dorothy Height, Jon Hendricks, Olivia Hooker, Lena Horne, Charles Hamilton Houston, Mahalia Jackson, Stephanie Tubbs Jones, B.B. King, Martin Luther King, Jr., Coretta Scott King, Thurgood Marshall, Constance Baker Motley, Rosa Parks, Walter Payton, Bill Pickett, Homer Plessy, Bass Reeves, Hiram Revels, Amelia Platts Boynton Robinson, Jackie Robinson, Aaron Shirley, Sojourner Truth, Harriet Tubman, Booker T. Washington, the Greensboro Four, the Tuskegee Airmen, Prince Rogers Nelson, Recy Taylor, Fred Shuttlesworth, Duke Ellington, Langston Hughes, Muhammad Ali, Elijah Cummings, Ella Fitzgerald, Mamie Till, Edith Savage-Jennings, Toni Morrison, Gwen Ifill, and Diahann Carroll, along with many others, worked against racism to achieve success and to make significant contributions to the economic, educational, political, artistic, athletic, literary, scientific, and technological advancement of the United States;

Whereas the contributions of African Americans from all walks of life throughout the history of the United States reflect the greatness of the United States;

Whereas many African Americans lived, toiled, and died in obscurity, never achieving the recognition those individuals deserved, and yet paved the way for future generations to succeed;

Whereas African Americans continue to serve the United States at the highest levels of business, government, and the military;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of the efforts of Dr. Carter G. Woodson, the ''Father of Black History'', to enhance knowledge of Black history through The Journal of Negro History, published by the Association for the Study of African American Life and History, which was founded by Dr. Carter G. Woodson and Jesse E. Moorland;

Whereas Black History Month, celebrated during the month of February, originated in 1926 when Dr. Carter G. Woodson set aside a special period in February to recognize the heritage and achievements of Black people in the United States;

Whereas Dr. Carter G. Woodson stated, ''We have a wonderful history behind us. . . . If you are unable to demonstrate to the world that you have this record, the world will say to you, 'You are not worthy to enjoy the blessings of democracy or anything else.' '';

Whereas, since its founding, the United States has imperfectly progressed toward noble goals;

Whereas the history of the United States is the story of people regularly affirming high ideals, striving to reach those ideals but often failing, and then struggling to come to terms with the disappointment of that failure, before committing to try again;

Whereas, on November 4, 2008, the people of the United States elected Barack Obama, an African-American man, as President of the United States; and

Whereas, on February 22, 2012, people across the United States celebrated the groundbreaking of the National Museum of African American History and Culture, which opened to the public on September 24, 2016, on the National Mall in Washington, District of Columbia: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that all people of the United States are the recipients of the wealth of history provided by Black culture;

(2) recognizes the importance of Black History Month as an opportunity to reflect on the complex history of the United States, while remaining hopeful and confident about the path ahead;

(3) acknowledges the significance of Black History Month as an important opportunity

to commemorate the tremendous contributions of African Americans to the history of the United States;

(4) encourages the celebration of Black History Month to provide a continuing opportunity for all people in the United States to learn from the past and understand the experiences that have shaped the United States; and

(5) agrees that, while the United States began as a divided country, the United States must—

(A) honor the contribution of all pioneers in the United States who have helped to ensure the legacy of the great United States; and

(B) move forward with purpose, united tirelessly as a nation ''indivisible, with liberty and justice for all.''.

SENATE RESOLUTION 517—HONORING THE LIFE AND LEGACY OF JUDGE NATHANIEL R. JONES

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas Judge Nathaniel Jones was born on May 13, 1926, in Youngstown, Ohio, and died on January 26, 2020, at his home in Cincinnati, Ohio, surrounded by family and loved ones;

Whereas Judge Nathaniel Jones served honorably in the United States Army Air Corps during World War II;

Whereas Judge Nathaniel Jones attended Youngstown State University, where he earned an undergraduate degree in 1951 and a law degree in 1955;

Whereas, in 1957, Judge Nathaniel Jones was admitted to the Ohio Bar;

Whereas, from 1956 to 1959, Judge Nathaniel Jones served as the Executive Director for the Fair Employment Practices Commission, where he led efforts to ensure equal access to employment opportunities for African Americans;

Whereas, in 1962, Judge Nathaniel Jones became the first African American to be appointed as Assistant United States Attorney for the Northern District of Ohio;

Whereas, in 1967, President Lyndon B. Johnson appointed Judge Nathaniel Jones to serve as the Assistant General Counsel for the National Advisory Commission on Civil Disorders, also known as the Kerner Commission, which found racism as the root cause for the civil unrest that occurred in the cities of the United States during the 1960s and determined that the United States was ''moving toward two societies, one black, one white—separate and unequal'';

Whereas Judge Nathaniel Jones served as the General Counsel for the National Association for the Advancement of Colored People from 1969 to 1979, directing efforts to desegregate public schools in Northern cities, defended affirmative action, and fought against discrimination against African-American soldiers in the United States Armed Forces;

Whereas, in 1979, President Jimmy Carter nominated and the Senate confirmed Judge Nathaniel Jones as a judge for the United States Court of Appeals for the Sixth Circuit, making him the 11th African American to serve as a Federal circuit court judge;

Whereas Judge Nathaniel Jones served on the United States Court of Appeals for the Sixth Circuit until his retirement in 2002;

Whereas Judge Nathaniel Jones was known as the ''great dissenter'' because he was often in the minority, siding with plaintiffs seeking redress in the courts for violations of housing and employment law and civil rights protections;

Whereas Judge Nathaniel Jones assisted the Republic of South Africa in drafting a new constitution following decades of apartheid rule and served as an official election monitor for the country's first free and fair election, which ushered in the presidency of Nelson Mandela;

Whereas Judge Nathaniel Jones received 19 honorary degrees and numerous awards of distinction, such as the Spingarn Medal, the highest honor awarded by the National Association for the Advancement of Colored People, the International Freedom Conductor Award from the National Underground Railroad Freedom Center, the Charles Hamilton Houston Medallion of Merit from the Washington Bar Association, and the Pillar of Justice Award from the Federal Bar Association;

Whereas Judge Nathaniel Jones was inducted into the National Bar Association Hall of Fame and the Ohio Civil Rights Hall of Fame, and, in 2014, the Nathaniel R. Jones American Inn of Court was chartered in Youngstown, Ohio;

Whereas Judge Nathaniel Jones was an initiate of the Beta Pi Chapter of Kappa Alpha Psi Fraternity and was the 65th Laurel Wreath Laureate of Kappa Alpha Psi Fraternity;

Whereas, in 2003, Congress passed legislation to name the newly constructed Federal building in Youngstown, Ohio, the ''Nathaniel R. Jones Federal Building and United States Courthouse'';

Whereas, in 2019, the University of Cincinnati College of Law renamed its Center for Race, Gender, and Social Justice after Judge Nathaniel R. Jones to signify its ''commitment to and alignment with the principles of Judge Jones' impressive career as a champion for justice'';

Whereas Judge Nathaniel Jones devoted his life to answering ''the Call'' for racial justice, first sounded by the National Association for the Advancement of Colored People in 1909, stating in his memoir, ''[A]nswering calls for racial justice has not been confined to a specific time in the past or the history of a particular organization, but has been defined by the imperatives that guided my life. As I enter the twilight of my life, I offer this chronicle of the steps I have taken in an effort to advance the baton of justice handed to me by forebears who were much more surefooted and fearless than me in answering the Call.'';

Whereas Judge Nathaniel Jones inspired generations of lawyers who served as his law clerks, as well as the countless leaders who sought his wise counsel as they worked to address inequality in their communities; and

Whereas Judge Nathaniel Jones will be remembered for his dedication to upholding the Constitution of the United States and as a tireless advocate for justice: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Judge Nathaniel R. Jones and his unwavering commitment to upholding justice and civil rights.

SENATE RESOLUTION 518—HONORING THE 100TH ANNIVERSARY OF DISABLED AMERICAN VETERANS

Mr. MORAN (for himself and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 518

Whereas Disabled American Veterans was founded on September 25, 1920, and chartered by Congress on June 17, 1932, in recognition of the role of Disabled American Veterans as the official voice of the wartime-disabled veterans of the United States;

Whereas, in 2020, Disabled American Veterans celebrates 100 years of serving veterans of the Armed Forces, their families, survivors, and communities;

Whereas Disabled American Veterans is the largest wartime veterans service organization in the United States comprised exclusively of men and women who became disabled while defending the United States, with approximately 1,000,000 service-disabled veterans in its membership;

Whereas the National Headquarters of Disabled American Veterans is located in Kentucky, and the National Service and Legislative Headquarters of Disabled American Veterans is located in Washington, D.C., and Disabled American Veterans has 52 departments and 1344 chapters located throughout the United States;

Whereas, since its founding, Disabled American Veterans has served veterans of the United States who have become wounded, injured, or ill due to service in the Armed Forces by advocating for the establishment of the Department of Veterans Affairs and urging Congress to pass legislation to provide benefits and services for service-disabled veterans;

Whereas, in 1920, Disabled American Veterans began representing the interests of veterans and subsequently developed a professional national service officer corps, which has made Disabled American Veterans the preeminent provider of claims assistance to injured and ill veterans of the United States, their families, and survivors;

Whereas Disabled American Veterans continues to provide direct onsite assistance to injured and ill members of the Armed Forces on active duty through 30 Transition Service Officers, who provide benefits counseling and assistance to separating members of the Armed Forces seeking to file initial claims for benefits administered through the Department of Veterans Affairs;

Whereas Disabled American Veterans copresents the National Disabled Veterans Winter Sports Clinic and the National Disabled Veterans Training Exposure Experience Tournament, has organized a nationwide transportation network providing free transportation to medical facilities of the Department of Veterans Affairs for injured and ill veterans, operates an active Charitable Service Trust that funds the needs of local providers assisting at-risk local veterans, maintains an active volunteer corps providing millions of hours of service to veterans and communities, and created the Jesse Brown Memorial Youth Scholarship Program to contribute to the lives of young people in the United States;

Whereas Disabled American Veterans has championed important initiatives for improving the lives of all veterans, such as—

(1) the establishment of—

(A) a cabinet-level Department of Veterans Affairs;

(B) the United States Court of Appeals for Veterans Claims;

(C) a modernized appeals process for disability claims;

(D) an advance appropriation to ensure adequate and timely funding for health care provided by the Department of Veterans Affairs;

(E) benefits for family caregivers; and

(F) the model for present-day Vet Centers; and

(2) the elimination of the offset between military retired pay based on years of service and veterans' disability compensation; and

Whereas Disabled American Veterans continues to advocate and create awareness for

many issues affecting veterans of the United States, such as equitable benefits and services for women veterans, appropriate resources for mental health and suicide prevention services, and benefits for all veterans exposed to toxic substances: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, throughout 100 years of service, Disabled American Veterans has made significant contributions to veterans, both with and without disabilities, and the communities of veterans, ''fulfilling our promises to the men and women who served'';

(2) honors the vital and ongoing role Disabled American Veterans plays in supporting the needs of veterans and their families in the United States; and

(3) commemorates the legacy of Disabled American Veterans in the provision of services and advocacy for veterans throughout 100 years of history of the United States.

SENATE RESOLUTION 519—HONORING THE LIFE AND ACHIEVEMENTS OF KATHERINE COLEMAN GOBLE JOHNSON

Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. WARNER, and Mr. KAINE) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas Katherine Coleman Goble Johnson, an African-American physicist and mathematician, was born on August 26, 1918, in White Sulphur Springs, West Virginia;

Whereas, in 1937, Katherine Johnson graduated from West Virginia State College, doing so with highest honors at age 18;

Whereas Katherine Johnson and 2 other students were the first African Americans to be admitted to graduate school at West Virginia University;

Whereas, in 1953, Katherine Johnson began her career in aeronautics as a computer in the segregated West Area Computing unit at the Langley Memorial Aeronautical Laboratory of the National Advisory Committee for Aeronautics (NACA);

Whereas, as a member of the Flight Research Division at NACA, Katherine Johnson analyzed data from flight tests;

Whereas, after NACA was incorporated into the National Aeronautics and Space Administration (NASA), Katherine Johnson—

(1) calculated the trajectory for the Freedom 7 mission crewed by Alan Shepard in 1961, which was the first human spaceflight by an individual from the United States;

(2) co-authored a report that provided the equations for describing orbital spaceflight with a specified landing point, which made her the first woman to be recognized as an author of a report from the Flight Research Division;

(3) was asked to verify the calculations of the electronic computers at NASA that were used to calculate the orbit for the Friendship 7 mission crewed by John Glenn; and

(4) provided calculations for NASA throughout her career, including for the Apollo missions;

Whereas Katherine Johnson broke the barriers of race and gender by completing groundbreaking work at NASA;

Whereas, in 1986, Katherine Johnson retired from NASA;

Whereas, in 2015, Katherine Johnson received the Presidential Medal of Freedom from President Barack Obama at age 97;

Whereas, in 2017, NASA dedicated a building in honor of Katherine Johnson at Langley Research Center in Hampton, Virginia;

Whereas NASA dedicated the Katherine Johnson Independent Verification and Validation Facility in Fairmont, West Virginia, after a bipartisan bill authored by Senator Shelley Moore Capito and Senator Joe Manchin to redesignate the facility was signed into law in 2018; and

Whereas, on February 24, 2020, Katherine Johnson passed away at 101 years of age: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life of Katherine Coleman Goble Johnson and her achievements as a pioneer, physicist, mathematician, and cultural icon;

(2) extends its heartfelt sympathy to the family of Katherine Coleman Goble Johnson;

(3) honors and, on behalf of the United States, expresses deep appreciation for the outstanding and important service of Katherine Coleman Goble Johnson to the United States; and

(4) respectfully requests that the Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy of this resolution to the family of Katherine Coleman Goble Johnson.

SENATE RESOLUTION 520—DESIGNATING MARCH 6, 2020, AS ''NATIONAL SPEECH AND DEBATE EDUCATION DAY''

Mr. GRASSLEY (for himself, Mr. COONS, Ms. ERNST, Ms. KLOBUCHAR, Mr. CRAPO, Mr. DURBIN, Mr. BRAUN, Mr. KING, Ms. WARREN, and Mr. COTTON) submitted the following resolution; which was considered and agreed to:

S. RES. 520

Whereas it is essential for youth to learn and practice the art of communicating with and without technology;

Whereas speech and debate education offers students myriad forms of public speaking through which students may develop talent and exercise unique voice and character;

Whereas speech and debate education gives students the 21st-century skills of communication, critical thinking, creativity, and collaboration;

Whereas critical analysis and effective communication allow important ideas, texts, and philosophies the opportunity to flourish;

Whereas personal, professional, and civic interactions are enhanced by the ability of the participants in those interactions to listen, concur, question, and dissent with reason and compassion;

Whereas students who participate in speech and debate have chosen a challenging activity that requires regular practice, dedication, and hard work;

Whereas teachers and coaches of speech and debate devote in-school, afterschool, and weekend hours to equip students with life-changing skills and opportunities;

Whereas National Speech and Debate Education Day emphasizes the lifelong impact of providing people of the United States with the confidence and preparation to both discern and share views;

Whereas National Speech and Debate Education Day acknowledges that most achievements, celebrations, commemorations, and pivotal moments in modern history begin, end, or are crystallized with public address;

Whereas National Speech and Debate Education Day recognizes that learning to research, construct, and present an argument is integral to personal advocacy, social movements, and the making of public policy;

Whereas the National Speech & Debate Association, in conjunction with national and local partners, honors and celebrates the importance of speech and debate through National Speech and Debate Education Day; and

Whereas National Speech and Debate Education Day emphasizes the importance of speech and debate education and the integration of speech and debate education across grade levels and disciplines: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 6, 2020, as ''National Speech and Debate Education Day'';

(2) strongly affirms the purposes of National Speech and Debate Education Day; and

(3) encourages educational institutions, businesses, community and civic associations, and all people of the United States to celebrate and promote National Speech and Debate Education Day.

SENATE RESOLUTION 521—DESIGNATING THE WEEK OF FEBRUARY 24 THROUGH FEBRUARY 28, 2020, AS ''PUBLIC SCHOOLS WEEK''

Ms. COLLINS (for herself, Mr. TESTER, Mrs. CAPITO, Mr. REED, Mr. BRAUN, Mr. CARPER, Mr. BOOZMAN, Mr. KING, Mr. GRASSLEY, Mr. KAINE, Ms. ERNST, Ms. BALDWIN, Mr. BROWN, Ms. WARREN, Mr. DURBIN, Mr. BOOKER, Mr. VAN HOLLEN, Ms. ROSEN, Ms. HASSAN, Mr. CARDIN, Ms. SMITH, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. JONES, Mr. MURPHY, Mr. CASEY, Mr. PETERS, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. BENNET, Mrs. SHAHEEN, Mr. WHITEHOUSE, Ms. HIRONO, Ms. SINEMA, Mr. WYDEN, Mr. MANCHIN, Mr. COONS, Mr. MERKLEY, Mrs. MURRAY, Mr. MENENDEZ, Mr. SANDERS, Ms. DUCKWORTH, Mr. MARKEY, Mr. WARNER, Ms. HARRIS, and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 521

Whereas public education is a significant institution in a 21st-century democracy;

Whereas public schools in the United States are where students come to be educated about the values and beliefs that hold the individuals of the United States together as a nation;

Whereas public schools prepare young individuals of the United States to contribute to the society, economy, and citizenry of the country;

Whereas 90 percent of children in the United States attend public schools;

Whereas Federal, State, and local lawmakers should—

(1) prioritize support for strengthening the public schools of the United States;

(2) empower superintendents, principals, and other school leaders to implement, manage, and lead school districts and schools in partnership with educators, parents, and other local education stakeholders; and

(3) support services and programs that are critical to helping students engage in learning, including counseling, extracurricular activities, and mental health supports;

Whereas public schools should foster inclusive, safe, and high-quality environments in which children can learn to think critically, problem solve, and build relationships;

Whereas public schools should provide environments in which all students have the opportunity to succeed beginning in their earliest years, regardless of who a student is or where a student lives;

Whereas Congress should support—

(1) efforts to advance equal opportunity and excellence in public education;

(2) efforts to implement evidence-based practices in public education; and

(3) continuous improvements to public education;

Whereas every child should—

(1) receive an education that helps the child reach the full potential of the child; and

(2) attend a school that offers a high-quality educational experience;

Whereas Federal funding, in addition to State and local funds, supports the access of students to inviting classrooms, well-prepared educators, and services to support healthy students, including nutrition and afterschool programs;

Whereas teachers, paraprofessionals, and principals should provide students with a well-rounded education and strive to create joy in learning;

Whereas superintendents, principals, other school leaders, teachers, paraprofessionals, and parents make public schools vital components of communities and are working hard to improve educational outcomes for children across the country; and

Whereas the week of February 24 through February 28, 2020, is an appropriate period to designate as ''Public Schools Week'': Now, therefore, be it

Resolved, That the Senate designates the week of February 24 through February 28, 2020, as ''Public Schools Week''.

SENATE RESOLUTION 522—ELECTING ROBERT M. DUNCAN, OF THE DISTRICT OF COLUMBIA, AS SECRETARY FOR THE MAJORITY OF THE SENATE

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

S. RES. 522

Resolved, That Robert M. Duncan of the District of Columbia be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 523—RECOGNIZING THE 199TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING DEMOCRACY IN GREECE AND THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. BARRASSO, Mr. SCHUMER, Mr. JOHNSON, Mr. DURBIN, Mr. TILLIS, Mr. MURPHY, Mr. TOOMEY, Ms. HASSAN, Mr. RUBIO, Mr. WHITEHOUSE, Mr. ENZI, Mr. BLUMENTHAL, Mr. BRAUN, Mr. WYDEN, Ms. MCSALLY, Mr. CARDIN, Mr. GARDNER, Mr. CASEY, Mr. BOOZMAN, Mr. VAN HOLLEN, Mr. PERDUE, Ms. STABENOW, Mr. CRUZ, Mrs. SHAHEEN, Mr. YOUNG, Mr. PETERS, Mr. SCOTT of Florida, Mr. REED, Mr. BENNET, Mr. BROWN, Mrs. GILLIBRAND, Mr. COONS, Mr. BOOKER, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 523

Whereas the people of ancient Greece developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the founding fathers of the United States, many of whom read Greek political philosophy in the original Greek language, drew heavily on the political experience and philosophy of ancient Greece in forming the representative democracy of the United States;

Whereas Petros Mavromichalis, the former Commander in Chief of Greece and a founder of the modern Greek state, said to the citizens of the United States in 1821, ''It is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you.'';

Whereas the Greek national anthem, the ''Hymn to Liberty'', includes the words, ''most heartily was gladdened George Washington's brave land'';

Whereas the people of the United States generously offered humanitarian assistance to the people of Greece during their struggle for independence;

Whereas Greece heroically resisted Axis forces at a crucial moment in World War II, forcing Adolf Hitler to change his timeline and delaying the attack on Russia;

Whereas Winston Churchill said that ''if there had not been the virtue and courage of the Greeks, we do not know which the outcome of World War II would have been'' and ''no longer will we say that Greeks fight like heroes, but that heroes fight like Greeks'';

Whereas hundreds of thousands of the people of Greece were killed during World War II;

Whereas Greece consistently allied with the United States in major international conflicts throughout its history as a modern state;

Whereas the United States and Greece reinforced their commitment to security cooperation by signing an updated Mutual Defense Cooperation Agreement on October 5, 2019, that will expand defense ties between the two countries and promote stability in the region;

Whereas the Foreign Minister of Greece, Nikos Dendias, hosted Secretary of State Michael Pompeo in the second United States-Greece Strategic Dialogue on October 7, 2019, which underscored Greece's importance to the United States as a pillar of stability in the Eastern Mediterranean and Balkans and as an important NATO ally;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the Balkan region, having invested billions of dollars in the countries of the region and having contributed more than $750,000,000 in development aid for the region;

Whereas the Government and people of Greece actively participate in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization, the European Union, and the Organization for Security and Co-operation in Europe;

Whereas Greece remains an integral part of the European Union;

Whereas the United States has demonstrated its support for the trilateral partnership of Greece, Israel, and Cyprus by enacting into law the Eastern Mediterranean Security and Energy Partnership Act of 2019 (title II of division J of Public Law 116–94) and through the participation of Secretary Pompeo in the ''3+1'' Summit with Greece, Israel, Cyprus, and the United States on March 20, 2019;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympic Games of more than 14,000 athletes and more than 2,000,000 spectators and journalists, a feat the Government and people of Greece handled efficiently, securely, and with hospitality;

Whereas the Governments and people of Greece and the United States are at the forefront of efforts to advance freedom, democracy, peace, stability, and human rights;

Whereas those efforts and similar ideals have forged a close bond between the peoples of Greece and the United States; and

Whereas it is proper and desirable for the United States to celebrate March 25, 2020, Greek Independence Day, with the people of Greece and to reaffirm the democratic principles from which those two great countries were founded: Now, therefore, be it

Resolved, That the Senate—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 199th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 199 years ago.

SENATE CONCURRENT RESOLUTION 37—HONORING THE LIFE AND WORK OF LOUIS LORENZO REDDING, WHOSE LIFELONG DEDICATION TO CIVIL RIGHTS AND SERVICE STAND AS AN EXAMPLE OF LEADERSHIP FOR ALL PEOPLE

Mr. COONS (for himself, Mr. RUBIO, and Mr. CARPER) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 37

Whereas Louis Lorenzo Redding (referred to in this preamble as ''Louis L. Redding'') was born on October 25, 1901, in Alexandria, Virginia, the eldest of 5 children born to Lewis Alfred and Mary Ann Holmes Redding;

Whereas Louis L. Redding was an educator, attorney, and lifelong activist who worked on civil rights and educational issues;

Whereas Louis L. Redding graduated from Howard High School in 1919, which, at that time, was the only public high school for African-American students in Delaware;

Whereas Louis L. Redding received a bachelor's degree from Brown University in 1923;

Whereas, while at Brown University, Louis L. Redding and 7 other men established a chapter of the Alpha Phi Alpha fraternity in Providence, Rhode Island;

Whereas, in 1923, Louis L. Redding was the first African American awarded the prestigious William Gaston Prize for excellence in oratory and, as a result, delivered a commencement speech at Brown University;

Whereas Louis L. Redding became an English instructor and the vice principal of Fessenden Academy outside of Ocala, Florida, the oldest continuously operated school originally for African-American students in Florida;

Whereas Louis L. Redding left Fessenden Academy to teach English in the high school division of Morehouse College, a historically Black college in Atlanta, Georgia;

Whereas, after 2 years of teaching, Louis L. Redding enrolled in Harvard Law School in 1925;

Whereas, in 1926, as a law student at Harvard Law School, Louis L. Redding was ejected from the Wilmington, Delaware, municipal court while protesting segregation of the courtroom;

Whereas that municipal court was the first court in Wilmington, Delaware, to desegregate its gallery;

Whereas Louis L. Redding graduated from Harvard Law School in 1928 as the only African American in a class of about 200 students;

Whereas, in 1929, Louis L. Redding became the first African American to pass the Delaware bar;

Whereas Louis L. Redding remained the only African-American lawyer in Delaware for 26 years;

Whereas, in 1949, Louis L. Redding was admitted to the Delaware Bar Association, an organization from which Louis L. Redding had been excluded for 20 years after having passed the Delaware bar;

Whereas, in 1950, Louis L. Redding and Jack Greenberg, a lawyer for the NAACP Legal Defense and Educational Fund, filed the case of Parker v. University of Delaware to protest the segregated college system in Delaware;

Whereas, in August 1950, Chancellor Collins Seitz ruled in Parker v. University of Delaware, 75 A.2d 225 (Del. Ch. 1950), that, under Plessy v. Ferguson, 163 U.S. 537 (1896), the State of Delaware violated the Constitution of the United States by offering a separate but not equal education in the State college and university system;

Whereas, in 1951, Louis L. Redding and Jack Greenberg filed—

(1) Belton v. Gebhart, a case that concerned the desegregation of high schools; and

(2) Bulah v. Gebhart, a case that concerned the desegregation of elementary schools;

Whereas, in 1952, the Belton and Bulah cases were consolidated in the Delaware Court of Chancery, where, in Belton v. Gebhart, 87 A.2d 862 (Del. Ch. 1952), Chancellor Collins Seitz ordered the Delaware State Board of Education to open all schools in Delaware to African Americans;

Whereas the Delaware State Board of Education appealed the decision of Chancellor Collins Seitz to the Supreme Court of Delaware, which upheld the decision of the Chancellor in Gebhart v. Belton, 91 A.2d 137 (Del. 1952);

Whereas the case then came before the Supreme Court of the United States on a writ of certiorari to the Supreme Court of Delaware;

Whereas Louis L. Redding and Jack Greenberg argued the case alongside Thurgood Marshall, the first African-American Justice of the Supreme Court of the United States, as the last of a group of 5 school desegregation cases heard and decided by the Supreme Court of the United States in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), and Bolling v. Sharpe, 347 U.S. 497 (1954);

Whereas, on May 17, 1954, the Supreme Court of the United States held in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), that separate educational facilities for racial minorities violated the Equal Protection Clause of the 14th Amendment to the Constitution of the United States, thus holding that school segregation was unconstitutional;

Whereas, on February 21, 1961, Louis L. Redding argued to the Supreme Court of the United States in the case of Burton v. Wilmington Parking Authority that a private company with a relationship to a government agency was in violation of the Equal Protection Clause of the 14th Amendment to the Constitution of the United States if the private company refused to provide service to a customer on the basis of race;

Whereas, in April 1961, the Supreme Court of the United States established the principle of State action in Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961), and ruled that a private entity may not discriminate on the basis of race if the State has approved, encouraged, or facilitated the relevant private conduct;

Whereas, in 1965, Louis L. Redding became a public defender for the State of Delaware and fought for the rights of poor clients for nearly 20 years thereafter;

Whereas, in 1984, Louis L. Redding retired after 55 years of practicing law;

Whereas Louis L. Redding was a member of many national organizations, including—

(1) the National Bar Association;

(2) the National Association for the Advancement of Colored People;

(3) the National Lawyers Guild; and

(4) the Emergency Civil Liberties Committee;

Whereas Louis L. Redding was awarded the Martin Luther King, Jr. Memorial Award by the National Education Association and an honorary Doctor of Law degree from Brown University;

Whereas the University of Delaware established the Louis L. Redding Chair for the Study of Law and Public Policy in the School of Education;

Whereas Pulitzer Prize winning author Richard Kluger described Louis L. Redding as a man who fought, largely alone, for the civil rights and liberties of Black Delawareans;

Whereas former Secretary of Transportation William T. Coleman, Jr., stated that the giants of the civil rights movement were Houston Hastings, Louis L. Redding, and Thurgood Marshall;

Whereas, on September 29, 1998, Louis L. Redding died at the age of 96 in Lima, Pennsylvania;

Whereas Louis L. Redding broke down barriers and paved the way for countless African-American lawyers to follow in his footsteps, including—

(1) Theophilus Nix, Sr., the second African American to pass the Delaware bar exam;

(2) Joshua W. Martin III, the first African-American president of the Delaware Bar Association;

(3) Frank H. Hollis, the first African-American attorney to represent corporate clients in Delaware;

(4) Paulette Sullivan Moore, the first African-American woman to pass the Delaware bar exam;

(5) Leonard L. Williams, the second African-American judge in Delaware;

(6) Haile L. Alford, the first African-American female judge in Delaware;

(7) Arlene Coppadge, the first African-American female judge appointed to the Delaware Family Court;

(8) Gregory M. Sleet, the first African American to be appointed as the United States Attorney for the District of Delaware and the first African-American judge to serve on the United States District Court for the District of Delaware;

(9) Alex J. Smalls, the first African-American chief judge of the Delaware Court of Common Pleas; and

(10) Tamika Montgomery-Reeves, the first African-American Vice Chancellor of the Delaware Court of Chancery and the first African-American justice to serve on the Supreme Court of Delaware; and

Whereas Louis L. Redding is remembered as an individual who figured prominently in the struggle for desegregation and as a lawyer who never lost a desegregation case: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress honors the life and work of Louis Lorenzo Redding, a civil servant whose lifelong dedication to justice and equality stand as an outstanding example of leadership for all people.

PRIVILEGES OF THE FLOOR

Mr. SULLIVAN. Mr. President, I ask unanimous consent that Michael Roberts, a Coast Guard fellow in my office, be granted floor privileges for the remainder of the Congress.

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

MEMORIALIZING THE DISCOVERY OF THE ''CLOTILDA''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. Res. 315 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. 315) memorializing the discovery of the *Clotilda*.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion 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 resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 17, 2019, under ''Submitted Resolutions.'')

NATIONAL STALKING AWARENESS MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 480, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 480) raising awareness and encouraging the prevention of stalking by designating January 2020 as ''National Stalking Awareness Month''.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble 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 resolution (S. Res. 480) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 21, 2020 under ''Submitted Resolutions.'')

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 512, S. Res. 513, S. Res. 514, S. Res. 515, S. Res. 516, S. Res. 517, S. Res. 518, S. Res. 519, S. Res. 520, and S. Res. 521.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. I know of no further debate on the resolutions.

The PRESIDING OFFICER. If there is no further debate, the question is on adoption of the resolutions en bloc.

The resolutions were agreed to en bloc.

Mr. MCCONNELL. I ask unanimous consent that the preambles be agreed to and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The preambles were agreed to en bloc.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

SECURE AND TRUSTED COMMUNICATIONS NETWORKS ACT OF 2019

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4998, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4998) to prohibit certain Federal subsidies from being used to purchase communications equipment or services posing national security risks, to provide for the establishment of a reimbursement program for the replacement of communications equipment or services posing such risks, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate and the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4998) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ELECTING ROBERT M. DUNCAN, OF THE DISTRICT OF COLUMBIA, AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 522, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 522) electing Robert M. Duncan, of the District of Columbia, as Secretary for the Majority of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion 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 resolution (S. Res. 522) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, MARCH 2, 2020

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, March 2; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume consideration of the motion to proceed to S. 2657; finally, that notwithstanding the provisions of rule XXII, the cloture motion filed during today's session ripen at 5:30 p.m., Monday.

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

ADJOURNMENT UNTIL MONDAY, MARCH 2, 2020, AT 3 P.M.

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.

There being no objection, the Senate, at 3:49 p.m., adjourned until Monday, March 2, 2020, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

DIANA FURCHTGOTT–ROTH, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION. (NEW POSITION)

DEPARTMENT OF STATE

KATHERINE CAMILLE HENDERSON, OF TENNESSEE, TO BE CHIEF OF PROTOCOL , AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE, VICE SEAN P. LAWLER, RESIGNED.

WILLIAM E. TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

THE JUDICIARY

JOHN PETER CRONAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE WILLIAM H. PAULEY III, RETIRED.

FEDERAL ELECTION COMMISSION

JAMES E. TRAINOR III, OF TEXAS, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2023, VICE MATTHEW S. PETERSEN, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27, 2020:

UNITED STATES TAX COURT

TRAVIS GREAVES, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JOSEPH R. HARRIS II
COL. GENT WELSH, JR.

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. BILLY M. NABORS

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. ANNMARIE K. ANTHONY
COL. TAFT O. AUJERO
COL. DOUGLAS B. BAKER
COL. ROBERT D. BOWIE
COL. BARBRA S. BULS
COL. DONALD K. CARPENTER
COL. KONATA A. CRUMBLY
COL. JOHAN A. DEUTSCHER
COL. PATRICK W. DONALDSON
COL. BRADFORD R. EVERMAN
COL. VIRGINIA I. GAGLIO
COL. CAESAR R. GARDUNO
COL. PATRICK M. HANLON
COL. ROBERT E. HARGENS
COL. JEFFREY L. HEDGES
COL. SAMUEL C. KEENER
COL. ROBERT I. KINNEY
COL. JERRY P. REEDY
COL. BRYAN E. SALMON
COL. TAMALA A. SAYLOR
COL. JAMES S. SHIGEKANE
COL. KIMBRA L. STERR
COL. MICHAEL A. VALLE
COL. BRIAN E. VAUGHN

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DANN S. CARLSON
COL. SHAWN M. COCO
COL. STEVEN E. CONEY
COL. PATRICK E. DECONCINI
COL. PAUL E. FRANZ
COL. JOHN F. HALL
COL. KENNETH M. HALTOM
COL. CHRIS J. IODER
COL. ROBERT A. KING
COL. MICHAEL J. LOVELL
COL. SUE ELLEN SCHUERMAN
COL. CHRISTOPHER J. SHEPPARD
COL. CHARLES A. SHURLOW
COL. LISA K. SNYDER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. STEVEN J. DEMILLIANO
BRIG. GEN. DAVID J. MEYER
BRIG. GEN. RUSSELL L. PONDER

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. ANDREW J. MACDONALD

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. TODD M. AUDET
BRIG. GEN. KIMBERLY A. BAUMANN
BRIG. GEN. FLOYD W. DUNSTAN
BRIG. GEN. RANDAL K. EFFERSON
BRIG. GEN. LAURIE M. FARRIS
BRIG. GEN. JAMES R. KRIESEL
BRIG. GEN. WILLIAM P. ROBERTSON
BRIG. GEN. JAMES R. STEVENSON, JR.
BRIG. GEN. CHARLES M. WALKER
BRIG. GEN. DAVID A. WEISHAAR
BRIG. GEN. GREGORY T. WHITE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. CHRISTOPHER E. FINERTY

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JOSEPH B. WILSON

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. RONALD F. TAYLOR

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL S. MARTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS K. CLARK
COL. JOHN F. KELLIHER III

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JOSHUA E. ERLANDSEN AND ENDING WITH TOSHA M. VANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW G. ADKINS AND ENDING WITH CATHERINE M. WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH JENARA L. ALLEN AND ENDING WITH SARAH M. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH DANIEL J. ADAMS AND ENDING WITH ZACHARY E. WRIGHT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH JENNIFER R. BEIN AND ENDING WITH ANGELA K. STANTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH WESLEY M. ABADIE AND ENDING WITH SCOTT A. ZAKALUZNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH LIOR ALJADEFF AND ENDING WITH HYUN J. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH JASON K. ADAMS AND ENDING WITH DANIELLE N. ZIEHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH VICTORIA M. AGLEWILSON AND ENDING WITH DEBORAH L. WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

AIR FORCE NOMINATIONS BEGINNING WITH JUNELENE M. BUNGAY AND ENDING WITH ALEXANDRA L. MCCRARY–DENNIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020 .

AIR FORCE NOMINATION OF CHRISTOPHER J. NASTAL, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF ALEXANDER KHUTORYAN, TO BE MAJOR.

AIR FORCE NOMINATION OF DANIEL S. KIM, TO BE MAJOR.

AIR FORCE NOMINATION OF MARILYN L. SMITH, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATION OF ZACHARY J. CONLY, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF AUDREY J. DEAN, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL W. BRANCAMP, TO BE COLONEL.

ARMY NOMINATION OF TRACY J. BROWN, TO BE MAJOR.

ARMY NOMINATION OF KENNETH A. WIEDER, TO BE MAJOR.

ARMY NOMINATION OF CHONG K. YI, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOHN C. BENSON AND ENDING WITH SEAN M. VIEIRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

ARMY NOMINATION OF ROSS C. PUFFER, TO BE MAJOR.

ARMY NOMINATION OF AMANDA G. LUSCHINSKI, TO BE MAJOR.

ARMY NOMINATION OF JUNE E. OSAVIO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH YASMIN J. ALTER AND ENDING WITH DEBBY L. POLOZECK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

ARMY NOMINATIONS BEGINNING WITH OTHA J. HOLMES AND ENDING WITH JONATHAN W. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

ARMY NOMINATION OF SHAUN P. MILLER, TO BE COLONEL.

ARMY NOMINATION OF KRISTA H. CLARKE, TO BE MAJOR.

ARMY NOMINATION OF PETER K. MARLIN, TO BE COLONEL.

ARMY NOMINATION OF ANGELA I. IYANOBOR, TO BE MAJOR.

ARMY NOMINATION OF JOHN J. LANDERS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DAVID P. FROMMER, TO BE MAJOR.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MARIO A. ORTEGA, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF KEITH A. STEVENSON, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH JOSEPH P. BALL AND ENDING WITH RAMON F. VASQUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

MARINE CORPS NOMINATIONS BEGINNING WITH DONALD K. BROWN AND ENDING WITH KEITH R. WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTINA L. HUDSON AND ENDING WITH BRENT J. PATTERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES M. SHIPMAN AND ENDING WITH PHILIP S. SPENCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

MARINE CORPS NOMINATION OF CHRISTOPHER L. KAISER, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH PETER T. GRAHAM AND ENDING WITH TRAVIS W. STORIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

MARINE CORPS NOMINATIONS BEGINNING WITH DANIEL E. FUSON AND ENDING WITH JESUS T. RODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

IN THE NAVY

NAVY NOMINATION OF COLIN R. YOUNG, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CATHERINE M. DICKINSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DONALD A. SINITIERE, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH STEPHEN W. ALDRIDGE AND ENDING WITH GREGORY C. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 2020.

NAVY NOMINATION OF PAUL J. KAYLOR, TO BE CAPTAIN.

NAVY NOMINATION OF ANDREW S. JACKSON, TO BE LIEUTENANT COMMANDER.