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Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal Father, in a turbulent world filled with wars and rumors of war, be merciful and bless us.

May Your ways be known to our Senators, and may they seek Your guidance. Carry them in Your strong arms, enabling them to accomplish with Your might what they cannot do with their strength alone.

O God, summon Your might and display Your power in these challenging days of Earth's history. Use us to speak of Your majesty, power, and strength to those held captive by fear.

We pray in Your great Name. 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 2014.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER MURPHY, a Senator from the State of Connecticut, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

PROTECT WOMEN'S HEALTH FROM CORPORATE INTERFERENCE ACT OF 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 459, S. 2578, the Protect Women's Health From Corporate Interference Act.

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

The legislative clerk read as follows:

Motion to proceed to Calendar No. 459, S. 2578, a bill to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, if any, there will be a period of morning business until 6 p.m. this evening, with Senators permitted to speak therein for up to 10 minutes each. There will be no rollcall votes during today's session of the Senate. The reason for that is last week we were able to get a few things done. We were able to do some things around here the way we used to do them.

I know my Republican colleagues lament how things used to be. Well, I was there. I know how things used to be. One of the things we used to do is we would work out pieces of legislation, as we did on terrorism insurance. We have a number of people who worked hard on that: Chairman JOHNSON, Senator SCHUMER—he worked with Ranking Member CRAPO—and they came up with a way forward on an important piece of legislation. There will be some amendments. We will finish that legislation this week—very important, important to our country, important to our economy, important to the construction industry. So I was very happy to see that done. So there are no votes tonight, and that is the reason for that.

There will be no rollcall votes during today's session, as I mentioned. The next rollcall votes will be tomorrow at noon. Those will be two cloture votes on nominees to be members of the Federal Energy Regulatory Commission.

SUING THE PRESIDENT

Mr. President, the Republicans have made a decision on a lawsuit against President Obama. It is difficult to understand how they have become so desperate that now they are talking about: Our issue of the day is not the minimum wage. Our issue of the day is not that women and men get the same amount of money for doing the same work. The issue of the day is not the crippling debt that is staggering this country; that is, student loan debt. Extended unemployment benefits—that is nothing they are focused on. I could go through a long list of what is important to the middle class that they simply are ignoring. So what are they doing to solve the problems of this country? Suing the President.

Mr. President, listen to what they are suing him about. They have been broadcasting for weeks their intention to sue the President, but they just did not know why. That is what they said, not I. Now, after misstep after misstep after misstep, they know why they are suing the President; they want to litigate ObamaCare.

The Acting President pro tempore has done a remarkably good job of calling out Republican Senators when they come to the floor and make these ridiculously false statements, and I appreciate that. I think everybody in the country, if they do not, should appreciate what the junior Senator from Connecticut has done.

House Republicans have identified President Obama's delayed enforcement of employer obligations in the

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

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Affordable Care Act as the centerpiece of that frivolous lawsuit. This provision, which affects companies with 50 or more full-time employees, ensures that employers pay their fair share if their employees receive health subsidies. But listen to this: The irony, of course, is that this specific provision, which is in the bill that became law, came about as a result of the Republicans wanting to put it in the bill. Senator GRASSLEY, Senator ENZI, and former Senator Snowe—this was something they worked on with Senator Baucus and other Members to come up with this bill. They placed it in the bill. It became law.

Even more absurd is the fact that Republicans in Congress have long targeted this specific provision of comprehensive health reform. In fact, just after President Obama announced the delay of the employer provision, House Republicans voted on legislation to do the exact same thing—delay the so-called mandate. So they are suing the President of the United States because he did what they wanted him to do—delay the mandate.

Every word I have spoken I wrote down in my own handwriting. That is what they wanted to do. They wanted him to do this. He did it and they sued him for doing what they wanted him to do. They could have applauded him.

House Republicans are trying something worthy of daytime television's ''The People's Court'' on one of those channels you do not watch very much. There are a lot of court channels, but this would be one where you would really have to be desperate to watch. They would not put it on a channel that made any common sense.

So, to sum it up, Republicans create an employer obligation provision in the Affordable Care Act. The Affordable Care Act becomes law. Republicans vilify the employer provision they themselves authored. Republicans demand that the employer provision in ObamaCare be delayed. President Obama agrees to delay the employer provision, and House Republicans sue President Obama for delaying the employer provision. Is this weird? Is this weird? I can answer my own question. Yes, it is weird.

This is the behavior we have come to expect from the Republican Party that is determined to do one thing: undermine this President. No matter the issue, even when they ask him to do it, they oppose him on it. They sue him this time.

We have seen this so often in the Senate. It is not just in the House. Last week the Republicans filibustered a bill on which there were 26 Republican cosponsors. That is a new one. More than half of the Republican Senators put their names on a bill and then turned around and voted against it.

With this provision in the health care law, House Republicans are ignoring the fact that they gave President George W. Bush a pass for doing the exact same thing—delaying a specific provision of a congressionally passed health care law. Then President Bush, through Executive order, waived Medicare Part D penalties for seniors enrolled after the deadline. He did this by Executive order. Republican leadership in the House did not consider suing President Bush for his administration's delay of health care law. So they chose now to do this. Why? Because it is President Obama.

While Republicans accuse President Obama of Executive overreach, they neglect the fact that he has issued far fewer Executive orders than any two-term President in the last 50 years. President George W. Bush issued 291 Executive orders. President Clinton issued 364 Executive orders. President Reagan is the record holder; he issued 381 Executive orders. President Obama is not close to their records. He is 109 behind President Bush. He is 182 behind President Clinton. He is 199 behind President Reagan. What is the President's tally to date? As I have indicated, he is behind them all—an 8-year President. He has issued only 182.

Republicans' disdain for President Obama and health care reform has prevented them from accepting the obvious: ObamaCare is proving more and more successful every day. It seems as if every week—sometimes every other day—there is some new study or survey showing how good ObamaCare is, how it is helping American families.

Mr. President, the Commonwealth Fund:

> The uninsured rate for people ages 19 to 64 declined from 20 percent in the July-to-September 2013 period to 15 percent in the April-to-June 2014 period. An estimated 9.5 million fewer adults were uninsured.

That is big-time stuff.

> Young men and women drove a large part of the decline: the uninsured rate for 19-to-34-year-olds declined from 28 percent to 18 percent—

Remember when everybody said young people will run from this. They are not running from this. They are running to it—

> with an estimated 5.7 million fewer young adults uninsured.

That is so important. Because of the high cost of health care previously, young people—many of them—would not do it. Mr. President, 5.7 million more would not sign up for any kind of health insurance. And what happens? Young people do not realize they get very sick also. They get into accidents also. Bad things happen to young people, as they do to middle-aged and older people. And younger people are signing up for ObamaCare.

> By June, 60 percent of adults with new coverage through the marketplaces or Medicaid reported they had visited a doctor or hospital or filled a prescription; of these, 62 percent said they could not have accessed or afforded this care previously.

That is stunning. It is no wonder—it is no wonder—we have fewer and fewer Republicans coming down here giving these speeches about how bad ObamaCare is.

A Gallup survey: ''In U.S., Uninsured Rate Sinks to 13.4% in Second Quarter.'' This deals with millions of people.

> The uninsured rate in the U.S. fell 2.2 percentage points. . . .

When you have 300 million people, 2.2 percent is a lot of people.

> The previous low point was 14.4% in the third quarter of 2008.

So it is well below that.

The RAND Corporation: ''Changes in Health Insurance Enrollment Since 2013.''

> . . . . overall, we estimate that 9.3 million more people had health care coverage in March 2014, lowering the uninsured rate from 20.5 percent to 15.8 percent.

Stunningly important numbers.

So the evidence—not the shrill statements made by my colleagues over here bemoaning the fact of how terrible things are—all the evidence indicates that the Affordable Care Act is helping millions of Americans. You can say anything you want, but facts are nasty things. They are nasty to the point that they are factual. Do not believe all these crazy statements when there is no basis for it. It is helping—this ObamaCare—Democrats, Republicans, and Independents. It is helping residents of blue States, red States, and purple States.

How about the State of Kentucky, the home State of our Republican leader? Well over 400,000 Kentuckians have signed up for coverage through the Affordable Care Act. That is not a State with the population of Illinois or New York or California or Texas; it is a sparsely populated State.

Four hundred thousand Kentuckians have signed up for coverage. Even Republicans love it. The Commonwealth Fund that I referred to found that 74 percent of newly insured Republicans are happy with their ObamaCare health coverage, but instead of embracing the good that ObamaCare has done and working with Democrats to address any necessary fixes, Republicans would rather file a foolish and meritless lawsuit.

Is there anyone who believes this lawsuit has some basis? It is a sham—an effort to appease the tea party radicals in the House of Representatives. One Yale law professor was questioned on why the lawsuit is receiving so much media attention. Here is what he said: ''I see this every day now, being covered as if it's, as if it's somehow not a joke.'' It is a joke.

Another law professor from Harvard said: ''The lawsuit will almost certainly fail, and it should fail, for lack of any Congressional standing.'' Imagine how many lawsuits there would be if House Republicans could sue the President every time they disagreed with him about something—or some future President—but there is no reasoning with the radical Republicans in the House or the tea party-driven Members of the Senate.

House Republicans would rather waste taxpayer dollars than accept the

fact that their constituents, their very own neighbors, are benefiting from health care reform.

This is a phony trial that will come up. It is a show trial. It is what Republicans want.

I guess that is what they want, but if that is truly what they want, they should go talk to Judge Judy. I think she would throw this case out in half a second. The Congress is no place for inane, politically motivated litigation. I think Judge Judy would agree.

It is expensive and wasteful. It is wasting taxpayers' hard-earned money on something that is without any merit. Enough is enough. The fight over ObamaCare should be long since ended. The law is here to stay and, more importantly, newly insured Americans, all who have signed up, not only those who are newly insured but those who have signed up who had insurance before, want the law to stay just where it is.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

BAY NOMINATION

Mr. BARRASSO. Mr. President, I rise today to discuss the nomination of Norman Bay. President Obama has nominated Mr. Bay to be a commissioner of the Federal Energy Regulatory Commission, or FERC. The President has announced that if Mr. Bay is confirmed, his plan is to elevate Mr. Bay to the position of chairman of FERC. Over the past few months there has been much discussion about whether the President should have nominated Mr. Bay to be chairman, and I think there is very good reason to ask whether the President really should have nominated Mr. Bay at all.

In my view Mr. Bay is not qualified to be a commissioner, let alone to be chairman of FERC. Mr. Bay has only 5 years of working experience in the energy sector—a total of 5 years. This is less time than the Keystone XL Pipeline has been pending with the Obama administration.

During the nomination hearing, I specifically asked Mr. Bay about his lack of experience. In response, he cited his summer internship at a Department of Energy research facility during college—a summer internship during college. With all due respect, this man does not have the background, the qualifications, and certainly not the experience to take on this important role.

The President has nominated Mr. Bay to replace FERC's current chairman Cheryl LaFleur. In contrast to Mr. Bay, whom the President has nominated to replace Ms. LaFleur, Ms. LaFleur has over 25 years of experience in the energy sector. That includes 4 years as a commissioner of FERC and 7 months as the chairman of FERC. I don't often agree with Ms. LaFleur's policies, but you cannot deny that she is qualified to serve.

Mr. Bay's lack of experience is not the only reason I oppose his nomination. There are a number of outstanding factual disputes about Mr. Bay's tenure as the FERC's enforcement director. For example, there are serious allegations that the enforcement staff, during the time Mr. Bay has been in charge, has violated basic principles of due process. These allegations include the withholding of exculpatory evidence from subjects of FERC investigations.

In May the Energy Law Journal published an article by William Scherman, who was a former general counsel of FERC and by two other attorneys familiar with this situation, and they write: ''There is a wide-spread view that the FERC enforcement process has become lop-sided and unfair.''

They said that:

> One need only to observe the fact that Enforcement Staff denies, in case after case, the existence of exculpatory or exonerating materials . . . only to . . . produce a subset of those materials too late in the process to be of use . . . in raising defenses.

The authors explain that ''one of the fundamental principles of due process is that the government is not permitted to hide information from the accused that may aid in his or her defense.'' They say that ''[FERC] Enforcement Staff routinely fails to produce exculpatory documents''—routinely fails to produce exculpatory documents.

During Mr. Bay's nominating hearing, I asked him about these allegations. At first he denied the allegations were true, but then he stated he was ''not aware of any instance in which Enforcement Staff has failed to produce exculpatory materials.''

So I asked him to clarify his remarks. I asked him whether the allegations were true or not. He pled ignorance.

With all due respect, this answer is inexcusable. This is his staff doing his work under his direction. He should know whether they withheld the evidence from defendants.

There are not only questions about his commitment to due process, but there are also questions about the President's nominee on whether he or anyone else at FERC suggested that an enforcement action be settled in return for approval of a merger. So there are questions about whether an enforcement action should be settled in return for approving a merger.

The ranking member of the energy committee asked all about this during the nomination hearing. The ranking member of the committee asked Mr. Bay about the connection between FERC's enforcement settlement with Constellation Energy and FERC's approval of Constellation's merger with Exelon.

The ranking member noted that FERC settled with Constellation the day before—1 day before it approved a merger between Constellation and Exelon. In fact, the enforcement settlement, which Mr. Bay himself signed, specifically mentions the merger between these two. The ranking member of the Energy Committee asked Mr. Bay whether he is concerned about the appearance of a quid pro quo between the settlement agreement one day and the merger approval the next. Mr. Bay admitted he would be concerned.

The ranking member then asked if he or others suggested to FERC that Constellation should settle the enforcement action in order to get its merger approved. In response he said that ''[t]o the best of [his] recollection'' he didn't make such a suggestion and that he did not know what others at FERC—including his own staff—may have suggested.

With all due respect to Mr. Bay, his answer is, at best, hard to believe.

At the time FERC's enforcement settlement with Constellation was the largest enforcement settlement completed in the history of the agency. So they make this settlement, it is the largest enforcement settlement in the agency's history, and the next day they allow a merger which has created one of the Nation's largest utilities. Are we really to believe that Mr. Bay doesn't remember what he or others at FERC said to Constellation? Can we really believe that?

I believe the energy committee or some other independent entity should get answers to these and other questions surrounding Mr. Bay's record before we decide—this Senate—to confirm and promote him.

I know that some Senate Democrats are nervous about voting for Mr. Bay—and I believe rightfully so. These Senate Democrats have said they will vote for Mr. Bay only because they believe a so-called deal was cut with President Obama. Specifically, they say the President will allow Ms. LaFleur to continue serving as chairman for 9 months after her confirmation.

The President hasn't put it in writing, hasn't really told all of the Members that. And even if the President had, this is no way for the Senate to be able to enforce it. The truth is this is

a gimmick, and it is a gimmick invented specifically by Senate Democrats so they can once again avoid standing up to President Obama and the Senate majority leader.

Let's be clear about what President Obama is asking the Senate to do. The President is asking the Senate to demote Cheryl LaFleur from being chairman—she is a highly qualified woman, a Democrat with over 25 years of experience in energy and 4 years of experience as a commissioner of FERC—in order to promote an unqualified man.

Why should the Senate do this?

The Senate majority leader put it this way in the Wall Street Journal. He said: I don't want her. ''I don't want her as chair.'' He said: ''She has done some stuff to do away with some of [Chairman] Wellinghoff's stuff.'' This is the majority leader of the Senate: ''I don't want her as chair.''

In short the President and the Senate majority leader want a rubber stamp. By all indications, they will get that with Mr. Bay.

On May 20, during his confirmation hearing, Mr. Bay admitted that he wasn't even following EPA regulations and their impact on electric reliability in this country. Two weeks later on June 4, in response to written questions, he stated the EPA's regulations are ''manageable.'' Well, either he is an exceptionally quick study or he doesn't take electric reliability seriously.

FERC is an independent agency. It needs a highly qualified leader, a leader whose record is beyond reproach, a leader who will resist political interference from the White House and the majority leader, and Mr. Bay is not that individual.

For these reasons, I am voting against Mr. Bay and urge all Members to do the same.

I yield the floor, and 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.

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

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

REMEMBERING CHIEF STEPHEN SAVAGE

Ms. AYOTTE. Mr. President, I rise today to pay tribute to a wonderful man, Stephen Savage, the chief of the Plaistow Police Department, who passed away on Friday after a 3-year battle with cancer. We are deeply saddened by the loss of Chief Savage, a beloved member of the Plaistow community, who dedicated his life to serving his fellow citizens.

For Steve, family came first. He was a devoted father, husband, and brother. We hold his wife Kristin and their sons Billy and Michael in our hearts, and we will keep them in our prayers. We share in their grief and we will be there to support and comfort them during the difficult weeks ahead.

From a young age Steve was called to serve, and he answered that call. After graduating from Stevens High School in Claremont, NH, in 1965, he enlisted in the Air Force and served our country in Vietnam. He obtained the rank of sergeant and earned several commendations for his military service. Steve was a very patriotic person.

After returning from Vietnam, Steve went on to earn a degree in criminal justice from Northeastern University. He joined the Newport, NH, police department in 1969. That was the beginning of an exceptional career in law enforcement which would span more than 40 years—including positions with the Drug Enforcement Administration and the Baltimore, MD, Police Department.

After coming home to his beloved State of New Hampshire in 1977, Steve was named chief of police in Haverhill, NH. He served as police chief in Haverhill until 1986, when he was appointed police chief in Plaistow, NH. Steve served as police chief in Plaistow for 28 years. He was the longest serving police chief in Plaistow's history.

In Plaistow Steve was a friend to all and was a constant presence at the local ballfield where he coached baseball and volunteered his time with Friends of Plaistow Recreation.

In addition to all of his responsibilities as police chief, Steve was a highly respected leader in our State's law enforcement community. He served as past president of the New Hampshire Chiefs of Police Association, where I had the privilege of working with him when I was attorney general. He served as president of the Rockingham County Chiefs of Police Association and as a member of many law enforcement organizations.

Steve was a great leader, and he was so well respected by all members of law enforcement throughout New Hampshire. His talent, dedication, and expertise helped set a gold standard of excellence for New Hampshire law enforcement. In a fitting tribute just a few weeks ago, the Plaistow Police Department named its tactical training center in Steve's honor, ensuring that his legacy will not be forgotten by the people of Plaistow or the people of New Hampshire.

He touched so many lives during his distinguished career, and one of them was mine. I had the privilege of getting to know Steve, Kristin, and his family when I served as attorney general for the State of New Hampshire.

Steve was such a kind, compassionate person and devoted to serving others. He was a man with a big heart. He had a vibrant personality that would light up a room and a great sense of humor that never faded despite his diagnosis. I was so proud to call Steve Savage my friend. I feel fortunate to have known him, and I will treasure our friendship always.

There is so much I admired about Steve Savage. He worked tirelessly to keep his community safe. When he was diagnosed with cancer 3 years ago, he didn't let up. He just kept going, spending every moment he could with his family while also continuing to lead the police department and taking part in the community activities he enjoyed. In fact, in May he served as grand marshal for the Plaistow's Memorial Day parade.

Steve and his family—and particularly his wife Kristin—faced his illness with such inspiring courage. As we know, cancer hits so many people. They found a way to turn what was a tragedy in their family into a good cause to help others. The Savage family and the Pollard School worked together to organize the Run of the Savages, a 5K run to benefit the Dana Farber Cancer Center and the Jimmy Fund.

Even in sickness Steve wanted to help others fighting the disease, a profound reflection of his generous and caring spirit. I know the Run of the Savages will continue, and I will certainly run in it again. It is a reflection of how much the Savage family has given back to the community and what an inspiration Steve's life can be for others facing the horrible disease of cancer.

Steve was determined to live life to the fullest, and he did so right up to the very end. Our State lost a truly great public servant with the passing of Steve Savage, New Hampshire's law enforcement community lost a brother, and so many of us lost a great friend.

The Savage family has lost a loving dad and our hearts ache for Kristin, Billy, and Michael. We will continue to keep them in our prayers and stand with them during this difficult time. They are an amazing family.

Steve went beyond the call of duty in everything he did as a father, as a police chief, and as a friend. And because of Steve, New Hampshire is a better place. I feel honored to have known him. His legacy will live on through all of those lives he touched. We will forever honor his memory, and we will continue to be there to support Kristin, Billy, and Michael. We are just thankful that someone such as Steve Savage came to serve our State and has been a friend to so many of us.

Thank you, Mr. President.

ORDER OF PROCEDURE

I ask unanimous consent that the time in the quorum call be charged equally to both sides of the aisle.

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

Ms. AYOTTE. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST

Mr. NELSON. I ask unanimous consent that I be able to display in the course of my speech some small bottles of liquid that will demonstrate what I am talking about today.

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

E-CIGARETTES

Mr. NELSON. Madam President, I wish to show us these innocent-looking small bottles with an eye dropper of three types of liquid. This is liquid nicotine. The eye droppers are used to put that into the cartridges for electronic cigarettes, otherwise known as e-cigarettes. There are some versions that look the size of a cigarette that already have the liquid nicotine contained in them, but there are many flavors that are otherwise contained in these kinds of dispensers.

When our commerce committee had a hearing on e-cigarettes, I asked the question: Are these childproof? The answer was: No.

I asked the question: If these are not childproof, is the concentration of nicotine in these sufficient that it could harm a child? The answer was: Yes.

As a matter of fact, there are varying degrees of concentration of liquid nicotine in these bottles, but some of them are as concentrated as 540 milligrams of liquid nicotine. If a small child got into these bottles, which are not childproof, and ingested this, that child would either be deathly ill or dead. If that child gets into it and it spills on that child, it will be absorbed through the skin and likewise, according to the concentration of the nicotine, the child will be very ill.

Obviously, when we had the commerce committee hearing on e-cigarettes, I asked the question—once they said these are not childproof—of the e-cigarette industry, which was represented at the witness panel: Do you have any objection? They said: No.

So last Thursday a group of Senators filed a bill that will require the Consumer Product Safety Commission to start and adopt a rule that will cause these to be sold in childproof containers. This is a no-brainer. This is common sense.

Why hasn't it been addressed before? It defies common sense because of the danger to children. Already, in this year 2014, between January and the end of May, there were almost 2,000 calls for liquid nicotine poisoning to the poison centers around the country—just in that 5-month period. We already have a recorded incident 1 year ago or so of one child having been killed. This ought to be not only a no-brainer, it ought to fly through this Congress and get the CPSC to get on with regulating it administratively.

What is another reason? Well, look what this one is called, with a picture, Banana; this one is Naked Peach; this one is Juice E Juice. Appealing to kids? How about Banana Split or Cotton Candy or Kool-Laid Grape or Skittles or Sweet Tart or Gummi Bear or Fruity Loops or Rocket Pop or Hawaiian Punch? That is what is going on.

There happens to be a part of government that is supposed to try to protect the public from danger. This is obviously something that ought to be done.

There is a larger question, and that is the question of e-cigarettes. That is not the subject of this legislation. With all due haste, the CPSC—and, oh, by the way, why the CPSC instead of the Food and Drug Administration? Because the Consumer Product Safety Commission is vested with the authority to create container packaging and safety packaging. So if Tylenol is childproof in its packaging, if Drano is, if any other obvious item that you want to childproof is, then we best have this done and done fast. The Consumer Product Safety Commission is the way to do it.

I hope by the attention this received in the hearing 2 or 3 weeks ago, plus the fact of a group of Senators now coming together and filing this legislation, the CPSC isn't going to wait around until we pass it, but it will get on with the problem.

There is a larger question. This is on an additional but related issue, and that is the advisability of e-cigarettes and the way they are being marketed.

As a matter of fact, on e-cigarettes there is some packaging where it looks like a white cigarette. Guess what is happening. It is now like we have seen this movie before. This is a rerun of what went on 20 years ago when, finally, because of tobacco products, the advertising on television and radio was banned by law because it was geared at getting young people hooked on tobacco. There were very attractive young models who were shown smoking cigarettes, wonderfully beautiful backgrounds on the television and the beautiful music on radio, and, indeed, there were advertisements with cartoons aimed at what? It came out in all of the tobacco wars that these were aimed at young people, getting them hooked on tobacco so they would be lifelong tobacco smokers and it would be tough to kick the habit. So a couple of decades ago we went through that fight and we banned the television and radio advertising of tobacco.

Well, guess what is happening now—beautiful and handsome models with the e-cigarette, cartoons aimed at young people with e-cigarettes. So another question this Senate should consider is banning the advertising that is obviously directed at young people to try to get them hooked on this nicotine product so that it is so hard for them to get off of the nicotine addiction over the course of time.

I can tell you that the commerce committee is going to stay on this, and the first thing we can do is give a little sweet talk to the CPSC to get moving on the regulatory process of a rule to require the childproof packaging of this liquid nicotine. The next thing down the road is to stop the advertising that is being aimed directly at young people on the whole issue of electronic cigarettes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FLORIDA'S EVERGLADES

Mr. NELSON. Madam President, I am just busting out with ideas I wish to discuss with the Senate. Since we don't have any other Senators standing in line, I will share where I have been today and what is of urgency for the environmental community and particularly the Environmental Protection Agency in the Federal Government.

We have been spending hundreds of billions of dollars to restore the Florida Everglades. This is a natural resource that is unique in all of the world, and its environmental effects are felt far beyond Florida and the United States—indeed, on the entire planet. It is a source of water that starts southwest of Orlando in a little creek called Shingle Creek and flows south through the Kissimmee chain of lakes, into the Kissimmee River, into Lake Okeechobee, the big lake in southern Florida. From there the water then flows further to the south in what is termed the River of Grass—the Florida Everglades. From there it moves very slowly through all of that grass, and it eventually ends up on the southern tip of the peninsula in Florida Bay by the Florida Keys or to the southwest of Florida, coming out through what is an area known as the Shark River Slough into the Gulf of Mexico. It is a unique natural resource.

I once had Senator BARBARA BOXER, the chairman of the environment committee, down there.

We travel in the Everglades in an airboat since there is little depth to the water. Of course, it is all watered grass. You skim across the top of the water in an airboat propelled by a big airplane propeller.

As we took Senator BOXER across this River of Grass, in the midst of what looked like a meadow in front of the airboat, suddenly she saw a doe and her fawn going through the meadow. Only this time they were obviously not in a meadow; they were in water, and they were splashing in the water as they leapt away from the airboat.

It is a unique environmental, ecological treasure with so many endangered species there, and it is a discussion for another day, how invasive species are upsetting the ecological balance, such as the imported Burmese python,

which can get up to 20 feet long. Indeed, one that was 18 feet 8 inches was caught 6 months ago. Of course, they are at the top of the food chain. They attack alligators. The fur-bearing animals in the Everglades have diminished in population because they are being consumed by these beasts that have a ravenous appetite. But that is a subject for another day.

Hundreds of billions of dollars has been spent to restore it, restoring it to correct a mistake of mankind over the course of the last century when, after the huge hurricane in the 1920s that drowned 2,000 people in the Lake Okeechobee area, the whole idea was flood control: When it floods, get the water off the land. Send it to tidewater—the Atlantic in the east, the Gulf of Mexico in the west. But that messed around with Mother Nature, and as a result the whole of the Everglades started to dry up.

Fortunately, a lot of forward-thinking people—and I am merely a steward who has come along at the right time, at the right place—have continued this effort—the Corps of Engineers, the EPA, so many of the agencies of government, Cabinet Secretaries, such as Ken Salazar at the Department of the Interior, the Department of Agriculture Secretary. It goes on and on. The effort as a 50/50 partnership in funding this restoration has been partnered by the State of Florida and the U.S. Government, and it continues.

Alas, there is now oil drilling in the Everglades. The subject of today's meeting in Fort Myers, FL, was to gather a very courageous county commission from Collier County, their chairman, and representatives of the community, to come in to educate me on the aspects of drilling and the recent brouhaha between the State environmental agency and the Texas wildcatter, the Dan A. Hughes Company; they started fracking without the proper permits and without revealing the mechanism and the material they were using to frack.

Of course, most people have heard of fracking, but we hear of it in terms of North Dakota or Oklahoma or Texas or Pennsylvania. But Florida is not built on that kind of substrate where they are going in and breaking up that rock in the fracking to release oil and natural gas, which has now made us such a tremendous producer of both of those in the United States. No, Florida is on a different type of substrate. It is built on a honeycomb of limestone that supports the surface by it being filled with freshwater. It is not those solid rocks where the fracking for oil and gas is being done and with the high jets with chemicals breaking up that rock to release the natural gas. No, this is porous limestone formed millions of years ago by the shelled critters that ultimately fossilized. It is this honeycomb being supported by freshwater that is the substructure of the State of Florida. So we don't have any idea what this fracking is going to do not only to the quality of the water but also to the very support structure for the State.

Now, lo and behold, there are attempts for permits to drill in the 250,000-acre Big Cypress Federal preserve, which is part of the Everglades but is adjacent to the Everglades National Park. Therefore, it is time for the EPA of the Federal Government to get involved. It is time to question their authority in law as to what, after this kind of drilling is done to inject all of that stuff that is left over back down into this substrate of freshwater—what is that going to do under the Clean Water Act? What is it that could contaminate the source of drinking water? What is it going to do to the structure that upholds the surface of the State of Florida? And very importantly, since it is colocated right next to Everglades National Park and since it is a part of the area generally known as the Everglades, what is it going to do to the flora and fauna—in other words, all of that delicate ecosystem balance of the critters and the plants? What is it going to do to the very area that we are spending hundreds of billions of State taxpayer and Federal taxpayer money to restore? These are very legitimate questions.

Years ago the Collier family was very generous. They gave, fee simple to the U.S. Government, what is today the Big Cypress preserve. They retained the mineral rights. It was clearly their right to do so, and it was very generous of them to donate the property.

We have a national park ranger manager who manages that preserve. Now we have to look at what are the serious consequences of trying to convert those mineral rights that were reserved into drilling. The most immediate is that instead of seismic testing, another kind of vibration testing is expected to be done with thousands of tests in the Big Cypress Preserve. It is called thumping.

A vehicle comes in and apparently drops things onto the surface to create something—instead of seismic testing where an explosion is let off, to send down vibrations—and these triangulations, since they are doing thousands of these, would determine if there is oil there. Thus, another question that arises is, What is the environmental effect?

We definitely have a reason for the EPA, as an independent agency, for the Department of the Interior, which has jurisdiction over things such as U.S. Fish & Wildlife, U.S. Park Service, to get involved in this process and make some determinations, and if the answer is that there is not sufficient authority in law, to address it so that we can address it here as a matter of legislating law.

I wanted to make the Senate aware of this particular potential threat to the Florida Everglades.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

THE AMERICAN DREAM

Mr. GRASSLEY. I wish to ask my colleagues as well as myself to think about how many times we have made pessimistic-sounding statements about America's future. I want to remind my colleagues and myself about what I see as excessive pessimism about our great country, because as public figures often what we say maybe has consequences—sometimes positive, sometimes negative. Our attitudes matter and the policies shaped by those attitudes can have an enormous impact for better or for worse on the lives of Americans.

President Ronald Reagan often expressed that America's best days were yet to come. Twenty-five years later I still believe in Reagan's optimism for America. In fact, President Reagan even ended his final letter to the American people: ''I know that for America there will always be a bright dawn ahead.'' His agenda reflected that optimism and his policies worked towards a freer, more prosperous America.

But it seems such optimism about America's future might be out of fashion these days. Instead of searching for a silver lining, many pundits and politicians see nothing but clouds. For instance, after decades of hearing about how we are about to run out of fossil fuel, making energy in the future much more expensive and scarce, improved technologies have unleashed enormous reserves of natural gas. This increase in supply has driven down costs and caused electrical generation to switch from coal to natural gas. That in turn has led to substantial reductions in U.S. greenhouse gas emissions. That seems to be a silver lining.

Now there are clouds on the horizon. However, rather than to celebrate the fact that the free market is achieving one of their long-held goals, many environmentalists want to ban the technology that led to the shale gas revolution based on unscientific claims of potential groundwater contamination. It seems that it would be a terrible shame to let all of that planning for scarcity of energy to go to waste. So I guess we better not take advantage of this Nation's resources.

On another matter, we hear a lot of hand-wringing about the decline in manufacturing jobs, but this is partly due to advances in manufacturing process which seems to require fewer more-skilled and therefore higher-paying jobs. The growth in American advanced manufacturing will require job training to fill those higher-skilled, higher-paying jobs, and of course we have community colleges throughout our country

that are rising to that challenge. This is an opportunity to do insource jobs that might otherwise be done overseas. That is good news for American economic competitiveness and from the standpoint of wanting higher paying jobs for Americans. That seems to me to be a silver lining.

Now the clouds: The decliners are so heavily invested in the story of the decline of American manufacturing that it is easier to bemoan the lack of economically inefficient low-skilled jobs which are the hallmark not of Americans but of underdeveloped countries.

On another matter, the bursting of the economic bubble has forced Americans to spend less and as a result to save more. ''Spend less, save more'' seems to me to be good news. Now clouds are forming because we have economic pundits saying that ''spend less, save more'' shows a lack of consumer confidence. You could look at it as a reality check in the face of unsustainable credit card debt financing spending or is it our national goal to get people to go back to saving less in the future and spending more today? Live for today and forget about tomorrow. You would think so, based upon what you hear in the news shows.

American entrepreneurs still produce a disproportionate share of the world's major innovations. Still, we are cautioned by people who always see clouds hanging over America, that America is not graduating enough people with science and technology degrees and the best and brightest in developing countries may soon decide to stay at home to build their companies instead of coming to America.

Doomsayers have existed throughout our history. It seems to be a sign of sophistication and intellectual refinement to predict the inevitable decline of your own society.

Using 20/20 hindsight, the eventual decline of all of history's great civilizations somehow seems to be inevitable. So isn't it logical then to think our great Nation will decline as well? Perhaps the so-called great recession is a sign that America's best days are in fact already behind us. Many people in the media and government seem so caught up in this narrative they cannot see any other possibility but our decline. This fever is starting to spread to the general public as polls show a record number of Americans who think the next generation will be less well off than this generation. As a result there is a tremendous amount of energy being devoted to figuring out how to manage America's decline. This is kind of a historical determinism and pessimism that is very alien to the American character.

The rise of America as the most prosperous Nation on Earth was hardly inevitable 200 years ago. We owe our current level of prosperity to the entrepreneurial spirit and hard work of our forefathers and, yes, to their unbounded optimism in the future of this great country. An excessive focus, then, on managing decline risks becoming a self-fulfilling prophecy.

For instance, there is a lot of concern about the decline of the middle class, but instead of talking about how to unharness the entrepreneurial spirit that made America an economic super power and grew the great American middle class that we know, all the ideas from our friends across the aisle seem to focus on expanding dependency on government and more government programs. While a succession of new EPA regulations rain down on businesses causing them to pull back from expanding and hiring more people, the Democrats' solution is to keep people on unemployment benefits for a long, long time. Expensive health care reform mandates threaten to force small businesses to reduce the hours of employment and maybe not even hire more than 49 people, because when you get to 50 people there are other requirements in health care reform that kick in.

So what is the answer? Many people in this body would mandate that small business pay a much higher minimum wage. Minimum wage jobs ought to be seen as a stepping stone for low-skilled workers to begin climbing the economic ladder. However, when the economic engine stalls, the ladder of opportunity becomes harder to climb. It happens that more and more people get stuck trying to make ends meet with low wage jobs and no opportunity to get ahead. And it seems that people are concerned about tackling this problem by putting more people on food stamps.

So you get back to the American dream. The American dream is about an opportunity to work hard and earn your own success in life. Proposals to expand the welfare state to the middle class assume the American dream is somehow dead and the best we can hope for is anemic economic growth with high levels of government dependency. That is a defeatist attitude that reflects a distinct lack of faith in our great country. This is the old European model, which the experience of Greece showed to be unsustainable.

In fact, the poster child for an expensive European welfare state, Sweden, has in fact taken a new route to cut taxes and reform entitlement programs—a lesson that we ought to be looking at in America. But who would ever think that we would look to Sweden as an example to teach us how to lower taxes and reform entitlement programs? If we keep planning for decline, we will get it. But if we recover our faith in America's potential and redirect our energy towards removing barriers to economic growth and opportunity, America's best days are still ahead of us.

That leads me to repeat what Ronald Reagan said 25 years ago in that letter to the American people: ''America's best days are still ahead of her.''

SMARTER SENTENCING ACT

Mr. GRASSLEY. Madam President, I want to speak to my colleagues on another issue as well, and that is something that came out of our Judiciary Committee a long time ago and is still on the calendar but probably will be brought to the Senate floor. A few weeks ago some were calling for the majority leader to bring up the so-called Smarter Sentencing Act to the Senate floor for a vote. So I come to the floor today to express my strong opposition to this bill and argue against taking the Senate's time to consider it.

In the past I pointed out that this bill would put at risk our hard-won national drop in crime. It would also reduce penalties for importing and distributing heroin, a drug that is currently devastating our communities with an epidemic of addiction and a rising number of deaths from overdoses. In part, for these reasons many law enforcement professionals have come out against this legislation. The National Association of Assistant U.S. Attorneys, Federal law enforcement officers associations, and a long list of former high-level officials—in Republican and Democratic administrations alike—are all opposed to it. Indeed page A12 of this morning's New York Times contains an article entitled: ''Second Thoughts on Lighter Sentences for Drug Smugglers.'' According to the New York Times, the sentencing changes that the administration has already pushed for are ''raising questions of whether the pendulum has swung too far.'' ''Some prosecutors say that couriers have little to no incentive to cooperate anymore.''

Border patrol officials grumble that they are working to catch smugglers, only to have them face little punishment. And judges who once denounced the harsh sentencing guidelines are now having second thoughts.

Today I point out another perhaps less understood effect of the bill which puts our national security at increased risk.

According to the Drug Enforcement Administration, terrorists are increasingly funneling illegal drugs into America, raising large sums of money to fund their activities while simultaneously harming our communities. Undoubtedly, the Obama administration's unwillingness to control our border—which we have seen recently—contributes to the problem.

Derek Maltz, Director of the Special Operations Division at the Drug Enforcement Administration, called this a two-for-one deal for terrorists: ''Poison gets distributed in the West, and they make millions in the process.''

According to a DEA spokesperson, ''Most people talk about the drug issue as a health issue, a parenting issue, an addiction issue. But the truth is, it's really a national security issue.''

In 2006, Congress took specific action to address this issue. When it reauthorized the PATRIOT Act, Congress also

made it a separate crime to manufacture or distribute illegal drugs to benefit terrorists or terrorist organizations. The law is codified at title 21, section 960(a) of the U.S. Code. It is often called the narcoterrorism law.

Just as important, Congress created mandatory minimum sentences applicable to narcoterrorism. Those sentences are set at ''not less than twice the minimum punishment'' applicable to the underlying drug trafficking offenses which are codified in title 21, section 841. However, the Smarter Sentencing Act would drastically cut the mandatory minimum sentences that apply to these underlying drug trafficking offenses. What this means is that by slashing in half the mandatory minimum sentences for the local drug dealer down the block, the Smarter Sentencing Act also slashes in half the mandatory minimum sentences for members of the Taliban, Al Qaeda or Hezbollah who deal drugs to fund their acts of terrorism.

For example, terrorists who currently face a mandatory minimum sentence of 20 years in prison for narcoterrorism would instead face only 10 years if the Smarter Sentencing Act were to become law. By cutting the mandatory minimum sentences for trafficking drugs to fund terrorism, the Smarter Sentencing Act weakens a very important tool that can be used to gain the cooperation of narcoterrorists facing prosecution. This cooperation leads to more arrests, more drug seizures, more terrorists off the streets, and more intelligence that could help prevent further attacks.

Indeed, law enforcement authorities have been supportive of the mandatory minimum sentences that apply to the narcoterrorism statute for this very reason. For example, the Assistant Administrator for Intelligence at the Drug Enforcement Administration testified before Congress that ''the robust sentencing provisions in these statutes provide incentives for defendants to cooperate with investigators, promoting success in investigations.''

The last thing we should do is weaken the leverage law enforcement currently has to win a terrorist defendant's cooperation, but that is what the Smarter Sentencing Act would in fact do.

Indeed, in opposing the bill, Federal prosecutors wrote that ''mandatory minimums . . . help gain the cooperation of defendants in lower level roles in criminal organizations to pursue higher-level targets.''

The same principle is true—and even more important—when our national security is at stake. These threats to our safety and security are not theoretical, they are very real, and the narcoterrorism law is not just a statute on the books, it is a tool that is actively used by prosecutors to protect our Nation.

For example, in 2008, Khan Mohammed, a member of the Taliban, was convicted under the narcoterrorism law of distributing heroin and opium to finance attacks against American troops in Afghanistan.

Chillingly, Mohammed was just as concerned with killing American civilians with drugs as he was with financing rocket attacks against our troops. The opium he agreed to sell was to be processed into heroin and imported into the United States. As a result, Mohammed was caught on tape exclaiming ''Good, may God turn all the infidels into dead corpses.''

He later expounded on his deadly intentions:

> May God eliminate them right now, and we will eliminate them too. Whether it is by opium or by shooting, this is our common goal.

Similarly, the narcoterrorism law was used to prosecute Afghan heroin kingpin Haji Bagcho in 2012. He was also trafficking heroin to America and funneled the proceeds to the Taliban. The evidence at trial showed that in 2006 his drug trafficking organization produced almost 20 percent of the world's opium and, similar to Mohammed, he targeted Americans. He reportedly encouraged Afghan farmers to ''grow opium so we can make heroin to kill the infidels.''

Perhaps it is little wonder, according to the Drug Enforcement Administration, heroin overdoses resulting in death in the United States increased 45 percent between 2006 and 2010.

It should go without saying that these are not individuals whose mandatory minimum sentences should be cut in half. But the authors of the Smarter Sentencing Act apparently think otherwise because that is what the bill says or maybe they don't understand what they are doing. Either way, the American people should be extremely concerned about this bill that unbelievably was reported out of the Judiciary Committee.

Some may assume that the Department of Justice has other tools to go after defendants such as these, but the only other charges that Mohammed and Bagcho faced were for unlawfully importing these illegal drugs into the United States. Unbelievably, the Smarter Sentencing Act cuts the mandatory minimum sentences for that crime in half as well.

In addition to these two cases, the Department of Justice has brought prosecutions against other narcoterrorists. Many of these individuals were linked to Hezbollah, one of the most notorious terrorist organizations in the world. In at least one instance associates of Al Qaeda were also brought to justice for their role in drug trafficking schemes.

In many of these cases, the narcoterrorism law and the ban on importing illegal drugs played a vital role in their prosecution. We should not be weakening these laws at this critical time by cutting the penalties associated with those acts of crime. Of course, if possible, I would rather these terrorists be treated as enemy combatants and not be subject to the civilian criminal justice system at all, but on those occasions when they are prosecuted in our criminal justice system, I want authorities to have the strongest tools available to address the threat these criminals pose.

According to the U.S. attorney for the Southern District of New York, who has brought many of these cases, ''there is a growing nexus between drug trafficking and terrorism, a nexus that increasingly poses a clear and present danger to our national security. Combating this lethal threat requires a bold and proactive approach.'' Cutting the mandatory minimum sentences for narcoterrorists is moving in precisely the opposite direction of what the U.S. attorney for the Southern District of New York said and I just quoted.

Trafficking in illegal drugs has long been understood to be a way that these terrorist organizations raise funds, but it is now equally clear that this activity is also a way for them to target our fellow citizens directly. In effect, drug trafficking is a method of waging war against the United States. It is a way to terrorize our communities with poison without firing a shot. It is a way to threaten the lives of Americans just as surely as using a bomb, a gun or a hijacked plane.

Terrorists are wielding another tool in their efforts to destroy and defeat our country. This is not the moment to weaken one of the tools we have to actually stop them. This is no time to let down our defenses. It is no time for the Senate to take up the misnamed Smarter Sentencing Act.

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

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

EXECUTIVE SESSION

NOMINATION OF RONNIE L. WHITE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 850.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

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 nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Harry Reid, Patrick J. Leahy, Claire McCaskill, Tim Kaine, Angus S. King, Jr., Thomas R. Carper, Bill Nelson, Jon Tester, Patty Murray, Christopher Murphy, Benjamin L. Cardin, Mark Begich, Sheldon Whitehouse, Elizabeth Warren, Debbie Stabenow, Tom Harkin, Tom Udall.

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

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

LEGISLATIVE SESSION

Mr. REID. I now move to proceed to legislative session.

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

The motion was agreed to.

PROTECT WOMEN'S HEALTH FROM CORPORATE INTERFERENCE ACT OF 2014—MOTION TO PROCEED—Continued

Mr. REID. Is the motion to proceed to S. 2578 now pending?

The PRESIDING OFFICER. It is.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

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. 459, S. 2578, a bill to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

Harry Reid, Patty Murray, Mark Udall, Richard J. Durbin, Jeff Merkley, Debbie Stabenow, Jack Reed, Carl Levin, Christopher A. Coons, Elizabeth Warren, Jeanne Shaheen, Michael F. Bennet, Jon Tester, Patrick J. Leahy, Martin Heinrich, Maria Cantwell, Christopher Murphy.

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 Senator from Washington.

Mrs. MURRAY. Mr. President, last month we saw five male Justices give their blessing to CEOs and corporations across America to go ahead and deny legally required health care coverage for their employees. When that news broke, I was outraged, and I know I was one of millions of people across the country who were shocked and angry.

These women are looking to us. They are demanding a change. Today, as women across America took to social media for a Digital Day of Action, their message was delivered loudly and clearly when they echoed: ''My personal health care choices are not my boss's business—period.''

It wasn't just women who were speaking out on social media today. In fact, we heard from several men who understood that if bosses can deny birth control, they can deny vaccines or HIV treatments or any other basic health care service for their employees or their dependents.

I heard from Konrad in my home State of Washington on Twitter today who said he doesn't want his boss knowing what medications he is on, such as diabetes or heart medications. Konrad said, ''It is simply not my boss's business.''

I also heard from my constituents when I was home this weekend. Friday I spoke directly with business owners and others who are hearing the same thing. Women are tired of being targeted and are looking to Congress to right this wrong by the Supreme Court.

One such woman is a woman named Morgan Beach. Morgan joined me Friday at Oddfellows Cafe, which is a small Seattle business whose owners stood up and spoke out about their disgust as employers about this ruling. Morgan is one of the 58 percent of women who use contraception for reasons other than to prevent pregnancy. As she spoke about how the Supreme Court decision would impact women such as her, Morgan said: ''The terrifying power this ruling gives to a small minority to make sweeping personal decisions . . . is frightening. The simple fact is, birth control is not my boss's business!''

Morgan is right. It is not her boss's business.

We are going to be talking about this urgent issue at more length tomorrow morning, but I wanted to come to the floor this evening and share what I heard from back home this weekend and throughout today. We have legislation that is now slated for a vote later this week, and we are going to be talking about this today and tomorrow. I hope all of our colleagues are listening, because it is time for Congress to get to work. Women and men are watching.

I am delighted to be joined today by my colleague from Colorado, Senator UDALL, who is my partner in presenting this legislation.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about a proposal Senator PATTY MURRAY and I have introduced to restore a woman's power to make personal health care decisions based on what is best for her and her family, not according to her employer's personal beliefs. The Protect Women's Health from Corporate Interference Act—or the Not Your Boss's Business Act—aims to counteract the far-reaching consequences of the U.S. Supreme Court's Hobby Lobby decision. That misguided Court decision allows closely held corporations to now deny their employees coverage for contraceptives through their employees' health insurance plans.

As Senator MURRAY did in her home State of Washington, I also traveled around my home State of Colorado. Several days ago I stood shoulder to shoulder with women's health experts, including an OB–GYN in Denver, who told me that physicians might now have to consider how an employer's religious beliefs might fit into their diagnosis before they make a medical recommendation, which ought to be based solely on their patients' well-being. This is unacceptable. Women should never have to ask their boss for a permission slip to access common forms of birth control or other critical health services.

Today, as Senator MURRAY alluded, champions in women's health are taking a stand on social media to illustrate why the Senate should come together this week to pass the Not Your Boss's Business Act. This outpouring of support from all over the country shows how important it is that we keep private health care decisions in employees' hands and out of corporate boardrooms.

As part of today's Digital Day of Action across the country, my staff and I put together a BuzzFeed post to dispel some misconceptions about the Hobby Lobby decision and highlight why we need to pass the Not Your Boss's Business Act. Go to BuzzFeed.com/markudall and share my post to help push back against some of the myths.

Despite what some people say, this decision is a bad deal, and it will undermine women's access to contraception across the country. But more and more Americans are joining us to speak out because of how backward this Hobby Lobby decision is. I am proud to have groups from across the Centennial State, such as the Colorado Organization for Latina Opportunity and Reproductive Rights, NARAL Pro-Choice Colorado, Planned Parenthood of the Rocky Mountains, and Colorado's Religious Coalition for Reproductive Choice, come out in support of our bill.

I believe the Supreme Court was wrong in its misguided Hobby Lobby decision, which is already adversely affecting American women and families. But we have a chance to fix this, and I stand here today to call on my colleagues from both sides of the aisle to join me, join Senator MURRAY and America's workers who agree that women's health is not your boss's business.

Mr. President, I yield the floor.

Mrs. MURRAY. 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.

Ms. HIRONO. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

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

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

THE LEAHY LAW

Mr. LEAHY. Mr. President, 18 years ago I wrote a law that has been repeated annually ever since and is now codified as section 620M of the Foreign Assistance Act. It has become widely known as the ''Leahy Law'' and it has two primary purposes.

The first is to prevent U.S. taxpayer funded training, equipment, or other assistance from going to units of foreign security forces that have committed heinous crimes. We saw many instances when U.S. aid ended up in the hands of foreign military or police forces that had engaged in rape, murder, torture, or other gross violations of human rights, and the U.S. was tainted by association with those crimes.

The second is to encourage foreign governments to bring to justice the individual members of units responsible for such atrocities. In many countries that receive U.S. aid there is a long history of impunity for crimes committed by government security forces. Rather than protect their citizens, they abuse them, and then they beat up or kill witnesses and threaten prosecutors and judges. They act outside the law and literally get away with murder. They are the antithesis of professional, accountable military or police forces.

A similar, although not identical, provision that is also known as the Leahy Law is contained in the annual Defense Appropriations Act.

Both Leahy Laws serve important national interests and they have become increasingly institutionalized within the U.S. government. The State Department's Bureau of Democracy, Human Rights, and Labor has developed a database for vetting foreign units and individuals that is continually updated, and they and the Defense Department increasingly coordinate to apply the laws consistently. The Department of State and foreign operations appropriations bill for 2015, reported to the Senate on June 19, includes $5 million to pay salaries and other costs of the vetting process, an increase of $2.25 million above fiscal year 2014.

While the Leahy Laws have been modified over the years and their implementation is a continuing work in progress, I appreciate the support they have received from the highest levels of the State and Defense Departments, and the willingness of officials in those agencies to work with Congress and representatives of human rights organizations and foreign governments to address issues of interpretation and implementation as they arise.

As with many laws, the Leahy Laws have their detractors. However, with rare exceptions questions about, or criticism of, the laws have been due to misinformation or misunderstandings that have been easy to clarify or resolve.

While I know of no one who has expressed opposition to the Leahy Laws, some have raised concerns with their implementation, suggesting that they pose unacceptable obstacles to the ability of the U.S. military to engage with foreign counterparts. Not only do the facts indicate otherwise, the laws are working. In more than 90 percent of cases the foreign units or individuals vetted have been deemed eligible to receive U.S. assistance under the Leahy Laws. In the rare instances when a unit or individual was denied assistance, it was due to credible information that the individual or unit had committed a heinous crime and the foreign government had done nothing about it.

At a July 10 hearing in the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations, Stephen Rickard, a former Senate staff member, State Department official, director of the Robert F. Kennedy Center for Justice and Human Rights, director of Amnesty International's Washington Office, and now executive director of the Open Society Policy Center, provided testimony on the Leahy Laws. His testimony does an excellent job of describing the purposes and impact of the Leahy Laws, and addressing key questions that have been asked about their implementation. I ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT OF STEPHEN RICHARD, EXECUTIVE DIRECTOR, OPEN SOCIETY POLICY CENTER

Presented to the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations

HUMAN RIGHTS VETTING: NIGERIA AND BEYOND

July 10, 2014

I would like to begin by thanking Chairman Smith and Ranking Member Bass for holding this important hearing and for their leadership on human rights.

I have worked on the Leahy Laws in one form or another for nearly 17 years and have discussed them with countless State Department and Defense Department officials, as well as with human rights experts working all over the world. I also spent a period of time as a Franklin Fellow in the Department of State during which time I was able to learn in detail about the process for implementing the Leahy Laws. I have been engaged on detailed questions about the application of the Leahy Laws in Colombia, Turkey, Afghanistan, Sri Lanka, Indonesia, Nigeria, Kenya and dozens of other countries, and I believe that these laws are among the most important human rights statutes on the books. The law has been poorly funded—less than two-hundredths of one percent of the cost of U.S. military assistance is spent on Leahy Law vetting. And it has often been misunderstood and misrepresented.

But with President Obama proposing a new $5 billion fund for military assistance to combat terrorism it is essential to help the public understand this vital law and to help insure that it is vigorously implemented.

A Common Sense Formula for Security Cooperation Consistent With U.S. Values

The Leahy Laws are common sense laws that prohibit the United States Government from arming or providing military training to security force and police units abroad who have been credibly alleged to have committed gross human rights violations. These laws (there is one for State Department assistance and one for Department of Defense assistance) do not prohibit the United States from providing assistance in violent, conflict-wracked countries like Nigeria and Colombia. On the contrary, because they involve a unit by unit examination, the Leahy Laws provide a formula for the United States to assist foreign military forces even in countries where some government forces are committing gross atrocities. They are a formula for success in such countries, not a prohibition on engagement.

Four Numbers

There are four important numbers to keep in mind about the impact of the Leahy Laws. (All these statistics have been provided by the State Department and cover 2011–2013.) The first number is 530,000. That's the approximate number of foreign military and police units which the United States government considered arming or training over the last three years and subjected to Leahy vetting.

The second number is 90 percent. That is the minimum percentage of prompt approvals given under the Leahy Law—generally within 10 days of a request. There is even a ''fast track'' approval process for countries with generally good human rights records. Some vetting requests require more information, investigation or discussion. But at least 90% are approved more or less immediately.

The third number is 1 percent. In every one of the last three years less than 1 percent of all units vetted under the Leahy Law were ultimately declared to be ineligible for assistance under the law. Of course it is true that the number will be higher in some specific countries, but taken as a whole the Leahy Law actually blocks aid in a miniscule percentage of cases.

The final number is 2,516. The Leahy Law blocks aid in a tiny percentage of cases, but that doesn't mean that it is unimportant. Because the U.S. now provides training to so many people, even 1 percent is a lot. And 2,516 is the number of vetted units that the U.S. Government found to be credibly linked to gross atrocities over the last three years when it took the time to examine their records because of the Leahy Law.

Those 2,516 units were not being asked to satisfy a high standard. In no way does the Leahy Law require pristine forces. In fact, the State Department defines ''gross human rights violations'' to include a very short list of only the most heinous offenses: murder, torture, rape, disappearances and other gross violations of life and liberty. That's it. So even though less than 1 percent of proposed units failed the standard, it is still pretty

shocking that over the last three years the United States Government probably would have armed and trained 2,516 units (or individuals in those units) containing murders, rapists and torturers without the Leahy Law.

The Leahy Laws don't actually prohibit the U.S. from working with even these units—the ones that have committed murder and torture. It only says that the U.S. cannot arm or train them until the foreign government takes steps to clean up the unit.

Three Questions

So whenever anyone says that it is a problem for the United States that it cannot train or arm a particular foreign battalion or police unit, one should ask three questions:

(1) What did the unit do? If we can't work with them, it must mean that the United States has determined that this unit is one of the worst of the worst. It is in the 1 percent of units where the U.S. government found credible information linking it to murder, rape, torture or another gross atrocity. So, when someone argues that we should arm a Leahy-prohibited unit, one should ask, ''What did the unit do to get on the list?''

(2) Why won't the government clean up the unit? Maybe the foreign government wants to make a point to the U.S.—it doesn't accept the U.S. commitment to human rights; it won't let the U.S. ''tell it what to do.'' Maybe the government has no control over its own military and cannot do anything to clean up the unit even if it wanted to do so. But one should insist on knowing: ''Why won't the government clean up the unit?''

(3) Finally, if the unit committed murder, rape or torture and the foreign government won't or can't clean it up, why should U.S. taxpayers give that specific unit guns anyway? Under what possible circumstances would it make sense for the United States to arm known killers who are either completely out of their government's control, or who work for a government that refuses to take any action against them?

Responses to Three Criticisms

Tempus Fugit: There are a number of arguments raised against the Leahy Law which might make some sense if the law covered lesser offenses. For instance, there is an argument that it makes no sense to keep a unit on the Leahy Law ''pariah'' list long after the atrocity occurred, especially if everyone who was in the unit has now moved on. But there are no other contexts in which we would accept a 4 year, or 8 year or even 15 year statute of limitations on murder, torture or rape. So why accept one here? And the law is intended to create an incentive for foreign governments to improve their human rights records and to hold people accountable. Letting a unit off the hook because the government rotated people out of the unit (and into other ones) or because the foreign government simply waited us out for a few years sends exactly the wrong message. Moreover, units have reputations and traditions that are regularly passed on to new members of the unit over many years and even decades. That is often true for units with gallant histories. But it is also true of death squads and praetorian guards.

Just as importantly, one needs to ask what it says about a foreign military ''partner'' if documented cases of murder, rape and torture go without redress after decades. The government always has the option of working with the United States to create new, carefully vetted units—something that has been done in a number of countries with gross human rights problems. If the government will not do that, it is probably trying to make a point. Is it appropriate to reward such behavior with assistance?

Pariah Forever: Critics of the law also sometimes argue that it is impossible for a tainted unit to be rehabilitated. This is, of course, completely false—unless the government in question refuses or is unable to take any meaningful action to address the problem. So what these critics are really saying is: It is almost never the case that America's military partners in these countries have the political will or commitment to human rights to take the kind of disciplinary action against killers and rapists that is absolutely routine in the U.S. military. And that is a very odd sort of argument for waiving or weakening the Leahy Law so that we can give more guns to these government's forces.

In fact, there are cases in which specific units have been rehabilitated. But it takes a willing partner. This is one area where critics of the law and its supporters should make common cause to support earmarked funding for remediation of tainted units. One percent of U.S. military assistance—just one penny out of every dollar—should be set aside for vetting and remediation. It should be used to help foreign militaries set up JAG officer corps, criminal investigation services and other elements of a professional disciplinary system. This should simply be considered a cost of doing business in some of the most violent places on earth. There is a precedent for applying a fixed surcharge as a ''cost of doing business.'' Every time the United States Government sells weapons abroad it applies a surcharge—currently 3.5%—to administer the sale. The U.S. should apply a 1% surcharge to ensure that it knows what is being done with the other 99% and so that it can help move its partner forces in a positive direction on human rights.

Just a Few Bad Apples: Critics sometimes argue that it is wrong to hold whole units accountable for the acts of just a few, or perhaps even just one, member of the unit. They argue that we should vet specific individuals rather than units and only withhold information from those individuals who are linked to atrocities.

Here it is important to understand that the Leahy Law was a compromise. There was and is an important human rights law—Section 502B of the Foreign Assistance Act—which does not permit the United States to engage in a unit by unit assessment of foreign partner forces: ''No security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.'' There is a very strong argument to be made under Section 502B that the United States should be providing no assistance whatsoever to Nigerian forces, and many others around the world.

But historically the United States has been extremely reluctant to invoke Section 502B even in the most extreme cases. So the Leahy Law was proposed as an intermediate step: If the U.S. will not completely cut off governments engaging in a consistent pattern of gross human rights violations, then at least it should not arm the specific military units it believes are the ones actually committing the gross violations. However, Senator Leahy also believed that it would be absurd and unreasonable to ask that human rights victims be able to identify the specific murder, torturer or rapist by name before the U.S. took any action. So, his law states that if credible information can be presented that links an identifiable unit to a specific atrocity the United States would be required to cut off that unit—at least until the foreign government identifies the specific individuals within it who are responsible and deals with them.

One Final Thought

The Bible tells us in the Book of Acts that before his conversion on the road to Damascus the Apostle Paul was a persecutor of the Christian Church. In fact, according to Acts (Chapter 7, Verse 59) he was present at the killing of St. Stephen and held the cloaks of those who stoned him. He cast no stones himself; but he was complicit. He gave aid to the killers. When we go to places like Nigeria, shouldn't we at least ask, ''Whose cloaks are we holding?'' That's all the Leahy Law says.

The Leahy Law cannot guarantee that the U.S. will never arm bad people. It's not a panacea. It's just the least we can do.

ADDITIONAL STATEMENTS

TRIBUTE TO CHIEF WARRANT OFFICER 5 DANIEL SANDBOTHE

• Mr. BLUNT. Mr. President, I wish to honor CW5 Daniel Sandbothe of the 1107th Missouri National Guard in Springfield, MO. As a soldier, he has dedicated 40 years to serving in the Missouri National Guard. Over those years, through his commitment and service, he has risen to a unique rank signifying his expertise in flying and maintaining the rotary aircraft of the U.S. Armed Forces.

CW5 Daniel Sandbothe's career started in 1972 in the 1038th Maintenance Company. Throughout the next four decades, he mastered the ability to fly a variety of airframes commonly used by the U.S. Army, logging more than 5,000 military flight hours. He has earned the respected designations of instructor pilot, maintenance test flight evaluator, and rotary wing instrument flight examiner as he progressed.

His profession has sent him to four overseas duty stations in Central America and Japan. He also participated in three combat tours, including Operation Desert Storm in 1991, Operation Iraqi Freedom with 1107th Aviation Classification and Repair Depot in 2005, and Operation Enduring Freedom with 1107th Theater Aviation Sustainment Maintenance Group in 2010. In addition, Daniel Sandbothe was selected to lead a team to assist the Lebanese Armed Forces in improving their aviation maintenance program.

CW5 Daniel Sandbothe has also been appointed to the Missouri Army National Guard Senior Warrant Officer Advisory Council. His job will be to help pick the future non-commissioned leaders of the Missouri National Guard's air elements. This distinction represents his commitment to his profession as a United States serviceman.

His legacy will be felt by future generations of the National Guard in Missouri, including those he has trained, led, and mentored over the last four decades. For his years of committed services, CW5 Daniel Sandbothe has earned his retirement. I wish him well in his next opportunity and thank him for his years of service to Missouri and the Nation.•

DIABETES STUDY

• Mr. NELSON. Mr. President, I wish to draw attention to a study by the

University of Florida on diabetes. Diabetes is a chronic disease that affects the body's blood glucose levels. Diabetic Americans have too much glucose in their blood, which can lead to serious health problems. In addition to the large number of Americans who suffer from diabetes, the disease is one of the costliest chronic diseases and, currently, about 1-in-3 Medicare dollars is spent on people with diabetes.

This study, led by Dr. Todd Manini of the University of Florida's Institute on Aging, suggests a correlation between the amount of time people spend sitting and their risk of developing diabetes later in life. The findings from this study are alarming, particularly given the statistics about diabetes in our Nation. According to the Centers for Disease Control and Prevention, in 2012, 29.1 million Americans—9.3 percent of the population—had diabetes. Diabetes was the country's seventh leading cause of death and Americans with diabetes spend an average of 2.3 times more on medical expenses. The disease is also highly pervasive amongst our older Americans—11.8 million seniors age 65 or older, 25.9 percent of all Americans over 65, have diabetes and 51 percent of seniors are pre-diabetic.

As Chairman of the Senate Special Committee on Aging, I am well aware of the challenges diabetes poses to seniors. Last July, the Aging Committee held a hearing to discuss the growing impact of diabetes with advancing age. Diabetes impacts millions of Americans across all ages and even though seniors are particularly vulnerable to problems created by the disease, diabetes needs to be fought across the age spectrum.

Researchers tracked the weights and sitting times of nearly 90,000 women between the ages of 50 and 79 who were not initially taking diabetes medications. Women who sat more than sixteen hours during their waking day had the highest risk of developing diabetes, and even if they introduced an exercise regimen, this high risk remained. Obese women have a 23 percent risk of developing diabetes and were more likely to develop diabetes than overweight and normal-weight women even if they were both sedentary for the same amount of time. The study found that the diabetes risk can be reduced by standing or walking for 5 minutes for every hour spent sitting.

This new University of Florida study enhances our understanding of the disease and emphasizes the importance of healthy behavior and habits throughout our lives. Though much progress has been made in diabetes research, we still have a long way to go in combatting this disease that affects millions of Americans. We must continue funding groundbreaking research like that at the University of Florida and promoting the kinds of lifestyle changes that will reduce the risks of diseases like diabetes in old age.●

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.)

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4718. An act to amend the Internal Revenue Code of 1986 to modify and make permanent bonus depreciation.

H.R. 4923. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2015, and for other purposes.

MEASURES REFERRED

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

H.R. 4923. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2015, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4718. An act to amend the Internal Revenue Code of 1986 to modify and make permanent bonus depreciation.

S. 2599. A bill to stop exploitation through trafficking.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARPER, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 2354. A bill to improve cybersecurity recruitment and retention (Rept. No. 113–207).

By Mr. TESTER, from the Committee on Indian Affairs:

Report to accompany S. 161, a bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes (Rept. No. 113–208).

Report to accompany S. 1074, a bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (Rept. No. 113–209).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WALSH:

S. 2596. A bill to amend title 18, United States Code, to establish Federal criminal penalties for interstate child endangerment; to the Committee on the Judiciary.

By Mr. CASEY:

S. 2597. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of Promise Zones; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. MCCASKILL, Mrs. SHAHEEN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. HEINRICH):

S. 2598. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, Ms. HEITKAMP, Mr. KIRK, Mr. BOOKER, Mr. MCCAIN, Mrs. GILLIBRAND, Mr. HOEVEN, Ms. STABENOW, Mr. COATS, Ms. HIRONO, Ms. AYOTTE, Ms. MIKULSKI, Mr. WICKER, Mr. BLUMENTHAL, Ms. BALDWIN, and Mr. FRANKEN):

S. 2599. A bill to stop exploitation through trafficking; read the first time.

By Mr. JOHANNS (for himself and Mrs. FISCHER):

S. 2600. A bill to require notification of a Governor of a State if an unaccompanied alien child is transferred to the State and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. AYOTTE (for herself and Mrs. SHAHEEN):

S. Res. 501. A resolution commemorating the 20th anniversary of the Wright Museum of WWII History in Wolfeboro, New Hampshire; to the Committee on the Judiciary.

By Mr. CASEY:

S. Con. Res. 40. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 109, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 119

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 119, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance

under part I of the Foreign Assistance Act of 1961.

S. 240

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 240, a bill to amend title 10, United States Code, to modify the perfiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for nonregular service.

S. 632

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 632, a bill to amend the Food, Conservation, and Energy Act of 2008 to repeal a duplicative program relating to inspection and grading of catfish.

S. 719

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 719, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 942

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 942, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1124

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1124, a bill to establish requirements with respect to bisphenol A.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1236, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 1410

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1410, a bill to focus limited Federal resources on the most serious offenders.

S. 1463

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1463, a bill to amend the Lacey Act Amendments of 1981 to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, of any live animal of any prohibited wildlife species.

S. 1622

At the request of Ms. HEITKAMP, the name of the Senator from New York (Mrs. GILLIBRAND) 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. 1725

At the request of Mr. VITTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1725, a bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes.

S. 1739

At the request of Mr. HOEVEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1739, a bill to modify the efficiency standards for grid-enabled water heaters.

S. 2154

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 2154, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children Program.

S. 2187

At the request of Mr. BEGICH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2187, a bill to amend title XVIII of the Social Security Act to provide for a five-year extension of the rural community hospital demonstration program.

S. 2252

At the request of Mr. VITTER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2252, a bill to reaffirm the importance of community banking and community banking regulatory experience on the Federal Reserve Board of Governors, to ensure that the Federal Reserve Board of Governors has a member who has previous experience in community banking or community banking supervision, and for other purposes.

S. 2307

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2307, a bill to prevent international violence against women, and for other purposes.

S. 2340

At the request of Mr. BOOKER, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 2340, a bill to amend the Higher Education Act of 1965 to require the Secretary to provide for the use of data from the second preceding tax year to carry out the simplification of applications for the estimation and determination of financial aid eligibility, to increase the income threshold to qualify for zero expected family contribution, and for other purposes.

S. 2366

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2366, a bill to amend the Richard B. Russell National School Lunch Act to establish a permanent, nationwide summer electronic benefits transfer for children program.

S. 2516

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2516, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2527

At the request of Mrs. GILLIBRAND, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2527, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 2529

At the request of Mrs. SHAHEEN, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2529, a bill to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act.

S. 2577

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2577, a bill to require the Secretary of State to offer rewards totaling up to $5,000,000 for information on the kidnapping and murder of Naftali Fraenkel, a dual United States-Israeli citizen, that began on June 12, 2014.

S. 2578

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2578, a bill to ensure that employers cannot interfere in their employees' birth control and other health care decisions.

S. RES. 498

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Delaware (Mr. COONS), the Senator from North Carolina (Mrs. HAGAN), the Senator from North Carolina (Mr. BURR), the Senator from Massachusetts (Mr. MARKEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Michigan (Ms. STABENOW), the Senator from Arkansas (Mr. PRYOR), the Senator from Virginia (Mr. WARNER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arizona (Mr.

FLAKE), the Senator from New York (Mrs. GILLIBRAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. BARRASSO), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 498, a resolution expressing the sense of the Senate regarding United States support for the State of Israel as it defends itself against unprovoked rocket attacks from the Hamas terrorist organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. SCHUMER, Mr. BLUMENTHAL, Mr. DURBIN, Mrs. MCCASKILL, Mrs. SHAHEEN, Mr. SANDERS, Mr. WHITEHOUSE, and Mr. HEINRICH):

S. 2598. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Civilian Extraterritorial Jurisdiction Act, CEJA. The United States has huge numbers of Government employees and contractors working overseas, but the legal framework governing them is unclear and outdated. To promote accountability, Congress must make sure that our criminal laws reach serious misconduct by U.S. government employees and contractors wherever they act. The Civilian Extraterritorial Jurisdiction Act accomplishes this important and common sense goal by allowing United States contractors and employees working overseas who commit specific crimes to be tried and sentenced under U.S. law.

Tragic events in Iraq and Afghanistan highlight the need to strengthen the laws providing for jurisdiction over American government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing a rift in our relations with the Iraqi government. Efforts to prosecute those responsible for these shootings have been fraught with difficulties. The Blackwater trial is only just now under way, seven years after this tragedy, and the defendants continue to argue in court that the U.S. government does not have jurisdiction to prosecute them.

I worked with Senator SESSIONS and others in 2000 to pass the Military Extraterritorial Jurisdiction Act, MEJA, and then, again, to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany them, and to contractors who work with the military. That law provides criminal jurisdiction over Defense Department employees and contractors, but it does not explicitly cover people working for other Federal agencies, like the Blackwater security contractors. Had jurisdiction in the tragic Blackwater incident been clear, it could have prevented some of the problems that have plagued the case.

Other incidents have made all too clear that the Blackwater case was not an isolated incident. Private security contractors have been involved in violent incidents and serious misconduct in Iraq and Afghanistan, including other shooting incidents in which civilians have been seriously injured or killed. MEJA does not cover many of the thousands of U.S. contractors and employees who are working abroad. The legislation I introduce today fills this gap.

Ensuring criminal accountability will also improve our national security and protect Americans overseas. Importantly, in those instances where the local justice system may be less than fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the United States, rather than leaving them subject to potentially hostile and unpredictable local courts. Our allies, including those countries most essential to our counterterrorism and national security efforts, work best with us when we hold our own accountable.

In 2011, the Senate Judiciary Committee heard testimony from the Justice Department and from experts in the area of contractor accountability about the many diplomatic and national security benefits of expanding criminal jurisdiction over American employees and contractors overseas. That hearing also explored how best to ensure that our Nation's intelligence activities would not be impaired by CEJA. The legislation I propose today has been carefully crafted to ensure that the intelligence community can continue its authorized activities unimpeded.

This bill would also provide greater protection to American victims of crime, as it would lead to more accountability for crimes committed by U.S. Government contractors and employees against Americans working abroad. The Committee has previously heard testimony from Jamie Leigh Jones, a young woman from Texas who took a job with Halliburton in Iraq in 2005 when she was 20 years old. In her first week on the job, she was drugged and gang-raped by coworkers. When she reported this assault, her employers moved her to a locked trailer, where she was kept by armed guards and freed only when the State Department intervened.

Ms. Jones testified about the arbitration clause in her contract that prevented her from suing Halliburton for this outrageous conduct. But criminal jurisdiction over these kinds of atrocious crimes abroad remains complicated and depends on the specific location of the crime, which makes prosecutions inconsistent and sometimes impossible. We must fix the law to help avoid arbitrary injustice and ensure that victims will not see their attackers escape accountability.

This legislation also provides another important benefit: It will lay the groundwork to expand U.S. preclearance operations in Canada—thereby enhancing national security and facilitating commerce and tourism with our largest trading partner. The United States currently stations U.S. Customs and Border Protection, CBP, Officers in select locations in Canada to inspect passengers and cargo bound for the United States before they leave Canada. These operations relieve congestion at U.S. airports, improve commerce, save money, and provide national security benefits. The United States and Canada are in ongoing conversations about an expansion of land, rail, marine and air preclearance operations that would greatly benefit the U.S. economy. But one barrier in these discussions is that the United States lacks legal authority to prosecute U.S. officials engaged in preclearance operations if they commit crimes while stationed in Canada. CEJA would ensure that the U.S. has legal authority to hold our own officials accountable if they engage in wrongdoing, and thereby help pave the way to finalizing the expanded Canada preclearance agreement.

In the past, legislation in this area has been bipartisan. I hope Senators of both parties will work together to pass this important reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civilian Extraterritorial Jurisdiction Act of 2014'' or the ''CEJA''.

SEC. 2. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking ''this chapter'' and inserting ''this section'';

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

''§ 3272. Offenses committed by Federal contractors and employees outside the United States

''(a)(1) Whoever, while employed by any department or agency of the United States other than the Department of Defense or accompanying any department or agency of

the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in paragraph (3) had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

''(2) A prosecution may not be commenced against a person under this subsection if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(3) The offenses covered by paragraph (1) are the following:

''(A) Any offense under chapter 5 (arson) of this title.

''(B) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

''(C) Any offense under section 201 (bribery of public officials and witnesses) of this title.

''(D) Any offense under section 499 (military, naval, or official passes) of this title.

''(E) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

''(F) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

''(G) Any offense under chapter 42 (extortionate credit transactions) of this title.

''(H) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

''(I) Any offense under chapter 50A (genocide) of this title.

''(J) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

''(K) Any offense under chapter 55 (kidnapping) of this title.

''(L) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

''(M) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

''(N) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

''(O) Any offense under chapter 109A (sexual abuse) of this title.

''(P) Any offense under chapter 113B (terrorism) of this title.

''(Q) Any offense under chapter 113C (torture) of this title.

''(R) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

''(S) Any offense under section 2442 (child soldiers) of this title.

''(T) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or 408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

''(b) In addition to the jurisdiction under subsection (a), whoever, while employed by any department or agency of the United States other than the Department of Defense and stationed or deployed in a country outside of the United States pursuant to a treaty or executive agreement in furtherance of a border security initiative with that country, engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense for which a person may be prosecuted in a court of the United States had the conduct been engaged in within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

''(c) In this section:

''(1) The term 'employed by any department or agency of the United States other than the Department of Defense' means—

''(A) an individual is—

''(i) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

''(ii) present or residing outside the United States in connection with such employment; and

''(iii) not a national of or ordinarily resident in the host nation; and

''(B) in the case of an individual who is such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States.

''(2) The term 'accompanying any department or agency of the United States other than the Department of Defense' means an individual is—

''(A) a dependant, family member, or member of household of—

''(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

''(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

''(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'grant agreement' means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

''(4) The term 'grantee' means a party, other than the United States, to a grant agreement.

''(5) The term 'host nation' means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

''§ 3273. Regulations

''The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3271 and 3272 of this title.''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of title 18, United States Code, is amended to read as follows:

''(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);''.

(b) VENUE.—Chapter 211 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

''In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

''(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any 1 of 2 or more joint offenders; or

''(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any 1 of 2 or more joint offenders is accompanying.''.

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3287 the following new section:

''§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

''The statute of limitations for an offense under section 3272 of this title shall be suspended for the period during which the individual is outside the United States or is a fugitive from justice within the meaning of section 3290 of this title.''.

(d) TECHNICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of title 18, United States Code, is amended to read as follows:

''CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT''.

(2) TABLES OF SECTIONS.—(A) The table of sections for chapter 211 of title 18, United States Code, is amended by adding at the end the following new item:

''3245. Optional venue for offenses involving Federal employees and contractors overseas.''.

(B) The table of sections for chapter 212A of title 18, United States Code, is amended by striking the item relating to section 3272 and inserting the following new items:

''3272. Offenses committed by Federal contractors and employees outside the United States.

''3273. Regulations.''.

(C) The table of sections for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3287 the following new item:

''3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.''.

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters for part II of title 18, United States Code, is amended to read as follows:

''212A. Extraterritorial Jurisdiction Over Offenses of Contractors and Civilian Employees of the Federal Government ..... 3271''.

SEC. 3. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the head of any other department or agency of the Federal Government responsible for employing contractors or persons overseas, shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other employees of the Federal Government for that purpose.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of this Act and the amendments made by this Act, and shall have the authority to initiate, conduct, and supervise investigations of any alleged offense under this Act or an amendment made by this Act.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as amended by section 2(a) of this Act), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as amended by section 2(a) of this Act), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other department or agency of the Federal Government to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional employees and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Attorney General shall, in consultation with the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a), including the organization and training of employees and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and the provisions of this section.

(c) DEFINITIONS.—In this section, the terms ''agency'' and ''department'' have the meanings given such terms in section 6 of title 18, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy employees overseas.

SEC. 4. EFFECTIVE DATE.

(a) IMMEDIATE EFFECTIVENESS.—This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this Act or an amendment made by this Act applies shall have 90 days after the date of enactment of this Act to ensure compliance with this Act and the amendments made by this Act.

SEC. 5. RULES OF CONSTRUCTION.

(a) IN GENERAL.—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this Act or any amendment made by this Act shall apply to the authorized intelligence activities of the United States Government.

SEC. 6. FUNDING.

If any amounts are appropriated to carry out this Act or an amendment made by this Act, the amounts shall be from amounts which would have otherwise been made available or appropriated to the Department of Justice.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 501—COMMEMORATING THE 20TH ANNIVERSARY OF THE WRIGHT MUSEUM OF WWII HISTORY IN WOLFEBORO, NEW HAMPSHIRE

Ms. AYOTTE (for herself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 501

Whereas on July 16, 1994, the Wright Museum of WWII History opened as an educational institution in Wolfeboro, New Hampshire, founded by David Wright;

Whereas for the past 20 years the Wright Museum has fulfilled its mission to preserve and share the stories of the people of the United States during World War II, and is the only United States museum that exclusively focuses on the contributions and enduring legacy of World War II-era Americans;

Whereas the Wright Museum accomplishes its mission through the careful preservation and thoughtful display of its extensive permanent collection of World War II-era items and memorabilia from the years between 1939 and 1945;

Whereas the Wright Museum is unique among traditional World War II museums in that the over 14,000 items in its permanent collection are representative of both the battle field and the United States home front;

Whereas the Wright Museum has established a national reputation as a repository for historically significant World War II-era items and memorabilia;

Whereas the Wright Museum uses its permanent collection to introduce visitors to a seminal period in United States history and place that period into historical context;

Whereas for 2 decades the Wright Museum has educated, entertained, and inspired over 200,000 visitors from across the United States and around the world; and

Whereas the Wright Museum remains dedicated to David Wright's vision of providing a vivid perspective on the profound and enduring impact of the World War II experience on United States society: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Wright Museum of WWII History staff, volunteers, and board of directors for their efforts to encourage the study of a significant period in United States history;

(2) applauds the Wright Museum of WWII History's mission to raise awareness of the contributions and lasting legacy of World War II-era Americans; and

(3) recognizes the significance of July 16, 2014 as the 20th anniversary of the opening of the Wright Museum of WWII History.

SENATE CONCURRENT RESOLUTION 40—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR A CEREMONY TO AWARD CONGRESSIONAL GOLD MEDALS IN HONOR OF THE MEN AND WOMEN WHO PERISHED AS A RESULT OF THE TERRORIST ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. CASEY submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 40

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR GOLD MEDAL CEREMONY IN HONOR OF FALLEN HEROES OF 9/11.

Emancipation Hall in the Capitol Visitor Center is authorized to be used on September 10, 2014, for a ceremony to award Congressional Gold Medals in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

NOTICE OF HEARING

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, ''Abuse of Structured Financial Products: Misusing Barrier Options to Avoid Taxes and Leverage Limits.'' The subcommittee hearing will examine a set of transactions that utilize financial engineering and structured financial products to attempt to avoid paying U.S. taxes on short-term capital gains. Witnesses will include representatives of major financial institutions, as well as tax experts from a nonprofit institution and the U.S. Government Accountability Office. A witness list will be available Friday, July 18, 2014.

The Subcommittee hearing has been scheduled for Tuesday, July 22, 2014, at 9:30 a.m., in Room 216 of the Hart Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. NELSON. 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 Monday, July 14, 2014, at 3 p.m. in order to conduct a hearing to consider the nomination of Hon. James C. Miller III, Stephen Crawford, David M. Bennett, and Victoria Reggie Kennedy to be Governors, U.S. Postal Service.

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

PRIVILEGES OF THE FLOOR

Ms. HIRONO. Mr. President, I ask unanimous consent that Kinnon McDonald, an intern in Senator LEAHY's office, be granted floor privileges for Tuesday, July 15, 2014.

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

MEASURES READ THE FIRST TIME—S. 2599 AND H.R. 4718

Ms. HIRONO. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time en bloc.

The assistant legislative clerk read as follows:

A bill (S. 2599) to stop exploitation through trafficking.

A bill (H.R. 4718) to amend the Internal Revenue Code of 1986 to modify and make permanent bonus depreciation.

Ms. HIRONO. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JULY 15, 2014

Ms. HIRONO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 15, 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 12 noon, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to executive session as provided for under the previous order; further, that following the cloture vote on the LaFleur nomination, the Senate recess until 2:15 p.m. to allow for the weekly caucus meetings; finally, if cloture is invoked on either of the nominations, the time until 3 p.m. be equally divided and controlled between the two leaders or their designees and at 3 p.m. the Senate proceed to vote on confirmation of the nominations, as provided under the previous order.

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

PROGRAM

Ms. HIRONO. Mr. President, at 12 noon tomorrow there will be two cloture votes on the Bay and the LaFleur nominations to be members of the Federal Energy Regulatory Commission and, if cloture is invoked, votes on confirmation of the nominations at 3 p.m.

ADJOURNMENT UNTIL TUESDAY, JULY 15, 2014, at 10 A.M.

Ms. HIRONO. Mr. 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 5:45 p.m., adjourned until Tuesday, July 15, 2014, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ALISSA M. STARZAK, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE BRAD CARSON, RESIGNED.

DEPARTMENT OF STATE

CRAIG B. ALLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

JANE D. HARTLEY, OF NEW YORK, TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PRINCIPALITY OF MONACO.

RICHARD M. MILLS, JR., OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

JOHN FRANCIS TEFFT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

NATIONAL LABOR RELATIONS BOARD

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2019, VICE NANCY JEAN SCHIFFER, TERM EXPIRING.

DEPARTMENT OF HOMELAND SECURITY

JOSEPH L. NIMMICH, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE RICHARD SERINO, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

ANNE E. RUNG, OF PENNSYLVANIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE JOSEPH G. JORDAN, RESIGNED.

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 general

LT. GEN. LORI J. ROBINSON

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 general

GEN. HERBERT J. CARLISLE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. FREDERICK B. HODGES

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MARK D. LEVIN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

CRAIG H. RHYNE

To be major

DAVID E. VIZURRAGA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

STEVEN E. KOEHL

MICHAEL J. MCFALL
CHRISTOPHER YOUNG

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

RUBEN J. VAZQUEZ

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSEPH S. GONDUSKY
JARED H. HEIMBIGNER
HASAN A. HOBBS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICHARD A. PORTILLO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

HENRY S. THRIFT III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LEAH M. TUNNELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

TRAVELYAN M. WALKER