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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. WALSH, a Senator from the State of Montana.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Trevor Barton, Pastor of Hawk Creek Baptist Church in London, KY.

The guest Chaplain offered the following prayer:

Let us pray:

Gracious Lord, as the most high God who alone is sovereign over the Kingdoms of this world, we stand in awe of You. We stand in awe of Your faithfulness to this great Nation, whose history itself gives witness to Your gracious providence.

We are grateful to know that You are the author of our storied past, and we are confidently optimistic to know that You are the architect of our blessed future. So as we move toward that which You have prepared for us, we pray for all of those who will lead us toward that better tomorrow.

We pray that this Senate and our national leaders would have unparalleled wisdom as they navigate the complexities ever before them. Enable them to know what is best and to do what is best.

May they serve always with the most noble of intentions and be forever found to be the epitome and essence of heroic statesmen as they exchange and debate the most important ideas of their day.

Give our leaders a compelling vision for America's future—a future that is full of what could be and, more importantly, a future of what should be. May the authority entrusted to them always be leveraged for the good of others.

May all of our leaders and every individual who calls this Republic their home live their lives by the most profound but simplistic of ethics: To love our neighbors as ourselves. Continue to preserve and protect this great democracy. And may the motives and methods of this United States Senate and the United States of America always be to please thee.

In Your holy, loving Name, Jesus, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. WALSH, a Senator from the State of Montana, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. WALSH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HIRE MORE HEROES ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 332, H.R. 3474.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 332, H.R. 3474, to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate time until 11:15 a.m. will be equally divided and controlled.

There will be a series of votes beginning at 11:15 today and another series of votes at 1:45. This is to confirm a number of nominations. There could be as many as nine votes. We will see what happens as the day goes on.

Yesterday I filed cloture on S. 2262, the energy efficiency bill. As a result, the filing deadline for all first degree amendments is today at 1 p.m.

OBSTRUCTIONISM

Mr. REID. Mr. President, anyone who watches the Senate on C–SPAN knows that the desks in the Senate Chamber are split between Democrats and Republicans. But when I come to the Senate Chamber anymore, we shouldn't have just Democrats and Republicans; we should have obstructionists.

With the Democrats, there are 55 of us. With the Republicans, anymore, there are six or seven on a good day. There are obstructionists of about 40, for sure, on any day.

The legislators—Republicans who, like Senate Democrats, are tired of all the useless obstruction, who want to get things done for Americans, and the obstructionists—the guardians of gridlock, as the Republican leader has proudly called himself—are playing politics and constantly grinding the wheels of the Senate to a standstill, a stop.

Over the last few months, I have spoken with Republicans who are fed up with obstructionism in this body. I

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have spoken with them in my office when they come to see me, on the Senate floor, and in various places. So these Republicans always have the same message from me: We came to the Senate to get things done, so let's work together. I am happy to work with them, as we did a few months ago with the Child Care and Development Block Grant. That is who I have always been in this Chamber. When I was the whip, my Republican colleagues knew I was someone they could talk to and work with to get things done.

It is a shame the Republican leader has decided that being the ''proud guardian of gridlock''—his words, not mine—is more important than working with us to get things done for the American people.

The Shaheen-Portman energy efficiency bill before the Senate is a perfect example. They brought their bipartisan legislation to the floor last September. Regrettably, a Republican Senator on a one-man crusade against health benefits for Senate staffers filibustered the bill. But Senators SHAHEEN and PORTMAN didn't give up. Instead, they worked with Democrats and Republicans for seven months to strengthen the bill, gaining more bipartisan support along the way.

This legislation will give our country more energy independence, protect our environment, and save American families money on their energy bills. It also creates 200,000 jobs that can't be exported.

When the legislation was finalized, Senators SHAHEEN and PORTMAN were ready to bring the bill to the Senate floor. In anticipation of the bill's consideration, Republicans who worked on this bill came to speak with me prior to the Easter recess. They told me the bill, which now includes 10 Republican-supported amendments, was ready for passage. They requested that I fill the legislative tree to ensure the bill would pass.

I repeat: Republican Senators wanting to pass this bipartisan bill asked me to bring the bill to a vote as soon as possible—as is.

And that is what I did.

For those Republicans acting in good faith, passage of the energy efficiency legislation was most important. Unfortunately, the obstructionist wing of the Republican caucus has decided once again to block this bill. But this time it is not the junior Senator from Louisiana bringing a bipartisan bill to a screeching halt; it is the guardian of gridlock himself, my friend, the Republican leader.

Senators PORTMAN, AYOTTE, COLLINS, HOEVEN, ISAKSON, MURKOWSKI, and WICKER have done good work on this legislation. What a shame they will see their efforts scrapped by my friend the Republican leader.

This isn't the first time he has steamrolled members of his own caucus. For example, the Senate considered a bipartisan transportation bill. Subcommittee Chairwoman PATTY MURRAY and Ranking Member SUSAN COLLINS worked for months on that legislation. Notwithstanding the bipartisan support for the bill or Senator COLLINS' hard work, the Republican leader single-handedly dismantled the bill.

There are many other examples.

After the legislation was blocked, the senior Senator from Maine was quoted as saying that she had never seen the Republican leader work so hard to defeat a member of his own caucus.

If my Republican counterpart wants to keep blocking his own Senators' bipartisan efforts, go ahead. But it is not good for the country.

Eventually, members of his caucus will break from the gridlock to get their constituents the help they need, just as a handful of Republicans did with the extension of unemployment benefits.

Let me just say this. I am pleading to Republicans to help us work. Let's get things done. This is a good bill that deserves to pass. I invite my friend the Republican leader to listen to Members of his own caucus who worked so hard on this legislation.

I know back home in Kentucky the Republican leader said it wasn't his job to create jobs, but most of us around here disagree with him and want to work to create jobs. In this bill 200,000 jobs will be created.

So I say to my friend from Kentucky, honor your Members' efforts and the bipartisan compromise that created this legislation and allow us to vote on Shaheen-Portman. Bring this unnecessary obstruction to an end today and pass this energy efficiency legislation. It is what Democrats want. It is what Republicans want. More importantly, it is what the American people want and need.

MEASURES PLACED ON THE CALENDAR—H.R. 2824 AND H.R. 3826

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

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for a second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2824) to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

A bill (H.R. 3826) to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes.

Mr. REID. I object to further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. MCCONNELL. Mr. President, we are all pleased today to welcome Pastor Trevor Barton to the Senate as he delivered the opening prayer.

Pastor Trevor, as everyone calls him, serves as lead pastor at Hawk Creek Church in London, KY. He is a laid-back guy, not big on fancy titles—the kind of pastor who would rather be preaching in blue jeans than a suit.

But under his leadership, Hawk Creek has exploded from a tiny fellowship to a congregation of well over 1,000 souls. I hear some parishioners drive all the way from Tennessee and Virginia just to listen to his sermons. Apparently, Pastor Trevor's parishioners aren't the only ones who have had a long commute to Hawk Creek. I hear the pastor sometimes drove in from almost an hour and a half away in Lexington. He did it so he could be close to his two young sons Shepherd and Greyson and to his wife Allison as she worked on a residency at UK Hospital.

Still, Pastor Trevor has developed important ties with the community in and around London. Hawk Creek does a lot of work with the Appalachian Children's Home. His church also has an important partnership with the local jail. Pastor Trevor's sermons are piped in live and loud every Sunday for the inmates to hear. One of my staffers told me she heard of Hawk Creek performing a baptism for about 70 inmates in a parking lot of that jail.

I think that says a lot about Hawk Creek Church, and it underscores something today's guest Chaplain once said: Whether ''you've messed up in the past, present, future, you are welcome'' in his church.

So I am proud to introduce Pastor Trevor today. We have been pleased to have him here as he dignified our proceedings with a prayer.

Earlier this week, the Supreme Court did the right thing by affirming his right to do so. I am delighted to welcome this fellow Kentuckian as he carries out this proud American tradition

SENATE DEBATE

Mr. President, the American people sent us to Washington to debate serious issues. They expect us to take our jobs seriously, to develop effective solutions to the issues that matter to them. That is our charge. Throughout our Nation's history, the Senate has been the place where the weightiest issues have been discussed and debated and, in many cases, resolved.

It is where we wrestle with whether to go to war. It is where we pass landmark bipartisan legislation such as the Civil Rights Act, the GI bill, and the Welfare Reform Act. But over the past several years, and very vividly in the past several months, that proud history has started to erode.

Instead of a forum for debate and resolution of the most pressing domestic and international issues facing our Nation, it has become fodder for late-night TV. When the American people turn on C–SPAN these days they do not

often see a majority party driving serious debate on the issues of the day. They hear bizarre monologues about greased pigs and a couple of Kansans the majority leader seems to be thinking about all the time. They see a daily display of absurd political theater that has almost no relevance at all to their daily lives.

It is quite disgraceful. But it is no surprise either since the Democratic majority clearly ran out of ideas a long time ago. Their refusal to engage in serious debate is just another symptom of that. Senate Democrats are afraid to expose their party's empty playbook, so they play games instead. They fill the time with aimless diatribes against private citizens and legislative theatrics that are more about satisfying their liberal patrons than addressing the real concerns and anxieties of the American middle class.

It is all about revving up the far left for them, so they will show up in November and save the President's Senate majority. That is the hope, at least.

But the larger point is this: As Washington Democrats seek to preserve their hold on power, they are becoming increasingly untethered from the daily concerns of average Americans.

That is why you are seeing the Senate lose its sense of purpose. That is why you are not seeing any real debates. Instead of listening to the needs of the middle class, they dance to the tune of the left. That is why you see Senate Democrats pushing legislation that would cost up to 1 million jobs—at a time when the middle class is practically begging us to create jobs. That is why you see Senate Democrats basically boasting that their legislative agenda was drafted by campaign staffers—with no shame at all. And that is why you see Senate Democrats killing job creation bills the House sends us, without even so much as a vote.

No wonder the American people are so disgusted with Washington. Wouldn't you be? The majority's antics this week were particularly shameful. They shook their fists and declared that global warming was the most important issue of our age—that to stand in the way of their preferred solutions would be, at best, immoral. They shouted it from the rooftops and, presumably, sent emails to leftwing supporters to let them know just how serious they were and how Republicans were somehow holding things up.

What they did not tell their supporters was that the Democrats' own majority leader, who also spoke forcefully on the issue yesterday, has been blocking the Senate from voting on global warming for years. Why? Because he does not want his fellow Senate Democrats to have to take a tough vote and because he knows it would never pass a Chamber Democrats control anyway.

As I said, almost everything has become a show in the Senate now. The needs of the middle class are simply lost in the shuffle, and the institution itself is trivialized, it is diminished. The Senate used to be a place where we would discuss the pressing issues of the day. We would be able to do so again if the Senate floor were not being used as a campaign studio.

On Iran, Republicans have tried for months to debate and vote on additional sanctions to put an end to its nuclear program. We know a huge bipartisan majority would vote for increased sanctions if the majority leader would only allow the bill to come to the floor. But he will not. Just as he stopped us from voting to approve the Keystone XL Pipeline yesterday, resulting in headlines such as this one from the AP: ''Democratic leader blocks Senate vote on Keystone.''

''Democratic leader blocks Senate vote on Keystone.''

In fact, at a time when we should have been debating energy, the majority leader refused to allow a single Republican amendment on energy this week—not a one. As I have noted in recent days, the Republican-led House has offered Democrats 125 rollcall votes on their amendments since last July. Here in the Senate, the majority leader has allowed us nine—nine—rollcall votes on Republican amendments since July.

But let me put a finer point on that. Democrats in the House have received more than twice as many rollcall votes on energy-related amendments alone as we have received on all amendments since July. That is not the way this body was meant to function. It is disrespectful to the millions of American citizens represented on the Republican side of the aisle. They deserve a chance to be heard.

The way the Senate operates these days is a travesty—no real debate, no amendments, no respect for the millions of Americans represented by the minority party. It has become an arm of the Democratic Senatorial Campaign Committee. We owe the American people so much more than that.

It is time to focus on the middle class again—to let go of the obsession with the far left and the next election. It is time for the Senate to be the Senate again.

HONORING OUR ARMED FORCES

SERGEANT JEREMY R. SUMMERS

Mr. President, I want to speak today about a brave young U.S. Army soldier from my home State of Kentucky who was lost in battle. SGT Jeremy R. Summers, of Brooksville, KY, perished on July 14, 2011, from wounds suffered when the enemy attacked his unit with small-arms fire in the Paktika Province of Afghanistan. He was 27 years old.

For his service in uniform, Sergeant Summers received many awards, medals, and decorations, including the Bronze Star Medal, the Purple Heart Medal, two Army Commendation Medals, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal, the Army Service Ribbon, three Overseas Service Ribbons, the NATO Medal, and the Combat Action Badge.

Kenneth Michael Summers, Jeremy's father, says this about his son:

> He never hesitated to make a new soldier feel welcome into the unit. There was one soldier who said he was so scared because he was a newbie, but Jeremy stepped up and helped him. [The other soldier] said for that, he was so thankful and would never forget Jeremy. That was a common story when soldiers told us about their experiences with Jeremy.

Jeremy was not only thoughtful and willing to help others, he was also a dedicated and committed servicemember, and I am sure it was due in part to his following the example that was set for him. Both Jeremy's father and mother, Laura Jo Summers, served in the Army. Jeremy, who graduated from Bracken County High School in Brooksville in 2002, enlisted in the Army in March of 2005 and served for 6 years.

At the time of his deployment to Afghanistan, he was serving as a U.S. Army forward scout observer and was assigned to Headquarters and Headquarters Company, 2nd Battalion, 506th Infantry Regiment, 101st Airborne Division, based out of Fort Campbell, KY. Previously Jeremy had deployed to both Iraq and Korea.

Jeremy was a voracious reader and loved to watch scary movies. He was known to indulge in a practical joke or two to scare his friends. Jeremy was also a bright student in school, who earned a degree in computer engineering after his first tour of duty. Jeremy asked his parents for advice about reenlisting and decided to continue serving his country in uniform.

Sergeant Summers has followed not only the tradition of his parents but also the tradition of service of so many brave Kentucky men and women who have worn our country's uniform.

''He felt more comfortable in the military lifestyle than he did as a civilian,'' Jeremy's father recalls. ''I reckon it was only fitting . . . since he started life as a military brat and ended as an honorable soldier.''

Speaking for his family, Jeremy's father continues on to say this:

> Jeremy was a good listener, a great friend, an awesome brother and a terrific son. I wish all of you could have known him like we did. He is still one of our hearts' greatest treasures.

Mr. President, we are thinking of Sergeant Summers' family today after the loss of one of their hearts' greatest treasures. These include his parents, Kenneth Michael and Laura Jo Summers; his grandparents Joyce Wagoner and Mary Fowler, his siblings Austin Hunter and Jessica Elizabeth Summers, and many other beloved family members and friends.

My colleagues and I here in the Senate extend our greatest sympathies and

condolences to the Summers family for the loss of their son, brother, grandson, and friend Jeremy. We are proud of him for following the example set by his parents and volunteering to wear an American patriot's uniform.

We are deeply humbled and honored to be the beneficiaries of his life of service and his ultimate sacrifice. Without the bravery of men such as SGT Jeremy R. Summers, our Nation would not be free.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 11:15 a.m. will be equally divided between the two leaders or their designees.

The Senator from Iowa.

BARRON NOMINATION

Mr. GRASSLEY. Mr. President, I come to the Senate floor to discuss a pending nomination, that of Harvard Law School Professor David Barron to a seat on the First Circuit Court of Appeals.

This nomination is exceptionally controversial and was voted out of our committee, the Judiciary Committee, on a 10-to-8 vote. Even a cursory look at Professor Barron's record reveals views on the Constitution and on federalism that are well outside the mainstream. But I want to put all those views aside and speak about this nomination from another point of view.

So today I discuss Professor Barron's service as Acting Assistant Attorney General for the Office of Legal Counsel in 2009 and 2010.

According to multiple media sources, while heading up the Office of Legal Counsel, Professor Barron was instrumental in formulating the legal arguments that this administration used to justify the targeted killing of American citizens by drone strikes.

According to press reports, Professor Barron wrote at least two legal opinions laying out those arguments. We also know the Department of Justice relied on the legal arguments Professor Barron formulated to justify the targeted killing of an American citizen in a tribal region of Yemen in September 2011.

In a May 2013 letter to the chairman of our Judiciary Committee, the Attorney General wrote that ''since 2009, the United States, in the conduct of U.S. counterterrorism operations against Al-Qaeda and its associated forces outside of areas of active hostilities, has specifically targeted and killed one U.S. citizen.''

According to press reports, that individual was the first American citizen placed on the CIA's disposition matrix, better known as the kill list. However, the Attorney General conceded that three additional Americans located outside the United States have been killed by drone strikes since 2011.

According to the Attorney General's letter, these Americans were killed even though they ''were not specifically targeted by the United States'' as part of a counterterrorism operation.

But today I am not debating Professor Barron's legal arguments related to the drone strikes. The fact is that Senators aren't in a position to make an informed judgment about the nominee because of the way this administration has handled the issue, so I wish to address our constitutional duty with respect to the nomination.

Article II, Section 2, instructs us to give advice and consent on the President's judicial nominees. That is not a procedural technicality, it is a constitutional imperative. These happen to be lifetime appointments, and the men and women we confirm to the Federal bench play a vital role in the life of our Republic.

It is my view this body cannot, as things stand today, fully and appropriately discharge its constitutional duty to advise and consent with respect to this nominee. I will briefly address some recent developments in the courts that lead me to that conclusion.

On April 21 of this year, the Second Circuit issued an opinion in a Freedom of Information Act lawsuit brought by two New York Times reporters and the American Civil Liberties Union against the Department of Justice, the Department of Defense, and the CIA. That lawsuit began in December 2011 after the administration denied a Freedom of Information Act request from the New York Times for documents on the administration's targeted killing of American citizens outside this country. Specifically, the Times requested ''a copy of all Office of Legal Counsel memorandums analyzing the circumstances under which it would be lawful for United States armed forces or intelligence community assets to target for killing a United States citizen who is deemed to be a terrorist.''

The administration refused to provide anything in response to that request by the New York Times. In fact, initially the administration wouldn't even acknowledge that any responsive documents even existed, but as the litigation developed, the Department of Justice identified a single document but claimed it was exempt from disclosure under FOIA. That document is the so-called OLC-DOD memorandum.

Essentially, according to the Second Circuit, that is Professor Barron's memo providing the legal justification for targeted killing of American citizens abroad with drones. Basically, the court reasoned that because the administration had leaked and then officially released the so-called Department of Justice White Paper on the drone program, the administration then waived any basis for withholding the Barron drone memo under the Freedom of Information Act. Therefore, the Second Circuit ordered the administration to produce a redacted copy of this Barron drone memo to the New York Times.

The Second Circuit's opinion confirms that Professor Barron wrote this drone memo. However, according to press reports going as far back as September 2010, Professor Barron had written at least one other drone memo on the targeted killing of Americans while he was at the Office of Legal Counsel. That second memo wasn't addressed by the Second Circuit's opinion and hasn't been disclosed publicly.

We also don't know whether Professor Barron wrote or was involved in producing other materials related to the drone program that have yet to be provided to the full Senate. For example, the Second Circuit has identified two additional memos from the Office of Legal Counsel that it ruled were not subject to disclosure under the Freedom of Information Act. Moreover, according to some media reports, there are quite a few additional memos on the drone program. In fact, the Second Circuit opinion repeats the ACLU's contention that there may be as many as 11 total memos related to this drone program.

This fact didn't escape the Second Circuit. In sending the case back to the district court for further litigation, the circuit left open the possibility that there might be other documents subject to disclosure down the road. The court said, after giving the government another chance to submit additional reasons for withholding the documents: ''The district court may, as appropriate, order the release of any documents that are not properly withheld.''

Let me be very clear. My colleagues should be on notice that more of these documents very well may be made public down the road. In my view, that is all the more reason for the full Senate to receive all materials on the drone program, written by and related to Professor Barron, from the Office of Legal Counsel and do it now before Members decide and are held accountable for their vote on this nominee.

It is impossible to overstate the importance of these materials to our consideration of Professor Barron's nomination. The memos and whatever other materials Professor Barron drafted as the acting head of the Office of Legal Counsel provides the legal framework for the administration's policies related to killing American citizens abroad. We know this because the administration itself has said so. In testimony before the Senate Select Committee on Intelligence, CIA Director Brennan testified that advice from the Office of Legal Counsel on the drone program ''establishes the legal boundaries in which we can operate.''

Once again, let me be clear. The Senate cannot properly discharge its duty to advise and consent on this nomination without having a full picture of this nominee's legal philosophy. A very legitimate question is, How can the Senate predict what kind of a judge he will be if we don't know what kind of a lawyer he has been?

The Senate simply cannot evaluate whether this nominee is fit for a lifetime appointment to one of the Nation's most important courts without

complete access to his writings. It is even more important now that we know some of those writings concern perhaps some of the most controversial issues the Office of Legal Counsel has addressed in recent years; that is, the use of drones to kill American citizens abroad.

Time and again this President and even this Attorney General have promised transparency. They have made these promises to us. They have made promises to the American people. We all know in our oversight capacity of trying to get information out of this administration that they haven't delivered on these promises.

In that letter from the Department of Justice to Chairman LEAHY that I mentioned just a few minutes ago, the Attorney General claimed this administration ''has provided an unprecedented level of transparency as to how sensitive counterterrorism operations are conducted.'' The Attorney General also wrote that the administration was taking all steps to ensure that congressional committees ''are fully informed of the legal basis'' for targeted killings of American citizens.

Again, those assertions aren't accurate when it comes to this nominee's track record at the Department of Justice. If press reports are accurate, this administration hasn't made all the relevant materials available to all Members of this body yet. I am not the first Member of this body to point this out.

I give several of my Democrat colleagues credit for publicly drawing attention to this administration's shortcomings in respect to this administration sufficiently giving us information. I agree with them that this nomination cannot go forward until this body, every Member of this body, is given access to any and all secret legal opinions this nominee wrote on this critical issue of the constitutional basis for the President subjecting an American to killing by drone without trial. Every legal opinion this nominee wrote related to this issue ought to be made available. I wholeheartedly concur in the sentiment of my colleagues, some of them Democrats, on this issue.

Again, I think all Senators should bear in mind that these documents may very well become public in the future. Are Senators who are up for reelection in a few short months ready to vote on this nominee without knowing the full extent of his writings on a topic as serious as the killing of an American citizen by a drone? Are those Senators ready to go home to face their constituents and explain that they cast a vote on that nominee without knowing all of the facts?

On Tuesday the administration announced it will provide the full Senate access to the Barron drone memo that it was ordered to make public by the Second Circuit.

Is this what the most transparent administration in American history looks like, disclosing a memo that a court has already ordered it to disclose?

Keep in mind this administration agreed to the disclosure only after the Second Circuit order and a threat from the American Civil Liberties Union. Is that transparency?

In fact, I am having a bit of a flashback to a statement I made before this body just last week about another judicial nominee. That nominee led the administration's effort to stonewall congressional oversight into the murder of four Americans at our diplomatic mission in Benghazi. That nominee refused to comply with congressional subpoenas and assisted the administration's unlawful withholding of documents from Congress. The Benghazi documents that should have been turned over years ago weren't released until a judge forced the administration to turn over those documents by issuing a court order in a Freedom of Information Act lawsuit.

Just like the memos I have been talking about today, I am starting to see a pattern, and I am starting to understand what this administration means by the word ''transparency.'' It means ''show me a court order first.''

Incidentally, I have been for more transparency at the Office of Legal Counsel for years, and even more so since January, when President Obama threatened to aggressively use Executive orders to circumvent Congress. It is the job of the Office of Legal Counsel to ensure that Executive orders are constitutional.

On January 31 I wrote the Attorney General to ask him to disclose the Office of Legal Counsel's work related to Executive orders issued by the President. I still haven't received a response.

I will also note that Professor Barron himself has gone on record publicly and urged increased transparency at his former workplace, the Office of Legal Counsel, and for that we ought to give him due credit.

In fact, the nominee said this about the OLC—the Office of Legal Counsel:

> OLC should follow a presumption in favor of timely publication of its written legal opinions. Such disclosure helps to ensure executive branch adherence to the rule of law and guard against excessive claims of executive authority.

It couldn't be said any better by me in regard to the letter I wrote on January 31. He went on to say:

> . . . transparency also promotes confidence in the lawfulness of government action.

That is a very admirable standard. I would like to call it the Barron standard, and I hope the administration follows the Barron standard with respect to informing the full Senate about this nominee's work in the Office of Legal Counsel. The administration's offer to disclose the memo it was already ordered to make public by a court isn't good enough, and it shouldn't be good enough for the other 99 Senators, because this is already their legal obligation.

The administration must turn over not only the memo addressed by the Second Circuit, but every legal opinion from the Office of Legal Counsel written by and related to Professor Barron on this issue. Given the lack of clarity thus far, I call on the White House to provide every Senator with access to all Barron materials related to the administration's drone program.

I am also calling on the White House to comply with the Second Circuit's order and release to the public—not just to Senators—a redacted copy of the Barron drone memo that it addressed in its opinion. This is the administration's legal obligation.

Our obligation, as Senators, is to ensure our constituents have full access to information a Federal Court has ordered to be made public before we vote on the nomination. Without full disclosure to the full Senate of all materials on this nominee's involvement in the legal case for the administration's drone program, this nomination should not proceed.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY SAVINGS

Mr. REED. Mr. President, I rise today to express my support for the Energy Savings and Industrial Competitiveness Act.

While there is much more to be done on energy issues, we have an opportunity with this bill to make strides in increasing energy efficiency across many sectors of our economy—from schools and homes to commercial buildings, industry, and manufacturing.

I commend my colleagues, Senators SHAHEEN and PORTMAN, for their tireless efforts to craft a bipartisan energy efficiency bill that has the support of a diverse range of businesses and environmental and labor groups. This demonstrates the broad consensus that being smarter about how we use energy will help strengthen our economy, create jobs, improve our energy security, and protect our environment. Investing in a cleaner, more efficient energy system is one of the fastest, most cost-effective ways to increase our global competitiveness, support job growth, and save families and businesses money through improved efficiency and reduced energy consumption.

I have been particularly focused on addressing the burden of high energy costs on families and businesses in my home State of Rhode Island. One of the most pressing, far-reaching, and complex challenges we face in Rhode Island is the high cost of energy to power and heat homes and businesses. Rhode Island and the New England region face significant energy transmission and distribution challenges, which results

in consumers and businesses in the region experiencing some of the highest, most volatile energy costs in the country. These high energy costs are hurting Rhode Island families and businesses, threatening the growth of our economy, and reducing our competitiveness.

After paying their monthly home energy bills, Rhode Island families, who have been hit particularly hard during this period of high unemployment, are left with few resources to meet other basic needs. High energy costs also place Rhode Island businesses, manufactures, and industrial users at a competitive disadvantage. To revitalize Rhode Island's rich manufacturing history, we must find ways to lower energy costs.

These were among the issues explored when I welcomed Secretary Moniz to Providence last month as part of the Administration's outreach on the Quadrennial Energy Review. Secretary Moniz had the opportunity to hear directly from Rhode Islanders impacted by high energy costs and engage in a dialogue of potential solutions.

While I continue working with my New England colleagues to find long-term solutions to ensure an affordable, cleaner, and more reliable energy system for the region, one of the things we can do to help families and businesses in our States right now is to pass the Shaheen-Portman energy efficiency bill.

Addressing the existing energy infrastructure constraints in New England is just one piece of the puzzle. Energy efficiency will also be an important tool in reducing demand, lowering energy costs, and addressing and maintaining the reliability of our energy system.

Improved efficiency not only saves families and businesses directly on their energy bills, but by also reducing demand, it helps to alleviate stress on the power system and can help mitigate volatile price spikes in the New England region, as we witnessed over the last several months.

I would also like to take a moment to speak about an amendment I have joined Senators COONS and COLLINS in filing to this bill to reauthorize the Weatherization Assistance Program. I, along with Senator COLLINS, yearly lead the fight in the Senate for funding for the Weatherization and State Energy Programs. This amendment would reauthorize and enhance these two well-established, cost-effective energy programs that support jobs, contribute to the Nation's economic recovery, and help meet important goals, such as improving energy efficiency and lowering energy costs.

I know that we have many supporters of the Weatherization and State Energy Programs here in the Senate, and I look forward to continuing to work with each of you to ensure that these important programs remain successful in improving energy efficiency, creating jobs, and reducing the overall cost of heating and powering our homes and businesses.

While we should certainly do much more to advance our national energy policy—and I hope that we can take greater steps very soon—I urge my colleagues to join me now in supporting the Shaheen-Portman energy efficiency bill.

I once again commend those two Senators for their extraordinarily thoughtful, conscientious, and determined leadership. Now we must follow their example and pass this legislation.

BARRON NOMINATION

Mr. LEAHY. Mr. President, earlier today, the ranking member requested that the administration provide materials relating to Anwar Al-Awlaki so that all Senators would be able to properly evaluate Mr. Barron's nomination. The administration has now made available unredacted copies of any memo issued by Mr. Barron regarding the potential use of lethal force against Anwar Al-Awlaki. I hope and expect that all Senators will review these materials today.

Mr. President, I yield the floor, and I would note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BOOKER). The Senator from New Hampshire.

Mrs. SHAHEEN. 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

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session.

Mr. LEAHY. Mr. President, today, we are again voting to overcome Republican filibusters of four highly qualified judicial nominees. The nominees are Judge Robin Rosenbaum to fill an emergency vacancy on the U.S. Court of Appeals for the Eleventh Circuit; Indira Talwani to fill a vacancy on the U.S. District Court for the District of Massachusetts; James Peterson to fill an emergency vacancy on the U.S. District Court for the Western District of Wisconsin; and Nancy Rosenstengel to fill an emergency vacancy on the U.S. District Court for the Southern District of Illinois.

Before proceeding with the qualifications of these four judicial nominees, I would like to address some questions regarding the nomination of David Barron. Mr. Barron has been nominated to fill a vacancy on the U.S. Court of Appeals for the First Circuit. There have been press accounts that Senate Republicans are placing a hold on Mr. BARRON's nomination because they are seeking access to a Justice Department memorandum regarding Anwar Al-Awlaki, an Al Qaeda leader who was killed by a U.S. drone strike in Yemen.

Since Senate Republicans have blocked every single judicial nominee this year from receiving an up-or-down vote, it comes as no surprise that they would attempt to block Mr. Barron as well. This is nothing new. As for the Justice Department memo, the majority leader and I have urged the administration to make the memo available to all Senators, and the administration has agreed. All Senators can review it for themselves. All members of the Judiciary Committee were previously able to review this memo, and now that his nomination is before the full Senate, it makes sense that all Senators will have that opportunity.

I am confident that once we proceed with Mr. Barron's nomination, Senators will vote to confirm him. He is brilliant nominee who is currently a professor at Harvard Law School. He is a nationally recognized expert on constitutional law, the separation of powers, administrative law, and federalism. He clerked on the U.S. Supreme Court for Justice John Paul Stevens. Justice Stevens has such high regard for Mr. Barron that the Justice attended his nomination hearing.

Mr. Barron has been an outstanding law professor and public servant. He has the credentials, expertise, and temperament to make an outstanding judge. As the acting head of the Department of Justice's Office of Legal Counsel in the beginning of the Obama administration, one of Mr. Barron's first actions was to withdraw several of the torture memos that OLC issued during the Bush administration that found ''enhanced interrogation techniques'' lawful, including sleep deprivation, stress positions, and waterboarding.

Mr. Barron has stood up for the rights of gay and lesbian students. In 2005, he coauthored amici briefs in the case Rumsfeld v. FAIR, which challenged the Solomon Amendment. The Solomon Amendment provided that if an institution of higher education denies military recruiters or ROTC programs access to campus, the entire institution would lose certain Federal funds. Until 2011, the Department of Defense discriminated based on sexual orientation, and many universities did not permit discrimination on campus. In response to a question for the record from Senator GRASSLEY on the issue, Mr. Barron said: ''With respect to my participation along with other faculty members and my dean as amici in Rumsfeld v. FAIR, I believed it was important as a faculty member at Harvard Law School to help in the effort to ensure that gay and lesbian students at my institution continued to have equal opportunities to seek legal employment.''

Mr. Barron is truly an outstanding nominee, and I hope all Senators will support his nomination when it comes up.

Today, we will vote to end the filibusters of four other very highly qualified nominees.

Judge Robin Rosenbaum has been nominated to fill an emergency vacancy on the U.S. Court of Appeals for the Eleventh Circuit. She has served since 2012 as a U.S. district judge in the Southern District of Florida, where she was previously a U.S. magistrate judge. Prior to her judicial service, she served as an assistant U.S. attorney in the Southern District of Florida from 1998 to 2007. Judge Rosenbaum has previously practiced at Holland & Knight, LLP, and as a trial attorney in the U.S. Department of Justice, Civil Division. In 1998, she served as a law clerk to Judge Stanley Marcus of the U.S. Eleventh Circuit Court of Appeals. She has the bipartisan support of her home state senators, Senator NELSON and Senator RUBIO. The Judiciary Committee reported her nomination by voice vote to the full Senate on March 6, 2014.

Indira Talwani has been nominated to fill a vacancy on the U.S. District Court for the District of Massachusetts. She has worked in private practice at Segal Roitman, LLP, since 1999 and has been a partner at the firm since 2003. She has previously practiced at the law firm of Altshuler Berzon LLP, where she was also a partner. After graduating from law school, Ms. Talwani served as law clerk to Judge Stanley Weigel of the U.S. District Court for the Northern District of California. She has the support of her home State senators, Senator WARREN and Senator MARKEY. The Judiciary Committee reported her favorably to the full Senate by voice vote on February 6, 2014.

James Peterson has been nominated to fill an emergency vacancy on the U.S. District Court for the Western District of Wisconsin. He has worked in private practice at Godfrey & Kahn, S.C., since 1999, where he has been a shareholder since 2007. Mr. Peterson has served as lead counsel on at least 15 civil cases that have been litigated to judgment. He has also actively participated in nine jury trials, three of which he was lead counsel. Mr. Peterson has briefed and argued civil appeals at the U.S. Court of Appeals for the Seventh Circuit, the Federal Circuit, and the Wisconsin Supreme Court. He has also authored two amicus briefs at the U.S. Supreme Court. In addition to his legal practice, Mr. Peterson has served as an adjunct instructor at the University of Wisconsin Law School. The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. Peterson ''well qualified'' to serve on the Western District of Wisconsin Court, its highest rating. He has the bipartisan support of his home State senators, Senator JOHNSON and Senator BALDWIN. The Judiciary Committee reported him favorably to the full Senate by voice vote on February 6, 2014.

Nancy Rosenstengel has been nominated to fill an emergency vacancy on the U.S. District Court for the Southern District of Illinois. She has served since 2009 as the clerk of court to the U.S. District Court for the Southern District of Illinois. She previously served for 11 years as a career law clerk to Judge G. Patrick Murphy of the U.S. District Court of the Southern District of Illinois. As a career law clerk, she assisted Judge Murphy in hundreds of civil and criminal cases. She also worked in private practice at Sandberg, Phoenix, & von Gontard as an associate from 1993 to 1998. She earned her B.A. cum laude from the University of Illinois in 1990. She earned her J.D. with honors from the Southern Illinois University Law School in 1993, where she was as an editor on the Southern Illinois University Law Journal. She has the bipartisan support of her home State senators, Senator DURBIN and Senator KIRK. The Judiciary Committee reported her nomination by voice vote to the full Senate on March 6, 2014.

Each of these nominees has the experience, judgment, and legal acumen to be good judges in our Federal courts. I thank the majority leader for filing cloture petitions, and I hope my fellow Senators will join me today to end these filibusters so that these nominees can get working on behalf of the American people.

Mrs. SHAHEEN. I ask unanimous consent that all time be yielded back.

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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, hereby move to bring to a close debate on the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts.

Harry Reid, Patrick J. Leahy, Mazie K. Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, is it the sense of the Senate that debate on the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 134 Ex.]

YEAS—55

Ayotte	Harkin	Nelson
Baldwin	Heinrich	Reed
Begich	Heitkamp	Reid
Bennet	Hirono	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Booker	Kaine	Schatz
Boxer	King	Schumer
Brown	Landrieu	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Manchin	Udall (CO)
Casey	Markey	Udall (NM)
Collins	McCaskill	Walsh
Coons	Menendez	Warner
Donnelly	Merkley	Warren
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Gillibrand	Murphy	
Hagan	Murray	

NAYS—41

Alexander	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McCain	Wicker
Fischer	McConnell	

NOT VOTING—4

Boozman	Klobuchar
Franken	Pryor

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 41.

The motion is agreed to.

The majority leader.

Mr. REID. Mr. President, the last vote was about 10 minutes over time. We waited patiently for everyone. For the next two votes, at the end of the time we are going to cut it off. We have a lot of things going on during lunchtime.

If you are not here, you are not going to be counted. We can't be waiting because it is impolite and unfair to everybody else. We have two more votes.

I yield back the time on the two judges.

We are going to have a third vote that will be by voice vote.

Ms. LANDRIEU. Mr. President, could this be a 10-minute vote?

Mr. REID. It is.

The PRESIDING OFFICER. Without objection, all time is yielded back.

NOMINATION OF INDIRA TALWANI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill 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, hereby move to bring to a close debate on the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

Harry Reid, Patrick J. Leahy, Mazie K. Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomination of James D. Peterson, of Wisconsin, to the United States District Judge for the Western District of Wisconsin, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

The PRESIDING OFFICER. (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 40, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—56

Ayotte	Harkin	Murray
Baldwin	Heinrich	Nelson
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Johnson (WI)	Sanders
Boxer	Kaine	Schatz
Brown	King	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Manchin	Udall (CO)
Collins	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Gillibrand	Murkowski	Wyden
Hagan	Murphy	

NAYS—40

Alexander	Chambliss	Corker
Barrasso	Coats	Cornyn
Blunt	Coburn	Crapo
Burr	Cochran	Cruz
Enzi	Johanns	Rubio
Fischer	Kirk	Scott
Flake	Lee	Sessions
Graham	McCain	Shelby
Grassley	McConnell	Thune
Hatch	Moran	Toomey
Heller	Paul	Vitter
Hoeven	Portman	Wicker
Inhofe	Risch	
Isakson	Roberts	

NOT VOTING—4

Boozman	Klobuchar
Franken	Pryor

The PRESIDING OFFICER. On this vote the ayes are 56, the nays are 40. The motion is agreed to.

NOMINATION OF JAMES D. PETERSON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois.

Harry Reid, Patrick J. Leahy, Mazie K. Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arkansas (Mr. BOOZMAN).

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

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 136 Ex.]

YEAS—54

Baldwin	Harkin	Murray
Begich	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Landrieu	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Casey	Manchin	Tester
Collins	Markey	Udall (CO)
Coons	McCaskill	Udall (NM)
Donnelly	Menendez	Walsh
Durbin	Merkley	Warner
Feinstein	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

NAYS—42

Alexander	Fischer	McConnell
Ayotte	Flake	Moran
Barrasso	Graham	Paul
Blunt	Grassley	Portman
Burr	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Rubio
Coburn	Inhofe	Scott
Cochran	Isakson	Sessions
Corker	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McCain	Wicker

NOT VOTING—4

Boozman	Klobuchar
Franken	Pryor

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 42. The motion is agreed to.

NOMINATION OF NANCY J. ROSENSTENGEL TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois.

NOMINATION OF PAMELA K. HAMAMOTO TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR

The PRESIDING OFFICER. Under the previous order, the clerk will report the Hamamoto nomination.

The bill clerk read the nomination of Pamela K. Hamamoto, of Hawaii, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent that all time be yielded back.

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

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of

Pamela K. Hamamoto, of Hawaii, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador?

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that the time until 1:45 p.m. be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CASEY. Madam President, the Senator from Kansas will speak and then I will follow.

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

The Senator from Kansas.

Mr. MORAN. I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO CHARLOTTE LINSNER

Mr. MORAN. Madam President, I am here this afternoon to pay tribute to an exceptional woman in my hometown. She is retiring from a career of aiding victims of domestic violence across Northwest Kansas. Charlotte Linsner in Hays, KS, is concluding more than 25 years of service to Options Domestic and Sexual Violence Services with half of her time in the role as its executive director.

Back home, especially in the rural parts of our State where doors are left unlocked and most people know everyone else, we often think that domestic violence doesn't occur on our streets or in our homes or to people in families that we know. Unfortunately, that is not the reality, and the evidence clearly indicates that is not the case.

Since Options opened its doors 30 years ago under the name of Northwest Kansas Sexual and Domestic Violence Services, 18,000 Kansans in 18 northwest counties have been assisted in seeking a safe environment. There are locations in Hays and Colby, and in addition to providing direct assistance, Options has been instrumental in raising awareness of domestic and sexual violence in our corner of the State.

Almost from the very beginning Charlotte was there working to help those in need. She has offered compassion and strength and hope to those who walked through Options' doors or called the hotline. Her coworkers use words to describe her such as ''passion'' and ''spunkiness'' and ''one of the nicest people.'' From my time living in Hays and visiting Options, I can attest to those attributes. These characteristics are what make Charlotte so very effective in her job. Those who come to Options are bruised physically and emotionally, and they find among the staff at Options understanding and expertise. Effective leadership has made this an effective organization.

Last year our State's attorney general presented Options with the Outstanding Victims Service Organization for 2013, an award at its 16th Annual Crimes Victims' Rights Conference. Mindful that domestic and sexual violence is a scourge not just throughout Northwest Kansas but throughout our State and society, Charlotte told the audience:

> Options accepts this award in honor of all advocates and domestic/sexual programs across the State. Advocates go to work each day to find safety for victims.

Charlotte would be the first to say that great things cannot happen through one person's work alone. So I also wish to commend all who staff Options, who sit on its board of directors, who raise money, and the outside groups and individuals who tirelessly work to protect the vulnerable in our communities. I also want to acknowledge her husband Larry and her four children, who have supported her as she has devoted so much of her life and so much of her time to helping other families.

Charlotte is retiring but not until July 1, and for as long as she is on the job she is hard at work to solidify her agency's mission. She will lead a capital campaign with the goal of $250,000, and once the day comes, she will mentor the new executive director. Not only that but she plans to still work once a month at the shelter house as an advocate, which is how she started her career.

Charlotte leaves huge shoes to fill for the next executive director, but with the foundation that Charlotte and others have laid throughout the community in community partnerships and generous benefactors, Options will be helping those in need—our neighbors, our friends, sometimes even our relatives—for years to come.

Thank you, Charlotte. Best wishes. I am glad you live your life in a way that is committed to helping others.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, with regard to the Hamamoto nomination, 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 PRESIDING OFFICER. The Senator from Pennsylvania.

SYRIAN ATROCITIES

Mr. CASEY. Thank you, Madam President.

Madam President, I rise this afternoon to discuss the recent events in Syria and the United States' response to the crisis.

Yesterday I had the opportunity to meet with President Ahmad Jarba of the Syrian National Coalition to hear firsthand about the Assad regime's intolerable violations of international law and human rights norms. I will begin by reviewing the situation as it stands today.

More than 3 years since the fighting first began, the conflict in Syria rages on. The fighting has driven more than 2.4 million refugees out of the country and displaced 6.5 million more Syrians inside of Syria itself. The violence is so terrible that the United Nations has stopped estimating the death toll. According to the Syrian Observatory for Human Rights, at least 150,000 Syrians have been killed. This conflict has had a disproportionate effect on children in Syria. A Save the Children report indicates that at least 1.2 million children have fled to neighboring countries while about 10,000 have died in the violence.

The Assad regime has used every available tactic to terrorize the Syrian people. Some civilians have resorted to eating grass as desperately needed humanitarian and food aid has been withheld from besieged communities. The whir of helicopter blades above portends barrel bomb strikes that we have heard so much about that could easily land on a school, a hospital or an apartment block. For example, on April 30, Assad's air force dropped a barrel bomb on an elementary school in Aleppo. This attack killed 25 children. This kind of activity by the Assad regime is, in a word, intolerable.

Yesterday the remaining opposition fighters in Homs, once an opposition stronghold, were evacuated under U.N. supervision. If my colleagues here in the Senate have not yet seen the images of Homs, I would urge each of them to take a look at them. The ancient city of Homs is absolutely destroyed. In the midst of this, Mr. Assad declared his candidacy for reelection. Although presidential elections in Syria have never been free and fair, this one that he has declared his candidacy for is a farce, and we can add other words to that as well. This is an attempt by Mr. Assad to legitimize the extension of his brutal rule.

Bashar al-Assad lost his legitimacy a long time ago. What concerns me and so many others is this: Assad believes he is winning. He believes he can starve, bomb, and terrorize the Syrian people into submission. In light of all this it is incumbent upon the United States to take action to change or at least to help to change the momentum on the battlefield. Our national security interests are clear and have become even more clear in recent days. First, the Iranian regime's status as the world's leading state sponsor of terrorism is well established, and its proxies have perpetrated attacks against the United States, Israel, and our allies. Emboldened by the Iranian regime's support, Hezbollah has conducted attacks against U.S. targets and western interests. The Assad regime has been an important conduit between Iran and Hezbollah. As such, they are fighting side-by-side with the regime forces in Syria and providing the regime much needed supplies and financial assistance.

It is also abundantly clear that Russia simply does not share our interests in the region. I guess that is an understatement. Russia has continued to back the regime. It has consistently

blocked U.S. actions in the U.N. Security Council, including efforts to invoke chapter VII authorization to enforce existing Security Council resolutions 2118 and 2139. Russia continues to provide the regime materiel assistance, including ammunition, weapons, airplanes, and spare parts that are keeping the regime afloat. From Syria to Ukraine, it is clear that President Putin's approach to foreign policy is rooted in old Cold War regrets.

The administration has taken steps to respond to the protracted conflict in Syria. Let me outline a few. First, on chemical weapons: The agreement negotiated last fall has led to the vast majority of the Syrian regime's declared chemical weapons stockpiles being removed from Syria. Taking most of these dangerous weapons off the table was a great step forward. However, I remain concerned about reports that the regime could keep the remaining 8 percent of those chemical weapons as an insurance policy.

Equally, if not more, concerning are indications that the Assad regime retains secret stockpiles of chemical weapons that we cannot account for. Further, the regime's use of chlorine gas attacks to terrorize Syrian civilians demonstrates categorically that Assad will never abide by the spirit of that agreement—even an agreement that has led to that 92-percent removal. Here is what he won't fully agree to: to stop using chemical weapons against his own people in clear violation of international law.

Second, on humanitarian assistance, the administration has supported increasing efforts to reduce the suffering. The State Department and USAID must be commended for mobilizing a tremendous aid effort. American taxpayers have contributed over $1.7 billion in humanitarian assistance both inside of Syria and in its neighborhood. This important assistance has fed, clothed, vaccinated, and sheltered Syrians displaced by the fighting. However, the humanitarian crisis remains, as David Milliband put it, ''a defining humanitarian emergency of this century.'' So much more remains to be done just on the humanitarian challenge in and of itself.

Since the beginning of this conflict I have been calling for a more robust response by the United States. Yesterday I met with Mr. Jarba, the president of the Syrian National Coalition. While we discussed the situation in Syria and while we know this situation is terribly complicated, his bottom line message to me—and I am sure he will be addressing this with other American officials as well—and his message was very clear: Without significant support from the United States of America, the fighting will continue and a political solution will not be reached.''

We must act to change the battle's momentum and to fundamentally shift Mr. Assad's calculus. As long as he believes that there are no real consequences for his actions, he will continue to defy the U.N. Security Council. Consequently, I have sent a letter to President Obama today which asks him to consider some next steps.

Madam President, I ask unanimous consent that my letter to the President dated today be printed in the RECORD.

UNITED STATES SENATE,
Washington, DC, May 8, 2014.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT, In recent weeks, Bashar al-Assad's reign of terror has intensified. His forces have used starvation as a war tactic by refusing to deliver desperately-needed food assistance to opposition-controlled areas, bombed an elementary school in Northern Aleppo killing 17 children, rained barrel bombs on residential areas in violation of UN Security Resolution 2139, and regained the former opposition-stronghold of Homs. Meanwhile, he has declared his intention to run for President. The United States has clear national security interests in Syria, in stabilizing the region, ending Assad's slaughter of civilians, and confronting the Iranian regime and Hezbollah. [However, Assad clearly believes he has the upper hand on the battlefield.

First, I commend the work you and your administration have already done to help the people of Syria, a country that journalist Nicholas Kristof called the ''world capital of human suffering.'' The State Department and USAID have mobilized a remarkable humanitarian aid effort thus far. American taxpayers have provided substantial assistance to help those suffering in Syria and the refugee communities in the region. Your administration's agreement with Russia to destroy Syria's chemical weapons has since resulted in the removal of 92.5 percent of Syria's declared stockpile. However, the humanitarian crisis is only expanding as the conflict rages on, and Assad has been deploying chlorine gas to terrorize Syrian civilians and circumvent the chemical weapons agreement.

The U.S. State Department recently highlighted Syria's critical importance to the United States' strategic, long-term interests in its 2013 Country Reports on Terrorism. The State Department's findings that civilians in Syria were primarily the target of terrorist violence are deeply troubling. The report found that Iran and Hezbollah provided critical support to Assad's regime by radically boosting Assad's capabilities and exacerbating the conflict. The report also noted that the Syrian conflict ''empowered ISIL [the Islamic State of Iraq and the Levant] to expand its cross-border operations in Syria, and dramatically increase attacks against Iraqi civilians and government targets in 2013.''

I remain firmly convinced that a more robust U.S. strategy is needed to change the balance of power on the ground and prevent either of two scenarios from occurring. First, that Bashar al-Assad could bomb and starve out any opposition and thus retain his grip on power in Syria.

Second, as members of your administration have warned, that terrorist organizations could take advantage of the chaos in Syria to establish a new safe haven, like a new Pakistani FATA, from which to launch attacks against U.S. interests.

Yesterday, I met with President Ahmad Jarba, to hear firsthand about the situation on the ground. I urge your administration to continue efforts to help the Syrian opposition bring Assad's tyrannical rule to an end and to stave off extremist influence. The State Department's commitment of $27 million in non-lethal assistance should be expanded to include additional assistance for the opposition Assistance Coordination Unit and local councils, which are the face of the opposition for Syrian civilians. With U.S. assistance, the opposition can ramp up its efforts to deliver humanitarian assistance and basic services to communities inside Syria.

I am aware of reports that American-made anti-tank rocket systems have made their way to a group of moderate Syrian rebels. Whatever the origin of these systems, I believe their provision can help change the momentum on the ground. However, to take down Assad's helicopters and bombers, the opposition forces need anti-aircraft weapons. If your Administration judges that there are sufficient safeguards available to track and disable such weapons remotely, I would support their deployment to trusted, vetted Free Syria Army commanders. I fully understand the risks of introducing more of these weapons to the region. However, as long as the regime enjoys control of the skies over Syria, its aircraft will continue regularly and indiscriminately raining bombs and killing Syrian civilians en masse. Little else would have such a profound impact on the balance of power on the battlefield.

The international community has clear interests in stabilizing the region and preventing future atrocities. UN Security Council Resolution 2139 requires that ''all parties immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs. . . .'' Since the resolution's adoption on February 22, Human Rights Watch has documented at least 85 barrel bomb strikes in Aleppo alone. This is intolerable.

I ask that your Administration resume its advocacy for an invocation of Chapter 7 of the UN Charter. Assad continues to violate Security Council Resolution 2139 by deploying barrel bombs against civilians. A tailored and conditional Chapter 7 resolution to respond to the regime's willful disregard of the UN Security Council and the laws of war would not only hold Assad accountable but would also force Russia to take a stand on Assad's continued attacks on civilians.

The Senate has repeatedly voiced its concern regarding the deepening conflict in Syria. In July 2013, the Senate Foreign Relations Committee reported out S. 960, the Syria Transition Support Act, which authorized lethal assistance to vetted elements of the Syrian opposition. In the bill's findings, the Committee noted that it was vital to the United States' national security interests to limit the threat posed by extremist groups in Syria. Last month the full Senate agreed to S. Res. 384, which expressed the Senate's condemnation of the Syrian humanitarian crisis.

The sheer scale of war crimes, human rights abuses, and regional destabilization in the Syrian crisis is, as David Miliband of the International Rescue Committee put it, ''a defining humanitarian emergency of this century.'' As such, it deserves the United States' attention and carefully-considered action. I thank you for your leadership on this important issue and stand ready to help bring this conflict to an end.

Sincerely,

ROBERT P. CASEY, JR.,
United States Senator.

Mr. CASEY. I thank the Chair.

Let me outline some of what I set forth in the letter. First, I asked that the President seriously consider allowing the deployment of lethal assistance to the moderate military opposition. A serious effort to help narrow the gulf between the moderate opposition and

the better-trained and better-equipped extremist fighters would not only boost morale in the Free Syrian Army but could actually change the momentum of the battle. Yesterday President Jarba expressed his commitment to continuing to fight extremist forces. He made that commitment to me, and I am sure he would reiterate it to others. There is no question that there are risks here, but the greater risk is allowing Syria to fall into the hands of extremists and to allow the regime to murder thousands more Syrians and prevail in this conflict. If the administration judges that it has the confidence in Mr. Jarba's pledges and that we have conducted sufficient vetting of key opposition commanders, it should either consider allowing our partners in the region to supply lethal aid or consider providing such weapons ourselves.

I have not and will not advocate for American boots on the ground in this conflict, but giving moderate opposition forces the assistance they need to stem Assad's reign of terror and drive back foreign extremist fighters is in our national interest.

Second, my letter urges President Obama to resume the push for a chapter 7 authorization in the United Nations. Getting Russia to agree to U.N. Security Council resolutions 2118 and 2139 was a difficult task, far more difficult than it should have been considering international law is clear about the deployment of chemical weapons and the use of humanitarian assistance as a tool of war. Enforcement of these resolutions is critical. If Assad does not make good on his commitment to turn over 100 percent—not 92 percent—100 percent of his chemical weapons caches, there should be consequences. If he continues to starve and barrel bomb Syrian children, there must be consequences.

Pressing for a chapter 7 authorization would help us hold both Mr. Putin and Mr. Assad to their commitments. It would also pave the way for the United Nations to ramp up its cross-border humanitarian assistance, which is desperately needed inside of Syria.

When we met yesterday, President Jarba was clear: There will be no momentum behind a political solution until the momentum on the battlefield changes. I have believed that for a long time. The United States has an opportunity not only to help end the suffering in Syria but to send a strong message to those who support the Assad regime, including Russia, Iran, and Hezbollah.

I strongly urge the administration to consider the high stakes of allowing this conflict to continue unabated, and I ask that the administration strongly consider supporting a more substantial effort to properly train and equip the moderate Syrian opposition so they can reject extremist forces, defeat the regime, and begin to rebuild Syria.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

(The remarks of Ms. COLLINS on the Introduction of S. 2307 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. COLLINS. I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

PETERSON NOMINATION

Mr. JOHNSON of Wisconsin. Madam President, I am pleased to recommend to the Senate James D. Peterson to be the U.S. district judge for the Western District of Wisconsin.

Jim has deep roots in Wisconsin, having earned a bachelor's, master's, and Ph.D. from the University of Wisconsin-Madison before his first career as an associate professor of film studies at Notre Dame University. After a number of productive and successful years of academic life, his restlessness for intellectual challenge was energized when his wife Sue Collins interested him in the law as she was teaching legal writing at Valparaiso University Law School. They both returned to Wisconsin, where they each obtained their law degrees from the university.

Jim is currently the leader of the law firm Godfrey & Kahn's Intellectual Property Litigation Working Group and has handled a wide variety of commercial and constitutional disputes. He has served as a local counsel in two dozen patent disputes in the Western District of Wisconsin. In addition, he has appeared before the Wisconsin Supreme Court, the Seventh Circuit Court of Appeals, and the Court of Appeals for the Federal Circuit, which hears appeals of patent cases from district courts across the country.

This experience is important for the Western District of Wisconsin, which oversees many complex intellectual property cases. Since 2007 the Western District of Wisconsin has ranked among the top 25 most popular for patent litigation, largely due to the court's speed—commonly referred to as the ''rocket docket.''

Jim is also the author of numerous academic publications, many of which I had an opportunity to review during his application process. Right after law school he saw firsthand the challenges and requirements associated with being a judge when he served as a law clerk to Hon. David G. Deininger of the Wisconsin Court of Appeals. He has had a challenging and successful career as a legal practitioner. I have no doubt that he will, as a Federal district court judge, excel in yet another career for which he is well suited.

Jim has my full support, and I am happy to recommend him to the Senate for swift confirmation.

I would like to conclude by thanking my colleague Senator BALDWIN for the bipartisan process that resulted in the selection of this well-qualified jurist who will serve Wisconsin's Western District well.

The Western District is currently facing a judicial emergency. U.S. district judge Barbara Crabb has continued to serve on the bench despite retiring 4 years ago, and I sincerely appreciate her dedication in the State of Wisconsin during this vacancy.

I have full confidence that with Jim's expertise and experience, he will now be able to fill this void.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Ms. HIRONO). The Senator from Wisconsin.

PETERSON NOMINATION

Ms. BALDWIN. Madam President, I rise this afternoon to urge my colleagues to confirm James Peterson for the United States District Court of the Western District of Wisconsin.

I will start where my colleague left off, which is to state that I am proud to have worked with Senator JOHNSON to put in place a nonpartisan Federal Nominating Commission and a process for moving judicial nominations forward, because the people of Wisconsin deserve to have experienced and highly qualified judges working for them, and they deserve to have judicial vacancies filled on a timely basis.

Addressing vacant Federal judgeships in Wisconsin has been a top priority of mine since I was sworn into the Senate last year. I thank Senator JOHNSON for working to find common ground with me on this very important issue for Wisconsin.

Together, we believe James Peterson will be an outstanding Federal district judge, and his experience, qualifications, and expertise will serve the Western District of Wisconsin and our Nation very well.

James Peterson was among those recommended by our nominating commission, and together Senator JOHNSON and I submitted his name to the White House for consideration. I am so pleased President Obama nominated him to serve and that his nomination was reported out of the Senate Judiciary Committee.

For the last 14 years Jim's professional life has been devoted to the practice for the firm Godfrey & Kahn in Madison, WI, where he is the leader of the firm's intellectual property litigation working group. His work on behalf of his firm's national clients has been substantially before the U.S. District Court for the Western District of Wisconsin.

Outside of his practice Jim is a leader in the Western District Bar Association, the mission of which is to work with attorneys, the court, and the public to facilitate the just, speedy, respectful, and efficient resolution of all matters before the court—qualities that have been the hallmarks of the Western District of Wisconsin. In an effort to foster the next generation of great lawyers, Jim is a member of the adjunct faculty of the University of Wisconsin Law School where he has taught copyright law and public speaking workshops.

I am proud to join Senator JOHNSON in supporting this nomination, and I

am proud to come before my colleagues and ask my colleagues to confirm this judgeship. Mr. PETERSON's confirmation today will end a vacancy that has lasted for more than 5 years and has been declared a judicial emergency. We are most grateful for the tireless commitment of soon-to-be really retired Judge Barbara Crabb who has filled in during this vacancy, and we are very grateful for her commitment.

Senator JOHNSON and I agree on this nomination to the U.S. District Court for the Western District of Wisconsin, and our joint support should send a strong message to the entire Senate that he is the right choice for this judgeship. I urge my colleagues to confirm James D. Peterson so he can serve the people of Wisconsin and our Nation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY EFFICIENCY AMENDMENT

Mr. ENZI. Madam President, I rise to offer an amendment to S. 2262 that would prevent the Environmental Protection Agency from a massive regulatory outreach. I understand under current procedure we are not allowed to do that, but I will explain it so when I can bring this amendment up, people will already know about it and join me in voting for it. It is similar to an amendment I offered last September to the energy efficiency bill. Unfortunately, the Senate majority leader blocked amendments from being considered. I am hoping that doesn't happen this time.

My amendment is simple and straightforward. It promotes the right of each State to deal with its own problems. It returns the regulation of regional haze to where it properly belongs: in the hands of State officials who are more familiar with the problem and know the best way to address it. I hope my colleagues will support my effort.

The Environmental Protection Agency's move to partially disapprove of the State of Wyoming's regional haze will create an economic and bureaucratic nightmare that will have a devastating impact on western economies. The decision by the EPA ignores more than a decade's worth of work on this subject by officials in my home State and seems to be more designed to regulate coal out of existence than to regulate haze. The haze we most need to regulate, in fact, seems to be the one that is clouding the vision of the EPA as it promotes a plan that would impose onerous regulations on powerplants that will, in turn, pass those increased costs in the form of higher energy prices on to consumers. These are the middle-class folks we keep talking about. It will also increase the cost for manufacturers, and that will drive them overseas, so that will eliminate jobs. So we are talking about a lot of impact.

That tells me the EPA's purpose is to ensure that no opportunity to impose its chosen agenda on the Nation is wasted. It doesn't seem to matter to them that their proposed rule flies directly in the face of the State's traditional and legal role in addressing air quality issues.

When Congress passed the 1977 amendments to the Clean Air Act to regulate regional haze, it very clearly gave the States the lead authority. Now the EPA has tossed them in the backseat and grabbed the steering wheel to head this effort in its own previously determined direction. That isn't the kind of teamwork and cooperation Congress intended.

The goal of regulating regional haze is to improve visibility in our national parks and wilderness areas. The stated legislative purpose for that authority is purely for aesthetic value and not to regulate public health. Most importantly, the EPA shouldn't be using regulations to pick winners and losers in our national energy market. The cost for this rule is in the billions, and the bureaucratic evaluation says it will still have little or no actual effect. Why would we force the spending of billions for little or no actual effect?

This is a State issue, and Congress recognized that States would know how to determine what the best regulatory approach would be to find and implement a solution to the problem. The courts then reaffirmed this position by ruling in favor of the States' primacy on regional haze several times. The EPA ignored all of that clear precedent and, instead, handed a top-down approach that ignored the will and expertise of the State of Wyoming and other States.

This inexplicable position flies in the face of Wyoming's strong and commonsense approach to addressing regional haze in a reasonable and cost-effective manner.

I invite everybody to come to Wyoming. We have the clear skies. People can see more miles there than people can see here. Of course, a lot of it out here is humidity, I think. But we do not have the regional haze they are talking about. The EPA's approach will be much more costly and have a tremendous impact on the economy and the quality of life not only in Wyoming but in neighboring States as well. Clearly, we cannot allow this to happen.

Every family knows when the price of energy goes up, it is their economic security—costing more—as well as their hopes and dreams for the future that are threatened and all too often destroyed.

The EPA's determination to take such an approach would be understandable if it would create better results than the State plan. It does not. That is another reason why it makes no sense for the EPA to overstep its authority under the Clean Air Act to force Wyoming to comply with an all-too-costly plan that in the end will provide the people of Wyoming and America with no real benefits.

The plan does not even take into account other sources of haze in Wyoming such as wildfires. Wildfires are a problem on Wyoming's plains and mountains every year. It is a major cause of haze in the West. It makes no sense for the EPA to draft a plan that fails to take into consideration the biggest natural cause of the very problem they are supposed to be solving.

The Forest Service could do a lot of prevention if forest plans did not get delayed.

The State of Wyoming has spent over a decade producing an air quality plan that is reasonable, productive, cost-effective, and focused on the problem at hand. The EPA has taken an unnecessary and unreasonable approach that violates the legislatively granted job of State regulators to address this issue. We cannot afford to increase the cost of energy to families, schools, and vital public services by implementing an EPA plan that will not adequately address the issue of regional haze.

I know my colleagues will see the importance of this matter and support my amendment that will stop the EPA in its tracks and end its interference with Wyoming's efforts to address this issue. It only makes sense to me that Wyoming's plan be given a chance to work. It is more than a 10-year effort, and it will make a difference, and not at the cost that will be imposed.

It is only fair, and it is the right thing to do. I ask for the support of my colleagues.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ELECTION SPENDING

Mr. SANDERS. Madam President, as I think most Americans know, about 4 years ago the Supreme Court rendered a decision, which I happen to believe is one of the worst in the history of the Supreme Court, and that is their decision regarding Citizens United. As a result of that decision, what they said is corporations are people and individuals could spend an unlimited—unlimited—sum of money in elections. By ''unlimited,'' I mean hundreds and hundreds of millions of dollars, if not billions of dollars—quite as much as they want through independent expenditures.

I think many Americans observed the repercussions of that decision just last month. A gentleman named Sheldon Adelson, one of the wealthiest people

in this country, worth many billions, held what was called the Adelson primary in Nevada. What he did was invite prospective Republican candidates for President to come to Nevada to chat with him, to tell him their views; and if he decides to support one of those candidates, they will end up receiving, in all likelihood, hundreds of millions of dollars.

But it is not just Sheldon Adelson. Probably even more significantly, when we talk about the impact of Citizens United and we talk about the flood of money coming in from the billionaire class to the political process, it is important to talk about the Koch brothers.

I understand there has been a lot of criticism of Majority Leader REID because he has talked about the Koch brothers, but I think the majority leader is exactly right. The issue is not personal. I don't know if the Koch brothers are nice guys or not nice guys; that is not the issue.

The issue is the impact this billionaire family, the second wealthiest family in America, is having on the political process; and, second of all, and even more importantly, what do they stand for? Who are they? Why are they pouring hundreds of millions of dollars into the political process?

I have a problem, to tell you the truth—whether somebody is a right-winger or leftwinger—I have a real problem with these rich guys spending huge sums of money.

But at the end of the day what is important to understand is what do they want? Why are they spending so much money in politics? Why are they supporting candidates throughout this country, running for the Senate, running for the House? Clearly they will be heavily involved in the next Presidential election. What do they stand for? That is the issue.

It disturbs me very much, by the way, that the media hasn't been talking about that. What do these guys stand for? What do they want?

Many Americans know the Koch brothers provided the main source of funding for the creation of the tea party—that is fine—and many Americans know the Koch brothers want to repeal the Affordable Care Act. They have run a lot of ads supporting candidates who want to repeal the Affordable Care Act. That is their view, and that is fine as well.

But what I think most Americans don't know is the Koch brothers want to repeal virtually every major piece of legislation that has been passed in the past 80 years to help the middle class, to help working families, to help the elderly, to help the children, to help low-income people. Their view, their ideological view, is that we should eliminate or substantially cut back on all of those programs.

In 1980, David Koch, one of the Koch brothers, was the vice presidential candidate of the Libertarian Party. In fact, he helped fund the Libertarian Party in that year. I want to read to you and discuss with you a few of the excerpts from the 1980 Libertarian Party platform that David Koch ran on. People may think: Well, that was back in 1980. But do you know what. It is my impression their views haven't changed one iota; that they are funding many organizations all over this country that essentially espouse those very view views David Koch ran on in 1980.

This is the first quote that was in the 1980 Libertarian Party platform David Koch ran on as a vice presidential candidate and helped fund. He said: ''We favor the repeal of the fraudulent, virtually bankrupt, and increasingly oppressive Social Security system.''

That is their view. That shouldn't surprise anybody. These guys do not believe government should be involved in health care, in retirement security. It is totally consistent with what they believe.

But when Americans see ads on television paid for by David Koch, I hope they understand these guys eventually want to see—probably not tomorrow—the repeal of Social Security. They want to privatize it, they don't want it to exist.

What is the reality? The reality is the overwhelming majority of the American people disagree with the Koch brothers. The reality is Social Security is probably the most successful Federal program in the history of our country. For more than 78 years, in good times and in bad, Social Security has provided every single benefit owed to every eligible American without delay. That is in good times, bad times, recession, boom, whatever it was. Before Social Security was created, nearly half of seniors lived in poverty. Today, while still too high, that number is 9.1 percent. We have gone from 50 percent down to 9.1 percent largely because of Social Security.

The main point is according to virtually every poll I have seen, including the latest National Journal poll on the subject, 76 percent of the American people do not want to cut Social Security at all, an issue you and I were involved in. They do not want to cut Social Security. They sure as heck do not want to repeal Social Security.

So when you see the ads on television being paid for by the Koch brothers, understand where they are coming from in terms of Social Security.

Let me give another quote, and this is an exact quote from the 1980 platform of the Libertarian Party, David Koch, vice presidential candidate: ''We favor the abolition of Medicare and Medicaid programs.''

Abolition, what does that mean? It means if you are a senior citizen, 70 years of age, you are not feeling well, you go to the doctor, the doctor diagnoses you with cancer, you are not going to have Medicare there for you. If you don't have a lot of money, how are you going to get the health care you need? Well, you know what. You may not, because according to the Koch brothers, the Federal Government should not be involved in public health insurance programs such as Medicare and Medicaid.

What happens if you are a low-income person? What happens if your kid is on the Children's Health Insurance Program, called Dr. Dynasaur in Vermont—I don't know what it is called in Hawaii—but it covers all of the States in this country. Millions of kids are getting their health insurance through the Children's Health Insurance Program. What is the Koch brothers' view? We should eliminate it. The Federal Government should not be involved in health insurance.

According to the latest polls I have seen on this subject, 81 percent of the American people do not want to cut Medicare benefits at all and 60 percent of the American people don't want to cut Medicaid benefits at all, because they understand that in these tough times it is terribly important that we have guaranteed health care programs for our people. Yet the view of the Koch brothers is we should end Medicare and Medicaid.

So, again, when you see ads on television, understand who is paying for them.

We have been discussing the minimum wage bill. The Presiding Officer and I agree it is absolutely imperative that we raise the minimum wage. I think $10.10, the bill we had on the floor last week, is a start. I would go farther, but I think most Americans understand a family breadwinner and a family who is making all of $7.25 an hour or $14,000 or $15,000 a year is not a wage upon which anyone can live.

Yet when you read the platform David Koch ran on—and again, their success has been that where their ideas were thought to be pretty crazy and kooky in 1980—he got 1 percent of the vote and ran because they thought Ronald Reagan was much too liberal in 1980—today these ideas are increasingly becoming mainstream. They are in the Ryan budget passed by the Republican House. They are reflected by actions in the Senate by my Republican Senate colleagues.

One example is when we talk about the minimum wage, some of us think we have to raise it. Their view, what the Koch brothers said in 1980, and I believe it is their view today:

> We support repeal of all laws which impede the ability of any person to find employment, such as minimum wage laws.

So this is not a debate about whether you raise the minimum wage to $10.10. You do what they are doing in Seattle, WA, over a period of time raising it to $15 an hour, whether you raise it to $9 an hour, that is not their debate. Their debate is we should repeal the concept of the minimum wage.

What does that mean in real terms? It means that in high-unemployment areas of this country where workers are desperate for jobs, if an employer says: I am going to give you 3 bucks an hour, and you say: I can't live on 3

bucks, and the employer says: Well, I have 20 other people who are prepared to take the job, that is their goal. They do not believe the Federal Government should be involved in providing at least a minimum wage for the workers of this country.

They believe, among other things, that we should abolish the U.S. Postal Service, and I want to get into that. Their view is, again, the Postal Service, a Federal Government program—not a question of having a debate, how do you strengthen the Postal Service, what do you do, and what do you not do—they want to abolish the U.S. Postal Service.

Let me go to another quote from David Koch, which I think maybe is the most interesting of all. This is where they are coming from. This is their philosophy:

> We oppose all government welfare, relief projects, and ''aid to the poor'' programs. All these government programs are privacy-invading, paternalistic, demeaning, and inefficient. The proper source of help for such persons is the voluntary efforts of private groups and individuals.

I want to put into English what they say. What they are saying is they want to get rid of food stamps, they want to get rid of all nutrition programs, all affordable housing programs, Meals On Wheels Programs, which help vulnerable seniors, congregate meal programs, Head Start—which obviously are important to millions of working families and their children.

So you ask: Well, what happens if I am hungry and there is no food stamp program because they want to get rid of all of these programs, because they think the Federal Government should not be involved in these issues? What do we do when people are hungry when they can't find jobs?

Well, they can go to their local church, they can go to their local charity. Maybe they will get some help, maybe they won't. In other words, we are back to the days of Charles Dickens. We are back to the days of Charles Dickens where ordinary people and lower income people have no rights and no benefits. The only way they get help is if some charity is there to dole out some money.

I don't believe that is where the American people are, and I don't believe that is what the American people want.

Back In 1980, the Libertarian Party had a rather bold proposal, and they said: ''We support the eventual repeal of all taxation.''

Essentially what they are saying is no more government. That is it. No more government.

There is going to be a vote in a few minutes, and I am going to seesaw, and I will be back on this issue. But I wanted to point out to what degree these folks, who are worth at least $80 billion, whose wealth increased last year by $12 billion, who have indicated they are prepared to spend as much as it takes to elect people who to some degree or another—I am not sure all of the candidates they support agree with everything they say, but they know what they are doing. They are smart.

They are spending huge sums of money to create an America in which the wealthiest people will get huge tax breaks while working families, the middle class, the elderly, the children, and the sick will be left out on the street all by themselves. That is not the vision of America the American people believe in. I doubt there are 5 or 10 percent of the American people who believe in that vision, maybe less than that.

But when you have $80 billion, and you are worth that much and can spend unlimited sums of money, you will have a huge impact on the political process, and you will have candidates who talk about this perspective, who defend this point of view, because that is where their money or campaigns comes from, rather than talking about the needs of working families or ordinary Americans.

Let me make this last point, and that is this: It was 34 years ago the Koch brothers said:

> We urge the repeal of Federal campaign finance laws, and the immediate abolition of the despotic Federal Election Commission.

They have come so far in 34 years that that is now the position of a number of Republicans, including, as I understand it, the chairman of the National Republican Party.

What does that mean? It means if you repeal all campaign finance laws, the Koch brothers and other billionaires will not just be able to spend as much as they want on independent campaign expenditures, they will be able to give money directly to the candidates of their choice.

The PRESIDING OFFICER. All time for debate has expired.

Mr. SANDERS. Let me conclude by saying: I hope everybody pays attention to what the Koch brothers stand for.

With that, I yield the floor.

NOMINATION OF INDIRA TALWANI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Talwani nomination.

Mr. SANDERS. Madam President, I ask unanimous consent to yield back all remaining time on both sides.

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

The question is, Will the Senate advise and consent to the nomination of Indira Talwani, of Massachusetts, to be United States District Judge for the District of Massachusetts?

Mr. SANDERS. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 137 Ex.]

YEAS—94

Alexander	Grassley	Murray
Ayotte	Hagan	Nelson
Baldwin	Harkin	Paul
Barrasso	Hatch	Portman
Bennet	Heinrich	Reed
Blunt	Heitkamp	Reid
Booker	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rockefeller
Burr	Inhofe	Rubio
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Cochran	Kirk	Shelby
Collins	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Levin	Toomey
Crapo	Manchin	Udall (CO)
Cruz	Markey	Udall (NM)
Donnelly	McCain	Vitter
Durbin	McCaskill	Walsh
Enzi	McConnell	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Moran	Wyden
Gillibrand	Murkowski	
Graham	Murphy	

NOT VOTING—6

Begich	Boozman	Landrieu
Blumenthal	Coburn	Pryor

The nomination was confirmed.

VOTE EXPLANATION

Mr. BLUMENTHAL. Madam President, I was unavoidably detained and unable to participate in the vote to confirm Indira Talwani to be U.S. district judge for the District of Massachusetts. Had I been present, I would have voted aye.

NOMINATION OF JAMES D. PETERSON TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, what is the next matter before the Senate?

The PRESIDING OFFICER. The next vote is to occur on the Peterson nomination.

Mr. REID. I yield back the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of James D. Peterson, of Wisconsin, to be United States District Judge for the Western District of Wisconsin?

Mr. GRAHAM. 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. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Delaware (Mr. COONS), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 70, nays 24, as follows:

[Rollcall Vote No. 138 Ex.]

YEAS—70

Alexander	Gillibrand	Mikulski
Ayotte	Graham	Murkowski
Baldwin	Grassley	Murphy
Bennet	Hagan	Murray
Blumenthal	Harkin	Nelson
Blunt	Hatch	Reed
Booker	Heinrich	Reid
Boxer	Heitkamp	Rockefeller
Brown	Hirono	Sanders
Burr	Isakson	Schatz
Cantwell	Johnson (SD)	Schumer
Cardin	Johnson (WI)	Shaheen
Carper	Kaine	Stabenow
Casey	King	Tester
Chambliss	Kirk	Udall (CO)
Coats	Klobuchar	Udall (NM)
Collins	Leahy	Vitter
Corker	Levin	Walsh
Cornyn	Manchin	Warner
Donnelly	Markey	Warren
Durbin	McCain	Whitehouse
Feinstein	McCaskill	Wyden
Flake	Menendez	
Franken	Merkley	

NAYS—24

Barrasso	Inhofe	Roberts
Cochran	Johanns	Rubio
Crapo	Lee	Scott
Cruz	McConnell	Sessions
Enzi	Moran	Shelby
Fischer	Paul	Thune
Heller	Portman	Toomey
Hoeven	Risch	Wicker

NOT VOTING—6

Begich	Coburn	Landrieu
Boozman	Coons	Pryor

The nomination was confirmed.

NOMINATION OF NANCY J. ROSENSTENGEL TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote on the Rosenstengel nomination.

Mr. DURBIN. Madam President, I rise to speak in support of Nancy Rosenstengel's nomination to serve as a District Court judge in the Southern District of Illinois.

Ms. Rosenstengel has the experience, integrity and judgment to be an outstanding member of the Federal bench. She has been nominated to fill the judgeship in the East St. Louis courthouse that was left vacant by the retirement of Judge G. Patrick Murphy last December. This vacancy has been designated as a judicial emergency, and I am glad that the Senate is moving forward to fill it.

Ms. Rostenstengel knows the East St. Louis Federal courthouse well. She currently serves as the Clerk of Court for the Southern District, a position she has held for the last 5 years. In this capacity, she serves as the chief administrative officer for the court and handles the day-to-day management of its functions. She has received widespread praise for her skillful handling of the court's operations and policies.

Previously, Ms. Rosenstengel worked in private practice at the law firm Sandberg, Phoenix and von Gontard, and she served for 11 years as a judicial law clerk to Judge Murphy, the judge she has been nominated to replace. As Judge Murphy's career law clerk, Ms. Rosenstengel assisted him in hundreds of civil and criminal proceedings. It is hard to imagine better training for a judgeship than the work Ms. Rosenstengel performed for over a decade at Judge Murphy's side.

Ms. Rosenstengel was born in Alton and currently lives in Belleville. She received her B.A. from the University of Illinois in Urbana-Champaign and her J.D. from Southern Illinois University School of Law.

Ms. Rosenstengel's nomination is historic. No woman has ever before served as an Article III Federal judge in the Southern District of Illinois. Upon confirmation, Nancy Rosenstengel will be the first. And she will do an outstanding job serving the people of the Southern District. She was recommended to me by a bipartisan screening committee that I established to review judicial candidates for the Southern District. I was proud to recommend her name to the President, and I appreciate the support of my colleague Senator KIRK for her nomination.

Ms. Rosenstengel had her hearing before the Judiciary Committee in January. In February, she was reported out of committee by a unanimous voice vote. In short, she is an outstanding nominee and I urge my colleagues to support her confirmation.

Mr. LEVIN. Madam President, I ask unanimous consent to yield back all time.

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

All time is yielded back.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Nancy J. Rosenstengel, of Illinois, to be United States District Judge for the Southern District of Illinois?

Mr. MCCAIN. Madam President, 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 assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Oklahoma (Mr. COBURN).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 139 Ex.]

YEAS—95

Alexander	Graham	Murphy
Ayotte	Grassley	Murray
Baldwin	Hagan	Nelson
Barrasso	Harkin	Paul
Bennet	Hatch	Portman
Blumenthal	Heinrich	Reed
Blunt	Heitkamp	Reid
Booker	Heller	Risch
Boxer	Hirono	Roberts
Brown	Hoeven	Rockefeller
Burr	Inhofe	Rubio
Cantwell	Isakson	Sanders
Cardin	Johanns	Schatz
Carper	Johnson (SD)	Schumer
Casey	Johnson (WI)	Scott
Chambliss	Kaine	Sessions
Coats	King	Shaheen
Cochran	Kirk	Shelby
Collins	Klobuchar	Stabenow
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Levin	Toomey
Crapo	Manchin	Udall (CO)
Cruz	Markey	Udall (NM)
Donnelly	McCain	Vitter
Durbin	McCaskill	Walsh
Enzi	McConnell	Warner
Feinstein	Menendez	Warren
Fischer	Merkley	Whitehouse
Flake	Mikulski	Wicker
Franken	Moran	Wyden
Gillibrand	Murkowski	

NOT VOTING—5

Begich	Coburn	Pryor
Boozman	Landrieu	

The nomination was confirmed.

Mr. REID. Madam President, on the next nomination, I ask unanimous consent to yield back that time, and this will be the last vote.

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

Mr. REID. Madam President, the remaining votes, if any, will be by voice. On Monday we will have at least three votes starting at 5:30 p.m.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill 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, hereby move to bring to a close debate on the nomination of Robin S. Rosenbaum, of Florida, to be

United States Circuit Judge for the Eleventh Circuit.

Harry Reid, Patrick J. Leahy, Mazie K. Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. All time has been yielded back. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh District, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 140 Ex.]

YEAS—57

Ayotte	Harkin	Murray
Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Rubio
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

NAYS—37

Alexander	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeven	Scott
Cochran	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johanns	Thune
Crapo	Johnson (WI)	Toomey
Cruz	Kirk	Vitter
Enzi	Lee	Wicker
Fischer	McCain	
Flake	McConnell	

NOT VOTING—6

Begich	Burr	Moran
Boozman	Coburn	Pryor

The PRESIDING OFFICER. On this vote the yeas are 57 and the nays are 37. The motion is agreed to.

Under the previous order, with respect to the Talwani, Peterson, and Rosenstengel nominations, the motions to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Alabama.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 140, I voted aye and it was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. SESSIONS. I thank the Chair.

I would note that the issues revolving around judicial confirmations in which we are routinely voting on cloture after the execution of the nuclear option, we are having more of these votes than we used to have.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session.

NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The ACTING PRESIDENT pro tempore. The clerk will report the Rosenbaum nomination.

The assistant bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

NOMINATION OF THEODORE REED MITCHELL TO BE UNDER SECRETARY OF EDUCATION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the Mitchell nomination.

The bill clerk read the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education.

Mr. FRANKEN. Mr. President, I yield back all time on the nomination.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Ms. WARREN. Mr. President, earlier today the Senate confirmed Indira Talwani to fill a judicial vacancy on the District Court for the District of Massachusetts.

Ms. Talwani's nomination came after she was recommended to me for this position by the Advisory Committee on Massachusetts Judicial Nominations. The Advisory Committee is comprised of distinguished members of the Massachusetts legal community, including prominent academics and litigators, and is chaired by former Massachusetts district court judge Nancy Gertner. The Advisory Committee's recommendation reflects the strength of Ms. Talwani's resume, the exceptionally warm reviews she received from those who have worked with her, and the firm conviction of the Massachusetts legal community that she will make an excellent district court judge.

Indira Talwani is the daughter of immigrants from India and Germany. She graduated with honors from Harvard University, and was later named Order of the Coif at Boalt Hall School of Law at the University of California, Berkeley. Immediately after law school, Ms. Talwani spent 1 year serving as a law clerk to Judge Stanley A. Weigel on the U.S. District Court for the Northern District of California, building practical experience that will serve her well as a district court judge. She subsequently worked for several years as an associate and later as a partner at the firm Altschuler, Berzon, Nussbaum, Berzon & Rubin in San Francisco, before moving in 1999 to join Segal Roitman, LLP in Boston, where she is currently a partner.

Ms. Talwani has an impressive track record as a litigator, having represented clients in matters before the Massachusetts State trial courts and appeals courts, as well as the district court to which she has been nominated, the Federal Courts of Appeals, and the U.S. Supreme Court.

In addition to her broad credentials and wide litigation experience, Ms. Talwani has developed particular expertise in legal issues that relate to employment. She is the associate editor of a treatise on the Family and Medical Leave Act compiled by the American Bar Association. Her work representing an investment advisor whistleblower who was allegedly retaliated against for reporting accounting irregularities to her supervisor earned her the distinction of being named one of Massachusetts Lawyers Weekly's Top 10 Lawyers for 2010, and she recently won a victory in that case on appeal before the U.S. Supreme Court.

Ms. Talwani is also committed to public service, providing pro bono representation to indigent clients. She has worked with Greater Boston Legal Services to ensure that low income clients have access to counsel.

Ms. Talwani's nomination is strongly supported by the Asian American Lawyers Association of Massachusetts. Asian Americans are a fast-growing segment of our State's population, and that growth is reflected in our State bench—which currently has 10 Asian American judges. Remarkably, when confirmed, Ms. Talwani will be the first

individual of Asian descent to serve on the Federal bench in Massachusetts.

Indira Talwani is a first-rate litigator with impressive credentials. Her unique professional and personal background will bring important perspective to the Federal bench in Massachusetts. I am proud to have recommended her to President Obama, and I have no doubt that she will have a long and distinguished career on as a member of the judiciary.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

HIRE MORE HEROES ACT OF 2014—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

ENERGY POLICY

Mr. HELLER. Mr. President, as has been discussed much this week, I believe our Nation needs a comprehensive energy policy that allows us to develop our own domestic resources and use existing resources more efficiently. The United States is blessed with an abundance of natural resources and we have to act to ensure an affordable, stable supply of energy needed to power our economy by developing them responsibly. Democrats and Republicans must work together to develop concrete policies that will lower prices, expand domestic production, and reduce our dependence on foreign sources of energy and minerals.

That is why the debate we are having in the Senate this week is so important. As a member of the Senate Energy and Natural Resources Committee, I have seen how much work has gone into the Energy Savings and Industrial Competitiveness Act so far and have enjoyed being part of that process. This committee also has oversight over many of the other important, responsible energy policies we have been debating this week. That is why I was disappointed to see a procedural step taken by the majority yesterday blocking consideration of any amendments—even amendments related to the very legislation we are considering today. I sincerely hope that prior to the cloture vote on this bill we can find a bipartisan path forward to vote on related amendments such as the Keystone XL Pipeline.

Earlier this week I filed two commonsense amendments that I hoped could be and would be included in the debate this week. These initiatives would expand renewable energy development across the West and put the brakes on job-killing regulations that threaten to drastically increase our constituents' electric bills at a time when middle-class families across this country have already been forced to tighten their belts. Both of these amendments are consistent with the goals of the legislation before us today and are worthy of consideration, I believe, by this body.

My first amendment, No. 2987, mirrors legislation I introduced in the Senate last December, the Energy Consumers Relief Act. This initiative would help protect Americans from new billion-dollar EPA regulations that may increase energy prices and, of course, destroy jobs.

The United States, and especially my home State of Nevada, continues to grapple with high unemployment, with record numbers of Americans underemployed, and with families struggling to make ends meet. Instead of advocating for policies that would put people back to work, the Obama administration continues to develop rules that will increase Americans' utility costs, causing companies to lay off employees and stifle economic growth.

Just last month the EPA and the Army Corps of Engineers put forth a new rule that will significantly expand Federal regulatory authority under the Clean Water Act. This rule would have a chilling effect, particularly out West where our water resources are scant and hydropower plays a significant role in our energy portfolio. Just this week I visited with local irrigation managers and our rural electric cooperatives in my office, and they expressed strong concerns that the substantial regulatory costs associated with changes in jurisdiction and increased permitting requirements will result in bureaucratic barriers to economic growth, infrastructure development, and energy production.

These are the types of administrative actions Congress must rein in. My amendment would specifically require the EPA to be transparent when proposing and issuing energy-related regulations with an economic impact of $1 billion or more. Additionally, it would prohibit the EPA from finalizing a rule if the Secretary of Energy, in consultation with other relevant agencies, determines the rule would cause significant adverse effects to the economy.

All we are talking about here is transparency and accountability. American taxpayers deserve nothing less from their government. It is important to note that this initiative passed the House with overwhelming bipartisan support last year. The Senate should do the same.

My second amendment, No. 2992, on which I teamed up with my friend from Montana, Senator JON TESTER, to craft, is an initiative we have been working on for many years. The Public Lands Renewable Energy Development Act is a strong bipartisan proposal that will help create jobs, progress towards energy independence, and preserve our Nation's natural wonders by spurring renewable energy development on public lands.

In Nevada we need jobs, not policies that make job creation more difficult. Energy is one of our State's greatest assets, and I believe continuing to develop renewable and alternative sources are important for Nevada's economic future.

Geothermal and solar production in my State is an integral part of the United States's ''all of the above'' energy strategy. In fact, my home State of Nevada is often called the Saudi Arabia of geothermal. Our Nation's public lands can play a critical role in that mission, but uncertainty in the permitting process impedes or delays our ability to harness their renewable energy potential.

Under current law permits for wind and solar development are completed under the same process for other surface uses, such as pipelines, roads, or power lines. The public land management agencies need a permitting process tailored to the unique characteristics and impacts of renewable energy projects. This initiative develops a straightforward process that will drive investment towards the highest quality renewable sources.

In addition, the legislation establishes a revenue sharing mechanism that ensures a fair return for all. Since Federal lands are not taxable, State and local governments deserve a share of the revenues from the sales of energy production on public lands within their borders. These resources will help local governments deliver critical services and develop much-needed capital improvement projects, such as road maintenance, public safety, and law enforcement. Additionally, revenues will be utilized to support fish and wildlife conservation projects and to increases outdoor recreation, such as hunting, fishing, and hiking activities that serve as a critical economic engine in the rural parts of my State.

There is no doubt alternative sources of energy are a critical component of our ''all of the above'' energy future. While we work to develop and perfect alternative technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem—supply and demand.

I hope the Senate can put partisan politics aside and have the opportunity to vote on related amendments to this bill—like those I have just discussed today. These strong bipartisan proposals will rein in harmful regulations and spur domestic energy production. Congress should take this opportunity to take a major step forward in implementing 21st century energy policies that will create jobs and keep consumer energy prices low.

I thank the Presiding Officer and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

REMEMBERING JIM OBERSTAR

Ms. KLOBUCHAR. Mr. President, I come to the Senate floor today to honor the life of a truly remarkable man—a devoted husband, a loving father and grandfather, a dedicated friend, and a true public servant. Jim

Oberstar was a man of purpose and grit who never stopped fighting for the people of his district, the people of northeastern Minnesota.

His resilience was the resilience of the people he represented. He was one of those rare people who was just as comfortable in the Aurora, MN, parade in khakis and tennis shoes as he was at the French Embassy. One unique thing about Jim Oberstar was that he always broke into French at a moment's notice, and he would literally speak French at the French Embassy and in Paris, but he might also speak French at the Aurora parade, even though no one else there spoke French.

Whether he was biking the Mesabi Trail or fishing on Sturgeon Lake or hanging out with some of his constituents at Tom & Jerry's Bar in Chisholm—which is where he grew up—he always loved northern Minnesota and the people he represented.

Jim never lost sight of where he came from or the values he grew up with. He knew that, among other things, his job in Washington was to be an advocate, and he approached every day with a fierce but disciplined urgency of purpose. What I loved most about him was that, in a day of sound bites and quick fixes, he was never afraid to give that long, long explanation of why he voted for something or why he thought it was important to his constituents.

As the Star Tribune noted this week, Jim was always a popular editorial guest and meetings with him were the ''equivalent of a graduate school seminar.''

When I think about Jim, I first think—as someone whose roots are also in northern Minnesota, whose grandpa worked in the mines—about how he fought hard to keep the mines open when times were tough, back when things were bleak and people were hurting.

Like my own grandpa, Jim's dad was Slovenian, and he was proud of that. And Jim's dad, like my own grandpa, was also an underground miner. They were part of a generation of immigrants who toiled hundreds of feet underground day after day to mine the iron ore that built this Nation and kept the world free in World War II.

It was a hard, hard life—long days and treacherous conditions, their families living in fear of that dread whistle that meant another miner had been injured or killed. Jim knew that sound well because he lived through it.

So when Jim got to Congress, he fought tirelessly to not only keep the mines open but to protect the rights of the workers and to improve safety.

During his first years in the House, Jim pushed for legislation that created the Mine Safety and Health Administration. Today, thanks to the hard work of Congressman Jim Oberstar, mining conditions have greatly improved.

That was bread-and-butter legislation for Jim—straightforward, commonsense policies that made people's lives better. It sounds simple, but we know in Washington today there are too many people who would rather score political points than get down to the hard work of governing. Not Jim Oberstar. He was a man of conviction.

In a business known for rewarding the expedient over the noble, he lived a life of principle. He played the long game, and he did it on behalf of the American people. That is a great American, and that is a legacy worth celebrating.

We lost Jim suddenly this week in the middle of the night in his sleep. The day before he had spent the day with his grandkids. He had gone to one of his grandchildren's plays. He had been going on long bike rides.

Even after he lost his election in 2010, he never let it get him down. He took all that energy and zest for life and put it into his family, put it into the continuing work he did on transportation, put it into his friends and everything he loved to do.

We mourned him today, but we also celebrated the incredible gifts Jim gave to our country. It is awe-inspiring to think about how much time he spent mastering Federal transportation policy: 47 years—nearly five decades—11 as a staff member on the House Transportation and Infrastructure Committee and 36 as an elected representative. During that time he literally changed the landscape of Minnesota and the country. His fingerprints can be found on just about every major federally funded transportation project during the last five decades—roads, bridges, tunnels, rails, locks and dams, and bike paths.

Jim loved bike paths. He was a visionary. He was in front of everyone on that. He would try to get money for bike paths, and people would laugh at him: Bike paths? Who cares about bike paths?

Now everyone wants bike paths. Everyone wants bike paths in their communities.

Every American who flies in an airplane or drives on our Federal highways can thank Jim Oberstar. Every American who bikes their bike trails and hikes places such as the beautiful Lake Superior Trail in northern Minnesota or drives on our national highways and bridges should remember him.

He was a treasure trove of facts, figures, and advice for every Member of Congress. He always used to kind of poke fun at the Senate because he claimed things came here and didn't get done. He would always say: All that ever happens in the Senate is you ratify treaties and confirm judges.

One day, close to my own election, I was looking at the newspaper clips and I saw my name next to Jim saying that and I thought: Oh no, what has he said.

It was in the International Falls paper, and I got it out and he had said: Well, all the Senate ever does is confirm judges and ratify treaties, but AMY is going to try to rescue this bill. She will try to get it done.

I was quite relieved.

One of the most memorable stories for me came on his last day in the House when Members came and told stories about him. There was a Congressman from Pennsylvania who talked about the time Jim visited his district to celebrate the opening of a new bridge. He said that Jim stood up with no notes and recited in incredible detail almost every infrastructure project that had ever been built in that district, along with the name of every Congressman who had ever served in the district, with all the right pronunciations, and he even included their middle initials. He did it with no notes. The Congressman was in awe. He walked back to his office, started looking back through the records and Googling things, and it was no surprise to anyone that Jim was exactly right. That was Jim.

He loved politics. He thought of government as an honorable profession, and he was so proud of the people who followed in his footsteps, whether what he taught Senator FRANKEN and me as we started representing Minnesota or one of his favorites, the mayor of Duluth, Don Ness, who started working with him when he was 23 years old as a young aide or whether it was all the staff members who worked for him all those years. He was so proud of the people he taught, the people he mentored. He was so proud of the Members in Congress—Democrats and Republicans—with whom he worked. He would so often work to get amendments and get little projects for their districts, and then he would let them take the credit when they went home.

I wish to end today with something Jim said in his farewell speech to Congress. He was reflecting on why he had originally run for office, and this is what he said:

> [The reason] why I came is to serve the people, to meet the needs of their respective families, and to leave this district, leave this House, leave this nation a better place than I found it.

There is no question that Jim Oberstar left this world better than he found it. Through his incredible legacy of public service, he found immortality in the beautiful children and grandchildren who were and are his family. He has left the world a better place. The youngest one, a little baby we met today at the funeral, was recently adopted, and Jim's daughter named him ''Jim.''

He left the world so much. He not only taught us how to win elections because he knew how to do that, he also taught us how to act and what to do when you lose an election.

He has found immortality in the hearts of those who knew him and the lives of countless more who never will, in the majestic grandeur of stately bridges and in the cool shadows of quiet bike paths, in the hardhats hanging in the lockers of hard-working miners who go home safely at the end of

the day. That is where you will find Jim Oberstar. That is where his legacy lives on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. I thank Senator KLOBUCHAR for her moving tribute to Jim Oberstar. We both had the honor of speaking today at his funeral. We were both honored by his wife Jean and by his family.

Jim served the Eighth District for 36 years as their Representative. He served it for 11 years before that as a staffer on the Hill, as Senator KLOBUCHAR said. As she said, he died last weekend in his sleep. I think Senator KLOBUCHAR told me that the family said he wasn't 99 percent, he was 100 percent. So this came as a shock to all of us who knew Jim, and it obviously deeply saddened us all.

I announced for the Senate in February of 2007, and a few days later I had my first public event where I took questions from folks. This was at a coffee shop in St. James, MN, in the southwest corner of our State, in the First District.

The first question I got was from a woman asking if I believed there should be term limits. From the way she asked it, I knew she thought there should be term limits, and I thought: Great. My very first question and I don't agree with the person who is asking it.

So I said: No, I don't believe in term limits, and let me tell you why—Jim Oberstar. Jim has been Congressman for the Eighth District for 33 years now, and he is chairman of the House Transportation and Infrastructure Committee, and he knows more about transportation than anybody else in the country.

Everybody in the coffee shop, including the woman, kind of went, yes—they nodded—yes, that makes sense.

Jim was a walking advertisement against term limits. He was the consummate public servant, and it was all because he was a man who sought knowledge. He had a fierce curiosity about the world and an intense need to understand how it worked. All that enabled him to accomplish so much.

If Jim were here today, if he had one more chance to speak to all of us, first he would say how much he loved his family and his friends and the people who worked for him. Then he would tell us the history of American infrastructure, starting with the Erie Canal and how it opened Midwestern agriculture to Europe because, he would explain, it was 97 percent more efficient to ship those goods over water, down the Hudson and over to Europe, than before. He would tell us how the Erie Canal made New York Harbor, New York City, made it what it is today. Then he would take us through the transcontinental railroad, rural electrification, the Interstate Highway System, and all the way to rural broadband. Then he would go back to the Roman aqueducts, which were built by slave labor, and make an impassioned speech about the history of the labor movement. Jim sometimes had a tendency to go too long, but it was because he believed that everyone was as curious about the world as he was, and he was almost always wrong about that.

I once had the opportunity to speak before Jim at the naming ceremony for the James Oberstar Riverfront Complex, the headquarters for the Voyageurs National Park in northern Minnesota. Since I was speaking before him, I took the opportunity to predict what Jim would talk about. I said that he would tell us the legislative history of Voyageurs National Park; he would tell us about all the different streams of funding for the park; he would tell us the history of the French voyageurs, the first White men in Minnesota; and that during part of the speech, Jim would speak in startlingly fluent French. Everyone laughed, including Jim, but that didn't stop Jim from telling us the legislative history of the park, all the different funding streams, and all about the voyageurs—and that part in French—and delighting in every word of it.

The first time I ever saw him chair, I went over to the House to see him chair a committee on high-speed rail. He had witnesses from China, Japan, France, and some other European country. When it was time for him to do his questioning, I learned that Jim had piloted every one of those high-speed rail systems. Of course, when he questioned the French witness he did it in French, and it was a tour de force—which I believe is French.

Jim understood the importance of infrastructure to our economy, to economic development, and, as Amy was saying, for recreation. His legacy will be in the ports, locks, dams, highways, bridges, and water systems throughout our country, but it will also be in the bike paths in Minnesota and around the country.

Jim was an avid bike rider. He used to say he wanted to turn our transportation system—the fuel—from hydrocarbons to carbohydrates.

Jim will leave a legacy, and, as I said, it all came from Jim's thirst for knowledge. The pages are here, and I would urge them to thirst for knowledge, not just information. Some people in this town—and in other places too—just look for enough information to achieve some short-term goal. Jim sought knowledge, an understanding of how things work. Because of that, he was able to get things done and was respected by all of his colleagues on both sides of the aisle. Amy and I were both there the day that colleagues in the House paid tribute to him, and it was both sides of the aisle equally.

We had a retirement tribute for Jim in Duluth in 2011, and Don Ness, the mayor of Duluth—about whom Amy spoke briefly and who was at the service today—told a story at that tribute that says everything about Jim as a guy.

Don was 23 years old, and he had just been hired to be Jim's campaign manager. Don's first thing to do with him was the Fourth of July parades. The Fourth of July parades on the Iron Range are a big deal, and there are a lot of them. There were six of them in 24 hours. This was his big chance to impress his new boss, and he screwed up every bit of it.

The first thing he did was he was so obsessed with making arrangements that he forgot to make his own hotel reservation on the Range. Don lived in Duluth. So he drove around the Range to get a room until 1:30 in the morning. He found one in Virginia, MN. He overslept and had to drive to Chisholm, and he was late. So he picked up Jim, and to make up the time, he drove fast and, of course, he got pulled over and got a ticket, which made them really late for this parade, and they got put at the end, behind the horses, on a very hot, sweltering day.

All during the day, Donnie made one screw-up after another. He offended a local DFL activist. He lost Jim for about a half hour. Jim knew where he was, but he didn't know where Jim was. He left this black car parked directly in the sun during the parade, and it became—well, you know what that means.

Thankfully, after the fifth parade, there was going to be a 3-hour break and they were going to drive to somebody's house where they would be able to eat and get in the air-conditioning and relax. Donnie decided to put the signs in the trunk, and as he was doing it, as he was closing it, he saw the keys in the car, locked in the car, and it took them 90 minutes to find someone who could open the car, so they lost their break.

Donnie was a 23-year-old kid, and he was certain he was going to be fired. He felt he deserved to be fired. Jim had been calm with him all day, been nice to him all day, but he figured Jim was stuck with him until the end of the day and at the end of the day he would be fired. He drives Jim home to Chisholm. It is 9 at night now. They get out of the car, and he starts to apologize and says: I blew it today. I know this was my chance, and I have blown it, and I will never be in public service.

This guy is now—what term is he in now, Amy? His third? Yes, his third term as mayor of Duluth. What did he get, 87 percent, or something like that?

But Jim stopped him and wouldn't let him finish. He stopped him and he said: I am really proud of you. You had a tough day. We had a tough day. You had a lot of adversity. You had a lot of things to overcome and you never lost your head, which was really not true; Donnie was panicking the entire time, which is probably why Donnie made those mistakes.

But then he gave Don a big hug—that big Jim bear hug that so many people talked about today. Then Don carried a

bag for Jim, and Jim one, too, up to the front porch, and Jim said, before Don went back to the car: I am proud of you. Don't worry about today. I am proud of you.

Don went back to the car, got in, with his head swimming, and he couldn't believe the kindness, the warmth. As he started to back out, he looked back and Jim was still on the porch, and he gave him this big wave and said: Happy Independence Day.

Minnesota lost a giant, the United States lost a giant this week, but we also lost a good guy. He was a great guy—a great man and a good guy.

Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

MOVING FORWARD

Mr. REID. Mr. President, I hope my Republican colleagues will think long and hard the next few days. We have made some progress this year—it has been limited but some progress—in passing a few bipartisan bills. We started with the Murray-Ryan budget, which was significant, and we were able to get that done. We were able to get the debt ceiling raised without the struggle we have had the last 5 years. We were able to pass an Omnibus spending bill, which is significantly important. We worked together to pass a childcare development block grant bill. And after four or five attempts to end a filibuster, which we were unable to do, but finally we were able to do that, we got five stalwart Republicans to join with us and we passed the unemployment extension benefits.

Today, we have before us the Shaheen-Portman energy efficiency bill, creating 200,000 jobs. It is a fine piece of legislation. It started out good, but it got better as the bill's sponsors worked together to incorporate 10 Republican amendments, joined by some Democrats, and it is a better bill now than it has ever been.

My Republican colleagues, for more than a year, have been asking: Please let us vote again on Keystone. I personally oppose Keystone. I think it is really bad to make oil out of the most dirty carbon stuff there is, to ship it clear across the United States, and then to ship it overseas, which is what they would like to do. I oppose that. But if Republicans think it would help get energy efficiency passed, let's vote on it, and that is what I have told everybody.

If they want a vote on Keystone, that was the agreement they made, let us have a vote on Keystone, and then let the bill that was sponsored by 14 Democrats and Republicans—7 of each—to move forward. I want to be very clear with my Republican colleagues. The Keystone vote is on the table if they will simply stand by the agreement they had a week ago with me. All it would do is to allow the Senate to move forward with a bipartisan energy efficiency bill.

The Republicans have stated and stated and stated they want a vote on Keystone. Good, let's take a vote on Keystone. Can't they take yes for an answer? The answer is: No.

We are involved in this shell game. If seven of my Democrats made an agreement with the Republican leader, I think it would be untoward of me to go to those Democratic Senators and say—for base politics—drop the approval of what you believe in.

We have been through this before. There is no better example of that than the Transportation appropriations bill led by Chairman MURRAY and Ranking Member COLLINS. They worked so hard on that—lots of work they did on it. Amendments were offered. But do you know what happened? The Republican leader said: We are not going to pass that, and we didn't. That is when Ranking Member COLLINS said: I have never known—I am paraphrasing, but this isn't far from an exact quote—I have never known a leader to work so hard against one of their own.

All we are asking is for Republicans to drop their filibuster of this bipartisan bill sponsored by 14 Democrats and Republicans. The bill is supported by the Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, and many others.

Sadly, the Republican leader has said, in effect, if he can't get everything he wants—and right now that is a moving target—the Republicans who worked on this bill are out of luck. This is not the spirit of compromise in which this body is supposed to operate, but unfortunately it is what we hear all too often from my friend the Republican leader—nothing but endless obstruction and gridlock.

I know many Republicans are unhappy with the way things have been going. They talk to me. I am sure part of it is just to get this off their chest, but they want to change things around here. My message to them is: The only thing standing in the way of our moving forward on energy efficiency or other bipartisan legislation is to move forward on it. And if Keystone is the object of what they want done, let's get it done.

I hope my Republican colleagues will think hard in the coming days about the right thing to do. Do they want to continue waging obstruction, as we have seen on minimum wage and on pay equity? We know the right answer is that we should move forward, and I hope in the days ahead we will come together. It is really for the American people.

Mr. President, it is my understanding the motion to proceed to H.R. 3474 is now pending.

The PRESIDING OFFICER. That is correct.

CLOTURE MOTION

Mr. REID. There is a cloture motion I have brought to the desk and I ask the Presiding Officer of the Senate to report that.

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

The 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, hereby move to bring to a close debate on the motion to proceed to Calendar No. 332, H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Robert Menendez, Patty Murray, Barbara Boxer, Jon Tester, Debbie Stabenow, Maria Cantwell, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Brian Schatz, Mark R. Warner, Charles E. Schumer, John D. Rockefeller IV, Benjamin L. Cardin, Martin Heinrich.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

AFFORDABLE CARE ACT

Mr. MURPHY. Mr. President, there was a fairly remarkable hearing in the House of Representatives yesterday in the Energy and Commerce Committee, upon which I used to sit when I was there. It called together some of the Nation's biggest insurers to talk about the failures of the Affordable Care Act as seen through the lens of the insurance companies.

First up on the docket for Republicans was the claim that no one had paid their premiums, that people had signed up for plans, but a report which had been released by the Energy and Commerce Committee in the House suggested in fact only maybe about 60 percent of them actually paid their premiums.

So they asked representatives from WellPoint, Aetna, and other insurance companies to confirm that fact, and of course they did not. WellPoint said, in fact, 90 percent of the people who signed up for WellPoint plans—the biggest insurer through the Affordable Care Act—have paid their premiums. Aetna said the number for them is somewhere in the low to mid-80s. Both numbers are actually representative of what people in the non-Affordable Care Act market pay with respect to their premiums.

When we dig deeper into the Energy and Commerce report, we found out the

reason they suggested that only about 60 percent of the people had paid their premiums is because most people's premiums hadn't been due yet. They didn't have to pay them when they had signed up for the plans in February and March.

So they tried another tactic. They said: We have heard all these reports and news media representations that you are going to be increasing premiums next year by double digits.

The insurers said: No, we have no idea what our premiums are going to be next year. We don't have the data yet. In fact, we are starting to get the subsidies coming into our plans that help keep these premiums affordable for low- and middle-class individuals across the country.

It turned out to be an absolute disaster for Republicans on the Energy and Commerce Committee because, as the insurers also pointed out, their profits have done pretty well, their stock prices have done pretty well over the past several years, because the Affordable Care Act is working for patients and, as it turns out, for the insurance companies that have offered plans on the exchanges.

It is representative of a whole litany of complaints Republicans have registered with respect to the Affordable Care Act's horror stories and worst-case scenarios which have simply not come true. I will take a few minutes to run through each of these arguments because I think it is important to have some context to understand that each one of their representations has not come true. Thus, as they turn to their next series of representations or challenges to the act, I think we can look back on history as a pretty good predictor of the future when it comes to Republicans' ability to prognosticate about an Affordable Care Act which is working now for millions of Americans.

The first thing they said is nobody is going to enroll. They said the Web site was unfixable. Of course we know that is the easiest to debunk now that we have 8 million people who have enrolled through the private exchanges and another 4 million to 6 million people who have enrolled via Medicaid expansion, and 3 million young adults who are now on their parents' plan. In fact, enrollment far outpaced what initial expectations were and beat the CBO estimates by 2 million people.

So clearly Republicans were wrong when they said nobody would sign up for the Affordable Care Act. They were also wrong when they said the Web site couldn't be fixed. There is no excuse for what happened in the fall of last year on the Web site, but it got up and running. Once it did, people were able to get on in record numbers.

They said the Affordable Care Act was going to kill jobs. We have done nothing but add jobs by the millions since the Affordable Care Act was passed. There is a chart, which I don't have on the floor, that shows what has happened since the Affordable Care Act went into law: Job growth has continued unabated.

Specifically, Republicans said: It is going to result in people who were working full time to move to part-time work. The Congressional Budget Office in a report which came out about 2 months ago said there is absolutely no economic evidence to suggest full-time work is shifting to part-time work. That is not a trend actually happening in the economy. I understand there are anecdotes and stories which are true where employers have made that choice, but there is no broader economic evidence that there is a shift from full-time work to part-time work.

Republicans said it is going to cost too much. Sylvia Burwell was before the HELP Committee today, and she was very articulate in explaining the simple fact that the Congressional Budget Office has revised downward Federal health care expenditures by $900 billion over the 10-year period from the passage of the Affordable Care Act to a decade later. We are going to be spending $900 billion less than the CBO initially thought we would, in large part because of all the wellness, prevention, and pay-for-performance measures built into the Affordable Care Act.

Premiums are lower than expected on these exchanges, which saves $5 billion in and of itself. The overall cost of the bill is 17 percent lower than what CBO initially estimated—huge savings for the Federal budget and for the specific line items within the Federal health care act.

OK. Fine, they said, but young people aren't going to sign up. It is ultimately going to be older, sicker people, and you will not have the right mix.

I think I said WellPoint was the biggest insurer. It is in fact the second biggest insurer. They said the average age of enrollment has come down every single day in a meaningful fashion. The risk pool and the product selection seem to be coming in the manner we had hoped. It is very encouraging right now.

Big companies such as United are going to be offering new plans on exchanges similar to those in Connecticut because they as well see the risk pools are exactly as they had hoped.

But the uninsured will not sign up. This is just people who were insured shifting to other plans which are perhaps better or cheaper for them—bunk as well. The new Gallup survey, which is the best data we have on the number of people who have or don't have insurance in this country, shows remarkable decreases over the last two quarters in the number of uninsured people in this country—frankly, numbers which almost seem too good to be true—a 25-percent reduction in 6 months' time with respect to the number of people without insurance in this country. One-quarter of the Nation's uninsured are now insured in the first 6 months of the full implementation of the Affordable Care Act.

Lastly, one of the biggest red herrings in this debate has been the issue of cancellations. No doubt there have been hundreds of thousands of plans all across the country that have been canceled since the Affordable Care Act was put into place, but Health Affairs, one of the most respected, nonpartisan health journals in the country, did an article, I believe a couple weeks ago, which said there is absolutely nothing different about the number of cancellations which happened in the wake of the implementation of the act as compared to what had happened in that same period before the implementation of the act; that there is high turnover in the individual market.

While there are certainly some plans which were canceled by insurers because they didn't meet the requirements of the Affordable Care Act, there wasn't a surge in cancellations compared with the number of cancellations which happened prior to the act.

So if we just go through—whether it is the claim that no one is paying their premiums or that rates are going to go up or that nobody will enroll, that it will kill jobs, that it will cost too much or that young people will not sign up or that the uninsured will not sign up or that cancellations are higher than normal—every single one of these claims turns out to be wrong.

That is not to say this act and its implementation hasn't been without its significant warts. There are flaws in the bill. There have been big bumps in implementation, but the fact is that polls are starting to show a growing acceptance and approval of the law amongst the American public because they have listened to these claims that the sky is going to fall from Republicans, and not only has the sky not fallen, but 15 million or so people across this country have more affordable health care because of the Affordable Care Act. The uninsurance rate in this Nation has dropped by 25 percent. Taxpayers are saving $900 billion over the course of the 10-year period following the passage of the bill.

I haven't even gotten into the quality metrics. Rates of hospital-acquired infections are down. The number of people who are readmitted to the hospital after a complicated surgery is dramatically down.

This is why we passed the Affordable Care Act. It hasn't lived up to everyone's expectation, but to the extent that the goal of the act was to reduce the number of people who are uninsured in this country, lower the rate of growth of health care expenditures, and increase quality, the data coming in on a day-by-day basis is overwhelming and impossible to ignore. More people have insurance, cost is coming down, and quality is getting better.

At some point the facts have to matter. As former Senator Moynihan said: Everybody is entitled to their own opinion, but you don't get to have your own set of facts.

Taxpayers, the uninsured, consumers of all stripes understand what the true story is; that all of the Republican prognostications about the failure of the Affordable Care Act have not come true in the past and they are not likely to come true in the future.

There is a lot of work to do to continue to make the Affordable Care Act better, and I hope every Senator is ready to do that work, but the data and the numbers tell us that increasingly, on a day-by-day basis, the Affordable Care Act works.

I yield the floor and I suggest the absence of a quorum.

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

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

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

HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor this afternoon to talk about the health care law. I have visited with people in my home State of Wyoming and people from around the country who come to Washington, and many of them want to talk about the health care law and the side effects of the health care law. They want to talk about the health care law that the Democrats voted for unanimously in this body and Democrats on the other side of this building voted for overwhelmingly.

A little earlier today, one of my colleagues who is a supporter of the law came to the floor to say it is working and everything is great.

I am here to say it is not and to dispute some of the comments made by my colleague because I am hearing from people whose care has been affected. Their lives have been affected, the ability to keep their doctor has been affected, and the cost of their care and the cost of their insurance has gone up. Many have had their insurance canceled all because of the health care law.

One of the things the President promised the American people with the health care law—he said it would lower the cost of care, and people's premiums would go down $2,500 per family. He said he wanted to go after this because health care spending was too high in the country, and the spending was going up. Yet we had a colleague say that the health care law is a success.

On May 5, just a few days ago, USA Today had a headline that said ''Health Spending Up Most Since '80.'' Health spending is up. The President said it was going to go down because of his law, but it is up the most since 1980.

The article says:

> Health care spending rose at the fastest pace since 1980 during the first three months of the year . . .

They say that ''Health care spending climbed at a 9.9% annual rate last quarter''—almost 10 percent. That is not what President Obama told the American people would happen.

I would point out that this is a drastic increase in spending when the health care law was supposed to do just the opposite.

The Bureau of Economic Analysis reports higher spending in hospitals—the largest rise since the 1980's third-quarter. It is astonishing when the President promises the American people one thing and delivers another.

In this same Monday USA Today there is a Pew Research Center poll which is interesting. When you read about this, it says:

> The poll of 1,501 adults, including 1,162 registered voters, was taken April 23–27 . . . Other findings help explain the Democrats' woes. By more than 2–1, Americans are dissatisfied with the direction of the country. They remain downbeat about the economy. They aren't persuaded that the Affordable Care Act is going to help them and their families. Even the president's supporters worry he is a political liability for fellow Democrats.

I come to the floor today as a doctor who has taken care of patients for 25 years in Wyoming, and my concern with health care is actually ''care.'' The President became fixated, as did the Democrats, on the word ''coverage.'' Coverage doesn't actually make sure that people get the care they need from a doctor they choose at a lower cost. That is what people wanted with the health care law. They don't want what was pushed down their throats by the Democrats in the House and the Senate who said they knew better than the American people.

I find it fascinating to see that in States run by Democrats around the country—Maryland, Oregon, and Massachusetts—which have had the exchanges and have given up. They have said, no, our State exchanges don't work and can't work. Massachusetts has been in play for a number of years, and they had to shut it down and turn it over to the Federal Government because of the mandates and complexities of the health care law—hundreds of millions of dollars that should have gone to care for people. It should have gone to help people. Instead it has gone to consultants and computer companies. It is not helping people. It is wasted.

Massachusetts, Oregon, and Maryland have given up. They said: We can't even live under this health care law's mandates. Our computer systems don't work. So let's turn it over to Washington. The American people are fed up with turning things over to Washington.

It was interesting to hear my colleague from Connecticut talk about some of the concerns and stories that we are sharing with the American people about folks losing their jobs, part of their pay, and bringing home smaller paychecks as a result of fewer hours at work.

I would like to share a situation that is now happening in Iowa. It was reported a couple of weeks ago in the Ottumwa Courier. Iowa is a State where we have a Democratic Senator from Iowa who is a very active supporter of the health care law. He was on the floor day after day about how wonderful this health care law was during the debate.

Let's talk about what is happening in one community in that Senator's home State in Eddyville. It says:

> Faced with a nearly $138,000 increase in insurance costs the Eddyville-Blakesburg-Fremont School Board—

We are not talking about a business here; we are talking about a community school board—

> this week approved reducing the hours of all para-educators from about 37 to just 29 hours per week to avoid the requirements of the National Health Care Act.

That is a side effect of the Obama health care law that every Democrat in this Chamber voted for when that came up for a vote.

So they had some meetings.

The article goes on and says:

> In February, Superintendent Dean Cook recommended cutting 12 special education para-educators and three more working as librarians.

My colleague from Connecticut said none of this is happening and that these are just incidental stories; don't pay attention to them.

The article goes on to say:

> However, this week his recommendation instead was a choice of either cutting eight para-educators or to reduce the hours of all of para-educators (around 25 to 28 employees), for the 2013–14 school year.

One of the board members ''opted to reduce hours instead of cutting jobs.'' This is a tough situation to put a school board in—reducing hours and cutting jobs.

The board member noted:

> It just gets pretty tight when we have cut paras in the past. Those people play key roles in running the schools.

The article goes on:

> In fact, several teachers spoke to or wrote letters to the board, providing a detailed account of the jobs that para-educators perform, urging the board not to cut these positions.

The article quotes one of the members of the board, Gay Murphy, who said: ''I feel very frustrated that our hands are tied with the health care act.'' Fascinating. The board member has the same last name as the Senator who was down here on the floor saying: Oh, no; pay no attention to these important stories.

The article goes on to say that Gay Murphy ''asked that employees' hours be cut by working less days instead of less hours per day''—but still cut the hours under the President's health care law—''so it would be easier for employees to get a second job if needed.''

The President's health care law is cutting people's hours, and they are trying to find ways to make it easier for them to get a second job because their paychecks are being cut. Their take-home pay is being cut because of this health care law.

One other board member ''noted that quality employees may not stick

around for a 29-hour per week job and that special education students have a need for more consistency that comes with full-time employees.''

This is a sad story, and it is happening in communities all across the country. I think it is not a surprise that Republicans continue to come to the floor to say there are huge side effects of the health care law, and for some people who may have been helped by the law, many people are being hurt, and it is happening all across the country.

That is why when I heard my colleague mention on the floor that people are getting used to it or there is an acceptance of the health care law, I would just point out an article in the Washington Post:

Poll: Obamacare hits new low.

A new poll shows the public's opposition to Obamacare has never been higher.

The Pew Research Center poll shows disapproval of the law hitting a new high of 55 percent. It comes on the heels of several polls last week that showed the law had very little, if any, bump after signups on the health care exchanges exceeded the goals.

So here we are, an all-time low for approval of a health care law, and the reason is because people's lives have been impacted. They have been hurt by this health care law. There are side effects of the law. People who were promised they would be able to keep the coverage they had—millions lost that coverage. They were told they could keep their doctor if they wanted to keep their doctor, and many Americans lost their doctor. They were told the cost of their insurance would go down and it has instead gone up. They are paying higher premiums, higher deductibles, and now people's paychecks are shrinking and their take-home pay is less because of a health care law that remains very unpopular.

That is why I felt compelled to come to the floor to point out to the American people, and to this body, that comments made previously by a colleague were not, at least in my opinion, based on what I have seen, heard, and read, consistent with the real impacts of this health care law and the impacts on patients, on providers, and on taxpayers.

Thank you, Mr. President. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

ENERGY EFFICIENCY

Mr. TOOMEY. Mr. President, we are considering the Shaheen-Portman energy efficiency bill. That is what I believe this legislation is called. I think we went on the bill on Monday. Here it is late Thursday afternoon, and it is amazing that we haven't had a debate or a vote on a single amendment in 3 days. Now we are finished for the week so we are not going to have any debate on any amendments or any votes tomorrow either. We are going to go the whole week without having been able to seriously consider the merits or problems with this bill, without being able to offer any ideas to improve or to change the underlying text. It is unbelievable. But this is what has become routine in the Senate.

I have offered four amendments. I fild four amendments I wish to debate, I would like to have a vote on. I have cosponsored four other amendments my colleagues have filed. I think, altogether, Republicans have drafted and filed dozens of amendments; I don't know exactly how many—there are dozens—in part because we haven't considered an Energy bill in this Chamber in 7 years. Things change in 7 years. Lots of things change. After 7 years of not having a debate over energy policy in America—something that is so basic to our economy, so important to every single family, every single business, everyone—it might be a good idea to have a debate and to offer some amendments, to have a discussion and have some votes. But that is not the way the Senate functions. We can't do it. The majority party, the majority leader, will not allow us to have amendments.

This isn't terribly recent. Over the last 10 months, since July of last summer, the majority leader has permitted Republicans to have a grand total of 8 amendment votes—8 votes in 10 months. The Senate is virtually shut down. That is what has happened. It just so happens that during that same period of time, the House Republicans, who are in control of the House, permitted the minority party to have 136 votes. Of course, the irony is it is the House that has historically always operated under a kind of martial law approach where the majority party dictates all terms—always has. But during that 10-month period, they have had 136 votes permitted to the minority party and we have had 8, and none on this Energy bill. None. Not one.

I truly don't understand why the majority party is so afraid of votes. What is so horrifying about casting a vote on an amendment? But, apparently, that is the case.

I will speak briefly about two of the amendments I have filed that I would like to have a vote on. I am not asking for an outcome, by the way. I accept that. I don't have any right to expect any particular outcome, but I don't understand why we can't have a discussion, why we can't have the debate, why we can't have the vote. By the way, Thursday afternoon, by now, we could have processed dozens of amendments. Actually, Republicans, in the end, all we wanted was a handful.

I filed amendment No. 3037. It would prohibit the Department of Energy from issuing new energy efficiency mandates on residential boilers. It is not very complicated. It is not the end of the world one way or the other, but on the margins, I think this matters a little bit to families.

I will tell my colleagues why. We all have residential boilers. These are our hot water heaters. We have them in our basements. We use them to heat water, to heat our house, in some cases, and to heat our water so we can take a hot shower. This is pretty common. We all have them.

The Department of Energy is in their periodic process of reviewing the mandates they impose on the energy efficiency standards for the boilers. The only consideration in this review process is whether they will make the mandates more stringent than they are today, make them adhere to a tougher standard than the standard they are forced to adhere to today.

Well, I think it would be better not to change the standard. That is my opinion. The reason I hold that view is because the problem with a more stringent energy efficiency requirement on these hot water heaters is it makes them more expensive. It doesn't matter much for really wealthy people, but for a middle-income family or a low-income family, it raises the cost of their home. It raises the cost of replacing a hot water heater. There are a lot of folks who can't afford to have an unnecessary additional cost added to them.

By the way, I don't think we need to force consumers to conserve energy. Everybody has an incentive to conserve energy, because energy is not free. So people are perfectly happy to pay a little more for more energy efficiency for a product if they can recoup that added cost in the form of a lower energy bill over time. People get that. They will make that decision. They will do it voluntarily. In fact, the only reason we need to mandate standards is if we want to force consumers to pay bigger premiums than they can recoup. If we only want them to pay for what they can save in the future, they do it voluntarily.

So, to me, this is one of those annoying little government mandates that is not necessary, and it reduces consumers' choices and raises their costs, and I don't think it is a good idea, especially now during difficult economic times when median wages have been declining, not rising. I don't think it is a good idea for the government to impose a new cost such as this. So I have an amendment that would forbid the Department of Energy from ratcheting up the cost of an appliance we all have in our homes.

I get the fact that not everybody agrees with me. That is fine. Some people do want to impose this added cost for their own reasons, and that is fine. What I don't understand is why we can't have the debate. Why can't we have the discussion and then have a vote? Then I either win or I lose, and

we are done. But we don't do that. Apparently, the majority party is not willing to allow Republican amendments.

I have another amendment. This one has bipartisan cosponsorship. I have cosponsors who include Senator COBURN, Senator FLAKE—actually, it is Senator COBURN who introduced it initially. I am a cosponsor. This amendment would eliminate the corn ethanol mandate from the renewable fuel standard.

What is that about? Well, existing law mandates that we take corn, convert it into ethanol, and then the law requires that the ethanol be mixed with gasoline, and we all have to buy it when we fill up our tanks. The Presiding Officer may be aware that we now burn over 40 percent of all the corn we grow in America. Over 40 percent of it, we end up burning in our cars, by turning it into ethanol and mixing it with our gasoline.

There were good intentions when this mandate was initially created. Some people thought it would be good for the environment. It turns out it is not; it is bad for the environment. It is not just me saying this. The National Academy of Sciences, the Environmental Working Group—everybody acknowledges it increases carbon emissions.

Members on the other side of the aisle thought the issue of carbon in the atmosphere—CO_2 releases—was so important they were here around the clock in a dramatic display of political theater to make this case. Well, here is an amendment that would reduce CO_2 emissions because the ethanol requirement increases CO_2 relative to where we would be if it didn't exist.

That is not the only problem with the ethanol mandate. It raises the price of filling our tanks. This is expensive stuff. Having to mix it with ordinary gasoline raises the cost of driving. Everybody has to drive. So not only is it bad for the environment, but it is more expensive for every single family who operates a vehicle.

That is not all it does. Because we are diverting 40 percent of all the corn we grow to our gas tanks, it is not available in our cereals or in the food we feed to livestock, and so food prices are higher than they need to be; they are higher than they would otherwise be because of this mandate.

That is not all. Everybody acknowledges that ethanol has a corrosive effect on engines, so it is doing damage to our engines, which shortens the life of the engines; again, not that big a deal if a person is extremely wealthy and can kind of burn through cars. But for the vast majority of people I represent, cars are a very expensive cost they incur, and having a policy that systematically damages that very valuable asset doesn't make a lot of sense to me.

There is yet another reason. These ethanol mandates can have very dire consequences on some of our oil refineries, and that can cost us jobs, and it threatens refineries in Pennsylvania. As a matter of fact, I got a letter from a Philadelphia AFL–CIO business manager, a fellow named Pat Gillespie, who wrote to me asking me to try to do something about this, because it is threatening the jobs of the people he represents at the refineries where they work. I will quote briefly from a portion of his letter:

> The impact of the dramatic spike in cost of the RIN credits—

That is the system by which the EPA enforces the ethanol mandate—

> from four cents to 1 dollar per gallon will cause a tremendous depression in . . . [our refinery's] bottom line in 2013. Of course at the Building Trades, we need [the refineries] to maintain and expand jobs.

He closed by saying: ''We need your help in this matter.''

I am trying to help. I am offering an amendment which would repeal the corn ethanol mandate, together with my colleagues on both sides of the aisle.

Again, I understand not everybody agrees with this. There are some people who like the ethanol mandate. They think it is a good idea to grow corn to end up burning it in our cars.

Why can't we have this debate? Why can't we have a vote? Why can't we resolve these issues on the Senate floor? But we do not. We spend the whole week waiting and wondering whether we might be allowed to have one or two amendments, only to find out, of course, as usual, we get none.

So another week goes by with nothing productive being done on the Senate floor and legislation that could be a vehicle for a meaningful, robust debate about energy policy in America—I have just given two examples. We have dozens of subjects we could be debating. We did not insist on having all of them. But a handful of ideas? It is shocking to me—shocking that we cannot allow the Senate to function, that Senator REID insists we cannot have an open amendment process.

It is disturbing because, of course, historically this was the body that did exactly that, had the open amendment process, had the open debate. This was the—I am chuckling because it seems so odd now, but historically the Senate was considered the world's greatest deliberative body because we would deliberate. The Senate used to do this. The way it used to operate is the majority party would control the agenda, would decide what was on the floor and that is fair enough—but then, once the majority leader would decide what bill was on the floor, then it would be open for debate, until essentially the body exhausted itself and Members were finished offering amendments, and then we would have a final passage vote. Nothing even remotely similar to that is happening today.

I know a number of my colleagues, including the distinguished Presiding Officer, have served in the House. It is unbelievable to me that now, for an extended period of time, the House is having much more robust debate and far more amendment votes, by both the majority and the minority party, than we are permitted to even consider in the Senate. This is a sorry state of affairs.

It has been 7 years since the last debate on energy policy. An energy efficiency bill has come to the floor, and energy efficiency amendments are not permitted to have a discussion or a vote. That is what the Senate has come to.

I urge my colleagues and urge the majority party, in particular, which controls this body, and urge the majority leader: Allow the Senate to function. Allow us to actually have a debate. Allow us to have some amendments. It is actually not that excruciating to have a vote, and in a matter of a very short period of time, we could mow down lots of amendments and move on to the next important piece of legislation.

Energy is a very important issue for our country, for our economy, for every consumer, and it deserves to have a more serious consideration than it is getting.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request.

Mr. TOOMEY. I withhold my request.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments of my colleague and friend from Pennsylvania and the discussion of why we are here on a late Thursday afternoon.

We started off the week with an air of optimism that with the energy efficiency bill before us, we could get to that place where we could be debating substantive issues of the day. As my colleague has noted, we have not seen a real energy bill on this floor now for 7 years. When we think about the energy landscape in this country and what has happened in 7 years' time—7 years ago, we were looking to build import terminals to receive LNG. Now we are debating—or hoping to debate—the export of our LNG.

I have kind of put a target on my back, if you will, and said: Let's talk about what is happening with our oil potential in this country and our opportunity as a nation to export our oil, given that next year we will actually be producing more oil in this country than the county of Russia, than Saudi Arabia, but that is going to require some debate, some discussion, some policy considerations.

If we cannot even get to the point where we can move forward on an energy efficiency bill, how are we ever going to advance some of these policy initiatives when it comes to our natural gas, when it comes to our oil or how we might be able to deal with issues such as nuclear waste, where, quite honestly, until we can resolve these issues, they are going to be holding back our opportunity to advance in

these areas. How are we going to build out the potential in this country for our renewables and how we integrate them into an outdated system? There are so many policy issues we have to talk about.

So when people suggest all we want to do is talk about energy, I am one Senator who would love to do a lot of talking about energy. I would also like us to be able to legislate on energy initiatives. I would like us to update some of our energy policies, because as times have changed, unfortunately some of our laws have not.

My colleague from Pennsylvania has mentioned there was a time when we would have substantive debate. Take that back to the Energy bills that were before us when I first came to the Senate back in 2003. We took up an energy bill at that time that was on the floor, I know, for multiple weeks; it may have been multiple months.

On July 25, 2003, we resumed consideration of the Energy bill. We had a unanimous consent agreement at that time that more than 370—370—remaining amendments would be in order.

Now, 2003 may seem like a long time ago for some, but for me it seems like just yesterday. Thinking about that, it is like: Wow. We were able to come to a UC on 370 amendments.

If we go back to the Energy Policy Act, if we look at the amendment log, it shows that more than 130 amendments from Senators of both sides of the aisle were considered.

I think it speaks to the issues that were at play at the time. We are still basing most of our energy policy, of course, on those 2005 and 2007 energy acts.

I think it is important to recognize that when it comes to something as significant as our energy policy in this country, the debate is worthy, the debate is important, and legislating on these issues is critically important.

I know there are conversations yet underway as to whether an amendment opportunity will be made available, whether the four or five amendments the Republicans have offered that are being considered by the majority leader and the bill's sponsors of ShaheenPortman, whether we will be able to reach a fair consideration for the processing of those amendments. I would certainly hope we are able to do just that.

The energy efficiency bill, as I noted in my comments the day before yesterday, is good, sound policy. It is an important leg in the energy stool. When we talk about our energy resources and what we have available domestically, what we are able to be producing—whether it is our fossil fuels, whether it is our renewable fuels, whether it is other alternatives—the recognition is that our most readily available energy source is the one we do not waste. If we can be more efficient, if we can do more when it comes to conservation, this benefits all of us.

So let's figure out how we can move an energy efficiency bill. This is round No. 2 for us. Let us not allow the process to bog down a good bill and a bill that deserves to not only pass this body but to be worked through the body on the other side and to ultimately be signed into law by the President.

I want to start work. I want to be legislating. I also recognize this has been a difficult time for us all right now. We are not seeing a lot of legislation moving through this Senate, but I have been trying to use the time I have, as the ranking member on the energy committee, wisely, trying to focus on those areas where we can critically examine the energy policies we have in place and how we might refresh, how we might reimagine the energy architecture we have.

Last year I released a pretty major report. We called it ''Energy 20/20.'' It is a blueprint that kind of lays out my view of a sound, robust energy policy. I did not want a report that had taken a lot of time and energy and effort and love and passion to just sit on somebody's desk, so we have been working in this past year to flesh out some of the details we outlined in the blueprint.

I have released now four separate white papers stemming from ''Energy 20/20.'' The first one was on LNG exports. The second was on energy exports generally but also focusing on the specific issue of the prospect for oil exports. We released a very well-received white paper on electric reliability, and then earlier this week I had an opportunity to release a white paper on the nexus between energy and water. All of these are available on the energy committee's Web site.

I have given speeches on the floor. I have addressed small groups, large groups, basically anybody who will listen, not only in my State of Alaska but around the country. My colleagues and those who have been listening have heard me say multiple times that what I am looking for, what I am hoping for, what I am trying to build are laws and policies that will help us access our energy resources to be able to have a policy that says our energy should be abundant, affordable, clean, diverse, and secure.

I joke about it and say there is no acronym for that, but I have arranged it alphabetically so you can remember it.

But when you think about these five components, when you incorporate these all together—abundant, affordable, clean, diverse, secure—it makes pretty good sense.

I think the effort we have engaged in, in the energy committee, has been a worthwhile effort, and I hope this broader conversation will forge consensus on what I think we recognize can be some tough issues.

I have been working hard, even though we are not moving a lot of bills through the floor right now, to try to advance the conversation on so many of these issues I think are a priority.

THE NEXUS BETWEEN ENERGY AND WATER

I would like to take a few minutes this afternoon to speak about the most recent white paper I have released, and this is on the connection or the nexus between energy and water. I mentioned I had an opportunity to present this on Tuesday at the Atlantic Council here in Washington. It is entitled, ''The EnergyWater Nexus: Interlinked Resources That Are Vital for Economic Growth and Sustainability.'' It is a very timely subject, very relevant to the current discussion of measures we can take to support energy efficiency.

I think it is apparent, but it certainly bears repeating, that there are clear links between energy and water and water and energy. These fall into two categories. It sounds kind of simple, but it is water for energy and energy for water. Without water much of our energy—electricity included—cannot be produced. Our economy literally comes to a halt. Without energy—and particularly electricity—the treatment, the transport, the distribution of water does not function either. That all seizes up as well.

So we have water and energy just inextricably linked, and I think it is important to acknowledge that the continued availability and reliability should not be taken for granted. I think sometimes this is the part we fail to keep in perspective.

We are talking a lot about energy right now, but as we talk about energy, let's talk about how that energy source intersects with water. In an effort to produce this energy, how much water are we consuming? In an effort to use that water, how much energy is being consumed to move or treat? So, again, the nexus is tight.

When it comes to water-for-energy, an interesting statistic is that about 41 percent of our freshwater withdrawals in the United States are attributed to cooling the vast majority of our powerplants. This also consumes about 6 percent of our freshwater. Water is also routinely needed to produce the various energy resources we rely on, whether it is oil, coal, gas, or uranium. According to the Congressional Research Service, the production of biofuels has the highest water-intensity value, requiring 1,000 times more water than conventional natural gas. So, again, understanding the intensity is important as we talk about our energy resources. Altogether, more than 12 billion gallons of freshwater are consumed daily for the combined production of fuels and electricity across the country.

Turning to energy-for-water, one study on a national scale found that direct water-related energy consumption amounted to more than 12 percent of domestic primary energy consumption in 2010. That is equivalent to the annual energy consumption of about 40 million Americans.

We are seeing new technology, and we are seeing that really with the potential to provide a paradigm shift. But

from today's vantage point, a steady population increase and the resource needs of a modern economy could make freshwater a limited resource in many parts of the country. We are certainly seeing that out in the West. Severe droughts in California and for that matter across most of the Western United States only serve to underscore the risks. Out West, of course, hydroelectric power is a major contributor to clean and cost-effective electricity generation, particularly in Washington State, Idaho, and Montana. So if rivers and reservoirs are running low, this power-generation capacity is at risk.

I believe the recent and rapid expansion of our domestic energy production is very good for our Nation, particularly the growth in unconventional oil and gas production. What we have seen is that it has created jobs, it has generated revenues, it has revived local economies, and it really does wonders for our energy security. As I mentioned, the United States is now producing and exporting more energy than ever before. Our net energy imports are at a 20-year low. They are projected to fall below 5 percent of total consumption by 2025.

With many new wells located in regions that have already experienced some water shortages, we are seeing producers who are moving in a direction to help ensure that there is going to be sufficient water available for both the work they are doing and other regional needs. New technological advancements and new methods to maintain a balanced use of freshwater resources have been continuously emerging.

I think it is important to recognize that folks are appreciating that you can't count on an unlimited supply of this water resource. Utilizing our technology to be smart, to be efficient, is going to put everyone in better stead.

Even in the case of conventional power generation stations, technological innovation and advances can assist in reducing—if not eliminating—the overall amount of water that is required for cooling purposes. But, again, the key is technology. Continued research and development is at the heart of innovation and advancement.

The questions that are appropriate to ask are what can we do to ensure an adequate supply of water and how can we responsibly minimize the amount of water that is used for energy and then also energy for water? Conservation, of course, can help reduce demand for both water-for-energy and energy-for-water activities, but we have to recognize that it can only go so far. As I just mentioned, innovative energy and water use strategies, coupled with advanced technologies, are equally important when trying to optimize our limited supplies.

I have called on all stakeholders in the private sector as well as in government to support R&D and demonstration of new technologies that can really work to reduce our energy and water consumption.

Again, talking about the bill that is on the floor—energy efficiency—everything we can do to reduce our energy consumption as well as our water consumption is all good. It is all good.

The genesis and sustainability of such efforts are highly reliant on open and continuous information exchange between the parties. I have suggested that the Federal Government not only can but should facilitate this exchange of information on a national and international scale. It can do that by forming genuine partnerships with the stakeholders—including industry, utilities, and academia—and teaming up to advance a better understanding of the energy-water nexus, adopt better practices through technological innovations, and really learn from one another about the procedures and implementation strategies.

This dialogue should also include international perspectives on the energy-water nexus, utilizing the experience and expertise from around the world. We have seen technological advancements and great work going on in Australia, the Gulf countries, Israel, and Singapore. The development of new and improved technologies can answer the needs of both the domestic and international energy-water markets. This could mean opportunities for job creation—good jobs—in high-tech, R&D, and manufacturing.

What I am advocating with this white paper and the proposals out there is really better planning and better collaboration. I am not looking for a top-down approach. I am not looking for more binding rules or mandates. I am certainly not advocating for the forceful implementation of any new policies or directives to use certain technologies. The adoption of best practices should always be on a voluntary basis.

But having said that, I do believe that if we can demonstrate savings and demonstrate efficiencies from new technologies and better resource management approaches, the stakeholders are going to figure this out, and they are going to say this is a win-win for their own bottom line. This makes sense for their customers. It is good to advance.

Along these lines, I have introduced energy-water legislation with Senator WYDEN. We introduced it in January. Our bill is the Nexus of Energy and Water for Sustainability Act—we call it the NEWS Act—and it features some plain old commonsense policy improvements. What a concept.

Just think, in more ordinary times perhaps I would have even introduced the proposed NEWS Act as an amendment to the bill we have before us. But what we have—S. 1971—is a short bill, a simple bill that directs the Office of Science and Technology Policy to establish a committee or a subcommittee under the National Science and Technology Council to coordinate and streamline the energy and water nexus activities of our Federal departments and agencies. We are asking this panel—which would be chaired by the Secretaries of Energy and Interior, and representatives would be brought in from these and other agencies—to identify all relevant energy-water nexus activities across the Federal Government—because we know it is just a huge spaghetti mess here—and work together and disseminate the data to enable better practices and explore the relevant public-private collaboration. We also call for OMB to submit a crosscut budget that details these Federal expenditures related to energy-water activities. What we are looking to do is to streamline these efforts not just to save water, not just to save energy, but to save taxpayer dollars.

It is good. It is sensible. I think it is a rationed approach. I would like to be able to legislate on this, and I hope we will get to that point where we are beyond the energy efficiency bill, the Shaheen-Portman bill we have been trying so hard to work to advance not only this week but for years now; where we are beyond arguing over whether we are going to be able to move on some amendments; where we will take up with great energy and enthusiasm—pun intended—these initiatives that will help our Nation to be more productive, to be more energy secure, to have a stronger national security, and to have energy policies that are current and sound.

I am one who tries to get up every morning optimistic, glass half full, and I want to believe we will work out an arrangement so that we can have a fair amendment process that allows Republicans to offer a small handful of amendments to be debated and voted on, that will allow us to move an energy efficiency measure that is important to our energy policy and to demonstrate that perhaps we can do a little bit of legislating, a little bit of governing, and advance the cause.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Utah.

Mr. HATCH. I ask unanimous consent that my remarks be placed in an appropriate place in the RECORD and that I be able to complete my remarks.

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

Mr. HATCH. Before I begin, I would like to take a moment to address some proposals we have been hearing about in the tax space.

CORPORATE TAXATION

Some of us—myself included—were very concerned to hear the other day that a very big American corporation announced plans to merge with a somewhat smaller but still large UK corporation and then have the combined entity domiciled in the United Kingdom. Apparently, a desire to escape the high U.S. corporate tax was part of the motivation for the merger. This type of transaction where a U.S. corporation escapes the U.S. tax net is sometimes referred to as an inversion.

Broadly speaking, there are two different ways to address the problem of

inversions. The first way is to make it more difficult for a U.S. corporation to invert. Just today we have read accounts of Members of Congress who propose doing just that. The second way is to make the United States a more desirable location to headquarter one's business. I believe the latter is by far the better way. That would mean lowering the corporate tax rate and having a more internationally competitive tax code.

Under current law, U.S. corporations are taxed on their worldwide income, but foreign corporations are subject to tax only on income arising from the United States itself. In other words, we subject our own corporations to a worldwide tax system, while subjecting foreign corporations to a territorial tax system. It is strange that the U.S. Government treats foreign corporations more favorably than American corporations, but that is, nonetheless, what we do.

There is a danger, if the relatively unfavorable treatment of American companies is ratcheted up—which seems to be the effect of some of these anti-inversion proposals—that American companies will become even more attractive targets for takeover by foreign corporations.

I don't know when my liberal friends will catch on and realize that some of their approaches are just downright idiotic.

As important as it is to get the corporate tax rate down, no matter how low we get the rate, we still need to replace our antiquated worldwide tax system. Instead of imposing arbitrary inversion restrictions on companies retroactively and thereby further complicating the goal of comprehensive tax reform, we should first keep our focus on where we can agree. By uniting around the goal to create an internationally competitive tax code, we can keep American job creators from looking to leave in the first place.

Successful tax reform can help reverse the trend and cause more businesses to locate in the United States, bringing more jobs to Americans. Make no mistake. The trend is alarming. Just look at the number of U.S.-based firms, ranked by revenue, in the global Fortune 500 over the past decade, and you will see a significant decline in the number. That, of course, means a lower tax base for the United States.

When are these people going to catch on?

As I just said, tax reform can be used to reverse that trend, make the United States an attractive place to locate businesses and global headquarters, and provide a base for more jobs in America.

As the ranking member of the Senate's tax-writing committee, that is where my focus is, and I will work with anyone, Republican or Democrat, to achieve that goal.

It is ridiculous the ways some of our people in this government believe we can solve this problem by making it even more intrusive on businesses, even more onerous and burdensome, and by thinking they can force businesses to live in accordance with antiquated rules.

EXECUTIVE OVERREACH

Madam President, I rise to defend, on a separate matter, the separation of government powers enshrined in our Constitution and the lawful prerogatives of the Senate, in which I have had the privilege and honor of serving now for nearly 38 years.

Just last week I spoke from this podium about the Obama administration's blatant disregard of its constitutional obligations and in particular about how ideological devotion and political expediency have again and again trumped the President's sworn duty to uphold the law. In the short time since then, the White House has provided yet another egregious example of its willingness to disregard clear legal obligations in favor of playing partisan politics.

Just days ago we learned the Obama administration withheld particularly significant information from disclosure to Congress, despite a lawfully issued subpoena, during a House committee's investigation of the September 11, 2012, terrorist attack on the U.S. mission in Benghazi, Libya. One of these documents, an email from a senior White House official, casts serious doubt about a number of the administration's key assertions about the explanations it offered Congress and the American people regarding the cause and nature of those attacks.

There are many important questions about Benghazi to which the American people deserve answers; questions about how and why brave Americans died in this terrorist attack, four brave Americans; questions about the circumstances under which our Nation lost its first Ambassador in the line of duty in more than a generation; questions about how the Obama administration advanced an admittedly false but politically advantageous narrative about the attack during the home stretch of a heated election campaign.

I appreciate the efforts of my colleagues both in this body and in the House of Representatives in seeking a fair and thorough investigation of this matter. What compels me to speak out goes beyond the substance of this particular investigation, as critically important as that is. I am deeply troubled by the Obama administration's utter disregard for essential legal and constitutional obligations. This lawlessness is made manifest in many different forms.

I wish to discuss this administration's long pattern of obstinacy in responding to congressional investigations and how this abuse has become the latest front in a vital struggle against sweeping executive branch overreach that has characterized President Obama's term in office.

Congress's investigation into the Benghazi terrorist attack should have been and could have been a collaborative endeavor aimed at discovering the truth. Indeed, President Obama publicly proclaimed he was ''happy to cooperate in ways that Congress wants'' and promised that his administration would share with congressional investigators all information connected to the administration's own internal review. Secretary Kerry likewise pronounced and promised ''an accountable and open State Department'' that would provide truthful answers about all circumstances relating to the Benghazi attack.

Unfortunately, the Obama administration has been anything but open and accountable, nor has the White House and/or the State Department shown much willingness to cooperate in a constructive fashion with congressional investigations into the matter. Instead, this administration has repeatedly rejected document requests from several congressional committees, broadly asserting its unwillingness to turn over whole swaths of relevant material.

When congressional investigators responded with subpoenas, creating clearly defined and legally binding obligations for the administration to comply, Obama officials have continued to resist and in some cases have refused to disclose entire categories of critical documents.

Throughout the investigation this administration has consistently employed a strategy of minimal compliance. In many instances, executive officials have heavily redacted the limited range of documents the administration has in fact disclosed or forced congressional investigators through the cumbersome and perhaps unnecessary process of examining documents they insist must remain in the administration's possession. Such methods, when reasonably employed, have historically allowed the executive and legislative branches to make mutually acceptable compromises, establishing arrangements that allow Congress access to the information it needs but enable the administration to protect legitimate interests and confidentiality.

Instead, President Obama and his subordinates have taken these tactics to the extreme, creating an unmistakable impression the administration has something to hide. How could anybody look at what they are doing and not realize that is what they are doing. At the very least, it is clear that executive officials have deliberately slow-walked this important congressional inquiry.

Indeed, the administration has managed to drag its feet and frustrate congressional investigators for more than 1½ years since the Benghazi attack, limiting and delaying compliance for over 1 year since the first subpoena was issued.

The Obama administration's most recent abuse—a particularly egregious act—has been its long delay in releasing emails that were clearly responsive

to an earlier congressional subpoena. The administration only provided Congress these emails in mid-April after disclosing them as part of compliance with an outside group's Freedom of Information Act request, even though the emails were undeniably relevant and responsive to a lawful congressional subpoena, a subpoena issued in the summer of 2013, 7 months earlier.

This is the second time the Obama administration has simply passed on to Congress documents it has previously released to media and watchdog groups, a weak attempt at complying with a congressional subpoena. Now, that is an administration out of control, an administration not living up to the laws, an administration that is ignoring legitimate inquiries of the Congress, and an administration that seems to think it can get away with anything. More important, this episode demonstrates the careless and intentionally evasive approach the administration has taken in responding to congressional subpoenas. A simple FOIA request turned up multiple documents the administration admits are covered by a prior congressional subpoena and therefore should have been disclosed months earlier.

While the executive branch is obviously obliged to take all lawful requests seriously, it is outrageous this administration would treat a routine FOIA request from a private party with more care and serious attention than a lawfully issued subpoena from a coordinate branch of the Federal Government. I might add a coequal branch of the Federal Government, the Congress of the United States.

I wish I could say the Obama administration's conduct and the investigations into the Benghazi attack represented an anomaly, a unique instance in an otherwise respectful record of good-faith efforts to cooperate with congressional investigations and to respect Congress's legitimate authorities. Unfortunately, that simply isn't the case. Instead, we have experienced a pattern of obstruction, repeated instances of bad faith in responding to lawful information requests and subpoenas, and a fundamental disrespect of the laws and norms underlying the Constitution's separation of government powers.

We have all witnessed such abuse in this administration's handling of other high-profile investigations, such as the botched gun-walking exercise in Operation Fast and Furious. We routinely observe such hostility in more ordinary matters, as this administration regularly delays and often refuses to provide answers or produce information to Members of Congress.

As the ranking member of the Senate Finance Committee, I see this all the time, whether it is the refusal of the Treasury Department to explain how it deals with its statutory debt limit or the failure of the Department of Health and Human Services to respond to even the simplest questions about ObamaCare implementation. We see this hostility most transparently when the administration openly challenges the legitimacy of congressional investigations and when administration officials display outright contempt for proper lines of congressional inquiry.

None of this is to say that some assertions of executive privilege are not reasonable or even valid. Past administrations have often asserted privilege claims before Congress, and sometimes—sometimes—they have done so aggressively. This area of law has relatively few judicial precedents. It is largely defined by past practice in which the distinction between legal requirements and prudential interests is often quite blurry. As such, we can expect some legitimate disagreement as to whether particular claims of executive privilege are within the bounds of reasonableness.

But fundamentally the text and structure of the Constitution enshrines a congressional right—and establishes a congressional duty—to investigate executive branch activities. That is how through the years we have kept administrations straight. It is a very important part of our job on Capitol Hill.

Judicial precedents—as well as established practice between the legislative and executive branches stretching all the way back to the investigation of the St. Clair expedition under President George Washington in 1792—also affirm the rightful authority of Congress to require Presidential administrations to produce information in response to congressional requests.

Since the great constitutional clashes of the Watergate period, specific and binding precedents have detailed the requirement that administrations must seek to accommodate congressional information requests made in good faith, subject to adjudication by Federal courts. The Obama administration's actions clearly fall short of these basic obligations. Its abysmal record—highlighted most recently in the Benghazi email controversy—has demonstrated that executive officials are not acting in good faith to comply with legitimate congressional inquiries.

The administration's public efforts to delegitimize congressional investigations endangers not only the relationship between the current White House and this Congress but more fundamentally undermines the separation of government powers by attacking one of the most important checks on executive overreach.

The administration's expansive justifications squarely contradict the Supreme Court's command in United States v. Nixon that ''exceptions to the demand for . . . evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth.''

Even more troubling, the Obama White House has even attempted to undermine our congressional investigatory power at its core. This isn't hyperbole. The current administration actually had the audacity to argue in Federal court that a committee of Congress was categorically barred from asking the judiciary to enforce a subpoena that the executive branch had defied, a course of action implicit in the structure of our Constitution, demanded by the Supreme Court's jurisprudence, and recognized by courts for decades.

Thankfully, one of President Obama's own judicial appointees roundly rejected this astonishing claim, but that should give Members of this body very little comfort. By challenging the very authority of Congress to investigate executive abuses, by challenging the obligation of a Presidential administration to accommodate congressional inquiries in good faith, and by challenging the power of Federal courts to resolve such disputes, the Obama administration's actions represent a serious threat to our constitutional structure.

Indeed, this particular effort to undermine essential institutional checks and balances is part of a broader pattern of executive abuse—one that includes the Obama administration's disregard for its obligations to enforce the law, its actions to exceed legitimate statutory authority, its attempts to defy specific requirements of duly enacted law, and its efforts to usurp legislative power from Congress.

I spoke at length last week about many such abuses of executive power by the Obama administration. I will continue to do so because I believe keeping the exercise of executive authority within lawful bounds is essential to the legitimacy of our government and to the liberties of our citizens. I recognize that doing so will require continual vigilance—by the courts, by the American people, and by those of us who serve in Congress.

This latest episode with the Benghazi emails—as well as the President's new pen-and-phone strategy—demonstrates quite clearly that the Obama administration has not shown any signs of relenting in its executive overreach.

This unprecedented pattern of executive abuse comes from a President who promised unprecedented transparency and who regularly criticized his predecessor's use of executive power, including in the context of executive privilege.

The administration's actions demand a redoubling of Congress' investigative efforts. I urge the majority leader to join the House to form a joint select committee on the Benghazi terrorist attack and its aftermath.

I know many of my friends on the other side of the aisle—not to mention the Obama administration itself—have convinced themselves that this investigation is simply a partisan exercise, apparently prompting them to ignore the institutional struggle between Congress and the Executive.

I just wonder: What would have happened had Robert C. Byrd been our majority leader, as he was for so long? He

would not have put up with this for 1 minute. He would have asserted this institution's authority and this institution's responsibility—Congress' responsibility, if you will—to get to the bottom of this.

I served on the Iran-Contra special committee. It is not a bad thing for us to investigate an administration that appears to be out of whack, appears to be ignoring the basic tenets of the law, and appears to be hiding information from the public. Forget the public right now. How about the Congress? It is hard to respect an administration that acts like this.

We should be eager to get to the bottom of the circumstances surrounding the Benghazi attack, and my friends on the other side ought to quit trying to protect the administration when they know these are serious charges. These are serious matters. We have an obligation to get to the bottom of it, and let the chips fall where they may. There were four deaths here of heroes.

All the Members of this esteemed body—whether Democrat or Republican—should demand that Congress' institutional prerogatives are preserved and defended.

As members of the legislative branch, we have the fundamental right—and the accompanying duty—to exercise a lawful oversight function. When any Presidential administration engages in extreme resistance and demonstrates an unwillingness to cooperate with legitimate congressional investigations, we all—not just people on this side—have an institutional obligation to defend our rightful constitutional prerogatives.

These executive abuses matter. The Obama administration has clearly and consistently overstepped its authorities and ignored its obligations under our Constitution and Federal law. This overreach threatens the rule of law, and it undermines the governmental checks and balances necessary to secure our liberties as Americans.

President Obama promised unprecedented transparency that would restore trust and confidence in government. But his administration's lawless actions have heightened the need for more robust and effective congressional oversight.

As even a liberal Washington Post columnist opined earlier this week, ''The Obama White House can blame its own secrecy and obsessive control over information'' for the heightened scrutiny of its questionable activities.

Oversight investigations are a critical tool that Congress must use effectively to promote government accountability. The Obama administration's escalating strategy of stonewalling, even to the point of ignoring legal obligations and longstanding norms, now threatens our rightful role in calling the executive branch to account.

Indeed, the basic assumption that underlies the Constitution's plan of government, as James Madison explained in Federalist 47 and 51, is that:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. . . . But the great security against a gradual concentration of the several powers in the same department, consist in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.
>
> The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.

As Madison explained, it is incumbent upon each of us to insist on Congress' right and duty to investigate the executive branch, and to ensure that the administration abides by the most basic—the most fundamental—requirements of our constitutional system.

We owe the American people—not to mention the families of those who perished—a meaningful investigation of the Benghazi attack, not just to find answers to remaining questions but to affirm that this is still a Nation of laws and that the people's elected representatives are still capable of pursuing the truth and holding the executive branch accountable for its actions.

This is a matter of great concern to me, and I am sure it is to a lot of people who are starting to realize that there is a stonewalling like we haven't seen since Richard Nixon.

I don't know that the President has done this personally. I hope not. But he has to look into it.

If he doesn't, then I think it is up to the majority in this body to hold the administration to account, with the help of the minority, and to not have them ignore, disregard, and treat with contempt the rightful oversight that we have an honor and an obligation to do up here. This is really a very serious set of problems as far as I am concerned. I hope the President will get after his people down there.

I think one of the problems is we have a lot of young people in the White House right now who haven't had the experience. On the other hand, some of these things are so deliberate that we can't blame it on lack of experience. These folks know and the people in the Justice Department know. To have withheld these emails the way they did, knowing they were crucial to any investigation, is something we should not tolerate here in the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

TRIBUTE TO PAT BELL

Mr. MCCONNELL. Madam President, I rise today to honor an upstanding citizen from my home State, the Commonwealth of Kentucky. Pat Bell grew up in the heart of Appalachia and has spent his life working to better the region and the lives of those who call it home. The Lake Cumberland Area Development District will honor him on May 22 when they name their office building The Pat Bell Building.

Patrick R. Bell was born and raised in McCreary County, Kentucky. Pat was always passionate about helping others, and once he finished his own education he began teaching in the McCreary County school system, rising to the position of school superintendent in the 1960s.

Following his tenure as superintendent, Pat was selected to be the Lake Cumberland Area Development District's first executive director. In this capacity Pat was able to increase the quality of life in the region by organizing infrastructure projects and developing initiatives to increase economic activity.

Pat left the LCADD after 12 years at the helm, but he never lost his desire to serve. In fact, his success at the LCADD led to his next post as the Director of the Lake Cumberland District Health Department. Pat served as director from 1982 until his retirement in 1994, during which the Lake Cumberland District Health Department expanded from five member counties to 10.

His retirement was short lived, however. Never one to turn down an opportunity to serve his community, Pat accepted an appointment to become mayor of Columbia, KY. He then ran for, and won, a second term, which expired in 2010. Although he is once again in retirement, his friends and family know him too well to rule out the possibility of future public service.

Pat Bell's seemingly unlimited capacity to serve others is an inspiration for us all. He truly has a servant's heart, and I ask that my Senate colleagues join me in honoring him today.

TRIBUTE TO JIM SHARPE

Mr. MCCONNELL. Madam President, I rise today to honor the long and distinguished career of Jim Sharpe. Now retired, Mr. Sharpe opened his first business in Somerset, KY, in 1947. Since that time he's opened several more, pioneered the houseboat business, and has become an irreplaceable fixture in his community.

Lake Cumberland is known by many as the ''houseboat capital of the world''—a designation that is owed in no small part to Jim Sharpe. Jim was one of the first to pioneer the industry—building his first houseboat in

1953. Much has changed since he sold that first 10-by 24-foot steel boat, and Jim has been there for it all, often leading the way. Houseboats are now much bigger—up to 20 by 100 feet—and are made of aluminum and have onboard heating and cooling systems. One thing that never changed, though, is Jim's passion for building his customer's ''dream boat.''

Despite being one of the founding fathers of the industry, houseboats do not constitute the totality of his life's work. Jim has owned and operated several other businesses in Somerset in addition to Sumerset Marine. In 1966, he developed Food Fair groceries, which he grew into a chain of 13 stores. Two year later, he opened Somerset's first fried chicken restaurant, Kettle Fried Chicken, and in 1974 he bought a car dealership, Pulaski Motor Company.

Although he is now retired, Jim still has plenty to keep him busy. Jim and his wife of nearly 65 years Mary Jo have four children and nine grandchildren, and he has also found time to pick up golf and travel the country.

Jim Sharpe's drive and determination in his business, his commitment to his community, and his love of his family can serve as an example to us all. I ask that my U.S. Senate colleagues join me in honoring this upstanding Kentucky citizen.

CLINICAL LABORATORY FEE SCHEDULE

Mr. BURR. Madam President, I would like to engage my colleague, the distinguished ranking member of the Finance Committee, in a short colloquy regarding Clinical Laboratory Fee Schedule payment reform provisions included in the SGR patch bill, Protecting Access to Medicare Act.

Mr. HATCH. I thank the Senator. I would be happy to engage my distinguished colleague in a colloquy. Further, many thanks to him for his leadership over the years on this issue.

Mr. BURR. I thank my colleague and commend his work and the work of his staff in the development of this proposal. Reform of the Clinical Laboratory Fee Schedule is an important priority. The current system does not allow for changes in reimbursement for specific tests and instead, cuts to lab reimbursement have been broad reductions to the fee schedule overall. This imprecise approach has hampered the ability of labs across the country to continue to innovate and improve the diagnosis and treatment of disease. The Protecting Access to Medicare Act reforms this outdated approach and establishes a system requiring laboratories to report market rates to establish Medicare reimbursement. It is my understanding that the intent of this provision is to ensure that Medicare rates reflect true market rates for laboratory services, and as such, that all sectors of the laboratory market should be represented in the reporting system, including independent laboratories and hospital outreach laboratories that receive payment on a fee-for-service basis under the fee schedule. I ask my distinguished colleague if this is his understanding of the intent of this provision as well.

Mr. HATCH. The Senator is correct. And I thank my good friend from North Carolina for raising this issue. I concur; the intent of the provisions of the bill reforming the Medicare Clinical Laboratory Fee Schedule is to ensure that Medicare rates reflect true market rates, and that commercial payment rates to all sectors of the lab market should be represented, including independent laboratories and hospital outreach laboratories.

Mr. BURR. I thank the Senator for his insights and his work on reform of the Clinical Laboratory Fee Schedule.

WORLD WAR II VETERANS VISIT

Mr. MANCHIN. Madam President, I am filled with so much pride every time our military veterans visit our Nation's Capital and have the opportunity to stand before the memorials built to honor them.

This weekend, 93 veterans from North Central West Virginia, escorted by 55 guardians, will be traveling to Washington, DC, to see the memorials that commemorate their sacrifice and valor. This will mark the very first Honor Flight from North Central West Virginia—which is my hometown region of the ''Mountain State.''

Fifty World War II veterans, 42 Korean war veterans and one terminally ill Vietnam war veteran will fly from the small town of Clarksburg, WV, to Reagan National Airport, and before they lift off on a truly memorable and moving day, I look forward to greeting our vets bright and early at the local airport to wish them a safe trip to our Nation's Capital. I also will express my deepest gratitude to these special men who helped keep America free and made the world a safer place for liberty-loving people across our country and beyond our borders.

Upon their arrival, 30 Active-Duty sailors from the National Naval Medical Center and 8 marines from the USS *West Virginia* submarine will accompany the Honor Flight entourage during their daylong adventure.

These heroic West Virginians will travel to Washington to visit the World War II, Vietnam, Korean, FDR, Air Force, and Iwo Jima Memorials as well attend a ceremony at Arlington Cemetery.

While their step has slowed, their spirit is keen, their pride is undiminished, and their patriotism is immeasurable.

No matter the war, no matter the rank, no matter the duty, every one of these 93 veterans answered America's call and served our great country with the utmost valor. In our time of need, they stepped forward and said: I will do it—I will protect this country.

This trip to our Nation's Capital is just one way to say thank you.

But the West Virginia's North Central community has much more planned to show their gratitude for these devoted and courageous veterans. Upon the Honor Flight's return Saturday evening, hundreds of West Virginians will welcome home our returning vets, including National Guardsmen, Civil Air Patrol volunteers, Cub Scouts, Boy Scouts and our famous West Virginia University Mountaineer, Mike Garcia.

In addition, more than 155 band members from the Busy Bee Band and Honeybees of East Fairmont High School will perform a medley of patriotic songs, led by their band director and former marine, T.J. Bean.

I want to express my gratitude to my hometown community for their tireless efforts to make this Honor Flight a reality. I especially thank Butch Phillips and all the people who have been instrumental in planning and fulfilling this truly special experience for our 93 West Virginia veterans.

This generation of Americans was united by a common purpose and by common values—duty, honor, courage, service, integrity, love of family and country, and their triumph over oppression will be forever remembered.

Let us remember that these Honor Flights show tribute to all who have served this great country, so may God bless the United States of America and all the men and women who keep us free.

LOUISIANA GRAY DAY

Ms. LANDRIEU. Madam President, I wish to honor Louisiana Gray Day, this Friday, May 9, and the thousands of Louisianians and Americans with brain cancer and their families. Brain cancer is one of the most incurable forms of cancer and has an average survival period of only 1 to 2 years. It does not discriminate—striking men, women, and children of any race and at any age. Over 688,000 Americans are living with a primary brain tumor and each year over 69,700 people are diagnosed with primary malignant and nonmalignant tumors. Brain tumors are the second leading cause of cancer-related deaths in children under age 20, the second leading cause of cancer-related deaths in males ages 20 to 39, and the fifth leading cause of cancer-related deaths in females ages 20 to 39.

More so than any other cancer, brain tumors can have life-altering psychological, cognitive, behavioral, and physical effects. To help increase awareness and advance medical research for the various forms of brain cancer, the month of May is recognized nationally as brain cancer awareness month. My State has adopted May 9 in particular as the day when the citizens of the State are encouraged to wear the color gray to raise brain cancer awareness.

Brain cancer has unfortunately affected many in my State. Today I

share just one of these stories to increase awareness around this devastating disease. Gary Leingang was diagnosed with glioblastoma, an aggressive form of brain cancer, in June 2008. At the same time Gary was fighting his cancer, his wife Mona was battling breast cancer. Gary stood by her side and took care of Mona when she was on chemo and recovered. Unfortunately, Gary's fight with brain cancer ended on March 9, 2010. Before he passed, he said he wanted to make sure something good come out of his cancer. So, in his honor, his wife and children have shared his story to advance scientific research and increase awareness within the medical community in supporting patients, their families and caregivers afflicted with brain cancer. Last year, Mona worked with Louisiana lawmakers to establish Louisiana Gray Day on May 9—Gary's birthday.

It is my hope that in recognizing May 9 we will honor Gary's legacy and all help to bring greater awareness for all those affected by brain cancer, and perhaps even prevent some brain cancer-related deaths in the future.

ADDITIONAL STATEMENTS

RECOGNIZING MYSTIC AQUARIUM

• Mr. BLUMENTHAL. Madam President, I am proud to recognize that today, First Lady Michelle Obama presents Connecticut's Mystic Aquarium with the Institute of Museum and Library Services' National Medal for Museum and Library Services for 2014. This medal is the Nation's highest honor conferred on museums and libraries for service to their communities, and I wish to convey my deepest congratulations and admiration for Mystic Aquarium on this auspicious occasion.

Since 1973, Mystic Aquarium has showcased the wonders of the world's oceans through exhibitions, tours, classroom programs, and partnerships with scientific organizations. In addition to worldclass offerings like its diverse collection of more than 4,000 animals ranging from sea lions to penguins, the aquarium boasts New England's only beluga whale habitat, as well as an innovative exhibit that showcases underwater exploration through a partnership with famed explorer Dr. Robert Ballard.

The aquarium maintains a laudable commitment to making a difference for marine environments around the globe through research and direct involvement. The Marine Animal Rescue Program rehabilitates dozens of injured seals every year, and a penguin task force has provided similar help to African penguins in South Africa. The aquarium's extensive research includes field observations on wild belugas in the Arctic and closer to home, the aquarium enlists visitors in beach cleanup and marine animal stranding and rehabilitation programs.

What I find most meaningful about Mystic Aquarium's work, however, is its consistent focus on inspiring and serving the people of Connecticut and visitors from around the world. Of the Aquarium's 700,000 yearly visitors, one in seven is a Connecticut K-12 student, and because school budget constraints too often limit learning opportunities outside the classroom, the aquarium regularly offers complimentary admission to students and teachers from economically disadvantage communities. The aquarium's deep investment in promoting scientific and environmental understanding among students of all ages and backgrounds is similarly reflected in its innovative programming for Native American high school students and for young people with intellectual disabilities.

Having attended numerous events at Mystic Aquarium, I can personally attest to the dedication of everyone there in serving Connecticut and improving animal habitat across the world. I know how hard Dr. Stephen M. Coan, Dr. Ballard, and all of the aquarium's staff members and volunteers work to support these goals. For its legacy of community-focused education and environmental stewardship, I am proud to congratulate Mystic Aquarium on its receipt of the great honor.•

SAMUEL J. HEYMAN SERVICE TO AMERICA MEDALS FINALISTS

• Mr. CARDIN. Madam President, people often wonder why they pay taxes. Well, the short answer, former Associate Justice Oliver Wendell Holmes, Jr. famously wrote in a 1927 Supreme Court decision, is that ''taxes are what we pay for civilized society,'' (Compañía General de Tabacos de Filipinas v. Collector of Internal Revenue. The longer answer is that people pay taxes for government goods and services that make their families, businesses, communities, and the United States of America stronger, safer, and more prosperous. The people who provide government goods and services are public servants.

This week is Public Service Recognition Week, an opportunity to acknowledge and thank the 21.9 million men and women who work in local, county, State, and Federal Government. Each day, these people teach our children; patrol our borders and ports; protect our food, land, air, and water; care for our veterans and senior citizens; develop treatments and cures for illness and disease; fight fires and respond to natural disasters; make our communities safer; help domestic manufacturers compete abroad; enforce our laws and administer justice; advance human understanding of the smallest particles, the vastness of the universe, and the origin of life; and promote and defend American values and ideals abroad.

The knowledge, expertise, skill, and commitment of our public sector workforce is one of America's greatest assets. No other nation can match our public workforce's professionalism and level of accomplishment. Yet, too often public servants are disparaged and denigrated. Too often public servants bear the brunt of deficit reduction. Too often, public servants are asked to do more and more with less and less. We need to strengthen and encourage our public workforce. We should always strive to make government better, more responsive, more efficient.

On May 6 I had the honor of delivering brief remarks at a breakfast organized by the Partnership for Public Service to announce the finalists for the 2014 Samuel J. Heyman Service to America Medals. These individuals and teams have been chosen for their commitment to public service and because they have made ''a significant contribution in their field of government that is innovative, high-impact and critical for the nation,'' according to the partnership.

I would like to take a few moments to talk about the finalists. If Americans want to see their tax dollars at work, what follows are a few examples.

Call to Service Medal finalists are Federal employees whose professional achievements reflect the important contributions that a new generation brings to public service.

Jonathan Baker, Delta IV launch systems deputy chief engineer, U.S. Air Force Space & Missile Systems Center Launch Systems Directorate, El Segundo, CA saved taxpayers more than $4 billion on the purchase of 40 new rockets and led the engineering team responsible for launching 13 Air Force satellites into orbit.

Anthony Cotton, Amanda Femal, Jason Fleming, J.P. Gibbons and the Development Credit Authority Transaction Teams, Africa team leader, Cotton; Asia and Middle East team leader, Femal; Latin America/Caribbean and Eastern Europe team leader, Fleming; and Strategic Transactions team leader, Gibbons, U.S. Agency for International Development, Development Credit Authority, Washington, D.C. generated nearly $1 billion in aid for 60 projects in 42 developing countries during the past 2 years through an innovative, public-private loan guarantee program.

Sofia Hussain, senior forensic accountant, Division of Enforcement, Securities and Exchange Commission, Boston, MA, helped Federal investigators crack intricate securities fraud cases and return hundreds of millions of dollars to investors by introducing cutting-edge technology and data analysis.

Sara Meyers, director, Sandy Program Management Office, Department of Housing & Urban Development, Washington, DC, created sophisticated data analysis systems to evaluate the performance of Federal housing programs and set up processes to track $13.6 billion in economic stimulus and $50 billion for Hurricane Sandy disaster recovery;

Miguel O. Román, research physical scientist, Terrestrial Information Systems Laboratory, National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD—provided timely and reliable information on wildfires, storm damage and global energy consumption to help scientists and policymakers better understand and respond to natural disasters and climate change.

This is your tax dollars at work.

Career Achievement Medal finalists are Federal employees with significant accomplishments throughout a lifetime of achievement in public service.

Scott Gerald Borg, head, Antarctic Sciences Section, Division of Polar Programs, National Science Foundation, Arlington, VA, directed a world-class research program in Antarctica that led to important scientific discoveries about climate change, the origins of the universe, previously unknown sea life, and two new dinosaur species;

Thomas Browne, Deputy Director, Office of Anticrime Programs, Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Washington, DC, transformed drug prevention and addiction treatment programs in 70 countries around the world, providing special care and assistance to women and children;

Robert A. Canino, regional attorney, Dallas District Office Equal Employment Opportunity Commission, Dallas, TX, pioneered the use of civil rights laws to try human trafficking cases when criminal enforcement and labor laws proved ineffective in defending foreign-born and intellectually disabled workers who were abused and exploited:

Edwin Kneedler, Deputy Solicitor General, Department of Justice, Washington, DC, argued 125 cases and helped shape the Federal Government's legal position on hundreds more before the Supreme Court, while setting a high standard for integrity and protecting the long term interests of the United States;

E. Ramona Trovato, Associate Assistant Administrator, Office of Research and Development, Environmental Protection Agency, Washington, DC, helped transform national environmental health policy by focusing attention on the impact of pollutants on children, and by devising strategies to respond to biological, chemical and radiological contamination from a terrorist attack;

This is your tax dollars at work.

Citizen Services Medal finalists are Federal employees who have made a significant contribution to the Nation in activities related to citizen services, including economic development, education, health care, housing, labor and transportation.

Michael Byrne, former geographic information officer, Federal Communications Commission, Washington, DC, put detailed data about our Nation's broadband availability and communications systems in the hands of citizens and policymakers through the use of interactive online maps and other visualizations.

Marcia Crosse, Director, Health Care, Government Accountability Office, Washington, DC, directed congressional attention and prompted reforms to the Food and Drug Administration's global role in the regulation of drugs and medical devices to help the agency better protect public health.

James D. Green, project officer, Division of Safety Research, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Morgantown, WV, collaborated with the ambulance manufacturing industry and multiple Federal agencies to create ambulance crash standards to help reduce injuries and fatalities among EMS workers and patients;

Douglas James Norton, senior environmental scientist, Watershed Branch, Environmental Protection Agency, Washington, DC, engaged citizens, scientists, and State agencies in protecting their local streams, lakes, and rivers by providing access to water quality data and assessment tools via the Web;

Günter Waibel, Adam Metallo, and Vincent Rossi, Director, Digitization Program Office, Waibel, and 3D program officers, Metallo and Rossi, Smithsonian Institution, Washington, DC, made iconic treasures from the Smithsonian's vast collection accessible to students, teachers, historians, and curious visitors everywhere through the use of computerized 3D imaging and printing technologies.

This is your tax dollars at work.

Homeland Security and Law Enforcement Medal finalists are Federal employees who have made a significant contribution to the Nation in activities related to homeland security and law enforcement, including border and transportation security, civil rights, counterterrorism, emergency response, fraud prevention, and intelligence.

Omar Pérez Aybar, Reginald J. France, and the Miami HEAT teams, assistant special agents in charge, Miami Regional Office, Department of Health and Human Services, Office of Inspector General, Miami Lakes, FL, led hundreds of Medicare fraud investigations that have resulted in more than 600 convictions in South Florida, recovering hundreds of millions of dollars and providing an investigative ''roadmap'' for other jurisdictions to follow.

Susan M. Hanson, senior resident agent, Federal Bureau of Investigation, Dothan, AL, brought to justice four prison guards who brutally beat and murdered an inmate, and exposed a culture of abuse in Alabama prisons.

Anthony Regalbuto, Chief, Office of International and Domestic Port Security, U.S. Coast Guard, Washington, DC, assessed the vulnerabilities of hundreds of marine facilities and created comprehensive security plans for domestic and international shipping ports to guard against terrorist attacks.

Gilbert Bindewald, Alice A. Lippert, and Patrick Willging, program manager, Advanced Grid Modeling Research, Bindewald; senior technical advisor, Energy Infrastructure Modeling and Analysis, Lippert; senior logistics specialist, Willging, Department of Energy, Office of Electricity Delivery and Energy Reliability, Bindewald and Lippert; Office of Petroleum Reserve, Willging, Washington, DC, helped government authorities and power companies deliver emergency services and restore electricity following widespread natural disasters by creating critical information sharing and assessment tools.

This is your tax dollars at work.

Management Excellence Medal finalists are Federal employees demonstrating superior leadership and management excellence through a significant contribution to the Nation that exemplifies efficient, effective, and results-oriented government.

Sonny Hashmi, Acting Chief Information Officer, General Services Administration, Washington, DC, led the General Services Administration's ''Cloud Initiative,'' improving employee effectiveness, reducing agency costs, and creating a model for other Federal agencies to follow.

Alan J. Lindenmoyer, program manager, Commercial Crew and Cargo Program, National Aeronautics and Space Administration, Johnson Space Center, Houston, TX, transformed NASA's space travel programs, helping the United States continue important space research while reducing taxpayer costs and stimulating the commercial space industry.

Marion Mollegen McFadden and the Hurricane Sandy Rebuilding Task Force staff, senior attorney for disaster recovery, Department of Housing and Urban Development Washington, DC, in the months following Hurricane Sandy, coordinated efforts of numerous Federal agencies to help rebuild stronger and safer communities.

Ronald E. Walters, Acting Principal Deputy Undersecretary for Memorial Affairs; Department of Veterans Affairs Washington, DC, honored our Nation's veterans by delivering the pinnacle of care and service at their final resting place, while increasing availability and access to burial sites throughout the country.

This is your tax dollars at work.

National Security and International Affairs Medal finalists are Federal employees who have made significant contributions to the Nation in activities related to national security and international affairs, including defense, military affairs, diplomacy, foreign assistance and trade.

Jill Boezwinkle, senior program manager, Development Innovation Ventures, U.S. Agency for International Development, Washington, DC, guided a U.S. initiative to provide safe drinking water to 5 million people in Kenya

and Uganda, saving lives and preventing illnesses for thousands of individuals.

R. Patrick DeGroodt, deputy product manager, Department of the Army, Aberdeen Proving Ground, Aberdeen, MD, helped America's war fighters achieve mission success and stay out of harm's way by developing and deploying a new mobile communications network that gives Army units continuous connectivity on the battlefield.

Jonathan Gandomi, former field representative for the counter-Lord's Resistance Army mission, Department of State, Bureau of Conflict and Stabilization Operations Washington, DC, coordinated U.S. efforts to end the atrocities of the Lord's Resistance Army, one of Africa's oldest and most brutal extremist groups, and help victims overcome decades of violence.

Dr. Rana A. Hajjeh and the Hib Initiative Team, Director, Division of Bacterial Diseases, Centers for Disease Control and Prevention, Atlanta, GA, led a global campaign to convince some of the world's poorest countries to use a vaccine to fight bacterial meningitis and pneumonia, an initiative that is estimated to save the lives of 7 million children by 2020.

Sean C. Young and Benjamin J. Tran, electronics engineers, Air Force Research Laboratory, Wright-Patterson Air Force Base, Dayton, OH saved U.S. soldiers' lives in Afghanistan by creating and deploying a new aerial sensor system to help Army and Special Forces units detect and destroy deadly improvised explosive devices.

This is your tax dollars at work.

Science and Environment Medal finalists are Federal employees who have made significant contributions to the Nation in activities related to science and environment, including biomedicine, economics, energy, information technology, meteorology, resource conservation, and space.

William A. Bauman, M.D. and Ann M. Spungen, Ph.D., Director, Bauman, and Associate Director, Spungen, National Center of Excellence for the Medical Consequences of Spinal Cord Injury, Department of Veterans Affairs, James J. Peters VA Medical Center Bronx, NY, greatly improved the health care and the quality of life of paralyzed veterans by developing new ways to treat long-overlooked medical problems.

William Charmley and James Tamm, Division Director, Assessment and Standards Division, Charmley, and Chief, Fuel Economy Division, Tamm, Environmental Protection Agency, Charmley; National Highway Traffic Safety Administration, Tamm, Ann Arbor, MI, Charmley; Washington, DC, Tamm, led an interagency team that developed standards for cars and light trucks that will double fuel economy by 2025 and reduce carbon dioxide emissions by 6 billion metric tons;

John Cymbalsky, program manager, Appliance and Equipment Standards, Department of Energy, Office of Energy Efficiency and Renewable Energy, Washington, D.C., brought together industry and environmental groups to adopt new efficiency standards for appliances and commercial equipment that will save consumers money and reduce energy consumption and air pollution.

Richard Rast, senior engineer, Air Force Research Laboratory, Kirtland Air Force Base, Albuquerque, NM, developed a new, low-cost method of locating and tracking space debris that could severely damage or destroy spacecraft and vital communications, navigation, and weather satellites.

Jeffrey Rogers, program manager, Ret., Defense Advanced Research Projects Agency, Arlington, VA, created a wearable sensor that provides real-time information on the risk of traumatic brain injuries to soldiers exposed to bomb blasts, resulting in quicker medical treatment and uncovering previously undiagnosed injuries.

This is your tax dollars at work.

The individuals I have just named are the best of the best. But they would be the first to acknowledge that they stand on the shoulders of many colleagues. Yet these men and women who have done so much in service to the American people have endured pay freezes, furloughs, benefit cuts, a government shutdown, and shrinking budgets. The Service to America Medals finalists—and countless other dedicated public servants across our country—strive to serve their fellow citizens every day. They remind us why we pay taxes. It is important that we pause to reflect on their contributions, celebrate their successes, and give thanks for their service and their devotion to helping create and sustain a civilized society.●

SMITH-LEVER ACT CENTENNIAL

● Mr. CASEY. Madam President, I wish to mark the centennial of the enactment of the Smith-Lever Act.

The Smith-Lever Act established the Cooperative Extension Service, a vital nationwide system of educational partnerships that brings together Federal, State and local governments and land-grant universities.

This network is administered by The Pennsylvania State University in all 67 counties of Pennsylvania.

Access to the Cooperative Extension Program provides valuable information, resources and educational programs to communities on a broad range of issues.

As agriculture is Pennsylvania's No. 1 industry, this program continues to serve as a valuable resource for agricultural producers, small business owners, students, consumers, and communities of all sizes.

The Cooperative Extension Program helps to maintain and support the agricultural industry, while utilizing innovative research and technologies to advance the future of the industry.

I ask the Senate to join me in honoring the 100th anniversary of the Smith-Lever Act.●

CONGRATULATING STEVE AND CAROLYN COBURN

● Mr. HELLER. Madam President, I wish to recognize Nevada's own Steve and Carolyn Coburn for their recent victory at the 139th Kentucky Derby with their co-owned horse, California Chrome. California Chrome was the victor by 1¾ lengths, and as a fellow horse owner, it gave me great pride to watch a Nevadan-owned horse win this coveted title.

Steve Coburn, an Army veteran, and Carolyn Coburn are both Douglas County residents who took a chance 5 years ago when they became part-owners in California Chrome's mother, Love the Chase, as an investment opportunity. Although Love the Chase failed as a thoroughbred in the eyes of the industry, the Coburns and other co-owners decided to breed her, resulting in California Chrome, the humble-beginnings horse who turned out to be a champion.

California Chrome does not only win races, but he has become an integral member of the Coburn family. Every few weeks, the Coburn's made the drive from their rural Nevada home to watch their foal grow into a champion and never had a doubt that he was special. His track record of 10 career starts and 6 first-place finishes proves their predictions right.

As a fellow horse enthusiast, I appreciate the unique roles horses play as companion animals, as well as an important part of the commercial horse racing industry. I know the citizens of the ''Silver State'' are proud to see humble Nevadans succeed in making their dream of having a winning horse come true. Today, I ask my colleagues to join me in congratulating Steve and Carolyn for this unparalleled victory and wish California Chrome the best in his future racing endeavors.●

EMMET COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big

difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Emmet County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Emmet County worth over $4.5 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than $15.5 million to the local economy.

Of course my favorite memory of working together has to be the community's commitment work to secure Harkin wellness grants. From increasing physical activity to promoting workplace wellness and educating students about the dangers of tobacco, this funding has provided the key to reducing health care costs and helping Iowans live a longer, happier life. Through the five programs included in the Lifestyle Challenge, participants lost a collective 3,467 pounds and clocked 23,911 hours of activity. Emmet County has been at the forefront of this effort, so I look forward to learning how they have implemented healthier living in their community.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Emmet County. In many cases, I have secured Federal funding that has leveraged local investments and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Emmet County, I have fought for over $1.3 million for the Iowa Great Lakes Community College for work on renewable energy programs, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That's why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Emmet County has received $3.3 million in Harkin grants. Similarly, schools in Emmet County have received funds that I designated for Iowa Star Schools for technology totaling $175,000.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Emmet County has received more than $1.4 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as—for instance, the methamphetamine epidemic. Since 2001, Emmet County's fire departments have received over $660,000 for firefighter safety and operations equipment.

Wellness and health care: Improving the health and wellness of all Americans has been something I have been passionate about for decades. That is why I fought to dramatically increase funding for disease prevention, innovative medical research, and a whole range of initiatives to improve the health of individuals and families not only at the doctor's office but also in our communities, schools, and workplaces. I am so proud that Americans have better access to clinical preventive services, nutritious food, smoke-free environments, safe places to engage in physical activity, and information to make healthy decisions for themselves and their families. These efforts not only save lives, they will also save money for generations to come thanks to the prevention of costly chronic diseases, which account for a whopping 75 percent of annual health care costs. I am pleased that Emmet County has recognized this important issue by securing $120,000 in wellness grants.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Emmet County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Emmet County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

DICKINSON COUNTY, IOWA

● Mr. HARKIN. Madam President, the strength of my State of Iowa lies in its vibrant local communities, where citizens come together to foster economic development, make smart investments to expand opportunity, and take the initiative to improve the health and well-being of residents. Over the decades, I have witnessed the growth and revitalization of so many communities across my State. And it has been deeply gratifying to see how my work in Congress has supported these local efforts.

I have always believed in accountability for public officials, and this, my final year in the Senate, is an appropriate time to give an accounting of my work across four decades representing Iowa in Congress. I take pride in accomplishments that have been national in scope—for instance, passing the Americans with Disabilities Act and spearheading successful farm bills. But I take a very special pride in projects that have made a big difference in local communities across my State.

Today, I would like to give an accounting of my work with leaders and residents of Dickinson County to build a legacy of a stronger local economy, better schools and educational opportunities, and a healthier, safer community.

Between 2001 and 2013, the creative leadership in your community has worked with me to secure funding in Dickinson County worth over $3.4 million and successfully acquired financial assistance from programs I have fought hard to support, which have provided more than $11.4 million to the local economy.

Of course my favorite memory of working together has to be our shared commitment to school construction, renovation, and fire safety through the Harkin school grants and Star Schools programs. Working together with state and local communities, this funding has ensured Iowa students are learning in schools that are safe, and modern. I look forward to learning about the renovations made possible in Dickinson County.

Among the highlights:

Investing in Iowa's economic development through targeted community projects: In Northwest Iowa, we have worked together to grow the economy by making targeted investments in important economic development projects including improved roads and bridges, modernized sewer and water systems, and better housing options for residents of Dickinson County. In many cases, I have secured Federal funding that has leveraged local investments

and served as a catalyst for a whole ripple effect of positive, creative changes. For example, working with mayors, city council members, and local economic development officials in Dickinson County, I have fought for more than $9.2 million for Polaris through the Department of Defense to provide All Terrain Ultra Tactical Vehicles to the National Guard, helping to create jobs and expand economic opportunities.

School grants: Every child in Iowa deserves to be educated in a classroom that is safe, accessible, and modern. That's why, for the past decade and a half, I have secured funding for the innovative Iowa Demonstration Construction Grant Program—better known among educators in Iowa as Harkin grants for public schools construction and renovation. Across 15 years, Harkin grants worth more than $132 million have helped school districts to fund a range of renovation and repair efforts—everything from updating fire safety systems to building new schools. In many cases, these Federal dollars have served as the needed incentive to leverage local public and private dollars, so it often has a tremendous multiplier effect within a school district. Over the years, Dickinson County has received $1,124,075 in Harkin grants. Similarly, schools in Dickinson County have received funds that I designated for Iowa Star Schools for technology totaling $223,047.

Agricultural and rural development: Because I grew up in a small town in rural Iowa, I have always been a loyal friend and fierce advocate for family farmers and rural communities. I have been a member of the House or Senate Agriculture Committee for 40 years—including more than 10 years as chairman of the Senate Agriculture Committee. Across the decades, I have championed farm policies for Iowans that include effective farm income protection and commodity programs; strong, progressive conservation assistance for agricultural producers; renewable energy opportunities; and robust economic development in our rural communities. Since 1991, through various programs authorized through the farm bill, Dickinson County has received more than $3.1 million from a variety of farm bill programs.

Keeping Iowa communities safe: I also firmly believe that our first responders need to be appropriately trained and equipped, able to respond to both local emergencies and to statewide challenges such as—for instance, the methamphetamine epidemic. Since 2001, Dickinson County's fire departments have received over $500,000 for firefighter safety and operations equipment.

Disability Rights: Growing up, I loved and admired my brother Frank, who was deaf. But I was deeply disturbed by the discrimination and obstacles he faced every day. That's why I have always been a passionate advocate for full equality for people with disabilities. As the primary author of the Americans with Disabilities Act, ADA, and the ADA Amendments Act, I have had four guiding goals for our fellow citizens with disabilities: equal opportunity, full participation, independent living and economic self-sufficiency. Nearly a quarter century since passage of the ADA, I see remarkable changes in communities everywhere I go in Iowa—not just in curb cuts or closed captioned television, but in the full participation of people with disabilities in our society and economy, folks who at long last have the opportunity to contribute their talents and to be fully included. These changes have increased economic opportunities for all citizens of Dickinson County, both those with and without disabilities. And they make us proud to be a part of a community and country that respects the worth and civil rights of all of our citizens.

This is at least a partial accounting of my work on behalf of Iowa, and specifically Dickinson County, during my time in Congress. In every case, this work has been about partnerships, cooperation, and empowering folks at the State and local level, including in Dickinson County, to fulfill their own dreams and initiatives. And, of course, this work is never complete. Even after I retire from the Senate, I have no intention of retiring from the fight for a better, fairer, richer Iowa. I will always be profoundly grateful for the opportunity to serve the people of Iowa as their Senator.●

REMEMBERING ERNIE SCHOCH

● Mr. HELLER. Madam President, today we honor the life and service of Ernie Schoch, whose passing signifies a great loss to Nevada. I send my condolences and prayers to Joann and all of Ernie's family in this time of mourning.

Ernie came to the United States to become a member of the U.S. Air Force. During his tenure in the Air Force, Ernie was a recipient of the prestigious Good Conduct Medal. Airmen awarded this medal must earn character and efficiency ratings of excellent or higher throughout a 3-year period of Active military service or for a 1-year period of service during a time of war. As one of our Nation's servicemembers, he made exceptional sacrifices for our country and deserves our deepest gratitude. I am both humbled and honored by not only his but his family's service to our great Nation.

Ernie and his wife Joann were exemplary volunteers throughout the community. Their selflessness extends far beyond our Nation's military. He was dedicated to supporting homeless veterans and worked with the U.S. Veterans Initiative and other organizations in his spare time. As a member of the Senate Veterans' Affairs Committee, I am proud to have continued his work through my own legislative proposals to help in assisting homeless veterans. His volunteerism brought so much to his community, and rest assured his contributions will remain a lasting legacy in the ''Silver State.''

I extend my deepest sympathies to Joann and all of Ernie's family. We will always remember Ernie for his courageous contributions to the United States of America and to freedom-loving nations around the world. His service to his country and his bravery and dedication to his family and community earn him a place among the outstanding men and women who have valiantly defended our Nation.

Ernie's wife Joann is a woman whom I am proud to call a friend. Together, the two were an inseparable couple whose love for each other was obvious to anyone who spent time with them. They enjoyed traveling together and sharing their stories with all who eagerly listened. When not traveling or volunteering, Joann and Ernie opened their home generously to the many people who loved their company.

Throughout his life, Ernie maintained a dedication to the preservation of justice and integrity, which I am honored to commend. Today, I join the Clark County community and citizens of the ''Silver State'' to celebrate the life of an upstanding Nevadan.●

CONGRATULATING RABBI DR. GERSHON C. GERWITZ AND DR. MINDY GERWITZ

● Mr. MARKEY. Madam President, I wish to express my warmest congratulations to both Rabbi Dr. Gershon C. Gerwitz and Dr. Mindy Gerwitz of Brookline, MA upon their departure. Rabbi Gewirtz has served as Young Israel of Brookline's dedicated Mara d'Asra for three decades, alongside his wife Mindy, and their children Yossi, Henoch, Sorah Leah, Adina and Doniel arrived in 1984. His wife, Dr. Mindy Gerwitz has also been a longtime passionate and dedicated community leader in her own right, contributing tireless decades of service.

Rabbi Gewirtz leaves Young Israel of Brookline with an indelible legacy as one of the prime architects of Young Israel and as a local and national Jewish leader, in Brookline, the Greater Boston Jewish community, and the national Orthodox movement.

Rabbi Gewirtz has led in times of great joy, incredible challenge, deep tragedy and monumental growth. Through it all, Rabbi Gewirtz has kept the Young Israel community together. He represented the Orthodox Jewish community locally and nationally with wisdom and integrity. Most importantly, he established personal relationships with his congregants, always serving their religious, spiritual, intellectual and halachic needs.

I wish to express my boundless gratitude to Rabbi Gewirtz for his many years of devoted service to Young Israel of Brookline and to the Commonwealth of Massachusetts. He has had a storied career, and I know the best is yet to come for him and his family.●

TRIBUTE TO DR. KAY SCHALLENKAMP

• Mr. THUNE. Madam President, today I honor Dr. Kay Schallenkamp on her many accomplishments and upcoming retirement.

Dr. Kay Schallenkamp was born in Salem, SD. Her background includes three degrees in communication disorders; a bachelor's degree from Northern State University, a master's degree from the University of South Dakota, and a doctorate from the University of Colorado. Her career has spanned for over 40 years, and her dedication to education and the well-being of her students is unmatched.

Dr. Schallenkamp's career in higher education originated as a professor of communication disorders at Northern State University in Aberdeen, SD, in 1973. She served as department chair from 1982 to 1984, followed by an appointment as dean of graduate studies and research in 1984. Dr. Schallenkamp was named provost of Chadron State College in 1988, and in 1992 she was named provost of the University of Wisconsin-Whitewater. Before making her way back to South Dakota, Dr. Schallenkamp served as the president of Emporia State University in Kansas from 1997 to 2006.

Since her arrival at Black Hills State University, BHSU, in 2006, Dr. Schallenkamp has placed the needs of BHSU ahead of her own. Due to her diligent work, BHSU is the State of South Dakota's third-largest university. She has been vital in physical renovations across campus, including a key transformation and addition to the Student Union, the construction of the Life Sciences Laboratory, and updates to the campus residence halls. Preparations are also being made for the addition of a new residence hall and a remodel of Jonas Science Hall in partnership with the Sanford Underground Research Facility in Lead, SD. Dr. Schallenkamp has served as the president for the last 8 years and in that time BHSU has significantly grown.

Dr. Schallenkamp is retiring after a long and successful career to spend more time with her family. She and her husband Ken have two daughters: Heather (Shad) in Kansas have two children, Alyssa and Tyler. Jenni (Danny) Simon in North Carolina have two sons, Keenan and Reece.

I am honored to recognize Dr. Schallenkamp for her accomplishments and wish her a happy retirement.•

RECOGNIZING SALVE REGINA UNIVERSITY

• Mr. WHITEHOUSE. Madam President, in 1874, a financier named William Watts Sherman and his wife Annie Wetmore decided to build a house on a plot of land Wetmore had inherited from her father in Newport, RI, just a few blocks from Sheep Point Cove. The couple hired the respected architects H.H. Richardson and Stanford White, and chose the popular Queen Anne's style, which employed steeply sloping rooflines, gables, broad porches, and deep entranceways. But, as is the case with many in Rhode Island, they also wanted to put their own mark on the property—something that would set it apart from their neighbors. So they added new materials, like stucco, shingles, stained glass windows, and an asymmetrical layout to draw the eye in unexpected directions.

The house was both fashionable and altogether different, and a new style was born. So it is that ''Shingle Style,'' as it came to be known, is traced back to Rhode Island and the William Watts Sherman House.

Today the home is one of more than 21 historic buildings on the campus of Salve Regina University, which has sought to maintain the structures and commission new buildings that complement Newport's distinct architectural tradition. That is why Salve Regina University has been selected for the Institute of Classical Architecture & Art's prestigious Arthur Ross Award for Stewardship. It joins previous recipients that include the New York Botanical Garden in New York, Monticello, the Thomas Jefferson Foundation in Virginia, and the U.S. Commission of Fine Arts in Washington, D.C. The award recognizes the university's ''astute and indefatigable effort'' to preserve its legacy for future generations and expand upon the defining aesthetic of its campus and surrounding neighborhood. I could not imagine a more worthy recipient.

The story of William Watts Sherman House is one of many examples of architectural innovation in the Ocean State, from ''stone-ender'' farmhouses in Lincoln, to vast industrial spaces like Slater Mill in Pawtucket, and to Gilded Age mansions like The Breakers in Newport. We see our own history reflected back to us through these structures, and by preserving them we see more clearly how much has changed and why.

I am proud to see an institution that cares deeply about preserving Newport's architectural heritage receive worthy recognition. I applaud Salve Regina's dedication to Rhode Island's rich cultural history and congratulate them on this prestigious honor.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As 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.)

PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the ''Agreement''). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of Vietnam's export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended, is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Vietnam based on a mutual commitment to nuclear nonproliferation. Vietnam has affirmed that it does not intend to seek to acquire sensitive fuel cycle capabilities, but instead will rely upon the international market in order to ensure a reliable nuclear fuel supply for

Vietnam. This political commitment by Vietnam has been reaffirmed in the preamble of the proposed Agreement. The Agreement also contains a legally binding provision that prohibits Vietnam from enriching or reprocessing U.S.-origin material without U.S. consent.

The proposed Agreement will have an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each. Either party may terminate the Agreement on 6 months' advance written notice at the end of the initial 30 year term or at the end of any subsequent 5-year period. Additionally, either party may terminate the Agreement on 1 year's written notice. I recognize the importance of executive branch consultations with the Congress regarding the status of the Agreement prior to the end of the 30-year period after entry into force and prior to the end of each 5-year period thereafter. To that end, it is my strong recommendation that future administrations conduct such consultations with the appropriate congressional committees at the appropriate times.

The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

Vietnam is a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Vietnam has in force a comprehensive safeguards agreement and an Additional Protocol with the International Atomic Energy Agency. Vietnam is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of Vietnam's intended civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in a classified annex to the NPAS submitted to you separately. As noted above, the Director of National Intelligence will provide an addendum to the NPAS containing a comprehensive analysis of Vietnam's export control system with respect to nuclear-related matters.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided for in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 8, 2014.*

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM CONCERNING PEACEFUL USES OF NUCLEAR ENERGY

The Government of the United States of America and the Government of the Socialist Republic of Vietnam,

MINDFUL of their respective rights and obligations under the 1968 Treaty on the Nonproliferation of Nuclear Weapons (''NPT'') to which both the United States of America and the Socialist Republic of Vietnam are parties;

REAFFIRMING their commitment to ensuring that the international development and use of nuclear energy for peaceful purposes are carried out under arrangements that will to the maximum possible extent further the objectives of the NPT;

AFFIRMING their desire to promote universal adherence to the NPT;

AFFIRMING their support for the International Atomic Energy Agency (''IAEA'') and its safeguards system, including the Additional Protocol (INFCIRC/540);

DESIRING to cooperate in the development of peaceful uses of nuclear energy;

MINDFUL that peaceful nuclear activities must be undertaken with a view to protecting the international environment from radioactive, chemical, and thermal contamination;

RECALLING the Memorandum of Understanding between them concerning Cooperation in the Nuclear Energy Fields, signed at Hanoi, the Socialist Republic of Vietnam on March 30, 2010;

AFFIRMING in particular the goal of pursuing the safe, secure, and environmentally sustainable development of civil nuclear energy for peaceful purposes and in a manner that supports nuclear nonproliferation and international safeguards;

AFFIRMING the intent of the Socialist Republic of Vietnam to rely on existing international markets for nuclear fuel services, rather than acquiring sensitive nuclear technologies, as a solution for peaceful, safe, and secure uses of civilian nuclear energy, and the intent of the United States to support these international markets in order to ensure reliable nuclear fuel supply for Vietnam;

HAVE AGREED AS FOLLOWS:

ARTICLE 1—DEFINITIONS

For the purposes of this Agreement, including the Agreed Minute:

(A) ''Agreed Minute'' means the minute annexed to this Agreement, which is an integral part of this Agreement;

(B) ''Byproduct material'' means any radioactive material (except special fissionable material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special fissionable material;

(C) ''Component'' means a component part of equipment or other item, so designated by agreement of the Parties;

(D) ''Conversion'' means any of the normal operations in the nuclear fuel cycle, preceding fuel fabrication and excluding enrichment, by which uranium is transformed from one chemical form to another—for example, from UF6 to UO2 or from uranium oxide to metal;

(E) ''Decommissioning'' means the actions taken at the end of a facility's useful life to retire the facility from service in a manner that provides adequate protection for the health and safety of the decommissioning workers and the general public, and for the environment. These actions can range from closing down the facility and a minimal removal of nuclear material coupled with continuing maintenance and surveillance, to a complete removal of residual radioactivity in excess of levels acceptable for unrestricted use of the facility and its site;

(F) ''Equipment'' means any reactor, other than one designed or used primarily for the formation of plutonium or uranium 233, reactor pressure vessels (including closure heads), reactor calandrias, complete reactor control rod drive systems, reactor primary coolant pumps, online reactor fuel charging and discharging machines, or any other item so designated by agreement of the Parties;

(G) ''High enriched uranium'' means uranium enriched to twenty percent or greater in the isotope 235;

(H) ''Information'' means scientific, commercial or technical data or information in any form that is appropriately designated by agreement of the Parties or their competent authorities to be provided or exchanged under this Agreement;

(I) ''Low enriched uranium'' means uranium enriched to less than twenty percent in the isotope 235;

(J) ''Major critical component'' means any part or group of parts essential to the operation of a sensitive nuclear facility;

(K) ''Material'' means nuclear material, byproduct material, radioisotopes other than byproduct material, moderator material, or any other such substance so designated by agreement of the Parties;

(L) ''Moderator material'' means heavy water or graphite or beryllium of a purity suitable for use in a reactor to slow down high velocity neutrons and increase the likelihood of further fission, or any other such material so designated by agreement of the Parties;

(M) ''Nuclear material'' means source material or special fissionable material.

(N) ''Parties'' means the Government of the United States of America and the Government of the Socialist Republic of Vietnam;

(O) ''Peaceful purposes'' include the use of information, material, equipment and components in such fields as research, power generation, medicine, agriculture and industry but do not include use in, research on, or development of any nuclear explosive device, or any military purpose;

(P) ''Person'' means any individual or any entity subject to the jurisdiction of either Party but does not include the Parties to this Agreement;

(Q) ''Reactor'' means any apparatus, other than a nuclear weapon or other nuclear explosive device, in which a self-sustaining fission chain reaction is maintained by utilizing uranium, plutonium or thorium or any combination thereof;

(R) ''Restricted Data'' means all data concerning (1) design, manufacture or utilization of nuclear weapons, (2) the production of special fissionable material, or (3) the use of

special fissionable material in the production of energy, but shall not include data of a Party that it has declassified or removed from the category of Restricted Data;

(S) ''Sensitive nuclear facility'' means any facility designed or used primarily for uranium enrichment, reprocessing of nuclear fuel, heavy water production, or fabrication of nuclear fuel containing plutonium;

(T) ''Sensitive nuclear technology'' means any information (including information incorporated in equipment or an important component) that is not in the public domain and that is important to the design, construction, fabrication, operation or maintenance of any sensitive nuclear facility, or any other such information that may be so designated by agreement of the Parties;

(U) ''Source material'' means (1) uranium, thorium, or any other material so designated by agreement of the Parties, or (2) ores containing one or more of the foregoing materials in such concentration as the Parties may agree from time to time;

(V) ''Special fissionable material'' means (1) plutonium, uranium 233, or uranium enriched in the isotope 235, or (2) any other material so designated by agreement of the Parties.

ARTICLE 2—SCOPE OF COOPERATION

1. The Parties shall cooperate in the use of nuclear energy for peaceful purposes in accordance with the provisions of this Agreement and their applicable treaties, national laws, regulations and license requirements.

2. The Parties intend to cooperate in the following areas:

(A) Development of requirements for power reactors and fuel service arrangements for the Socialist Republic of Vietnam;

(B) Development of the Socialist Republic of Vietnam's civilian nuclear energy use in a manner that contributes to global efforts to prevent nuclear proliferation;

(C) Research, development and application of civilian nuclear power reactor technologies and spent fuel management technologies;

(D) Promotion of the establishment of a reliable source of nuclear fuel for future civilian light water nuclear reactors deployed in the Socialist Republic of Vietnam;

(E) Civilian nuclear energy training, human resource and infrastructure development, and appropriate application of civilian nuclear energy and related energy technology, in accordance with evolving IAEA guidance and standards on milestones for infrastructure development;

(F) Research and application of radioisotopes and radiation in industry, agriculture, medicine and the environment;

(G) Radiation protection and management of radioactive waste and spent fuel;

(H) Nuclear safety, security, safeguards and nonproliferation, including physical protection, export control and border security; and

(I) Other areas of cooperation as may be mutually determined by the Parties.

3. Cooperation under paragraph 2 may be undertaken in the following forms:

(A) Exchange of scientific and technical information and documentation;

(B) Exchange of training and personnel;

(C) Organization of symposia and seminars;

(D) Provision of relevant technical assistance and services;

(E) Joint research; and

(F) Other forms of cooperation as may be mutually determined by the Parties.

4. Transfer of information, material, equipment and components under this Agreement may be undertaken directly between the Parties or through authorized Persons. Such transfers shall be subject to this Agreement and to such additional terms and conditions as may be agreed by the Parties.

ARTICLE 3—TRANSFER OF INFORMATION

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred under this Agreement. Transfers of information may be accomplished through various means, including reports, data banks, computer programs, conferences, visits, and assignments of staff to facilities. Fields that may be covered may include, but shall not be limited to, the following:

(A) Research, development, design, construction, operation, maintenance and use of reactors, reactor experiments, and decommissioning;

(B) The use of material in physical and biological research, medicine, agriculture and industry;

(C) Fuel cycle studies of ways to meet future world-wide civil nuclear needs, including multilateral approaches to guaranteeing nuclear fuel supply and appropriate techniques for management of nuclear wastes;

(D) Safeguards and physical protection of material, equipment and components;

(E) Health, safety and environmental considerations related to the foregoing; and

(F) Assessing the role nuclear power may play in national energy plans.

2. This Agreement does not require the transfer of any information that the Parties are not permitted under their respective treaties, national laws and regulations to transfer.

3. Restricted Data and Sensitive Nuclear Technology shall not be transferred under this Agreement.

ARTICLE 4—TRANSFER OF MATERIAL, EQUIPMENT AND COMPONENTS

1. Material, equipment and components may be transferred for applications consistent with this Agreement. Any special fissionable material transferred to the Socialist Republic of Vietnam under this Agreement shall be low enriched uranium except as provided in paragraph 4. Sensitive nuclear facilities and major critical components thereof shall not be transferred under this Agreement.

2. Low enriched uranium may be transferred, including inter alia by sale or lease, for use as fuel in reactors and reactor experiments, for conversion or fabrication, or for such other purposes as may be agreed by the Parties.

3. The quantity of special fissionable material transferred under this Agreement shall not at any time be in excess of that quantity the Parties agree is necessary for any of the following purposes: use in the loading of reactors or in reactor experiments; the reliable, efficient and continuous operation of reactors or conduct of reactor experiments; the storage of special fissionable material necessary for the efficient and continuous operation of reactors or conduct of reactor experiments; the transfer of irradiated nuclear material for storage or disposition; and the accomplishment of such other purposes as may be agreed by the Parties.

4. Small quantities of special fissionable material may be transferred for use as samples, standards, detectors, targets or for such other purposes as the Parties may agree. Transfers pursuant to this paragraph shall not be subject to the quantity limitations in paragraph 3.

5. The Government of the United States of America shall endeavor to take such actions as are necessary and feasible to ensure a reliable supply of nuclear fuel to the Socialist Republic of Vietnam, including the export of nuclear fuel on a timely basis during the period of this Agreement. The Government of the United States of America shall also give serious consideration to taking such actions as are feasible to assist the Government of the Socialist Republic of Vietnam in safe and secure management, storage, transport, and disposition of irradiated special fissionable material produced through the use of material or equipment transferred pursuant to this Agreement.

ARTICLE 5—STORAGE AND RETRANSFERS

1. Plutonium and uranium 233 (except as contained in irradiated fuel elements), and high enriched uranium, transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred shall only be stored in a facility to which the Parties agree.

2. Material, equipment and components transferred pursuant to this Agreement and any special fissionable material, other transuranic elements and tritium produced through the use of any such material or equipment shall not be transferred to unauthorized Persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

3. In order to facilitate management of spent fuel, irradiated nuclear materials, or nuclear-related waste, material transferred or produced through the use of material, equipment and components transferred pursuant to this Agreement may be transferred to the United States of America if the Government of the United States of America designates a storage or disposition option. In this event, the Parties shall make appropriate implementing arrangements.

ARTICLE 6—REPROCESSING, OTHER ALTERATION IN FORM OR CONTENT, AND ENRICHMENT

1. Material transferred pursuant to this Agreement and material used in or produced through the use of material or equipment so transferred shall not be reprocessed unless the Parties agree.

2. Plutonium, uranium 233, high enriched uranium and irradiated source or special fissionable material transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred shall not be otherwise altered in form or content, except by irradiation or further irradiation, unless the Parties agree.

3. Uranium transferred pursuant to this Agreement or used in or produced through the use of any material or equipment so transferred shall not be enriched after transfer unless the Parties agree.

ARTICLE 7—PHYSICAL PROTECTION

1. Adequate physical protection shall be maintained with respect to any material and equipment transferred pursuant to this Agreement and any special fissionable material used in or produced through the use of material or equipment so transferred.

2. To comply with the requirement in paragraph 1, each Party shall apply at a minimum measures in accordance with (i) levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC/225/Rev.5 entitled ''The Physical Protection of Nuclear Material and Nuclear Facilities'' and in any subsequent revisions of that document accepted by the Parties, and (ii) the provisions of the 1980 Convention on the Physical Protection of Nuclear Material, as well as any amendments to the Convention that enter into force for both Parties.

3. The adequacy of physical protection measures maintained pursuant to this Article shall be subject to review and consultations by the Parties from time to time and whenever either Party is of the view that revised measures may be required to maintain adequate physical protection.

4. The Parties shall keep each other informed through diplomatic channels of those agencies or authorities having responsibility for ensuring that levels of physical protection for nuclear material in their territory

or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this Article. The Parties shall inform each other through diplomatic channels, as well, of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.

ARTICLE 8—NO EXPLOSIVE OR MILITARY APPLICATION

Material, equipment and components transferred pursuant to this Agreement and material used in or produced through the use of any material, equipment or components so transferred shall not be used for any nuclear explosive device, for research on or development of any nuclear explosive device, or for any military purpose.

ARTICLE 9—SAFEGUARDS

1. Cooperation under this Agreement shall require the application of IAEA safeguards with respect to all nuclear material in all nuclear activities within the territory of the Socialist Republic of Vietnam, under its jurisdiction or carried out under its control anywhere. Implementation of a Safeguards Agreement concluded pursuant to Article III (4) of the NPT shall be considered to fulfill this requirement.

2. Source material or special fissionable material transferred to the Socialist Republic of Vietnam pursuant to this Agreement and any source material or special fissionable material used in or produced through the use of material, equipment or components so transferred shall be subject to safeguards in accordance with the agreement between the Socialist Republic of Vietnam and the IAEA for the application of safeguards in connection with the NPT, signed on October 2, 1989, which entered into force on February 23, 1990, and the Additional Protocol thereto signed on August 10, 2007, which entered into force on September 17, 2012.

3. Source material or special fissionable material transferred to the United States of America pursuant to this Agreement and any source or special fissionable material used in or produced through the use of any material, equipment or components so transferred shall be subject to the agreement between the United States of America and the IAEA for the application of safeguards in the United States of America, signed on November 18, 1977, which entered into force on December 9, 1980, and the Additional Protocol thereto, which entered into force on January 6, 2009.

4. If either Party becomes aware of circumstances that demonstrate that the IAEA for any reason is not or will not be applying safeguards in accordance with the agreements with the IAEA referred to in paragraph 2 or paragraph 3, to ensure effective continuity of safeguards the Parties shall consult and immediately enter into arrangements with the IAEA or between themselves that conform with IAEA safeguards principles and procedures, that provide assurance equivalent to that intended to be secured by the system they replace, and that conform with the coverage required by paragraph 2 or paragraph 3.

5. Each Party shall take such measures as are necessary to maintain and facilitate the application of safeguards applicable to it provided for under this Article.

6. Each Party shall establish and maintain a system of accounting for and control of source material and special fissionable material transferred pursuant to this Agreement and source material and special fissionable material used in or produced through the use of any material, equipment or components so transferred. The procedures for this system shall be comparable to those set forth in IAEA document INFCIRC/153 (Corrected), or in any revision of that document agreed to by the Parties.

7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.

ARTICLE 10—MULTIPLE SUPPLIER CONTROLS

If any agreement between either Party and another nation or group of nations provides such other nation or group of nations rights equivalent to any or all of those set forth under Article 5 or Article 6 with respect to material, equipment or components subject to this Agreement, the Parties may, upon request of either of them, agree that the implementation of any such rights will be accomplished by such other nation or group of nations.

ARTICLE 11—CESSATION OF COOPERATION AND RIGHT OF RETURN

1. If either Party at any time following entry into force of this Agreement:

(A) does not comply with the provisions of Article 5, 6, 7, 8, or 9; or

(B) terminates, abrogates or materially violates a safeguards agreement with the IAEA;

the other Party shall have the rights to cease further cooperation under this Agreement and to require the return of any material, equipment and components transferred under this Agreement and any special fissionable material produced through their use.

2. If the Socialist Republic of Vietnam following entry into force of this Agreement detonates a nuclear explosive device, the United States of America shall have the same rights as specified in paragraph 1.

3. If the United States of America detonates a nuclear explosive device using material, equipment or components transferred pursuant to this Agreement or nuclear material used in or produced through the use of such items, the Government of the Socialist Republic of Vietnam shall have the same rights as specified in paragraph 1.

4. In determining whether to exercise its rights under paragraph I of this Article based on a ''material violation,'' a Party shall consider whether the facts giving rise to the right to take such action in accordance with paragraph 1 were caused deliberately. In the event that it finds such material violation not to be deliberate, and to the extent which it judges that such material violation can be rectified, the non-breaching Party shall endeavor, subject to its national legislation and regulations, to afford the breaching Party an opportunity to cure the material violation within a reasonable period.

5. If either Party exercises its rights under this Article to require the return of any material, equipment or components, it shall promptly, after removal from the territory of the other Party, reimburse the other Party for the fair market value of such material, equipment or components.

ARTICLE 12—CONSULTATIONS, REVIEW AND ENVIRONMENTAL PROTECTION

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy.

2. The Parties shall consult, with regard to activities under this Agreement, to identify the international environmental implications arising from such activities and shall cooperate in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.

ARTICLE 13—IMPLEMENTATION

1. The terms of this Agreement shall be implemented in good faith and with due regard to the legitimate commercial interests, whether international or domestic, of either Party. This Agreement shall be implemented in a manner designed:

(A) to avoid hampering or delaying the nuclear activities in the territory of either Party;

(B) to avoid interference in such activities;

(C) to be consistent with prudent management practices required for the economic and safe conduct of such activities; and

(D) to take full account of the long-term requirements of the Parties' nuclear energy programs.

2. The provisions of this Agreement shall not be used for the purpose of securing unfair commercial or industrial advantages, or of restricting trade to the disadvantage of persons and undertakings of either Party or hampering their commercial or industrial interests, whether international or domestic.

ARTICLE 14—SETTLEMENT OF DISPUTES

The Parties shall address any dispute concerning the interpretation or application of this Agreement through negotiation or any other mutually agreed upon peaceful means of dispute settlement.

ARTICLE 15—ADMINISTRATIVE ARRANGEMENT

1. Upon request by either Party, the appropriate authorities of the Parties shall, by mutual consent, establish an Administrative Arrangement in order to provide for the effective implementation of the provisions of this Agreement.

2. The principles of fungibility and equivalence shall apply to nuclear material and moderator material subject to this Agreement. Detailed provisions for applying these principles shall be set forth in such an Administrative Arrangement.

3. The Administrative Arrangement established pursuant to this Article may be modified by mutual consent of the appropriate authorities of the Parties.

ARTICLE 16—ENTRY INTO FORCE, AMENDMENT, AND DURATION

1. This Agreement shall enter into force on the date of the later note of an exchange of diplomatic notes between the Parties informing each other that they have completed all applicable requirements for entry into force.

2. This Agreement may be amended by written agreement of the Parties. Amendments to this Agreement shall enter into force on the date of the later note of an exchange of diplomatic notes between the Parties informing each other that they have completed all applicable requirements for entry into force.

3. This Agreement shall remain in force for a period of 30 years and shall continue in force thereafter for additional periods of five years each. Either Party may, by giving six months written notice to the other Party, terminate this Agreement at the end of the initial 30-year period or at the end of any subsequent five-year period. Additionally, this Agreement may be terminated at any time by either Party on one year's written notice to the other Party.

4. Notwithstanding the termination or expiration of this Agreement or any cessation of cooperation hereunder for any reason, Articles 5, 6, 7, 8, 9, and 11 and the Agreed Minute shall continue in effect so long as

any material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such material, equipment or components are no longer usable for any nuclear activity relevant from the point of view of safeguards.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Agreement.

DONE at Hanoi, this 6th day of May 2014, in duplicate, in the English and Vietnamese languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM:

AGREED MINUTE

During the negotiation of the Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (''the Agreement'') signed today, the following understandings, which shall be an integral part of the Agreement, were reached.

1. COVERAGE OF AGREEMENT

a. Material, equipment and components transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, shall be regarded as having been transferred pursuant to the Agreement only upon confirmation, by the appropriate government authority of the recipient Party to the appropriate government authority of the supplier Party, that such material, equipment or components shall be subject to the Agreement.

b. With respect to the definition of ''Restricted Data'' in subparagraph (R) of Article 1 of the Agreement, it is the understanding of the Parties that all information on the use of special fissionable material in the production of energy from standard civilian reactors has been declassified or removed from the category of ''Restricted Data.''

c. For the purposes of implementing the rights specified in Article 5 and Article 6 of the Agreement with respect to special fissionable material produced through the use of nuclear material transferred pursuant to the Agreement and not used in or produced through the use of equipment transferred pursuant to the Agreement, such rights shall in practice be applied to that proportion of special fissionable material produced that represents the ratio of transferred material used in the production of the special fissionable material to the total amount of material so used, and similarly for subsequent generations.

d. Material, nuclear material, equipment and components subject to this Agreement shall no longer be subject to this Agreement if:

(1) Such items have been transferred beyond the territory of the receiving Party in accordance with the relevant provisions of this Agreement and are no longer under its jurisdiction or control anywhere;

(2) In the case of nuclear material, if the Parties agree, taking into account among other factors an IAEA determination, if any, in accordance with the provisions for the termination of safeguards in the relevant agreement referred to in paragraphs 2 or 3 of Article 9, whichever is applicable, that the nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards; or

(3) In the case of material (other than nuclear material), equipment and components, it is agreed by the Parties.

2. SAFEGUARDS

a. If either Party becomes aware of circumstances referred to in paragraph 4 of Article 9 of the Agreement, either Party (hereinafter ''the safeguarding Party'') shall have the rights listed below, which rights shall be suspended if both Parties agree that the need to exercise such rights is being satisfied by the application of IAEA safeguards under arrangements pursuant to paragraph 4 of Article 9 of the Agreement:

(1) To review in a timely fashion the design of any equipment transferred pursuant to the Agreement, or of any facility that is to use, fabricate, process, or store any material so transferred or any special fissionable material used in or produced through the use of such material or equipment;

(2) To require the maintenance and production of records and of relevant reports for the purpose of assisting in ensuring accountability for material transferred pursuant to the Agreement and any source material or special fissionable material used in or produced through the use of any material, equipment or components so transferred; and

(3) To designate personnel acceptable to the other Party (hereinafter ''the safeguarded Party''), who shall have access to all places and data necessary to account for the material referred to in paragraph 2, to inspect any equipment or facility referred to in paragraph 1, and to install any devices and make such independent measurements as may be deemed necessary to account for such material. The safeguarded Party shall not unreasonably withhold its acceptance of personnel designated by the safeguarding Party under this paragraph. Such personnel shall, if either Party so requests, be accompanied by personnel designated by the safeguarded Party.

b. The simultaneous application of safeguards with respect to one Party by the IAEA and by the other Party is not intended.

c. Upon the request of either Party, the other Party will authorize the IAEA to make available to the Government of the requesting Party information on the implementation of the applicable safeguards agreement with the IAEA within the scope of cooperation under this Agreement.

d. To the extent consistent with its applicable national legislation and regulations, each Party shall ensure that all information provided under this Section 2 of the Agreed Minute by the other Party or the IAEA will not be publicly disclosed, and will be accorded appropriate protections with a view to providing the same level of protection accorded to such information by the other Party or the IAEA. The Parties shall consult regarding the appropriate protections for such information.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM:

[Presidential Determination No. 2014–08]

THE WHITE HOUSE,
Washington, February 24, 2014.

Memorandum for the Secretary of State, the Secretary of Energy.

Subject: Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy.

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized to publish this determination in the *Federal Register*.

BARACK OBAMA.

NUCLEAR PROLIFERATION ASSESSMENT STATEMENT

Pursuant to Section 123a. of the Atomic Energy Act of 1954, as Amended, with Respect to the Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy

INTRODUCTION

This Nuclear Proliferation Assessment Statement (''NPAS'') relates to the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the ''Agreement''). The Agreement is being submitted to the President jointly by the Secretary of State and Secretary of Energy for his approval and authorization for signature.

Section 123a. of the Atomic Energy Act, as amended (the ''Atomic Energy Act'' or ''Act''), provides that an NPAS be submitted by the Secretary of State to the President on each new or amended agreement for cooperation concluded pursuant to that section. Pursuant to Section 123a., the NPAS must analyze the consistency of the text of the proposed agreement with all the requirements of the Act, with specific attention to whether the proposed agreement is consistent with each of the criteria set forth in Section 123.a. The NPAS must also address the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose.

With this statutory mandate in mind, this NPAS: (a) provides background information on Vietnam's nonproliferation policies and its civil nuclear program and aspirations (Part I); (b) describes the nature and scope of the cooperation contemplated in the proposed Agreement (Part II); (c) reviews the applicable substantive requirements of the Act and the Nuclear Non-Proliferation Act of 1978 (NNPA) and details how they are met by the proposed Agreement (Part III); and (d) sets forth the net assessment, conclusions,

views, and recommendations of the Department of State as contemplated by section 123a. of the Act (Part IV).

I. NUCLEAR PROGRAM AND NONPROLIFERATION POLICIES OF THE SOCIALIST REPUBLIC OF VIETNAM

OVERVIEW

Vietnam has been carefully building the infrastructure necessary to operate a safe and secure civil nuclear power program. In January 2006, the Vietnamese government approved the Strategy for Peaceful Utilization of Atomic Energy up to the year 2020. This strategy included three main objectives:

To enhance applications of radiation and radioisotopes in industry, agriculture, health care, environmental protection, etc.

To construct and put the first nuclear power plant into safe operation in 2020.

To build up national infrastructure for safe management of radioactive materials and nuclear power plants.

This was followed by approval of a master plan for implementation of the strategy in July 2007, completion of the pre-feasibility study for the first nuclear power plant, and approval of the first nuclear power plant project plan by the National Assembly in 2009. An updated Master Plan for Peaceful Utilization of Atomic Energy up to 2020 was approved June 2010; the Direction for Nuclear Power Plant (NPP) Development Plan up to 2030 was approved June 2010; and the National Master Plan for Power Development for 2011–2020 with the Vision to 2030 was approved July 2011.

In May 2013, Prime Minister Nguyen Tan Dung announced that the government would set up a National Council for Atomic Energy Development, tasked with identifying strategies and priorities for the development of nuclear energy in the country.

Vietnam has plans to have six reactors (6,000 MW) in operation by 2025 and to develop a total of ten reactors (10,700 MW) by 2030. Vietnam has entered into agreements for cooperation on peaceful uses of nuclear energy with Argentina, Canada, China, France, India, Japan, Russia, and South Korea. Vietnam's Ministry of Industry and Trade (MOIT) signed an agreement October 2010 with the Russian State Atomic Energy Corporation ''Rosatom'' for the provision of two pressurized water reactors (total of 2,000 MW) at Phuoc Dinh in Ninh Thuan province. Vietnam PM Nguyen Tan Dung and Japanese PM Naoto Kan released a Joint Statement October 2010, announcing that Vietnam had chosen Japan to supply two additional reactors (total 2,000 MW) at Vinh Hai in Ninh Thuan province. Feasibility studies are currently being undertaken for both contracts in advance of selecting specific reactor designs for these first four power reactors. (The planned construction start date for the Russian reactors has been pushed back three years to 2017.) In 2012, Vietnam also signed an agreement with the Republic of South Korea to initiate a joint preliminary feasibility study, which commenced in June 2013.

NONPROLIFERATION CREDENTIALS

Under the Atomic Energy Law (No. 18/2008/QH12) (''Atomic Energy Law''), Vietnam has prohibited researching, developing, manufacturing, trading in, transporting, transferring, storing, using, or threatening to use nuclear or radiological weapons.

Vietnam has signed and ratified or acceded to and/or brought into force the following key nonproliferation treaties and instruments:

Treaty on the Non-Proliferation of Nuclear Weapons: Acceded June 14, 1982

IAEA Safeguards Agreement (published as INFCIRC/376, March 1990): Signed October 2, 1989; in force February 23, 1990

The Additional Protocol to its Safeguards Agreement (published as INFCIRC/376 Add.1, September 26, 2012: Signed August 10, 2007; in force September 17, 2012

Convention on the Physical Protection of Nuclear Material: instrument of accession deposited October 4, 2012; in force November 3, 2012

Amendment to the Convention on the Physical Protection of Nuclear Material: instrument of ratification deposited November 3, 2012

Comprehensive Nuclear Test Ban Treaty: Signed September 24, 1996; ratified March 10, 2006

Treaty of Bangkok (Southeast Asian Nuclear-Weapon-Free Zone Treaty): Signed December 15, 1995; ratified November 26, 1996

In addition, Vietnam has committed itself to conclude the International Convention for the Suppression of Acts of Nuclear Terrorism.

Vietnam additionally has demonstrated its commitment to prevent nuclear terrorism by its participation in the Global Initiative to Combat Nuclear Terrorism (GICNT) and in the Nuclear Security Summit (NSS) process. Prime Minister Nguyen Tan Dung participated in the first NSS in Washington, DC, in 2010, and the second NSS in Seoul, South Korea, in 2012. As pledged at the April 2010 Nuclear Security Summit, Vietnam completed conversion of the Dalat research reactor from utilizing highly-enriched uranium (HEU) as fuel to utilizing low-enriched uranium (LEU) in 2011. Its remaining HEU fresh fuel (4.3 kg) was returned to Russia in 2007 and all the HEU spent fuel (11 kg) was returned to Russia in 2013, rendering Vietnam essentially free of any weapon-usable nuclear materials.

In addition to the Dalat commitment, Vietnam fulfilled its 2010 NSS commitments to endorse the GICNT and to ratify the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment. Vietnam has not yet ratified the International Convention for the Suppression of Acts of Nuclear Terrorism, but has informed the U.S. Embassy of its intention to do so at the earliest opportunity. Vietnam and South Korea announced at the 2012 NSS that the two countries are working on a pilot project to establish within Vietnam a system to track radiological materials using GPS technology in cooperation with the IAEA. The project will contribute to securing and preventing the theft of radiological materials.

Following signature of a Memorandum of Understanding between the Department of Energy of the United States of America and the Ministry of Finance of the Socialist Republic of Vietnam Concerning the Cooperation to Prevent the Illicit Trafficking in Nuclear and Other Radioactive Material on July 2, 2010, Vietnam and the United States have begun cooperative projects under the Department of Energy's Second Line of Defense program to deter, detect, and interdict illicit smuggling of nuclear and other radioactive material.

The Department of Energy's International Nuclear Safeguards and Engagement Program has partnered with Vietnam since 2004. Vietnam is an active partner on nuclear infrastructure development collaboration, including activities such as radiation protection and health physics, research reactor operations, environmental radiological surveillance, radioactive waste management, implementation of the Additional Protocol, and development of State Systems of Accounting for and Control (SSAC) of nuclear material.

Vietnam has been a strong advocate for nonproliferation through the United Nations. During Vietnam's tenure on the United Nations Security Council in 2008–2009, Vietnam supported measures to increase sanctions on Iran (UNSCR 1803) and North Korea (UNSCR 1874), extend the mandate of the UNSCR 1540 Committee (UNSCR 1810), and support nuclear nonproliferation and disarmament (UNSCR 1887). In September 2010, Vietnam, in partnership with the United Nations Office for Disarmament Affairs, hosted a workshop on implementing UNSCR 1540 for countries in Southeast Asia.

Vietnam has established under its Atomic Energy Law a legal regime for radioactive materials and nuclear equipment that are subject to import and export control procedures.

Vietnam has been working with the U.S. Export Control and Related Border Security Program (EXBS) since 2003. The bulk of EXBS assistance to Vietnam to date has focused on Commodity Identification Training, industry/enterprise outreach, and maritime security activities. As Vietnam currently lacks a comprehensive strategic trade management law, the primary focus of near-term EXBS work will be assisting Vietnam in developing the legal and regulatory framework for managing strategic trade, including drafting a strategic trade law, while continuing to develop capacity for enforcement at seaports and borders.

The National Nuclear Security Administration (NNSA) conducted an International Consequence Management training course in Hanoi November 2013 as part of Vietnam's preparation for building a nuclear power plant. In addition, NNSA is assisting Vietnam to set up an emergency operations center and graphic information system to assist with sharing information during an emergency.

NUCLEAR SCIENCE AND TECHNOLOGY BASE

Vietnam has been working closely with the IAEA and international partners to develop the technical expertise needed to operate a safe and secure nuclear power program. Recognizing the need for a technically trained domestic workforce, Vietnam in 2010 approved the Master Plan on Training and Developing of Human Resources in the Field of Atomic Energy up to 2020 (Prime Minister Decision No. 1558/QD-TTg) (the ''Plan''). Under the plan, Vietnam is upgrading nuclear programs at six universities and developing a Nuclear Science and Technology Center. The government is also providing funds to send Vietnamese students, researchers, and managers abroad for training. The plan aims to produce a total of 2,400 engineers and 350 MA and PhD specialists in nuclear power by 2020. In 2011, Vietnam set up a State Steering Committee to direct the implementation of the plan. Vietnamese university graduates are currently training in Russia and Japan to become nuclear technicians.

In 2008, the Vietnam Agency for Radiation and Nuclear Safety (VARANS) signed a cooperation agreement with the U.S. Nuclear Regulatory Commission to share technical information on nuclear energy as well as exchange information on regulations, environmental impacts, and safety of nuclear sites. This agreement was extended for another five years in May 2013. Over the past ten years, VARANS has rapidly expanded its staff to over ninety people, including scientists and technical specialists.

Vietnam operates one research reactor (500 kW; VVR–M, IVV–9) at the Institute of Nuclear Research in Dalat. The original reactor, a TRIGA Mark II design (250 kW) provided by General Atomics, became operational in 1963. From 1968 to 1975, the reactor was in extended shutdown. In 1974–1975, the U.S.-origin HEU nuclear fuel (approximately 13 kg) was removed and returned to the United States and the reactor was decommissioned. Vietnam reconstructed the reactor in the 1980s with the assistance of the

Union of Soviet Socialist Republics (USSR) and the reactor became operational in 1983. According to the Vietnam Atomic Energy Commission, the reactor has been operating for the purposes of radioisotope production, neutron activation analysis, fundamental and applied research, and manpower training.

Vietnam is negotiating a contract with Russian Atomstroyexport for the provision of an additional research reactor for the Vietnamese Nuclear Science and Technology Center. (No final decision has been made for the location of this center.)

NUCLEAR FUEL CYCLE

Vietnam has affirmed that it does not intend to seek to acquire sensitive fuel cycle capabilities but instead will rely upon the international market. This political commitment not to pursue enrichment and reprocessing was first included in the Memorandum of Understanding between the Socialist Republic of Vietnam and the United States of America Concerning Cooperation in the Nuclear Energy Field, signed in Hanoi on March 30, 2010 (the ''MOU''). In the MOU, Vietnam affirmed its intent ''to rely on existing international markets for nuclear fuel services, rather than acquiring sensitive nuclear technologies, as a solution for peaceful, safe and secure uses of civilian nuclear energy. . . .'' This commitment has been reaffirmed in the preamble of the proposed Agreement.

NUCLEAR REGULATIONS AND STATUTES

Vietnam passed an Atomic Energy Law in June 2008, which took effect January 1, 2009. Key provisions address:

Establishment of the national nuclear regulatory authority
Licensing and permitting regime
Enforcement, assessment, and inspection
Security and safeguards
Physical protection and safety
Control over orphan sources
Emergency preparedness and response
Safe transport of radioactive material
Import and export controls
Waste management and spent fuel management
Decommissioning
Civil liability for nuclear damage
Criminal and civil offences and penalties
Insurance

In June 2010, Prime Minister Nguyen Tan Dung signed Decision No. 45/2010/QD–TTg, which provides regulations on nuclear control in support of the Atomic Energy Law. Vietnam is in the process of further updating its Atomic Energy Law.

Vietnam acceded to both the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency on October 30, 1987. Vietnam acceded to the Convention on Nuclear Safety on July 15, 2010, and Vietnam deposited its instrument of ratification for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management with the IAEA on October 9, 2013. It came into force for Vietnam on January 7, 2014.

Vietnam is currently considering whether to accede to the Vienna Convention on Civil Liability for Nuclear Damage and whether to ratify the Convention on Supplementary Compensation for Nuclear Damage.

II. NATURE AND SCOPE OF THE COOPERATION CONTEMPLATED BY THE PROPOSED AGREEMENT

Article 2.2 of the proposed Agreement describes in general terms the kinds of cooperative activities envisaged. These include:

Development of requirements for power reactors and fuel service arrangements for the Socialist Republic of Vietnam.

Development of the Socialist Republic of Vietnam's civilian nuclear energy use in a manner that contributes to global efforts to prevent nuclear proliferation.

Research, development, and application of civilian nuclear power reactor technologies and spent fuel management technologies.

Promotion of the establishment of a reliable source of nuclear fuel for future civilian light water nuclear reactors deployed in the Socialist Republic of Vietnam.

Civilian nuclear energy training, human resource and infrastructure development, and appropriate application of civilian nuclear energy and related energy technology, in accordance with evolving IAEA guidance and standards on milestones for infrastructure development.

Research and application of radioisotopes and radiation in industry, agriculture, medicine, and the environment.

Radiation protection and management of radioactive waste and spent fuel.

Nuclear safety, security, safeguards, and nonproliferation, including physical protection, export control, and border security.

Other areas of cooperation as may be mutually determined by the Parties.

Article 3.1 of the proposed Agreement further specifies the types of information concerning the peaceful uses of nuclear energy that may be transferred. Fields that may be covered include the following:

Research, development, design, construction, operation, maintenance, and use of reactors, reactor experiments, and decommissioning.

The use of material in physical and biological research, medicine, agriculture, and industry.

Fuel cycle studies of ways to meet future world-wide civil nuclear needs, including multilateral approaches to guaranteeing nuclear fuel supply and appropriate techniques for management of nuclear wastes.

Safeguards and physical protection of material, equipment, and components.

Health, safety, and environmental considerations related to the foregoing.

Assessing the role nuclear power may play in national energy plans.

The Agreement states that restricted data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities shall not be transferred under the Agreement (Articles 3.3 and 4.1).

Transfers of special fissionable material to Vietnam under the Agreement shall be low-enriched uranium, except small quantities for use as samples, standards, detectors, targets, or for other agreed purposes (Articles 4.1 and 4.4). Any such transfers of low-enriched uranium may not be in excess of the quantity that the Parties agree is necessary for the activities envisaged (Article 4.3).

The Agreed Minute, under ''Coverage of Agreement,'' provides that material, equipment, and components transferred from the territory of one Party to the territory of the other Party, either directly or through a third country, shall be regarded as having been transferred pursuant to the Agreement only upon confirmation by the recipient Party that such items will be subject to the Agreement.

The proposed Agreement will have a term of 30 years from the date of its entry into force and shall continue thereafter for additional periods of five years. Either Party may, by giving six months written notice to the other Party, terminate this Agreement at the end of the initial 30 year period or at the end of any subsequent five-year period. Additionally, the proposed Agreement may be terminated at any time by either Party on one year's written notice to the other Party (Article 16.3). In the event of termination of the Agreement, key nonproliferation conditions and controls provided for in the Agreement will continue in effect as long as any material, equipment, or components subject to the Agreement remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such material, equipment, or components are no longer usable for any nuclear activity relevant from the point of view of safeguards (Article 16.4).

III. SUBSTANTIVE CONDITIONS

The proposed Agreement meets the applicable requirements of the Atomic Energy Act and the NNPA. Section 123 of the Act, as amended by the NNPA, sets forth certain substantive requirements that must be met in agreements for cooperation. Sections 402 and 407 of the NNPA set forth supplementary requirements. The provisions contained in the proposed Agreement satisfy these legal requirements as follows:

(1) Application of Safeguards: Section 123(a)(1) of the Act requires a guaranty from the cooperating party that safeguards in perpetuity will be maintained with respect to all nuclear materials and equipment transferred pursuant to an agreement for cooperation and with respect to all special nuclear material used in or produced through the use of such transferred nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating party, irrespective of the duration of the other provisions of the agreement or whether the agreement is terminated or suspended for any reason.

This requirement is satisfied by Articles 9 and 16 of the proposed Agreement. Article 9.2 stipulates that source or special nuclear material (referred to in this Agreement as ''special fissionable material'') transferred to Vietnam pursuant to this Agreement and any other nuclear material used in or produced through the use of any material (which under the Agreement includes source material, special nuclear material, byproduct material, radioisotopes other than byproduct material, moderator material, or any other such substance so designated by agreement of the Parties), equipment, or components transferred shall be subject, to the extent applicable, to the Agreement between Vietnam and the IAEA for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (''NPT''), signed on October 2, 1989, which entered into force on February 23, 1990, and an Additional Protocol thereto signed on August 10, 2007, which entered into force on September 17, 2012. Article 9.4 provides for ''back-up'' safeguards in the event the IAEA safeguards agreement with Vietnam is not being implemented. Article 9 is one of the articles of the Agreement that, pursuant to Article 16.4, continues in effect so long as any material, equipment, or components subject thereto remains in the territory of the United States of America or Vietnam or under the jurisdiction or control of either Party to the Agreement anywhere, unless that item is no longer usable for any nuclear activity relevant from the point of view of safeguards.

(2) Full-Scope Safeguards: The requirement for full-scope safeguards as a condition of cooperation mandated by section 123 a.(2) is met by Article 9.1 of the proposed Agreement.

(3) Peaceful Use: The requirement of section 123 a.(3) of the Act for a guaranty against explosive or military uses of nuclear materials and equipment transferred and special nuclear material produced through the use of such items is met by Article 8 of the proposed Agreement. It is not necessary to include a peaceful uses guarantee with respect to sensitive nuclear technology transferred under the Agreement or special nuclear materials (referred to in the proposed

Agreement as ''special fissionable materials'') produced through the use of sensitive nuclear technology transferred, as would otherwise be required by section 123 a.(3), because Article 3.3 of the proposed Agreement provides that sensitive nuclear technology shall not be transferred under the Agreement.

(4) Right of Return: The requirement in section 123 a.(4) of the Act that, in the event of a nuclear detonation by a non-nuclear weapon state cooperating party, the United States has a right to the return of any nuclear materials and equipment transferred pursuant to an agreement for cooperation and any special nuclear material produced through the use of such transferred items is met by Articles 11.1 and 11.2 of the proposed Agreement. This right would be triggered if Vietnam should detonate a nuclear explosive device, does not comply with the provisions of Articles 5, 6, 7, 8 or 9 of the Agreement, or terminates, abrogates, or materially violates its IAEA safeguards agreement.

Article 11.4 of the proposed Agreement requires that a Party, in determining whether to exercise its rights under Article 11.1 based on a ''material violation,'' shall consider whether the facts giving rise to the right to take such action in accordance with Article 11.1 were caused deliberately. In the event that Party finds such material violation not to be deliberate, and to the extent that it judges that such material violation can be rectified, the non-breaching Party is obligated to endeavor, subject to its national legislation and regulations, to afford the breaching Party an opportunity to cure the material violation within a reasonable period.

(5) Retransfer Consent: The requirement of Section 123 a.(5) of the Act for a guaranty by the cooperating party that ''any material or any Restricted Data and any production or utilization facility transferred pursuant to the agreement or any special nuclear material produced through the use of any such facility or material'' will not be transferred to unauthorized persons or beyond the jurisdiction or control of the cooperating party without prior U.S. consent is met by Article 5.2 of the proposed Agreement. A retransfer consent right over Restricted Data (''RD'') is not provided because RD transfers are prohibited under Article 3.3 of the Agreement.

(6) Physical Security: The requirement of Section 123 a.(6) of the Act for a guaranty that adequate physical security will be maintained with respect to any nuclear material transferred pursuant to an agreement of cooperation and any special nuclear material used in or produced through the use of nuclear material, production facility, or utilization facility transferred pursuant to such agreement is met by Article 7 of the proposed Agreement.

(7) Enrichment/Reprocessing/Alteration Consent Right: The requirement of section 123 a.(7) of the Act for a guaranty that ''no material transferred pursuant to the agreement for cooperation and no material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to the agreement will be reprocessed, enriched or (in the case of plutonium, uranium 233, or uranium enriched to greater than 20 per cent in the isotope 235, or other nuclear materials which have been irradiated) otherwise altered in form or content without the prior approval of the United States,'' is met by Article 6 of the proposed Agreement. Article 6.1 provides that ''(m)aterial transferred pursuant to the Agreement and material used in or produced through the use of material or equipment so transferred shall not be reprocessed unless the Parties agree.'' Article 6.2 further specifies that plutonium, uranium 233, high enriched uranium, and irradiated source material or special fissionable material transferred pursuant to the Agreement or used in or produced through the use of material or equipment so transferred shall not be altered in form or content, except by irradiation or further irradiation, unless the Parties agree. Article 6.3 specifies that uranium transferred pursuant to the Agreement or used in or produced through the use of any material or equipment so transferred shall not be enriched after transfer unless the Parties agree.

Article 6 also satisfies Section 402(a) of the NNPA, which states that, except as specifically provided in any agreement for cooperation, no source or special nuclear material exported from the United States after the date of the NNPA may be enriched after export without the prior approval of the United States for such enrichment.

(8) Storage Consent Right: The requirement of Section 123 a.(8) of the Act for a guaranty of a right of prior U.S. approval over facilities for the storage of specified nuclear materials is met by Article 5.1 of the proposed Agreement.

(9) Sensitive Nuclear Technology: The requirement of section 123 a.(9) of the Act pertains to situations that may result when sensitive nuclear technology is transferred pursuant to a Section 123 agreement for cooperation. Article 3.3 of the proposed Agreement provides that sensitive nuclear technology shall not be transferred under the Agreement, and Article 4.1 provides that sensitive nuclear facilities and major critical components thereof shall not be transferred under the proposed Agreement. Accordingly, the requirement in Section 123 a. (9) is not relevant to the proposed Agreement, and the requirement in Section 402 (b) of the NNPA precluding the transfer of major critical components of facilities for uranium enrichment, nuclear fuel reprocessing, or heavy water production unless an agreement for cooperation ''specifically designates such components as items to be exported pursuant to [such] agreement'' is also satisfied.

Environmental: Article 12.2 of the proposed Agreement requires the Parties to consult, with regard to activities under the Agreement, to identify the international environmental implications arising from such activities and to cooperate in protecting the international environment from radioactive, chemical, or thermal contamination arising from peaceful nuclear activities under the proposed Agreement and in related matters of health and safety, thereby satisfying the requirements of section 407 of the NNPA.

Article 10 of the proposed Agreement is not required by the Act or the NNPA, but it is consistent with these laws. It provides that the parties may, by mutual agreement, arrange for a third party to exercise U.S. consent rights with respect to particular items subject to the agreement if the third party already enjoys the same consent rights over those items. All applicable provisions of U.S. law, including Section 131 of the Act governing subsequent arrangements, would have to be satisfied. Similar provisions have been included in all post-NNPA agreements for cooperation, although they have never been applied.

Proportionality: For the purpose of implementing rights specified in Articles 5 and 6 of the proposed Agreement, ''produced'' special nuclear material is defined in terms of proportionality in the Agreed Minute to the Agreement. Thus, if U.S. nuclear material is used in a non-U.S. reactor, the special nuclear material produced will be attributed to the U.S. in the proportion of the U.S. nuclear material to the total amount of nuclear material used, and similarly for subsequent generations. It has been our consistent view that Sections 123 and 127 of the Act allow this concept of proportionality to be used in determining the reasonable application of U.S. consent rights. We are aware of no course of practice or legislative history to the contrary. Agreements negotiated since the enactment of the NNPA in 1978 generally contain a similar proportionality provision.

In sum, the proposed Agreement satisfies all the substantive requirements specified for agreements for cooperation by the Act and the NNPA.

IV. CONCLUSION

Entry into force of the proposed Agreement will put in place a framework for mutually beneficial civil nuclear cooperation between the United States and Vietnam, and provide a foundation for continued collaboration on nuclear nonproliferation goals.

On the basis of the analysis in this NPAS and all pertinent information of which it is aware, the Department of State has arrived at the following assessment, conclusions, views, and recommendations:

1. The safeguards and other control mechanisms and the peaceful use assurances in the proposed Agreement are adequate to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose.

2. The Agreement meets all the legal requirements of the Act and the NNPA.

3. Execution of the proposed Agreement would be compatible with the nonproliferation program, policy, and objectives of the United States.

4. Therefore, it is recommended that the President approve and authorize the execution of the proposed Agreement; and that the President determine that the performance of the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security.

THE SECRETARY OF STATE,
Washington, DC, February 18, 2014.

Memorandum for the President

From: John F. Kerry, Secretary of State, Ernest Moniz, Secretary of Energy.

Subject: Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy.

The United States and Vietnam have completed negotiations of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy (the ''Agreement''). If you authorize execution of the Agreement, it will be signed by representatives of the United States and Vietnam. After signature, in accordance with Sections 123 b. and d. of the Atomic Energy Act of 1954, as amended (the ''Act''), the Agreement must be submitted to both houses of Congress for a review period of 90 days of continuous session. Unless a joint resolution of disapproval is enacted, the Agreement may be brought into force upon completion of the review period.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Vietnam based on a mutual commitment to nuclear nonproliferation. The United States and Vietnam would enter into it in the context of a stated intention by Vietnam to rely on existing international markets for nuclear fuel services rather than acquiring sensitive fuel services, and a stated intention by the United States to support those international markets in order to ensure reliable nuclear fuel supply for Vietnam. These intentions are explicitly stated in the preamble to the Agreement.

The Agreement will have an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of five years each. Either Party may terminate the proposed Agreement on six months advance written notice at the end of the initial 30 year term or at the end of any subsequent five year period. Additionally, either Party may terminate the proposed Agreement on one year's written notice.

The Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of restricted data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

Vietnam is a non-nuclear-weapon State party to the Treaty on the Nonproliferation of Nuclear Weapons. Vietnam has in force a comprehensive safeguards agreement and an Additional Protocol with the International Atomic Energy Agency. Vietnam is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of Vietnam's intended civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the Nuclear Proliferation Assessment Statement (''NPAS''), and in a classified annex to the NPAS submitted to you separately. An addendum to the NPAS containing a comprehensive analysis of the export control system of Vietnam with respect to nuclear-related matters, including interactions with countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended, is being submitted to you separately by the Director of National Intelligence.

In accordance with the provisions of section 123 of the Act, the proposed Agreement was negotiated by the Department of State, with the technical assistance and concurrence of the Department of Energy. The proposed Agreement has also been reviewed by the members of the Nuclear Regulatory Commission. The Commission's views are being submitted to you separately.

In our judgment, the proposed Agreement satisfies all requirements of U.S. law for agreements of this type. We believe, as well, that U.S. cooperation with Vietnam in the peaceful uses of nuclear energy under the proposed Agreement will be supportive of U.S. nonproliferation, foreign policy, and commercial interests. We recommend, therefore, that you determine, pursuant to section 123 b. of the Act, that performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security; and that you approve the Agreement and authorize its execution.

RECOMMENDATION

That you sign the determination, approval, and authorization at Attachment 1 and the transmittal letter to Congress at Attachment 2. (The transmittal will be held until the Agreement is signed.)

ATTACHMENTS:

Tab 1—Draft Presidential determination, approval, and authorization.

Tab 2—Draft transmittal letter to the Congress (To be held until after the Agreement is signed).

Tab 3—Text of Proposed Agreement for Cooperation Between the United States of America and the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy.

Tab 4—Unclassified Nuclear Proliferation Assessment Statement.

UNITED STATES
NUCLEAR REGULATORY COMMISSION,
Washington, DC, December 3, 2013.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the provisions of Section 123 of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission reviewed the proposed Agreement for Cooperation between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy. It is the view of the Commission that the proposed Agreement includes all of the provisions required by law and provides a sufficient framework for civilian nuclear cooperation between the United States and Vietnam. The Commission therefore recommends that you make the requisite positive statutory determination, approve the proposed Agreement, and authorize its execution.

Respectfully,

ALLISON M. MACFARLANE.

MESSAGES FROM THE HOUSE

At 11:23 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 bill, in which it requests the concurrence of the Senate:

H.R. 863. An act to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 83. Authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

ENROLLED BILL SIGNED

At 5:36 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3627. An act to require the Attorney General to report on State law penalties for certain child abusers, and for other purposes.

MEASURES PLACED ON THE CALENDAR

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

H.R. 2824. An act to amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

H.R. 3826. An act to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes.

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–5665. 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; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XD215) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5666. 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 Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Reopening of Commercial Penaeid Shrimp Trawling Off South Carolina'' (RIN0648–XD232) received in the Office of the President of the Senate on May 1, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5667. 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; Pollock in Statistical Area 620 in the Gulf of Alaska'' (RIN0648–XD236) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5668. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries Inseason Actions No. 1, 2 and 3'' (RIN0648–XD198) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5669. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XD222) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5670. 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 Caribbean, Gulf of Mexico, and South Atlantic; 2014 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper'' (RIN0648–XD173) received in the Office of the President of the Senate on April 30, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5671. A communication from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Critical Incident Stress Plans'' (RIN2130–AC00) received in the Office of the President of the Senate on May 6, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5672. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the

report of a rule entitled ''Demurrage Liability'' (RIN2140–AB07) received in the Office of the President of the Senate on May 1, 2014; to the Committee on Commerce, Science, and Transportation.

EC–5673. A communication from the Attorney, General Affairs Division, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Substances and Articles; Administration and Enforcement Regulations: Revisions to Animal Testing Regulations'' (Docket No. CPSC–2012–0036) received in the Office of the President of the Senate on May 1, 2014; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Darrin P. Gayles, of Florida, to be United States District Judge for the Southern District of Florida.

Paul G. Byron, of Florida, to be United States District Judge for the Middle District of Florida.

Carlos Eduardo Mendoza, of Florida, to be United States District Judge for the Middle District of Florida.

Beth Bloom, of Florida, to be United States District Judge for the Southern District of Florida.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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 Mrs. MURRAY (for herself, Mr. UDALL of Colorado, Mr. MERKLEY, and Ms. BALDWIN):

S. 2305. A bill to amend the method by which the Social Security Administration determines the validity of marriages under title II of the Social Security Act; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. COONS, Mr. BOOKER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. CASEY):

S. 2306. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. MENENDEZ, Ms. COLLINS, Mr. KIRK, and Mrs. SHAHEEN):

S. 2307. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MCCASKILL (for herself, Mr. BLUNT, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2308. A bill to designate Union Station in Washington, DC, as ''Harry S. Truman Union Station''; to the Committee on Environment and Public Works.

By Mr. TOOMEY (for himself, Mr. CASEY, and Mr. MANCHIN):

S. 2309. A bill to amend title 18, United States Code, to authorize the Director of the Bureau of Prisons to issue oleoresin capsicum spray to officers and employees of the Bureau of Prison; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. MANCHIN):

S. 2310. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER (for himself, Mr. UDALL of New Mexico, Mr. BEGICH, and Mr. WALSH):

S. 2311. A bill to amend title 38, United States Code, to include licensed hearing aid specialists as eligible for appointment in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED:

S. 2312. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, and for other purposes; to the Committee on Armed Services.

By Mr. WALSH:

S. 2313. A bill to prohibit Congressional recesses until Congress adopts a concurrent resolution on the budget that results in a balanced federal budget by fiscal year 2024 and to control Congressional travel budgets; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WALSH:

S. 2314. A bill to delegate to the Secretary of State the authority to approve or deny certain permits; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SCHATZ (for himself, Mr. SCOTT, and Mr. BEGICH):

S. 2315. A bill to expand the Global Entry Program and strengthen the Model Ports of Entry Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BEGICH (for himself, Mr. PRYOR, Mr. JOHNSON of South Dakota, Ms. STABENOW, Mr. WARNER, Mrs. MURRAY, Mr. COONS, Ms. LANDRIEU, Mr. BROWN, and Mr. CARDIN):

S. Res. 440. A resolution recognizing the contributions of teachers to the civic, cultural, and economic well-being of the United States; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. FRANKEN):

S. Res. 441. A resolution designating the week of May 1 through May 7, 2014, as ''National Physical Education and Sport Week''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 375, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 462

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 501

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 576

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 576, a bill to reform laws relating to small public housing agencies, and for other purposes.

S. 654

At the request of Ms. LANDRIEU, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 917

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain qualifying producers.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 917, supra.

S. 1056

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1056, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable adoption tax credit.

S. 1387

At the request of Mr. JOHANNS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1387, a bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

S. 1431

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1622, a bill to establish the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes.

S. 1649

At the request of Mr. BLUNT, his name was added as a cosponsor of S. 1649, a bill to promote freedom and democracy in Vietnam.

S. 1738

At the request of Mr. CORNYN, the names of the Senator from Delaware (Mr. COONS) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1738, a bill to provide justice for the victims of trafficking.

S. 1799

At the request of Mr. COONS, the names of the Senator from Texas (Mr.

CORNYN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 1799, a bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

S. 1837

At the request of Ms. WARREN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1837, a bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions.

S. 1862

At the request of Mr. BLUNT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1862, a bill to grant the Congressional Gold Medal, collectively, to the Monuments Men, in recognition of their heroic role in the preservation, protection, and restitution of monuments, works of art, and artifacts of cultural importance during and following World War II.

S. 1905

At the request of Mr. MANCHIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1905, a bill to provide direction to the Administrator of the Environmental Protection Agency regarding the establishment of standards for emissions of any greenhouse gas from fossil fuel-fired electric utility generating units, and for other purposes.

S. 2035

At the request of Mr. BEGICH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2035, a bill to provide funding to the National Institute of Mental Health to support suicide prevention and brain research, including funding for the Brain Research Through Advancing Innovative Neurotechnologies (BRAIN) Initiative.

S. 2043

At the request of Mrs. FISCHER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2043, a bill to prohibit the Internal Revenue Service from asking taxpayers questions regarding religious, political, or social beliefs.

S. 2141

At the request of Mr. REED, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 2141, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes.

S. 2276

At the request of Mr. BLUNT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2276, a bill to amend title 10, United States Code, to improve access to mental health services under the TRICARE program.

S. 2292

At the request of Ms. WARREN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2292, a bill to amend the Higher Education Act of 1965 to provide for the refinancing of certain Federal student loans, and for other purposes.

S. 2295

At the request of Mr. LEAHY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 2295, a bill to establish the National Commission on the Future of the Army, and for other purposes.

S. 2302

At the request of Mrs. SHAHEEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2302, a bill to provide for a 1-year extension of the Afghan Special Immigrant Visa Program, and for other purposes.

S. 2304

At the request of Mr. KIRK, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2304, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S.J. RES. 19

At the request of Mr. UDALL of New Mexico, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 421

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 421, a resolution expressing the gratitude and appreciation of the Senate for the acts of heroism and military achievement by the members of the United States Armed Forces who participated in the June 6, 1944, amphibious landing at Normandy, France, and commending them for leadership and valor in an operation that helped bring an end to World War II.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. Res. 421, supra.

AMENDMENT NO. 3008

At the request of Mr. BARRASSO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 3008 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 3014

At the request of Mr. COBURN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3014 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 3041

At the request of Ms. KLOBUCHAR, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 3041 intended to be proposed to S. 2262, a bill to promote energy savings in residential buildings and industry, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself, Mr. MENENDEZ, Ms. COLLINS, Mr. KIRK, and Mrs. SHAHEEN):

S. 2307. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, I rise to join with my colleagues, Senators BOXER, KIRK, MENENDEZ, and SHAHEEN, in introducing the International Violence Against Women Act of 2014. This bill makes ending violence against women and girls a top diplomatic priority. It would permanently authorize the State Department's Office of Global Women's Issues and the position of the Ambassador-at-Large for Global Women's Issues.

It requires the administration to develop and implement an annual strategy to prevent and respond to violence against women and girls for each of the next 5 years. This legislation will ensure that the efforts begun under President George W. Bush and continued by President Barack Obama to combat gender-based violence will be a priority for future administrations as well.

We have witnessed great strides in women's equality in our own country and in much of the developed world over the past century. Across vast swaths of the globe, however, violence against women and forced marriages are everyday occurrences. One out of three women worldwide will be physically, sexually or otherwise abused during her lifetime, with rates reaching 70 percent in some countries.

This violence ranges from domestic violence to rape and acid burnings, to dowry deaths and so-called honor killings. Such violence is often exacerbated in humanitarian emergencies and conflict settings. Violence against women and girls is a human rights issue, a public health epidemic, and a barrier to solving global challenges such as extreme poverty, HIV/AIDS, and conflict.

The world has just seen an appalling example of women and girls being treated as property and bargaining chips in Nigeria, where the terrorist group Boko Haram kidnapped nearly 300 school girls and is threatening to sell them into sexual slavery and into forced marriages. Tragically, there are reports that some have already been sold into child marriages. Boko Haram's leaders said the girls should get married and never be educated. He has said:

I will marry off a woman at the age of 12. I will marry off a girl at the age of 9.

In fact, the very name of this terrorist group roughly translates to the phrase ''Western education is sinful.'' Sadly, this is a viewpoint that is not just limited to terrorist leaders, though it is difficult to think of a more egregious example of abuse against girls than what we have just witnessed in Nigeria. The International Center for Research on Women says that one in nine girls around the world is married before the age of 15, a harmful practice that deprives girls of their dignity and often their education, increases their health risks, and perpetuates poverty. The practice of preventing women from attaining their full potential by targeting them for violence and early marriage is still far too common in far too many countries around the world.

The International Violence Against Women Act ensures that our country will take a leadership role in combating these problems. It establishes that it is the policy of the United States to take action to prevent and respond to violence against women and girls around the globe and to integrate and coordinate efforts to address gender-based violence into U.S. foreign policy and foreign assistance programs.

Specifically, our bill will foster efforts in four areas. First, it will increase legal and judicial protections by supporting laws and legal structures that prevent and appropriately respond to all forms of violence against women and girls, including honor killings and forced marriages. For example, our bill will support our State Department's work with other countries to help those nations reform their legal systems by providing technical expertise and model laws and building the capacity of their police and judges.

Second, our bill will increase efforts to build health sector capacity, integrating programs to address violence against women and girls into existing health care programs focused on children's survival, women's health, and HIV/AIDS prevention.

Third, our legislation will focus on preventing violence by changing community norms and attitudes against the acceptability of violence against women and girls.

Fourth, our bill will focus on reducing females' vulnerability to violence by improving their economic status and educational opportunities. Efforts would include ensuring that women have access to job training and employment opportunities and increasing their right to own land and property, allowing them potentially to support themselves and their children.

Our bill will require the U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally to identify 5 to 20 eligible low- and middle-income countries for which comprehensive individual country plans would be developed. The bill requires that at least 10 percent of U.S. assistance to prevent and respond to violence against females be provided to nongovernmental organizations, with priority given to those headed by women.

As the Presiding Officer well knows, violence has a profoundly negative impact on the lives of women and girls. In addition to being a pressing human rights issue, such violence contributes to inequality and political instability, making it a security issue as well as a moral issue for all of us.

I am committed to working with my colleagues to end violence against women and girls and to provide the assistance and resources necessary to achieve this goal, and I am pleased to be the principal cosponsor of Senator BOXER's bill.

By Mrs. MCCASKILL (for herself, Mr. BLUNT, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2308. A bill to designate Union Station in Washington, DC, as ''Harry S. Truman Union Station''; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am truly delighted that my colleagues from Missouri, Senators MCCASKILL and BLUNT, have today introduced legislation to name Washington, DC's Union Station after our 33rd President Harry Truman, legislation of which I am proud to be an original cosponsor.

It is long overdue that we honor President Truman in this way. While much, in life and in politics, loses its luster as time passes, the Truman Presidency has only grown in stature and historical significance over the decades. There are many reasons for this, but let me focus on just a few.

First, history has shown the significance and wisdom of Truman's leadership in forging America's post-war foreign policy consensus. Truman and America understood the hard lesson of World War II: that a failure to engage in the world could have tragic consequences for our Nation, for our friends and allies, and for humanity. He understood the importance to the free world of helping to rebuild our chief enemies in that war, Germany and Japan. He understood the importance of working across party lines to build and maintain a consensus for these policies so that they did not depend on any one President or party to continue.

We in Michigan are especially proud of the role that our Senator Vandenberg, a Republican, played in helping to build this consensus along with a Democratic President. Their hard work resulted in one of our Nation's most lasting and important achievements, ensuring America's enduring role in leading a rising tide of freedom around the world.

A second aspect of the Truman legacy is his commitment to open, ethical and responsive government. He achieved public notice in the Senate as chairman of a committee tasked with fighting fraud and waste in defense contracting during World War II. He was among the earliest Washington politicians to call for lobbying reform. Ever since Truman's time, any government official who has sought to deflect responsibility or accountability in that time-honored political tradition of buck-passing has suffered in comparison to the Truman policy that ''The Buck Stops Here.''

Lastly, I will mention this: Harry Truman was a simple man. He was regularly described as ''plain''—and to his detractors, this was no compliment—but he wore it as a badge of honor. He understood that this Nation was built on the hard work, dedication and commitment of ordinary working people—because he came from ordinary working people. He talked straight, often bluntly. He demonstrated that one could rise to the highest office in the land based not on clever rhetoric or by currying favor, but by charting the best course for our Nation and clearly explaining that course to the people we all serve. He proved that wisdom is in the power of our ideas—nothing more and nothing less.

It was a train that carried Harry Truman on his ''Give 'em Hell, Harry!'' whistle-stop tour during the 1948 campaign. It was from a train that he held up that famous headline—''Dewey Defeats Truman''—that serves to this day as a rallying cry for the underdog. He rode the train from Union Station a lot, going home to be with his beloved wife Bess. So naming the train station of our Nation's capital, within sight of the Capitol where he served so well, is a fitting tribute.

I join my Missouri colleagues in urging the Senate to adopt this legislation and pay due honor to President Harry Truman.

By Mr. ROCKEFELLER (for himself and Mr. MANCHIN):

S. 2310. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mother's Day; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Commemorative Coin Act. I am proud to be joined by Senator MANCHIN in this important effort.

Mother's Day is a special event for all West Virginians because this annual tribute to mothers began in our state. In 1908, a West Virginia woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. She hoped that this holiday would serve as a day to remember and honor our mothers, and to promote peace and understanding. Within a year, all 46 States celebrated Mother's Day in some fashion, and in 1914, Congress and the President declared the second Sunday of May ''Mother's Day.'' This May 9 will mark the centennial for the national recognition of Mother's Day, and this bill provides an opportunity to commemorate this important holiday and further recognize the

millions of American mothers whose essential role in all of our lives canna be overstated.

The legislation I am introducing today would recognize Mother's Day by authorizing the Treasury to mint a commemorative Mother's Day coin. Profits generated from the sale of these coins would be donated to the St. Jude Children's Research Hospital and the National Osteoporosis Foundation. St. Jude Children's Research Hospital has advanced cures for catastrophic pediatric diseases through research and treatment; and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization.

In the U.S. alone, 10 million people have osteoporosis, and 80 percent of those who suffer from this disease are women. This legislation not only honors our nation's mothers, but also helps to raise funds to fight a serious disease that disproportionately impacts women. Thousands of mothers and their children have benefited from the efforts of St. Jude Children's Research Hospital and the National Osteoporosis Foundation, and they are well-deserving of our support. Therefore, I encourage my colleagues to support this legislation to honor every mother in our country.

I can think of no better way to celebrate Mother's Day than by helping to promote the health of American mothers and their children.

By Mr. REED:

S. 2312. A bill to amend titles 5, 10, and 32, United States Code, to eliminate inequities in the treatment of National Guard technicians, and for other purposes; to the Committee on Armed Services.

Mr. REED. Mr. President, today I introduce the National Guard Technician Equity Act to address inconsistencies in the dual-status technician program.

Over 48,000 National Guard dual-status technicians serve our nation. They are a distinct group of workers—as civilians, they work for the reserve components, performing administrative duties, providing training, and maintaining and repairing equipment. However, as a condition of their civilian position, they are also required to maintain military status—attending weekend drills and annual training, deploying overseas, and responding to domestic disasters and emergencies—thereby creating their ''dual-status.''

As a result, dual-status technicians are caught between the provisions that govern the Federal civilian workforce and the military in numerous ways. First, under existing law, a dual-status technician who is no longer fit for military duty must be fired from their technician position, even if they are still fully capable of performing their civilian duties. This bill would give technicians the option of remaining in their civilian position if they have 20 years of service as a dual-status technician, so that the experience and skills of these dedicated employees will not be lost.

Second, dual-status technicians do not have the same appeal rights as most other Federal employees, including those civilians in other Department of Defense positions. Federal employees who are covered by a collective bargaining agreement have the right to file a grievance and proceed to arbitration, or file a case with the Merit Systems Protection Board, MSPB. Currently, dual-status technicians may appeal to the Adjutant General in their state, but not to any neutral third party. This bill would allow them to also appeal to the MSPB for grievances unrelated to their military service.

Third, most reserve component members are able to obtain health care coverage through the TRICARE Reserve Select program. However, dual-status technicians are ineligible, despite their mandatory military status and reserve service, because they can participate in the Federal Employees Health Benefit Program, FEHBP. FEHBP plans can be more expensive than TRICARE Reserve Select, thereby adding costs and limiting health care options for these Guard technicians. My legislation simply calls for the Government Accountability Office to study the feasibility of converting the coverage for National Guard dual-status technicians from FEHBP to TRICARE Reserve Select.

The National Guard Technician Equity Act also allows technicians to receive overtime pay and requires the Secretary of Defense to report to Congress on the adequacy of leave time provided to Federal employees who are members of the National Guard for required military training.

I urge my colleagues to support and cosponsor the National Guard Technician Equity Act, and join me in pressing for inclusion of provisions of this bill in the National Defense Authorization Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 440—RECOGNIZING THE CONTRIBUTIONS OF TEACHERS TO THE CIVIC, CULTURAL, AND ECONOMIC WELL-BEING OF THE UNITED STATES

Mr. BEGICH (for himself, Mr. PRYOR, Mr. JOHNSON of South Dakota, Ms. STABENOW, Mr. WARNER, Mrs. MURRAY, Mr. COONS, Ms. LANDRIEU, Mr. BROWN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 440

Whereas education and knowledge are the foundation of the current and future strength of the United States;

Whereas teachers and other educators deserve the respect of their students and communities for their selfless dedication to community service and the future of the children of the United States;

Whereas the purpose of ''National Teacher Day'', which will be observed on May 6, 2014, is to raise public awareness of the unquantifiable contributions teachers make to society and to promote greater respect and understanding for the teaching profession; and

Whereas students, schools, communities, and a number of organizations representing educators are hosting teacher appreciation events in recognition of National Teacher Day: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions of teachers and other educators to the civic, cultural, and economic well-being of the United States; and

(2) expresses gratitude for the work done by teachers and educators and encourages students, parents, school administrators, and public officials to participate in teacher appreciation events on National Teacher Day.

SENATE RESOLUTION 441—DESIGNATING THE WEEK OF MAY 1 THROUGH MAY 7, 2014, AS ''NATIONAL PHYSICAL EDUCATION AND SPORT WEEK''

Ms. KLOBUCHAR (for herself, Mr. THUNE, and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 441

Whereas according to the 2012 Shape of the Nation Report, there has been a dramatic increase in obesity in the United States over the last 20 years, and obesity rates are high;

Whereas over 30 percent of children in the United States are overweight or obese;

Whereas according to the Centers for Disease Control and Prevention, over 48 percent of high school students do not attend physical education classes in an average week;

Whereas according to Department of Health and Human Services Physical Activity Guidelines for Americans, children and adolescents between the ages of 6 and 17 should engage in 60 minutes or more of physical activity daily, including aerobic, muscle strengthening, and bone strengthening exercises;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to the continued health and well-being of children; and

Whereas Congress strongly supports efforts to increase physical activity and participation of children and youth in sports: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 1 through May 7, 2014, as ''National Physical Education and Sport Week'';

(2) recognizes National Physical Education and Sport Week and the central role of physical education and sports in creating a healthy lifestyle for all children and youth;

(3) supports the implementation of local school wellness policies (as that term is described in section 9A of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758b)) that include ambitious goals for physical education, physical activity, and other activities that address the childhood obesity epidemic and promote child wellness; and

(4) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3045. Mr. MENENDEZ submitted an amendment intended to be proposed by him

to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 3046. Mr. ENZI (for himself, Mr. THUNE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3047. Mr. UDALL of Colorado (for himself, Mr. BEGICH, and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3048. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3049. Mrs. BOXER (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3050. Mr. COATS (for himself, Mr. HOEVEN, Mr. TOOMEY, Mr. VITTER, Mr. RISCH, Mr. CRAPO, Mr. HATCH, Mr. ENZI, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3051. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3052. Mr. SANDERS (for himself, Mr. WYDEN, Mr. KING, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3053. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 3054. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3045. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, between lines 8 and 9, insert the following:

SEC. 30__. RELEASE OF REPORT ON ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.

Not later than 15 days after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly publish on a public website and otherwise make available to the public the report on the results of the study of energy and cost savings in nonbuilding applications required under section 518(b) of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1660).

SA 3046. Mr. ENZI (for himself, Mr. THUNE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, add the following:

SEC. 5_____. REGIONAL HAZE PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the disapproval, in whole or in part, by the Administrator of the Environmental Protection Agency of a State regional haze implementation plan addressing any regional haze regulation of the Environmental Protection Agency (including the regulations described in sections 51.308 and 51.309 of title 40, Code of Federal Regulations (or successor regulations)) shall not be valid if—

(1) the Administrator fails to demonstrate using the best available science that a Federal implementation plan governing a specific unit, when compared to the State plan, results in at least a 1.0 deciview improvement over the State plan in any single class I area (as classified under section 162 of the Clean Air Act (42 U.S.C. 7472)); or

(2) implementation of the Federal implementation plan, when compared to the State plan, will result in an economic cost of greater than $100,000,000 in any fiscal year or $300,000,000 in the aggregate over the cost of the State plan.

(b) RETROACTIVE APPLICATION.—This section applies to any disapproval by the Administrator of the Environmental Protection Agency of a State regional haze implementation plan that occurs after January 1, 2010.

SA 3047. Mr. UDALL of Colorado (for himself, Mr. BEGICH, and Ms. HEITKAMP) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, insert the following:

SEC. 5___. AUTHORIZATION TO EXPORT NATURAL GAS.

(a) DECISION DEADLINE.—The Secretary of Energy shall issue a decision on any application for authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) not later than 90 days after the later of—

(1) the end of the comment period for the decision as set forth in the applicable notice published in the Federal Register; or

(2) the date of enactment of this Act.

(b) JUDICIAL ACTION.—

(1) IN GENERAL.—The United States Court of Appeals for the circuit in which the export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of —

(A) an order issued by the Secretary of Energy with respect to the application; or

(B) the failure of the Secretary of Energy to issue a decision on the application.

(2) ORDER.—If the Court in a civil action described in paragraph (1) finds that the Secretary of Energy has failed to issue a decision on the application as required under subsection (a), the Court shall order the Secretary of Energy to issue the decision not later than 30 days after the order of the Court.

(3) EXPEDITED CONSIDERATION.—The Court shall—

(A) set any civil action brought under this subsection for expedited consideration; and

(B) set the matter on the docket as soon as practicable after the filing date of the initial pleading.

SA 3048. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

SEC. 5___. COMMUNITY ENERGY PROGRAM.

Part D of title III of the Energy Policy and Conservation Act is amended by inserting after section 364 (42 U.S.C. 6324) the following:

"SEC. 364A. COMMUNITY ENERGY PROGRAM.

''(a) IN GENERAL.—The Secretary, acting in conjunction with State energy offices, shall establish and carry out a community energy program under which the Secretary shall make grants to eligible entities to support community energy systems improvement projects, including projects involving energy assessments, development of energy system improvement strategies, and implementation of those strategies so as to reduce energy usage and increase energy supplied from renewable resources.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a municipality (including a town or city or other local unit of government); or

''(2) a nonprofit institutional entity (including an institution of higher education, hospital, or school system).

''(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall—

''(1) provide to the Secretary evidence that the entity has a commitment to improving the energy systems of the entity;

''(2) encourage broad citizen participation in the project carried out with the grant;

''(3) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(4) meet such other eligibility criteria as are established by the Secretary.

''(d) TYPES OF GRANTS.—The Secretary shall provide to eligible entities under this section—

''(1) planning and assessment grants to support—

''(A) the assessment of current energy types and uses of the eligible entity;

''(B) the identification of potential alternative energy resources to serve the energy needs of the eligible entity, including energy efficiency measures and renewable energy systems; and

''(C) the development of energy improvement project plans that specify energy efficiency measures to be adopted and renewable energy systems to be installed; and

''(2) implementation project grants to support the implementation of energy system improvements, regardless of whether the eligible entities received planning and assessment grants for the improvements under paragraph (1).

''(e) USE OF GRANTS.—

''(1) PLANNING AND ASSESSMENT GRANTS.—An eligible entity may use a planning and assessment grant provided under subsection (d)(1)—

''(A) to assess energy usage across the eligible entity, including energy used in—

''(i) public and private buildings and facilities;

''(ii) commercial and industrial applications; and

''(iii) transportation; and

''(B) to formulate energy improvement plans that describe specific energy efficiency measures to be adopted and specific renewable energy systems to be installed, including identification of funding sources and implementation processes.

''(2) IMPLEMENTATION PROJECT GRANTS.—An eligible entity may use an implementation grant provided under subsection (d)(2) to implement energy efficiency measures, or install renewable energy systems, in support of energy improvement plans.

''(f) FEDERAL SHARE.—The Federal cost of carrying out a project under this section

shall not exceed 50 percent of total project costs.

''(g) ADMINISTRATION.—The Secretary shall establish criteria for program participation and evaluation of proposals for projects to be carried out under this section, including criteria based on—

''(1) energy savings; and

''(2) reductions in oil consumption.

''(h) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—To assist eligible entities in carrying out projects under this section, the Secretary may—

''(A) provide training and technical assistance and support to entities that receive grants under this section; and

''(B) support regional conferences to enable entities to share information on energy assessment, planning, and implementation activities.

''(2) EVALUATION PROGRAM.—In carrying out this section, the Secretary shall develop and support use of an evaluation program that measures and evaluates the energy and economic impacts of projects carried out under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2014; and

''(2) $20,000,000 for each of fiscal years 2015 through 2018.''.

SEC. 5_____. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;

''(5) $190,000,000 for fiscal year 2014;

''(6) $130,000,000 for fiscal year 2015; and

''(7) $80,000,000 for each of fiscal years 2016 through 2018.''.

SA 3049. Mrs. BOXER (for herself and Mr. BENNET) submitted an amendment intended to be proposed by her to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—PACE ASSESSMENT PROTECTION ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''PACE Assessment Protection Act''.

SEC. 602. PURPOSE.

It is the purpose of this title to ensure that those PACE programs which incorporate prudent programmatic safeguards to protect the interest of mortgage holders and property owners remain viable as a potential avenue for States and local governments to achieve the many public benefits associated with energy efficiency, water efficiency, and renewable energy retrofits. In addition, it is essential that the power and authority of State and local governments to exercise their longstanding and traditional powers to levy taxes for public purposes not be impeded.

SEC. 603. DEFINITIONS.

For purposes of this title the following definitions apply:

(1) CLEAN ENERGY IMPROVEMENTS.—The term ''clean energy improvements'' means any system on privately owned property for producing electricity for, or meeting heating, cooling, or water heating needs of the property, using renewable energy sources, combined heat and power systems, or energy systems using wood biomass (but not construction and demolition waste) or natural gas. Such improvements include solar photovoltaic, solar thermal, wood biomass, wind, and geothermal systems. Such term includes the reasonable costs of a study undertaken by a property owner to analyze the feasibility of installing any of the improvements described in this paragraph and the cost of a warranty or insurance policy for such improvements.

(2) ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS.—The term ''energy conservation and efficiency improvements'' means measures to reduce consumption, through conservation or more efficient use, of electricity, fuel oil, natural gas, propane, or other forms of energy by the property, including air sealing, installation of insulation, installation of heating, cooling, or ventilation systems, building modification to increase the use of daylighting, replacement of windows, installation of energy controls or energy recovery systems, installation of building management systems, and installation of efficient lighting equipment, provided that such improvements are permanently affixed to the property. Such term includes the reasonable costs of an audit undertaken by a property owner to identify potential energy savings that could be achieved through installation of any of the improvements described in this paragraph.

(3) ENTERPRISE.—The term ''enterprise'' means—

(A) the Federal National Mortgage Association and any affiliate thereof; and

(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof.

(4) LOCAL GOVERNMENT.—The term ''local government'' includes counties, cities, boroughs, towns, parishes, villages, districts, and other political subdivisions authorized under State laws to establish PACE programs.

(5) NON-RESIDENTIAL PROPERTY.—The term ''non-residential property'' means private property that is—

(A) not used for residential purposes; or

(B) residential property with 5 or more residences.

(6) PACE AGREEMENT.—The term ''PACE agreement'' means an agreement between a local government and a property owner detailing the terms of financing for a PACE improvement.

(7) PACE ASSESSMENT.—The term ''PACE assessment'' means a tax or assessment levied by a local government to provide financing for PACE improvements.

(8) PACE IMPROVEMENTS.—The term ''PACE improvements'' means qualified clean energy improvements, qualified energy conservation and efficiency improvements, and qualified water conservation and efficiency improvements.

(9) PACE LIEN.—The term ''PACE lien'' means a lien securing a PACE assessment, which may be senior to the lien of pre-existing purchase money mortgages on the same property subject to the PACE lien.

(10) PACE PROGRAM.—The term ''PACE program'' means a program implemented by a local government under State law to provide financing for PACE improvements by levying PACE assessments.

(11) PROPERTY OWNER.—The term ''property owner'' means the owner of record of real property that is subject to a PACE assessment, whether such property is zoned or used for residential, commercial, industrial, or other uses.

(12) QUALIFIED.—The term ''qualified'' means, with respect to PACE improvements, that the improvements meet the criteria specified in section 605.

(13) RESIDENTIAL PROPERTY.—The term ''residential property'' means a property with up to 4 private residences.

(14) WATER CONSERVATION AND EFFICIENCY IMPROVEMENTS.—The term ''water conservation and efficiency improvements'' means measures to reduce consumption, through conservation or more efficient use of water by the property, including installation of low-flow toilets and showerheads, installation of timer or timing system for hot water heaters, and installation of rain catchment systems.

SEC. 604. TREATMENT OF PACE PROGRAMS BY FNMA AND FHLMC.

(a) LENDER GUIDANCE.—The Director of the Federal Housing Finance Agency, acting in the Director's general supervisory capacity, shall direct the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to—

(1) issue guidance, within 30 days after the date of enactment of this title, providing that the levy of a PACE assessment and the creation of a PACE lien do not constitute a default on any loan secured by a uniform instrument of Federal National Mortgage Association or Federal Home Loan Mortgage Corporation and do not trigger the exercise of remedies with respect to any provision of such uniform security instrument if the PACE assessment and the PACE lien meet the requirements of section 605;

(2) rescind any prior issued guidance or Selling and Servicing Guides that are inconsistent with the provisions of paragraph (1); and

(3) take all such other actions necessary to effect the purposes of this title.

(b) PROHIBITION OF DISCRIMINATION.—The Director of the Federal Housing Finance Agency, the Comptroller of the Currency, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Board of Governors of the Federal Reserve System, and all Federal agencies and entities chartered or otherwise established under Federal law shall not discriminate in any manner against States or local governments implementing or participating in a PACE program, or against any property that is obligated to pay a PACE assessment or is subject to a PACE lien, including, without limitation, by—

(1) prohibiting lending within such jurisdiction or requiring more restrictive underwriting criteria for properties within such jurisdiction;

(2) except for the escrowing of funds as permitted by section 605(h)(2), requiring payment of PACE assessment amounts that are not due or that are not delinquent; or

(3) applying more restrictive underwriting criteria to any property that is obligated to pay a PACE assessment and is subject to a PACE lien than any such entity would apply to such property in the event that such property were subject to a State or municipal tax or assessment that was not a PACE assessment.

SEC. 605. PACE PROGRAMS ELIGIBLE FOR PROTECTION.

(a) IN GENERAL.—A PACE program, and any PACE assessment and PACE lien related to such program, are entitled to the protections of this title only if the program meets all of the requirements under this section at the time of its establishment, or, in the case of any PACE program in effect upon the date of the enactment of this title, not later than 60 days after such date of enactment.

(b) RESERVE FUNDS.—

(1) ESTABLISHMENT.—A PACE program shall enroll or otherwise contribute to a reserve fund maintained by a State or local government authority, a purpose of which shall be to make payments to reimburse PACE programs for any amounts a program

is required to pay, and has demonstrated has been paid, pursuant to paragraph (3).

(2) CAPITAL SUFFICIENCY.—A reserve fund in which a PACE program is enrolled or otherwise contributing to shall maintain a minimum capital level in such amount as shall be sufficient to ensure that an enterprise will not be adversely impacted by the PACE liens securing the PACE assessments held by the PACE program.

(3) REQUIRED PAYMENTS TO ENTERPRISES.—A PACE program shall pay to an enterprise such amounts as are necessary to cover—

(A) in any foreclosure in connection with a residential property, any loss incurred by such enterprise resulting from the payment of any PACE assessment paid while the enterprise is in possession of the property; and

(B) in any forced sale for unpaid taxes or special assessments in connection with a residential property, any loss incurred by such enterprise resulting from PACE assessments being paid before the payment of any outstanding balance on the mortgage owed to the enterprise.

(4) APPLICABILITY ONLY TO RESIDENTIAL PACE PROGRAMS.—This subsection, and the requirements of this subsection, shall only apply with respect to residential PACE programs.

(c) CONSUMER PROTECTIONS APPLICABLE TO RESIDENTIAL PROPERTY.—A PACE program shall provide, with respect to residential property, for the following:

(1) PROPERTY OWNER AGREEMENTS.—

(A) PACE ASSESSMENT.—The property owner shall agree in writing to a PACE assessment, either pursuant to a PACE agreement or by voting in the manner specified by State law. In the case of any property with multiple owners, each owner or the owner's authorized representative shall execute a PACE agreement or vote in the manner specified by State law, as applicable.

(B) PAYMENT SCHEDULE.—The property owner shall agree to a payment schedule that identifies the term over which PACE assessment installments will be due, the frequency with which PACE assessment installments will be billed and amount of each installment, and the annual amount due on the PACE assessment. Upon full payment of the amount of the PACE assessment, including all outstanding interest and charges and any penalties that may become due, the local government shall provide the participating property owner with a written statement certifying that the PACE assessment has been paid in full and the local government shall also satisfy all requirements of State law to extinguish the PACE lien.

(2) DISCLOSURES BY LOCAL GOVERNMENT.—The local government shall disclose to the participating property owner the costs and risks associated with participating in the PACE program, including risks related to their failure to pay PACE assessments and the risk of enforcement of PACE liens. The local government shall disclose to the property owner the effective interest rate of the PACE assessment, including all program fees. The local government shall clearly and conspicuously provide the property owner the right to rescind his or her decision to enter into a PACE assessment, within 3 days of the original transaction.

(3) NOTICE TO LIENHOLDERS.—Before entering into a PACE agreement or voting in favor of a PACE assessment, the property owner or the local government shall provide to the holders of any existing mortgages on the property written notice of the terms of the PACE assessment.

(4) CONFIDENTIALITY.—Any personal financial information provided by a property owner to a local government or an entity administering a PACE program on behalf of a local government shall comply with applicable local, State, and Federal laws governing the privacy of the information.

(d) REQUIREMENTS APPLICABLE ONLY TO NON-RESIDENTIAL PROPERTY.—A PACE program shall provide, with respect to non-residential property, for the following:

(1) AUTHORIZATION BY LIENHOLDERS.—Before entering into a PACE agreement with a local government or voting in favor of PACE assessments in the manner specified by State law, the property owner shall obtain written authorization from the holders of the first mortgage on the property.

(2) PACE AGREEMENT.—

(A) TERMS.—The local government and the owner of the property to which the PACE assessment applies at the time of commencement of assessment shall enter into a written PACE agreement addressing the terms of the PACE improvement. In the case of any property with multiple owners, the PACE agreement shall be signed by all owners or their legally authorized representative or representatives.

(B) PACE IMPROVEMENTS.—The property owner shall contract for PACE improvements, purchase materials to be used in making such improvements, or both, and upon submission of documentation required by the local government, the local government shall disburse funds to the property owner in payment for the PACE improvements or materials used in making such improvements.

(C) PAYMENT SCHEDULE.—The PACE agreement shall include a payment schedule showing the term over which payments will be due on the assessment, the frequency with which payments will be billed and amount of each payment, and the annual amount due on the assessment. Upon full payment of the amount of the assessment, including all outstanding interest and charges and any penalties that may become due, the local government shall provide the participating property owner with a written statement certifying that the assessment has been paid in full and the local government shall also satisfy all requirements of State law to extinguish the PACE lien.

(3) DISCLOSURES BY LOCAL GOVERNMENT.—The local government shall disclose to the participating property owners the costs and risks associated with participating in the program, including risks related to their failure to make payments and the risk of enforcement of PACE liens.

(4) CONFIDENTIALITY.—Any personal financial information provided by a property owner to a local government or an entity administering a PACE program on behalf of a local government shall comply with applicable local, State, and Federal laws governing the privacy of the information.

(e) PUBLIC NOTICE OF PACE ASSESSMENT.—The local government shall file a public notice of the PACE assessment in a manner sufficient to provide notice of the PACE assessment to potential lenders and potential purchasers of the property. The notice shall consist of the following statement or its substantial equivalent: ''This property is subject to a tax or assessment that is levied to finance the installation of qualifying energy and water conservation and efficiency improvements or clean energy improvements. The tax or assessment is secured by a lien that is senior to all private liens.''.

(f) ELIGIBILITY OF RESIDENTIAL PROPERTY OWNERS.—Before levying a PACE assessment on a residential property, the local government shall ensure that all of the following are true with respect to the property:

(1) All property taxes and any other public assessments are current and have been current for 3 years or the property owner's period of ownership, whichever period is shorter.

(2) There are no involuntary liens, such as mechanics liens, on the property in excess of $1,000.

(3) No notices of default and not more than one instance of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever period is shorter.

(4) The property owner has not filed for or declared bankruptcy in the previous 7 years.

(5) The property owner is current on all mortgage debt on the property.

(6) The property owner or owners are the holders of record of the property.

(7) The property title is not subject to power of attorney, easements, or subordination agreements restricting the authority of the property owner to subject the property to a PACE lien.

(8) The property meets any geographic eligibility requirements established by the PACE program.

The local government may adopt additional criteria, appropriate to PACE programs, for determining whether to provide PACE financing to a property.

(g) QUALIFYING IMPROVEMENTS AND QUALIFYING CONTRACTORS FOR RESIDENTIAL PROPERTIES.—PACE improvements for residential properties shall be qualified if they meet the following criteria:

(1) AUDIT.—For clean energy improvements and energy conservation and efficiency improvements, an audit or feasibility study performed by a person who has been certified as a building analyst by the Building Performance Institute or as a Home Energy Rating System (HERS) Rater by a Rating Provider accredited by the Residential Energy Services Network (RESNET); or who has obtained other similar independent certification shall have been commissioned by the local government or the property owner and the audit or feasibility study shall—

(A) identify recommended energy conservation, efficiency, and/or clean energy improvements and such recommended improvements must include the improvements proposed to be financed with the PACE assessment to the extent permitted by law;

(B) estimate the potential cost savings, useful life, benefit-cost ratio, and simple payback or return on investment for each improvement; and

(C) provide the estimated overall difference in annual energy costs with and without the recommended improvements.

State law may provide that the cost of the audit and the cost of a warranty covering the financed improvements may be included in the total amount financed.

(2) AFFIXED FOR USEFUL LIFE.—The local government shall have determined the improvements are intended to be affixed to the property for the entire useful life of the improvements based on the expected useful lives of energy conservation, efficiency, and clean energy measures approved by the Department of Energy.

(3) QUALIFIED CONTRACTORS.—The improvements must be made by a contractor or contractors, determined by the local government to be qualified to make the PACE improvements. A local government may accept a designation of contractors as qualified made by an electric or gas utility or another appropriate entity. Any work requiring a license under applicable law shall be performed by an individual holding such license. A local government may elect to provide financing for improvements made by the owner of the property, but shall not permit the value of the owner's labor to be included in the amount financed.

(4) DISBURSEMENT OF PAYMENTS.—A local government must require, prior to disbursement of final payments for the financed improvements, submission by the property

owner in a form acceptable to the local government of—

(A) a document signed by the property-owner requesting disbursement of funds;

(B) a certificate of completion, certifying that improvements have been installed satisfactorily; and

(C) documentation of all costs to be financed and copies of any required permits.

(h) FINANCING TERMS APPLICABLE ONLY TO RESIDENTIAL PROPERTY.—A PACE program shall provide, with respect to residential property, for the following:

(1) AMOUNT FINANCED.—PACE improvements shall be financed on terms such that the total energy and water cost savings realized by the property owner and the property owner's successors during the useful lives of the improvements, as determined by the audit or feasibility study pursuant to subsection (g)(1), are expected to exceed the total cost to the property owner and the property owner's successors of the PACE assessment. In determining the amount that may be financed by a PACE assessment, the total amount of all rebates, grants, and other direct financial assistance received by the owner on account of the PACE improvements shall be deducted from the cost of the PACE improvements.

(2) PACE ASSESSMENTS.—The total amount of PACE assessments for a property shall not exceed 10 percent of the estimated value of the property. A property owner who escrows property taxes with the holder of a mortgage on a property subject to PACE assessment may be required by the holder to escrow amounts due on the PACE assessment, and the mortgage holder shall remit such amounts to the local government in the manner that property taxes are escrowed and remitted.

(3) OWNER EQUITY.—As of the effective date of the PACE agreement or the vote required by State law, the property owner shall have equity in the property of not less than 15 percent of the estimated value of the property calculated without consideration of the amount of the PACE assessment or the value of the PACE improvements.

(4) TERM OF FINANCING.—The maximum term of financing provided for a PACE improvement may be 20 years. The term shall in no case exceed the weighted average expected useful life of the PACE improvement or improvements. Expected useful lives used for all calculations under this paragraph shall be consistent with the expected useful lives of energy conservation and efficiency and clean energy measures approved by the Department of Energy.

(i) COLLECTION AND ENFORCEMENT.—A PACE program shall provide that—

(1) PACE assessments shall be collected in the manner specified by State law;

(2) notwithstanding any other provision of law, in the event of a transfer of property ownership through foreclosure, the transferring property owner may be obligated to pay only PACE assessment installments that are due (including delinquent amounts), along with any applicable penalties and interest, except that before imposition of any penalties or fees, the PACE program shall provide an opportunity to any holder of a senior lien on the property to assume payment of the PACE assessment;

(3) PACE assessment installments that are not due may not be accelerated by foreclosure except as provided by State law; and

(4) payment of a PACE assessment installment from the loss reserve established for a PACE program shall not relieve a participating property owner from the obligation to pay that amount.

SA 3050. Mr. COATS (for himself, Mr. HOEVEN, Mr. TOOMEY, Mr. VITTER, Mr. RISCH, Mr. CRAPO, Mr. HATCH, Mr. ENZI, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, insert the following:

SEC. 5___. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977.

The Secretary of the Interior may not, before December 31, 2017, issue or approve any proposed or final regulation under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) that would—

(1) adversely impact employment in coal mines in the United States;

(2) cause a reduction in revenue received by the Federal Government or any State, tribal, or local government, by reducing through regulation the quantity of coal in the United States that is available for mining;

(3) reduce the quantity of coal available for domestic consumption or for export;

(4) designate any area as unsuitable for surface coal mining and reclamation operations;

(5) expose the United States to liability for taking the value of privately owned coal through regulation; or

(6) cause further time delays to permitting or increase costs.

SA 3051. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 3_____. REPORT ON FEDERAL AGENCY FACILITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on energy use and energy efficiency projects at the facilities occupied by each Federal agency.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an analysis of energy use at each facility occupied by a Federal agency;

(2) a list of energy audits that have been conducted at the facilities described in paragraph (1);

(3) a list of energy efficiency projects that have been conducted at the facilities described in paragraph (1); and

(4) a list of energy efficiency projects that could be achieved through the use of a consistent and timely mechanical insulation maintenance program and through the upgrading of mechanical insulation at the facilities described in paragraph (1).

SA 3052. Mr. SANDERS (for himself, Mr. WYDEN, Mr. KING, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501 and insert the following:

SEC. 501. STATE RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES LOAN PILOT PROGRAM.

(a) LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:

"SEC. 367. LOANS FOR RESIDENTIAL BUILDING ENERGY EFFICIENCY UPGRADES.

''(a) DEFINITIONS.—In this section:

''(1) CONSUMER-FRIENDLY.—The term 'consumer-friendly', with respect to a loan repayment approach, means a loan repayment approach that—

''(A) emphasizes convenience for customers;

''(B) is of low cost to consumers; and

''(C) emphasizes simplicity and ease of use for consumers in the billing process.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State or territory of the United States; and

''(B) a tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).

''(3) ENERGY ADVISOR PROGRAM.—

''(A) IN GENERAL.—The term 'energy advisor program' means any program to provide to owners or residents of residential buildings advice, information, and support in the identification, prioritization, and implementation of energy efficiency and energy savings measures.

''(B) INCLUSIONS.—The term 'energy advisor program' includes a program that provides—

''(i) interpretation of energy audit reports;

''(ii) assistance in the prioritization of improvements;

''(iii) assistance in finding qualified contractors;

''(iv) assistance in contractor bid reviews;

''(v) education on energy conservation and energy efficiency;

''(vi) explanations of available incentives and tax credits;

''(vii) assistance in completion of rebate and incentive paperwork; and

''(viii) any other similar type of support.

''(4) ENERGY EFFICIENCY.—The term 'energy efficiency' means a decrease in homeowner or residential tenant consumption of energy (including electricity and thermal energy) that is achieved without reducing the quality of energy services through—

''(A) a measure or program that targets customer behavior;

''(B) equipment;

''(C) a device; or

''(D) other material.

''(5) ENERGY EFFICIENCY UPGRADE.—

''(A) IN GENERAL.—The term 'energy efficiency upgrade' means any project or activity—

''(i) the primary purpose of which is increasing energy efficiency; and

''(ii) that is carried out on a residential building.

''(B) INCLUSIONS.—The term 'energy efficiency upgrade' includes the installation or improvement of a renewable energy facility for heating or electricity generation serving a residential building carried out in conjunction with an energy efficiency project or activity.

''(6) PROGRAM ENTITY.—The term 'program entity' means a local government, utility, or other entity that carries out a financing program under subsection (e)(2)(A) pursuant to a contract or other agreement with an eligible entity.

''(7) RECIPIENT HOUSEHOLD.—The term 'recipient household' means the owner or tenant of a residential building who receives financing under this section for an energy efficiency upgrade of the residential building.

''(8) RESIDENTIAL BUILDING.—

''(A) IN GENERAL.—The term 'residential building' means a building used for residential purposes.

''(B) INCLUSIONS.—The term 'residential building' includes—

''(i) a single-family residence;

''(ii) a multifamily residence composed not more than 4 units; and

''(iii) a mixed-use building that includes not more than 4 residential units.

''(b) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under this part under which the Secretary shall make available to eligible entities loans for the purpose of establishing or expanding programs that provide to recipient households financing for energy efficiency upgrades of residential buildings.

''(2) CONSULTATION.—In establishing the program under paragraph (1), the Secretary shall consult, as the Secretary determines to be appropriate, with stakeholders and the public.

''(3) NO REQUIREMENT TO PARTICIPATE.—No eligible entity shall be required to participate in any manner in the program established under paragraph (1).

''(4) DEADLINES.—The Secretary shall—

''(A) not later than 1 year after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2014, implement the program established under paragraph (1) (including soliciting applications from eligible entities in accordance with subsection (c)); and

''(B) not later than 2 years after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2014, disburse the initial loans provided under this section.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible to receive a loan under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) SELECTION DATE.—Not later than 21 months after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2014, the Secretary shall select eligible entities to receive the initial loans provided under this section, in accordance with the requirements described in paragraph (3).

''(3) REQUIREMENTS.—In selecting eligible entities to receive loans under this section, the Secretary shall—

''(A) to the maximum extent practicable, ensure—

''(i) that both innovative and established approaches to the challenges of financing energy efficiency upgrades are supported;

''(ii) that energy efficiency upgrades are conducted and validated to comply with best practices for work quality, as determined by the Secretary;

''(iii) regional diversity among eligible entities that receive the loans, including participation by rural States and small States;

''(iv) significant participation by families with income levels at or below the median income level for the applicable geographical region, as determined by the Secretary; and

''(v) the incorporation of an energy advisor program by, as applicable—

''(I) eligible entities; or

''(II) program entities;

''(B) evaluate applications based primarily on—

''(i) the projected reduction in energy use, as determined in accordance with such specific and commonly available methodology as the Secretary shall establish, by regulation;

''(ii) the creditworthiness of the eligible entity; and

''(iii) the incorporation of measures for making the loan repayment system for recipient households as consumer-friendly as practicable;

''(C) evaluate applications based secondarily on—

''(i) the extent to which the proposed financing program of the eligible entity incorporates best practices for such a program, as determined by the Secretary;

''(ii)(I) whether the eligible entity has created a plan for evaluating the effectiveness of the proposed financing program; and

''(II) whether that plan includes—

''(aa) a robust strategy for collecting, managing, and analyzing data, as well as making the data available to the public; and

''(bb) experimental studies, which may include investigations of how human behavior impacts the effectiveness of efficiency improvements;

''(iii) the extent to which Federal funds are matched by funding from State, local, philanthropic, private sector, and other sources;

''(iv) the extent to which the proposed financing program will be coordinated and marketed with other existing or planned energy efficiency or energy conservation programs administered by—

''(I) utilities and rural cooperatives;

''(II) State, tribal, territorial, or local governments; or

''(III) community development financial institutions; and

''(v) such other factors as the Secretary determines to be appropriate; and

''(D) not provide an advantage or disadvantage to applications that include renewable energy in the program.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) TERM.—The Secretary shall establish terms for loans provided to eligible entities under this section—

''(A) in a manner that—

''(i) provides for a high degree of cost recovery; and

''(ii) ensures that, with respect to all loans provided to or by eligible entities under this section, the loans are competitive with, or superior to, other forms of financing for similar purposes; and

''(B) subject to the condition that the term of a loan provided to an eligible entity under this section shall not exceed 35 years.

''(2) INTEREST RATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary, at the discretion of the Secretary, shall charge interest on a loan provided to an eligible entity under this section at a fixed rate equal, or approximately equal, to the interest rate charged on Treasury securities of comparable maturity.

''(B) LEVERAGED LOANS.—The interest rate and other terms of the loans provided to eligible entities under this section shall be established in a manner that ensures that the total amount of the loans is equal to not less than 20 times, and not more than 50 times, an amount equivalent to 80 percent of the amount appropriated for administrative and general financial support costs pursuant to subsection (g)(2).

''(3) NO PENALTY ON EARLY REPAYMENT.—The Secretary shall not assess any penalty for early repayment by an eligible entity of a loan provided under this section.

''(4) RETURN OF UNUSED PORTION.—As a condition of receipt of a loan under this section, an eligible entity shall agree to return to the general fund of the Treasury any portion of the loan amount that is unused by the eligible entity within a reasonable period after the date of receipt of the loan, as determined by the Secretary.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity shall use a loan provided under this section to establish or expand 1 or more financing programs—

''(A) the purpose of which is to enable recipient households to conduct energy efficiency upgrades of residential buildings;

''(B) that may, at the sole discretion of the eligible entity, require an outlay of capital by recipient households in accordance with the goals of the program under this section; and

''(C) that incorporate a consumer-friendly loan repayment approach.

''(2) STRUCTURE OF FINANCING PROGRAM.—A financing program of an eligible entity may—

''(A) consist—

''(i) primarily or entirely of a financing program administered by—

''(I) the applicable State; or

''(II) a program entity; or

''(ii) of a combination of programs described in clause (i);

''(B) rely on financing provided by—

''(i) the eligible entity; or

''(ii) a third party, acting through the eligible entity; and

''(C) include a provision pursuant to which a recipient household shall agree to return to the eligible entity any portion of the assistance that is unused by the recipient household within a reasonable period after the date of receipt of the assistance, as determined by the eligible entity.

''(3) FORM OF ASSISTANCE.—Assistance from an eligible entity under this subsection may be provided in any form, or in accordance with any program, authorized by Federal law (including regulations), including in the form of—

''(A) a revolving loan fund;

''(B) a credit enhancement structure designed to mitigate the effects of default; or

''(C) a program that—

''(i) adopts any other approach for providing financing for energy efficiency upgrades producing significant energy efficiency gains; and

''(ii) incorporates measures for making the loan repayment system for recipient households as consumer-friendly as practicable.

''(4) SCOPE OF ASSISTANCE.—Assistance provided by an eligible entity under this subsection may be used to pay for costs associated with carrying out an energy efficiency upgrade, including materials and labor.

''(5) ADDITIONAL ASSISTANCE.—In addition to the amount of the loan provided to an eligible entity by the Secretary under subsection (b), the eligible entity or program entity, as applicable, may provide to recipient households such assistance under this subsection as the eligible entity or program entity considers to be appropriate from any other funds of the eligible entity or program entity, including funds provided to the eligible entity by the Secretary for administrative costs pursuant to this section.

''(6) LIMITATIONS.—

''(A) INTEREST RATES.—

''(i) INTEREST CHARGED BY ELIGIBLE ENTITIES.—The interest rate charged by an eligible entity on assistance provided under this subsection—

''(I) shall be fixed; and

''(II) shall not exceed the interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(ii) INTEREST CHARGED BY PROGRAM ENTITIES.—A program entity that receives funding from an eligible entity under this subsection for the purpose of capitalizing a residential energy efficiency financing program may charge interest on any loan provided by

the program entity at a fixed rate that is as low as practicable, but not more than 5 percent more than the applicable interest rate paid by the eligible entity to the Secretary under subsection (d)(2).

''(B) NO PENALTY ON EARLY REPAYMENT.—An eligible entity or program entity, as applicable, shall not assess any penalty for early repayment by any recipient household to the eligible entity or program entity, as applicable.

''(f) REPORTS.—

''(1) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—Not later than 2 years after the date of receipt of the loan, and annually thereafter for the term of the loan, an eligible entity that receives a loan under this section shall submit to the Secretary a report describing the performance of each program and activity carried out using the loan, including anonymized loan performance data.

''(B) REQUIREMENTS.—The Secretary, in consultation with eligible entities and other stakeholders (such as lending institutions and the real estate industry), shall establish such requirements for the reports under this paragraph as the Secretary determines to be appropriate—

''(i) to ensure that the reports are clear, consistent, and straightforward; and

''(ii) taking into account the reporting requirements for similar programs in which the eligible entities are participating, if any.

''(2) SECRETARY.—The Secretary shall submit to Congress and make available to the public—

''(A) not less frequently than once each year, a report describing the performance of the program under this section, including a synthesis and analysis of the information provided in the reports submitted to the Secretary under paragraph (1)(A); and

''(B) on termination of the program under this section, an assessment of the success of, and education provided by, the measures carried out by eligible entities during the term of the program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $37,500,000 for energy advisor programs;

''(2) $25,000,000 for administrative and general financial support costs to the Secretary of carrying out this section; and

''(3) $37,500,000 for administrative costs to States in carrying out this section.''.

(b) REORGANIZATION.—

(1) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(A) by redesignating sections 362, 363, 364, 365, and 366 as sections 364, 365, 366, 363, and 362, respectively, and moving the sections so as to appear in numerical order;

(B) in section 362 (as so redesignated)—

(i) in paragraph (3)(B)(i), by striking ''section 367, and'' and inserting ''section 367 (as in effect on the day before the date of enactment of the State Energy Efficiency Programs Improvement Act of 1990 (42 U.S.C. 6201 note; Public Law 101–440)); and''; and

(ii) in each of paragraphs (4) and (6), by striking ''section 365(e)(1)'' each place it appears and inserting ''section 363(e)(1)'';

(C) in section 363 (as so redesignated)—

(i) in subsection (b), by striking ''the provisions of sections 362 and 364 and subsection (a) of section 363'' and inserting ''sections 364, 365(a), and 366''; and

(ii) in subsection (g)(1)(A), in the second sentence, by striking ''section 362'' and inserting ''section 364''; and

(D) in section 365 (as so redesignated)—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''section 362,'' and inserting ''section 364;''; and

(II) in paragraph (2), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''; and

(ii) in subsection (b)(2), in the matter preceding subparagraph (A), by striking ''section 362(b) or (e)'' and inserting ''subsection (b) or (e) of section 364''.

(2) CONFORMING AMENDMENTS.—Section 391 of the Energy Policy and Conservation Act (42 U.S.C. 6371) is amended—

(A) in paragraph (2)(M), by striking ''section 365(e)(2)'' and inserting ''section 363(e)(2)''; and

(B) in paragraph (10), by striking ''section 362 of this Act'' and inserting ''section 364''.

(3) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94–163) is amended by striking the items relating to part D of title III and inserting the following:

''PART D—STATE ENERGY CONSERVATION PROGRAMS

''Sec. 361. Findings and purpose.
''Sec. 362. Definitions.
''Sec. 363. General provisions.
''Sec. 364. State energy conservation plans.
''Sec. 365. Federal assistance to States.
''Sec. 366. State energy efficiency goals.
''Sec. 367. Loans for residential building energy efficiency upgrades.''.

SEC. 502. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013; and

''(5) $124,000,000 for each of fiscal years 2014 through 2018.''.

SA 3053. Mr. KING submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 3 and 4, insert the following:

SEC. 152. CREDITS RELATING TO BIOMASS PROPERTY.

(a) RESIDENTIAL ENERGY-EFFICIENT PROPERTY CREDIT FOR BIOMASS FUEL PROPERTY EXPENDITURES.—

(1) ALLOWANCE OF CREDIT.—Subsection (a) of section 25D is amended—

(A) by striking ''and'' at the end of paragraph (4),

(B) by striking the period at the end of paragraph (5) and inserting '', and'', and

(C) by adding at the end the following new paragraph:

''(6) 30 percent of the qualified biomass fuel property expenditures made by the taxpayer during such year.''.

(2) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURES.—Subsection (d) of section 25D is amended by adding at the end the following new paragraph:

''(6) QUALIFIED BIOMASS FUEL PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified biomass fuel property expenditure' means an expenditure for property—

''(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

''(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

''(B) BIOMASS FUEL.—For purposes of this section, the term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues, plants (including aquatic plants), grasses, residues, and fibers. Such term includes densified biomass fuels such as wood pellets.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2013.

(b) INVESTMENT TAX CREDIT FOR BIOMASS HEATING PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking ''or'' at the end of clause (vi), by inserting ''or'' at the end of clause (vii), and by inserting after clause (vii) the following new clause:

''(viii) open-loop biomass (within the meaning of section 45(c)(3)) heating property, including boilers or furnaces which operate at thermal output efficiencies of not less than 65 percent (measured by the higher heating value of the fuel) and which provide thermal energy in the form of heat, hot water, or steam for space heating, air conditioning, domestic hot water, or industrial process heat, but only with respect to periods ending before January 1, 2017,''.

(2) 30 PERCENT AND 15 PERCENT CREDITS.—

(A) IN GENERAL.—Subparagraph (A) of section 48(a)(2) is amended—

(i) by redesignating clause (ii) as clause (iii),

(ii) by inserting after clause (i) the following new clause:

''(ii) except as provided in clause (i)(V), 15 percent in the case of energy property described in paragraph (3)(A)(viii), and'', and

(iii) by inserting ''or (ii)'' after ''clause (i)'' in clause (iii), as so redesignated.

(B) INCREASED CREDIT FOR GREATER EFFICIENCY.—Clause (i) of section 48(a)(2)(A) is amended by striking ''and'' at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

''(V) energy property described in paragraph (3)(A)(viii) which operates at a thermal output efficiency of not less than 80 percent (measured by the higher heating value of the fuel),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SA 3054. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

Subtitle E—Technical Assistance Program

SEC. 241. SHORT TITLE.

This title may be cited as the ''Local Energy Supply and Resiliency Act of 2014''.

SEC. 242. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) a quantity of energy that is more than—

(A) 27 percent of the total energy consumption in the United States is released from power plants in the form of waste heat; and

(B) 36 percent of the total energy consumption in the United States is released from power plants, industrial facilities, and other buildings in the form of waste heat;

(2) waste heat can be—

(A) recovered and distributed to meet building heating or industrial process heating requirements;

(B) converted to chilled water for air conditioning or industrial process cooling; or

(C) converted to electricity;

(3) renewable energy resources in communities in the United States can be used to meet local thermal and electric energy requirements;

(4) use of local energy resources and implementation of local energy infrastructure can strengthen the reliability and resiliency of energy supplies in the United States in response to extreme weather events, power grid failures, or interruptions in the supply of fossil fuels;

(5) use of local waste heat and renewable energy resources—

(A) strengthens United States industrial competitiveness;

(B) helps reduce reliance on fossil fuels and the associated emissions of air pollution and carbon dioxide;

(C) increases energy supply resiliency and security; and

(D) keeps more energy dollars in local economies, thereby creating jobs;

(6) district energy systems represent a key opportunity to tap waste heat and renewable energy resources;

(7) district energy systems are important for expanding implementation of combined heat and power systems because district energy systems provide infrastructure for delivering thermal energy from a CHP system to a substantial base of end users;

(8) district energy systems serve institutions of higher education, hospitals, airports, military bases, and downtown areas;

(9) district energy systems help cut peak power demand and reduce power transmission and distribution system constraints by—

(A) shifting power demand through thermal storage;

(B) generating power near load centers with a CHP system; and

(C) meeting air conditioning demand through the delivery of chilled water produced with heat generated by a CHP system or other energy sources;

(10) evaluation and implementation of district energy systems—

(A) is a complex undertaking involving a variety of technical, economic, legal, and institutional issues and barriers; and

(B) often requires technical assistance to successfully navigate those barriers; and

(11) a major constraint to the use of local waste heat and renewable energy resources is a lack of low-interest, long-term capital funding for implementation.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the use and distribution of waste heat and renewable thermal energy—

(A) to reduce fossil fuel consumption;

(B) to enhance energy supply resiliency, reliability, and security;

(C) to reduce air pollution and greenhouse gas emissions;

(D) to strengthen industrial competitiveness; and

(E) to retain more energy dollars in local economies; and

(2) to facilitate the implementation of a local energy infrastructure that accomplishes the goals described in paragraph (1) by—

(A) providing technical assistance to evaluate, design, and develop projects to build local energy infrastructure; and

(B) facilitating low-cost financing for the construction of local energy infrastructure though the issuance of loan guarantees.

SEC. 243. DEFINITIONS.

In this title:

(1) COMBINED HEAT AND POWER SYSTEM.—The term ''combined heat and power system'' or ''CHP system'' means generation of electric energy and heat in a single, integrated system that meets the efficiency criteria in clauses (ii) and (iii) of section 48(c)(3)(A) of the Internal Revenue Code of 1986, under which heat that is conventionally rejected is recovered and used to meet thermal energy requirements.

(2) DEMAND RESPONSE.—The term ''demand response'' means a change in electricity use by an electric utility customer, as measured against the usual consumption pattern of the consumer, in response to—

(A) a change in the price of electricity during a given period of time; or

(B) an incentive payment designed to induce lower electricity use when—

(i) wholesale market prices are high; or

(ii) system reliability is jeopardized.

(3) DISTRICT ENERGY SYSTEM.—The term ''district energy system'' means a system that provides thermal energy to buildings and other energy consumers from 1 or more plants to individual buildings to provide space heating, air conditioning, domestic hot water, industrial process energy, and other end uses.

(4) LOCAL ENERGY INFRASTRUCTURE.—The term ''local energy infrastructure'' means a system that—

(A) recovers or produces useful thermal or electric energy from waste energy or renewable energy resources;

(B) generates electricity using a combined heat and power system;

(C) distributes electricity in microgrids;

(D) stores thermal energy; or

(E) distributes thermal energy or transfers thermal energy to building heating and cooling systems via a district energy system.

(5) MICROGRID.—The term ''microgrid'' means a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that—

(A) acts as a single controllable entity with respect to the grid; and

(B) can connect and disconnect from the grid to enable the microgrid to operate in both grid-connected or island-mode.

(6) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' means —

(A) closed-loop and open-loop biomass (as defined in paragraphs (2) and (3), respectively, of section 45(c) of the Internal Revenue Code of 1986);

(B) gaseous or liquid fuels produced from the materials described in subparagraph (A);

(C) geothermal energy (as defined in section 45(c)(4) of such Code);

(D) municipal solid waste (as defined in section 45(c)(6) of such Code); or

(E) solar energy (which is used, undefined, in section 45 of such Code).

(7) RENEWABLE THERMAL ENERGY.—The term ''renewable thermal energy'' means—

(A) heating or cooling energy derived from a renewable energy resource;

(B) natural sources of cooling such as cold lake or ocean water; or

(C) other renewable thermal energy sources, as determined by the Secretary.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(9) THERMAL ENERGY.—The term ''thermal energy'' means—

(A) heating energy in the form of hot water or steam that is used to provide space heating, domestic hot water, or process heat; or

(B) cooling energy in the form of chilled water, ice or other media that is used to provide air conditioning, or process cooling.

(10) WASTE ENERGY.—The term ''waste energy'' means energy that—

(A) is contained in—

(i) exhaust gas, exhaust steam, condenser water, jacket cooling heat, or lubricating oil in power generation systems;

(ii) exhaust heat, hot liquids, or flared gas from any industrial process;

(iii) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(iv) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat;

(v) condenser water from chilled water or refrigeration plants; or

(vi) any other form of waste energy, as determined by the Secretary; and

(B)(i) in the case of an existing facility, is not being used; or

(ii) in the case of a new facility, is not conventionally used in comparable systems.

SEC. 244. TECHNICAL ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to disseminate information and provide technical assistance, directly through the establishment of 1 or more clean energy application centers or through grants so that recipients may contract to obtain technical assistance, to assist eligible entities in identifying, evaluating, planning, and designing local energy infrastructure.

(2) TECHNICAL ASSISTANCE.—The technical assistance under paragraph (1) shall include assistance with 1 or more of the following:

(A) Identification of opportunities to use waste energy or renewable energy resources.

(B) Assessment of technical and economic characteristics.

(C) Utility interconnection.

(D) Negotiation of power and fuel contracts, including assessment of the value of demand response capabilities.

(E) Permitting and siting issues.

(F) Marketing and contract negotiations.

(G) Business planning and financial analysis.

(H) Engineering design.

(3) INFORMATION DISSEMINATION.—The information disseminated under paragraph (1) shall include—

(A) information relating to the topics identified in paragraph (2), including case studies of successful examples; and

(B) computer software for assessment, design, and operation and maintenance of local energy infrastructure.

(b) ELIGIBLE ENTITY.—Any nonprofit or for-profit entity shall be eligible to receive assistance under the program established under subsection (a).

(c) ELIGIBLE COSTS.—On application by an eligible entity, the Secretary may award a grant to the eligible entity to provide amounts to cover not more than—

(1) 100 percent of the cost of initial assessment to identify local energy opportunities;

(2) 75 percent of the cost of feasibility studies to assess the potential for the implementation of local energy infrastructure;

(3) 60 percent of the cost of guidance on overcoming barriers to the implementation of local energy infrastructure, including financial, contracting, siting, and permitting issues; and

(4) 45 percent of the cost of detailed engineering of local energy infrastructure.

(d) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring technical assistance under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require under the rules and procedures adopted under subsection (f).

(2) APPLICATION PROCESS.—The Secretary shall solicit applications for technical assistance under this section—

(A) on a competitive basis; and

(B) on a periodic basis, but not less frequently than once every 12 months.

(e) PRIORITIES.—In evaluating projects, the Secretary shall give priority to projects that have the greatest potential for—

(1) maximizing elimination of fossil fuel use;

(2) strengthening the reliability of local energy supplies and boosting the resiliency of energy infrastructure to the impact of extreme weather events, power grid failures, and interruptions in supply of fossil fuels;

(3) minimizing environmental impact, including regulated air pollutants, greenhouse gas emissions, and use of ozone-depleting refrigerants;

(4) facilitating use of renewable energy resources;

(5) increasing industrial competitiveness; and

(6) maximizing local job creation.

(f) RULES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall adopt rules and procedures for the administration of the program established under this section, consistent with the provisions of this title.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2014 through 2018, to remain available until expended.

SEC. 245. LOAN GUARANTEES FOR LOCAL ENERGY INFRASTRUCTURE.

(a) ASSURANCE OF REPAYMENT.—Section 1702(d) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

''(2) LOCAL ENERGY INFRASTRUCTURE DOCUMENTATION.—No guarantee shall be made for local energy infrastructure unless the borrower submits to the Secretary—

''(A) an independent engineering report, prepared by an engineer with experience in the industry and familiarity with similar projects, that includes detailed information on—

''(i) how the technology to be employed in the project is a proven, commercial technology;

''(ii) project siting;

''(iii) engineering and design;

''(iv) permitting and environmental compliance;

''(v) testing and commissioning; and

''(vi) operations and maintenance;

''(B) a detailed description of the overall financial plan for the proposed project, including all sources and uses of funding, equity and debt, and the liability of parties associated with the project over the term of the guarantee agreement;

''(C) all applicable financial statements of the borrower and any non-Federal parties providing financial assistance to the borrower, which shall have been audited by an independent certified public accountant;

''(D) the business plan on which the project is based and a financial model presenting project pro forma statements for the proposed term of the guarantee, including income statements, balance sheets, and cash flows;

''(E) a copy of any power purchase agreement, thermal energy purchase agreement, and other long-term offtake or revenue-generating agreement that will be the primary source of revenue for the project, including repayment of the debt obligations for which a guarantee is sought; and

''(F) a list of each engineering and design contractor, construction contractor, and equipment supplier for the project, as well as any performance guarantee, performance bond, liquidated damages provision, and equipment warranty to be provided.''.

(b) ELIGIBLE PROJECTS.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended—

(1) in subsection (b), by adding at the end the following:

''(11) Local energy infrastructure, as defined in section 243 of the Local Energy Supply and Resiliency Act of 2014.''; and

(2) by adding at the end the following:

''(f) SPECIAL RULES FOR LOCAL ENERGY INFRASTRUCTURE.—

''(1) IN GENERAL.—Subsection (a)(2) shall not apply to a project described in subsection (b)(11).

''(2) REQUIREMENTS FOR LOAN GUARANTEE.—A loan guarantee shall only be made available for a project described in subsection (b)(11) to the extent specifically provided for in advance by an appropriations Act enacted after the date of enactment of the Local Energy Supply and Resiliency Act of 2014.''.

SEC. 246. DEFINITION OF INVESTMENT AREA.

Section 103(16) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(16)) is amended—

(1) in subparagraph (A)(ii), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) has the potential for implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2014).''.

SEC. 247. STATE ENERGY CONSERVATION PLANS.

Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking ''and'' at the end;

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

''(17) programs to support the evaluation and implementation of local energy infrastructure (as defined in section 243 of the Local Energy Supply and Resiliency Act of 2014).''.

Strike section 501 and insert the following:

SEC. 501. OFFSET.

Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $200,000,000 for fiscal year 2013;

''(5) $180,000,000 for fiscal year 2014;

''(6) $130,000,000 for fiscal year 2015; and

''(7) $80,000,000 for each of fiscal years 2016 through 2018.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, May 13, 2014, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Dr. Suzette M. Kimball, to be Director of the United States Geological Survey; Mr. Estevan R. Lopez, to be Commissioner of Reclamation; and Dr. Monica C. Regalbuto, to be an Assistant Secretary of Energy, Environmental Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Sallie_Derr@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Sallie Derr at (202) 224–6836.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, May 14, 2014, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building to mark-up S. ____, The Strong Start for America's Children Act; the nomination of R. Jane Chu, of Missouri, to serve as Chairperson of the National Endowment for the Arts; as well as any additional nominations cleared for action.

For further information regarding this meeting, please contact the Committee at (202) 224–5375.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, ''Online Advertising and Hidden Hazards to Consumer Security and Data Privacy.'' The Subcommittee will be examining consumer security and data privacy in the online advertising industry, an investigation led by Senator MCCAIN. Specifically, the Subcommittee is investigating data collection processes and security vulnerabilities that have inflicted significant costs on Internet users and American businesses. Witnesses will include representatives of the online advertising industry and an online self-regulatory organization, an online advertising expert, as well as a representative from the Federal Trade Commission. A witness list will be available Monday, May 12, 2014.

The Subcommittee hearing has been scheduled for Thursday, May 15, 2014, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224–9505.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will to meet on May 15, 2014, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Progress and Challenges: The State of Tobacco Use and Regulation in the U.S.''

For further information regarding this meeting, please contact Emily Schlichting of the committee staff on (202) 224–6840.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a Field Hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Saturday, May 17, 2014, at 10:30 a.m., at the Cypress Bend Conference Center in Many, LA.

The purpose of the hearing is to examine steps the federal government can take to increase the economic benefits of the Toledo Bend Project to the Northwest Louisiana region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Afton_Zaunbrecher@energy.senate.gov.

For further information, please contact Dan Adamson at (202) 224–2871 or Afton Zaunbrecher at (202) 224–5479.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, May 20, 2014, at 10:15 a.m.. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to consider the nominations of Ms. Cheryl A. LaFleur and Mr. Norman C. Bay, to be Members of the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Sallie_Derr@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Sallie Derr at (202) 224–6836

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m. in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''The State of U.S. Travel and Tourism: Industry Efforts to Attract 100 Million Visitors Annually.''

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

COMMITTEE ON FINANCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m. to conduct a hearing entitled ''Assessing Venezuela's Political Crisis: Human Rights Violations and Beyond.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, on May 8, 2014, at 10 a.m. in room SD–106 of the Dirksen Senate Office Building to conduct a hearing entitled ''Hearing on the nomination of the Secretary of Health and Human Services-Designate, Sylvia Mathews Burwell.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 8, 2014, at 10 a.m. to conduct a hearing entitled ''Identifying Critical Factors for Success in Information Technology Acquisitions.''

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

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 8, 2014, at 11:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 8, 2014, at 2:30 p.m.

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

SUBCOMMITTEE ON FINANCIAL AND CONTRACTING OVERSIGHT

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Subcommittee on Financial and Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 8, 2014, at 3 p.m. to conduct a hearing entitled, ''Waste and Abuse in Sponsorship and Marketing Contracts.''

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

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Sarah Groen, a State Department fellow in my office, be granted floor privileges for the remainder of this day.

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

Mr. MURPHY. Mr. President, I ask unanimous consent that an intern in my office, Kathryn Martucci, be granted floor privileges for the remainder of the calendar year.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to Ron Faibish of my staff during pendency of discussion on S. 2262.

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

REPEALING CERTAIN REQUIREMENTS REGARDING NEWSPAPER ADVERTISING OF SENATE STATIONERY CONTRACTS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 358, S. 2197.

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

The legislative clerk read as follows:

A bill (S. 2197) to repeal certain requirements regarding newspaper advertising of Senate stationery contracts.

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

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed 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 bill (S. 2197) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SENATE STATIONERY PROCEDURES.

(a) IN GENERAL.—Sections 65, 66, 67, and 68 of the Revised Statutes (2 U.S.C. 6569, 6570, 6571) are repealed.

(b) CONFORMING AMENDMENT.—The fifth paragraph after the paragraph under the side heading ''FOR CONTINGENT EXPENSES, NAMELY:'' under the subheading ''SENATE.'' under the heading ''LEGISLATIVE.'' of the Act of March 3, 1887 (24 Stat. 596, chapter 392; 2 U.S.C. 6572), is amended by striking ''sections, sixty-five, sixty six, sixty-seven, sixty-eight, and sixty-nine,'' and inserting ''section 69''.

AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. REID. Madam President, I ask unanimous consent that the Senate

proceed to the consideration of H. Con. Res. 83, which was received from the House and is at the desk.

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

The legislative clerk read as follows:

A bill (H. Con. Res. 83) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

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

Mr. REID. Madam President, I ask unanimous consent that the current resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (H. Con. Res. 83) was agreed to.

RECOGNIZING THE CONTRIBUTIONS OF TEACHERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 440.

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

The legislative clerk read as follows:

A resolution (S. Res. 440) recognizing the contributions of teachers to the civic, cultural, and economic well-being of the United States.

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

Mr. REID. Madam 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. 440) was agreed to.

The preamble was agreed to.

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

ORDERS FOR MONDAY, MAY 12, 2014

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 12, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 5:30 p.m. with Senators permitted to speak for up to 10 minutes each; that at 5:30 p.m., the Senate proceed to executive session under the previous order; and, finally, that the filing deadline for all second-degree amendments to S. 2262 be 4:30 p.m. Monday.

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

PROGRAM

Mr. REID. Madam President, I hope everyone has a good few days off. We are hopeful about next week. We have a lot to do. We had a couple of breakthroughs today, and maybe next week we can do a little more than this week.

On Monday there will be up to three rollcall votes at 5:30 p.m.

ADJOURNMENT UNTIL MONDAY, MAY 12, 2014, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Monday, May 12, 2014, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

PAMELA HARRIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE ANDRE M. DAVIS, RETIRED.

BRENDA K. SANNES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE NORMAN A. MORDUE, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES M. HOLMES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. MARK A. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROGER W. TEAGUE

CONFIRMATIONS

Executive nominations confirmed by the Senate May 8, 2014:

DEPARTMENT OF STATE

PAMELA K. HAMAMOTO, OF HAWAII, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF EDUCATION

THEODORE REED MITCHELL, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION.

THE JUDICIARY

INDIRA TALWANI, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS.

JAMES D. PETERSON, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN.

NANCY J. ROSENSTENGEL, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS.