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PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, SECOND SESSION

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# Senate

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

PRAYER

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

Let us pray.

Eternal God, our rock and fortress, thank You for even giving us credit for our good intentions. You examine our motives, discerning the nuances of our motivation and the chasm between what we desire and what we are able to accomplish. Lord, we are grateful for Your mercy that does not make our limitations the standard for judging us, but You accept our faith in Your redemptive power.

Give our Senators a blessed day. May they produce a harvest of good deeds for Your glory. Help them to submit to Your spirit's control. Provide them with vision, wisdom, and courage to meet today's challenges.

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 24, 2014.*

*To the Senate:*

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

PATRICK J. LEAHY,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the motion to proceed to Calendar No. 453, the Bring Jobs Home Act. This will be postcloture time. Cloture has been invoked on this measure.

At 1:45 this afternoon there will be a voice vote on the adoption of the motion to proceed to the Bring Jobs Home Act. There will be a rollcall vote on the motion to invoke cloture on the nomination of Pamela Harris to be a U.S. circuit judge for the Fourth Circuit, followed by a voice vote on confirmation of the nomination of Lisa Disbrow to be an Assistant Secretary of the Air Force.

ORDER OF PROCEDURE

I ask unanimous consent that at 3:40 this afternoon, the Senate conduct a moment of silence in memory of the 1998 Capitol shooting that resulted in the deaths of Special Agent John Gibson and Officer Jacob Chestnut.

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

## MEASURE PLACED ON THE CALENDAR—S. 2648

Mr. REID. Mr. President, S. 2648 is due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 2648) making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

## REMEMBERING OFFICERS JOHN GIBSON AND JACOB CHESTNUT

Mr. REID. Mr. President, many years ago I came to Washington, DC, to go to law school. I came back here because Nevada did not have a law school. Although I had opportunities to go other places, I came back here because it was kind of the thing Nevadans did. I got a job through my Nevada Congressman—we only had one at the time—Walter S. Baring. I had what was called a patronage job. I was a Capitol police officer. I was assigned here to the Capitol, assigned to the House side. That is what I did. My badge is still in my conference room. I worked the evening shift—from 3 to 11, as I recall.

When I was a member of the Capitol Police Force, as I have said here on the floor, I did not do anything that was very dangerous. The most dangerous thing I did was direct traffic out on Constitution Avenue. At that time they had subway tracks in the road, and cars would bounce around. I did not do anything that was very dangerous; but I was a police officer. I am very proud of that.

In this Senate Chamber, as we speak, there are people who are assigned to take care of us, staff, and all of the tourists who come in. We have tourists in the galleries. The police officers are assigned everyplace. Some have uniforms; most of them do not. Their job

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



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is to do everything they can to make sure this magnificent Capitol Complex is safe. Every day there are people who, if they could, would do damage to this Capitol and to the people who work here.

In 1998 two of our Capitol police officers were on duty. A crazed man—16 years ago—came into the Capitol and shot Jacob Chestnut cold dead, right there at what we call the Memorial Door. John Gibson heard this commotion and saved many tourists and staff from this crazed man, but in the process he was also killed. Both officers died that day. They had served a combined 36 years on the force protecting all of us and all of the many people who come to this Capitol Complex.

I know the families of these two officers. I have met with them on a yearly basis. I know nothing can make up for the loss of these two fine men 16 years ago, but I hope their families and friends take comfort in knowing that those of us who were here that day hold them in our memories and in our hearts.

While it is little solace to their families, the tragedy that day made the Capitol a safer place. It was because of them that we finally were able to make this a safer place. We had worked on it for well more than 10 years. We now have a visitor center. You walk outside; you see a beautiful lawn. Under that is a visitor center. There is as much underground there as on top of the ground.

Now people can come into the Capitol. They can be safe and secure. There are places to go to the bathroom. There is food and wonderful viewing in that complex. So because of these two men, we were able to get that done and make the Capitol a safer place. We have a Capitol visitor center now which prevents a madman like the one who shot these two police officers from entering the Capitol. We are grateful for their sacrifice. We are grateful every day to the devoted men and women like them who guard these hallowed halls.

As I remember, we had a Senate retreat in southern Virginia. My wife became ill. As I have said a number of times before, Agent Gibson rushed to her side. He had to run a long way from where they were. I can remember how he was perspiring when he came in. So I have fond memories of these two police officers and recognize the sacrifice they made for us.

## RECOGNITION OF THE MINORITY LEADER

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

## REMEMBERING OFFICERS JOHN GIBSON AND JACOB CHESTNUT

Mr. McCONNELL. Mr. President, today I would like to begin by remembering two men to whom we owe so much: Officer J.J. Chestnut and Detective John Gibson. Exactly 16 years ago these Capitol policemen were shot in the line of duty, paying a terrible price in defense of every one of us—Senators, staffers, pages, fellow officers, and every American citizen who passes through these hallowed halls. These men knew the grave risk that came with the job. Yet they chose to wear the badge anyway. They made the decision to stand in defense of the democratic ideal this building symbolizes.

We owe these men a debt that can never be repaid. So let's never forget their lives or their final act of heroism. We are reminded every time we pass the Capitol Police headquarters, which bears both of their names. We are reminded every time we notice the plaque in the Capitol that commemorates them. We are reminded by observing today's men and women of the U.S. Capitol Police as they continue to protect this institution, honorably continuing the watch of these two fallen officers.

Today the Senate honors Officer Chestnut and Detective Gibson for their sacrifice. We send our sincere condolences to the family and friends left behind.

## AMERICAN JOBS

Mr. McCONNELL. Mr. President, if Senate Democrats were half as concerned about American jobs as they are about saving their own jobs this November, there would be almost no limit to what we could accomplish. Yet, rather than work with us to get anything serious accomplished for our constituents, we see the majority leader once again bowing to the whims of his campaign consultants and the Senate becoming little more than a campaign studio this week.

The majority leader can spend all of his time fighting for the consultant class if he wants, but that will not stop Republicans from offering commonsense, job-saving ideas that both sides should be able to support. For example, the senior Senator from Utah will offer an amendment that would repeal a Democratic tax that helped push manufacturing overseas and could kill as many as 165,000 American jobs. It is a measure that would likely pass if the majority leader would only allow a vote. I know some of our friends on the other side plan to offer amendments too. The question is, Will those Senators join us to demand that their amendments be considered too or will they allow the majority leader to shut down the legislative process one more time, silencing their constituents. I hope they will make the right decision.

Since the majority leader seems so determined to convince everyone that he cares about protecting American jobs this week, I am going to offer an opportunity to prove he is serious about it. He can do it by allowing a vote or even voting himself for an amendment of mine called the Saving Coal Jobs Act. He has already blocked this bill once before, but I will give him a chance to reconsider.

Everyone knows the administration's war on coal jobs is little more than an elitist crusade that threatens to undermine Kentucky's traditionally low utility rates, splinter our manufacturing base, and ship well-paying jobs overseas. My amendment seeks to push back against this war on coal, this war on ordinary American livelihoods, and it seeks to help protect the administration's targets too—Kentucky coal families who want little more than to put food on the table and give their children a better life. It is really not too much to ask. So the majority leader has a choice. Is he in favor of shipping Kentucky jobs overseas or will he help me protect the middle class by supporting this amendment?

Regardless of what he decides, though, I am going to keep fighting against this administration's unfair regulations. Yesterday the EPA Administrator came to Capitol Hill to defend the administration's extreme proposed energy regulations. She tried to assure legislators that the administration wanted input from the public as it went about developing and implementing its job-killing agenda. But it is hard to take her seriously because earlier this week I met with her in person and urged her to hold at least one listening session in coal country, the region most likely to be affected by the administration's regulations. She was unmoved. Apparently the Obama administration isn't all that interested in what Kentucky thinks. Well, if Washington officials won't come to Kentucky, then Kentuckians will come to Washington. Beginning next week, the administration plans to hold one of its listening sessions in Washington. I plan to testify and so do several of my constituents. Even though they will have to travel hundreds of miles to get here, these Kentuckians will make Washington understand they are more than just some statistic. They are our neighbors, they are moms and dads, and they refuse to be collateral damage in some elitist war dreamed up in a bureaucratic boardroom in Washington.

## HONORING OUR ARMED FORCES

### LT. COL. JOHN DARIN LOFTIS

Mr. President, today I celebrate the life of a Kentucky airman who lost his life while wearing our country's uniform. Lt. Col. John Darin Loftis of Paducah, KY, a 17-year veteran of the Air Force, was killed on February 25, 2012, in an attack on the Interior Ministry in Kabul, Afghanistan. He was 44 years old.

For his service in uniform, Lieutenant Colonel Loftis received several awards, medals, and decorations, including the Bronze Star, the Purple Heart, the Meritorious Service Medal with oak leaf cluster, the Air Force Commendation Medal, the Army Achievement Medal, and the Air Force Combat Action Medal.

Darin, as his friends called him, was working in the ministry as an adviser to a program that developed a team of U.S. service personnel skilled in Afghan and Pakistani culture and language. Darin himself spoke the Pashto language fluently and also was proficient in Dari and Arabic, enabling him to relate to the local Afghans. Darin was a liaison officer with top Afghan National Police officials in Pashto.

Darin's work was so important that after his death he was praised by the Governor of Afghanistan's Zabul Province. The Governor said this about Darin:

> When the Afghan people see that an American is speaking Pashto, they're more inclined to open up to him, and that's the reason why he's so successful. He can go among the local population and get their impression of U.S. forces. He can do this better than any other soldier because he speaks their language and knows their culture.

Darin's commander, Lt. Gen. Eric Fiel of the Air Force Special Operations Command, said this about Darin: Lieutenant Colonel Loftis ''embodies the first Special Operations Forces truth that humans are more valuable than hardware, and through his work with the Afghan people, he was undoubtedly bettering their society.''

Darin's wife Holly agrees with these kind words but has one more important point to add: ''Darin was a great American, but more importantly he was a devoted father to our two daughters, a loving husband, and caring son.''

Born on February 22, 1968, in Indiana, Darin's family moved to Kentucky when he was 3 years old. He attended Calloway County schools from kindergarten through his senior year in high school, from where he graduated in 1986. Described as a high school whiz kid by some, Darin received excellent grades and drove a black Studebaker with plain, cream-colored tires.

Jerry Ainley, former principal of Calloway County High School, said:

> He was such a fine young man. I remember his smile when he'd greet me in the hallways. He was very polite, a young man of high morals and high integrity, I guess everything you'd think of in an airman.

Darin went on to study engineering at Vanderbilt. While there, he met a girl named Holly while working for a university service that arranged security for anyone requesting it rather than walking on campus alone.

Darin and Holly got married, and in 1992 the couple joined the Peace Corps. Together they served 2 years in Papua, New Guinea, with the Duna tribe, where Darin spoke Melanesian pidgin. He clearly had a gift for languages.

Loftis entered the Air Force in 1996 and received his commission through officer training school. Originally classified as a space and missile officer, he became a regional affairs strategist in 2008.

By his first tour in Afghanistan in 2009, he had become a major serving in special operations forces. He deployed to Afghanistan for his second deployment with the 866th Air Expeditionary Squadron in 2011.

Darin continued to be an excellent student, earning three master's degrees over the course of his Air Force career. His wife Holly recalls: ''He loved learning . . . he loved going to school.''

Family was especially important to Darin. John M. Loftis, Darin's father, said:

> He lived for his kids and his family, I can tell you that. When he was home, he fooled with those kids all the time. He'd take them to school. They are going to miss him.

Darin was so skilled in communicating and respected for cementing relationships with the Afghans he worked with in Kabul that during his tour in 2009 he was given a Pashto name—Esan—which translates to mean generous. Darin explained the nickname to his daughters by saying: ''It's an honorable sense of duty to help others.''

In Darin's memory, the U.S. Air Force Special Operations School in Florida dedicated the school's auditorium in his name—an auditorium Darin himself had previously taught and lectured in. The class of 1986 at Darin's alma mater, Calloway County High School, organized an annual scholarship fund in his name, beginning with two $1,000 scholarships to members of the Class of 2014.

We are thinking of Darin's family today as I share his story with my Senate colleagues. He leaves behind his wife Holly, his two daughters Alison and Camille, his mother Chris Janne, his father John M. Loftis, his brother-in-law Brian Brewer, and many other beloved family members and friends.

The Airman's Creed, learned by every American airmen, reads in part as follows:

> I am an American Airman. . . .
> Guardian of Freedom and Justice,
> My Nation's Sword and Shield,
> Its Sentry and Avenger.
> I defend my Country with my Life.

I hope the family of Lt. Col. John Darin Loftis knows this Senate believes his life and his service fulfilled every word of this sacred motto. That is why we pause today to remember his life, recognize his service, and stand grateful for his sacrifice.

## RESERVATION OF LEADER TIME

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

## BRING JOBS HOME ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to Calendar No. 453, S. 2569, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to Calendar No. 453, S. 2569, a bill to provide an incentive for business to bring jobs back to America.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

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

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

### ISRAEL-GAZA CONFLICT

Mr. MORAN. Mr. President, thank you very much.

For 3 weeks we have seen fighting going on in Israel and the Gaza Strip carried on between the Israeli military and Hamas. In both Gaza and Israel lives, unfortunately, are being lost, homes are destroyed, families are devastated, security is threatened, and daily life is polluted by this war.

Since the fighting began, Hamas has made it abundantly clear it is unwilling to behave in any responsible manner. The organization is using civilian areas such as schools and hospitals, mosques and playgrounds, as rocket-launching sites. Caches of rockets have been discovered inside two Gaza schools sponsored by the United Nations. A chance for peace emerged when Egypt put forward a cease-fire plan that Israel agreed to. Hamas refused to cease hostilities. Later Israel agreed to a temporary truce, the pause requested by Hamas to facilitate the delivery of humanitarian supplies to Gaza. Despite the Israeli cooperation, Hamas quickly violated the cease-fire, resuming rocket launches into Israeli territory.

Hamas's actions seek to kill and terrorize those across the Israeli border while they also do great harm to the people of Gaza. Ending the rocket attacks would hasten an end to the current violence and bloodshed that has taken a disproportionate toll on Gazan lives.

On July 17, the Senate unanimously passed a resolution to express American support for Israeli self-defense efforts and called for an immediate cessation of Hamas's attacks against Israel. S. Res. 498 also serves as a reminder to anyone ascribing legitimacy to Hamas's deadly aggression toward Israel; despite any governing agreement with Fatah and the Palestinian Authority, Hamas's violence is not legitimate in the eyes of the United States of America. Since 1997, Hamas has been included on the U.S. State Department's list of designated foreign terrorist organizations. The group's ongoing attack on civilian targets further justifies this designation.

Hamas's participation in a unity government limits improvements to life in Gaza as American law restricts U.S. aid to Palestinian groups aligned with terrorist organizations such as Hamas. Gaza's poor economic state, which is cited by Hamas as justification for their attacks on Israel, is not at all improved by Hamas's belligerence. Instead, Hamas's strategy of violence only worsens Gaza's economic outlook. Hamas's actions compound the consequences of funding weapons and

smuggling tunnels rather than investing in the future of Gaza and its people, the point being that what Hamas is doing is damaging to the people of not only Israel but to the folks who live in Gaza.

This reality begs observers to question Hamas's commitment to the people it supposedly represents. Since the beginning of the current conflict, Hamas's commitment to violence against Israel appears to be their primary mission, not the care and well-being of their people. Unless cessation of hostilities becomes Hamas's priority, Israel will retain and must retain the right to defend its people and the welfare of those living in Gaza will regretfully continue to deteriorate.

Americans would not tolerate this. We would not. Our constituents would be insistent that we not tolerate the threat of terrorism that Israel faces on a daily basis. Since 1947, attacks from its neighboring Arab States have repeatedly forced Israel to defend its people.

This Senate has and will continue to demonstrate that the United States stands with Israel, especially during these turbulent times as Israel takes necessary action to reduce Hamas's means of terror, to disarm those who stand firmly in the way of a real and lasting peace.

Mr. President, 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.

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

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

HONORING FEDERAL EMPLOYEES

Mr. WARNER. Mr. President, I rise to call attention to the important efforts made each day by our public servants. We often forget that our public servants are Federal employees who go to work every day with the sole mission to make this country a better and safer place to live. Day after day they go about their work receiving little recognition for the great work they do, and many times, unfortunately, they are actually berated rather than acclaimed for what they do during difficult times.

Since 2010 I have come to the Senate floor on a regular basis to honor exemplary Federal employees, a tradition that was begun by my friend from Delaware Senator Ted Kaufman.

Today I wish to take this opportunity to recognize another extraordinary public servant who has served in the U.S. Department of Treasury for 41 years. Forty-one years. That is not a typo. Mr. Richard L. Gregg has dedicated more than four decades to Federal service. He most recently served as the Fiscal Assistant Secretary at the U.S. Department of the Treasury.

Mr. Gregg began his Federal civilian service in 1970 at Treasury's Financial Management Service. During his 10 years at Treasury, he served as the Commissioner of Treasury's Financial Management Service and as the Commissioner of the Bureau of Public Debt.

Mr. Gregg retired—for the first time—in June 2006 and was asked to return to Treasury in 2009 to serve as Fiscal Assistant Secretary. Mr. Gregg retired again this month, and in honor of his second retirement I wanted to highlight a couple of his noteworthy accomplishments.

During his long tenure at Treasury, Mr. Gregg was well known for his innovative thinking, the ability to make hard decisions, and the desire to make government more efficient, more open, and, very importantly, less costly.

Mr. Gregg led the Treasury into the 21st century by modernizing Federal payment operations. He moved Treasury from paper-based benefits payments toward the more sensible, secure, and reliable electronic payment system. We should have done that a lot earlier. This is a really big deal since Treasury makes more than 1 billion payments per year—think about that, more than 1 billion separate payments per year—including all Social Security benefit payments as well as others. His work will help save taxpayers $1 billion over the next decade. That is a pretty great value.

Mr. Gregg also helped achieve one of the more rare feats in the Federal Government—the actual consolidation of Federal programs. Mr. Gregg recognized that operations could be improved if Treasury consolidated two complementary Treasury agencies into one. By merging Treasury's Financial Management Service, which makes government payments, with Treasury's Bureau of Public Debt, which borrows the money to fund government, taxpayers will save tens of millions over the next decade.

This isn't going to clear up our $17 trillion in debt that goes up $3 billion a night, but these are the kinds of commonsense steps in the right direction we need to see more often.

I am also proud that Mr. Gregg is not only an inspiring public servant, but he is also a Virginian. He resides in Springfield, VA.

I thank Mr. Richard L. Gregg for his leadership at the Department of Treasury and for being a tireless advocate for the American people. His work in support of a more efficient, responsive, and accountable government will continue to make government work better for all Americans for many years to come.

Mr. President, I yield the floor, and I note the absence after quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The majority leader.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, with the concurrence of Senator MCCONNELL, the Senate proceed to executive session to consider Calendar No. 952; that there be 4 hours for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on the nomination; that if confirmed, the motion to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. TESTER. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. The Senate is postcloture on the motion to proceed.

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

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

VA HEALTH CARE

Mr. TESTER. Mr. President, I have come to realize that we are never going to get politics completely out of the legislative process. In the system we have today, there is always another election and there is always another campaign. This political posturing must be addressed. It is hurting our democracy, and it is a prime reason Congress's approval rating is in the single digits.

Today politics is hurting the men and women who bravely served our Nation. It is hurting our veterans.

When the news about the problems at the VA became public, lawmakers ran to the press and slammed the VA. They called for reform and accountability. They even dragged good men through the mud to score political points.

Members from both sides of the aisle said politics needed to be set aside because if there is just one thing that should cause our politicians to look past political games, it is our veterans. It is our commitment to our veterans,

our commitment to making sure they get the care they have earned. But today some lawmakers decided to forgo the hard work of compromise. Instead of putting veterans first, they have made improving veterans care political.

We have been working for 6 weeks to find a compromise bill that improves veterans' access to care, that holds the VA more accountable, and that hires more medical professionals so veterans can get the care they need when they need it. But for 6 weeks Members on the other side of the aisle in both the House and the Senate have balked at the cost of taking care of our veterans. Many of these lawmakers are the same ones—the same ones—who put our wars in Iraq and Afghanistan on a credit card. Many of them didn't blink twice when we sent hundreds of troops into Iraq earlier this month. Way back when, when the Iraq war was authorized, Congress spent less than 3 weeks debating Iraq. But now when it comes to taking care of our men and women who served—many in the same wars they put on a credit card—they worry about the cost.

Well, I have news for them: Taking care of our veterans is a cost of war. We do not send young Americans to war and then not take care of them. And it should not be the case that we rush to war but drag our feet when it comes to our vets.

Republicans today will announce they are forgoing the veterans conference committee and introducing a bill of their own. It is not a proposal aimed at benefiting our veterans. It is not. It is not a bill that takes the best ideas of veterans organizations, experts, or VA officials and moves the ball forward. It is a proposal that is meant to gain political favor. It is a proposal that sheds the responsibility of governing, of honoring our commitment to veterans. It is a proposal that is aimed at the November election.

Chairman SANDERS has been working hard to bridge the divide and produce a bill that gets veterans the support they need and can pass in Congress, but Chairman SANDERS can't do it himself, and neither can just one-half of the conference committee.

I am incredibly disappointed by what is taking place today. I had real hopes that this conference committee could rise above the political process and get something done for our veterans.

I have been holding listening sessions with Montana's veterans since early June. They didn't have much faith. Those veterans did not have much faith in Washington politicians solving the problem, but I told them it could be done. If we don't change course, if we don't leave politics at the door as we promised, then it is going to be hard for me to go back to Montana and look those veterans in the eye.

We can do better, and we must do better.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SANDERS. Mr. President, on June 11—a month and a half ago—in a very strong bipartisan way, the Senate voted 93 to 3—an overwhelming vote—to pass legislation written by Senator JOHN MCCAIN, a Republican, and myself to address crises facing our veterans community and the VA and to protect and defend the men and women who have put their lives on the line to defend us. I wish to take this opportunity again to thank Senator MCCAIN for his very strong efforts on getting that legislation passed.

As you know, the legislation we passed was estimated by the Congressional Budget Office, the CBO, to cost about $35 billion. At just about the same time, the House of Representatives passed legislation dealing with, more or less, the same issues, and the bill they passed in the House was estimated by CBO to cost $44 billion—$9 billion more than what we passed in the Senate.

In the last 6 weeks, my staff, my colleagues, and I have been working very hard to refine this legislation, to come up with a more reasonable pricetag, and to address the needs of our veterans community in a significant way. In that process, I have been accused by some of ''moving the goalposts.'' I guess I have. I have moved the goalposts so the legislation we are introducing today is substantially lower—substantially lower—than what passed the Senate and what passed the House. If that is called moving the goalposts, I suspect in this case it is moving the goalposts in a positive direction. In fact, the bill we are presenting would cost less than $25 billion—a lot of money, no doubt—but that is some $10 billion less than what we passed on the Senate floor, and it is $19 billion less than what the House passed.

Our proposal is a commonsense proposal which deals in a significant way with the needs of the veterans community. What it does is provide emergency funding for contract services so veterans can, when they find themselves in long waiting periods—as in fact is the case in a number of locations around the country—they can go outside of the VA and get private health care or care at a community health center or whatever. They no longer have to wait during this emergency period for long periods of time to get into the VA. I think that is a very important part of this proposal. It is something we have to do.

In addition, what we also say is if a veteran is living more than 40 miles from a VA facility—and there are veterans who in some cases are living hundreds of miles away—they do not have to, when they are ill, get in their car and travel for 3 or 4 hours to get health care at a VA facility. They will be able to go to a non-VA facility, a private physician, if they live more than 40 miles away from a VA facility. I think that is a significant step forward.

But what our legislation also does is address an issue of huge concern to the veterans community. Just yesterday—just yesterday—I received, and many members in the Veterans' Committee received, a letter from 16 major veterans organizations. I ask unanimous consent to have the letter printed in the RECORD.

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

JULY 23, 2014.

Chairman BERNIE SANDERS,
*Senate Committee on Veterans' Affairs, Washington, DC.*
Ranking Member RICHARD BURR,
*Senate Committee on Veterans' Affairs, Washington, DC.*
Chairman JEFF MILLER,
*House Committee on Veterans' Affairs, Washington, DC.*
Ranking Member MIKE MICHAUD,
*House Committee on Veterans' Affairs, Washington, DC.*

CHAIRMAN SANDERS, CHAIRMAN MILLER, RANKING MEMBER BURR, RANKING MEMBER MICHAUD: Last week, Acting Secretary Sloan Gibson appeared before the Senate Veterans' Affairs Committee to discuss the progress made by the Department of Veterans Affairs (VA) over the past two months to address the health care access crisis for thousands of veterans. Secretary Gibson testified that after re-examining VA's resource needs in light of the revelations about secret waiting lists and hidden demand, VA required supplemental resources totaling $17.6 billion for the remainder of this fiscal year through the end of FY 2017.

As the leaders of organizations representing millions of veterans, we agree with Secretary Gibson that there is a need to provide VA with additional resources now to ensure that veterans can access the health care they have earned, either from VA providers or through non-VA purchased care. We urge Congress to expeditiously approve supplemental funding that fully addresses the critical needs outlined by Secretary Gibson either prior to, or at the same time as, any compromise legislation that may be reported out of the House-Senate Conference Committee. Whether it costs $17 billion or $50 billion over the next three years, Congress has a sacred obligation to provide VA with the funds it requires to meet both immediate needs through non-VA care and future needs by expanding VA's internal capacity.

Last month, we wrote to you to outlining the principles and priorities essential to addressing the access crisis, a copy of which is attached. The first priority ''. . . must be to ensure that all veterans currently waiting for treatment must be provided access to timely, convenient health care as quickly as medically indicated.'' Second, when VA is unable to provide that care directly, ''. . . VA must be involved in the timely coordination of and fully responsible for prompt payment for all authorized non-VA care.'' Third, Congress must provide supplemental funding for this year and additional funding for next year to pay for the temporary expansion of non-VA purchased care. Finally, whatever actions VA or Congress takes to address the current access crisis must also ''. . . protect, preserve and strengthen the VA health care

system so that it remains capable of providing a full continuum of high-quality, timely health care to all enrolled veterans.''

In his testimony to the Senate, Secretary Gibson stated that the Veterans Health Administration (VHA) has already reached out to over 160,000 veterans to get them off wait lists and into clinics. He said that VHA accomplished this by adding more clinic hours, aggressively recruiting to fill physician vacancies, deploying mobile medical units, using temporary staffing resources, and expanding the use of private sector care. Gibson also testified that VHA made over 543,000 referrals for veterans to receive non-VA care in the private sector—91,000 more than in the comparable period a year ago. In a subsequent press release, VA stated that it had reduced the New Enrollee Appointment Report (NEAR) from its peak of 46,000 on June 1, 2014 to 2,000 as of July 1, 2014, and that there was also a reduction of over 17,000 veterans on the Electronic Waiting List since May 15, 2014. We appreciate this progress, but more must be done to ensure that every enrolled veteran has access to timely care.

The majority of the supplemental funding required by VA, approximately $8.1 billion, would be used to expand access to VA health care over the next three fiscal years by hiring up to 10,000 new clinical staff, including 1,500 new doctors, nurses and other direct care providers. That funding would also be used to cover the cost of expanded non-VA purchased care, with the focus shifting over the three years from non-VA purchased care to VA-provided care as internal capacity increased. The next biggest portion would be $6 billion for VA's physical infrastructure, which according to Secretary Gibson would include 77 lease projects for outpatient clinics that would add about two million square feet, as well as eight major construction projects and 700 minor construction and nonrecurring maintenance projects that together could add roughly four million appointment slots at VA facilities. The remainder of the funding would go to IT enhancements, including scheduling, purchased care and project coordination systems, as well as a modest increase of $400 million for additional ''VBA staff to address the claims and appeals backlogs.

In reviewing the additional resource requirements identified by Secretary Gibson, the undersigned find them to be commensurate with the historical funding shortfalls identified in recent years by many of our organizations, including The Independent Budget (IB), which is authored and endorsed by many of our organizations. For example, in the prior ten VA budgets, the amount of funding for medical care requested by the Administration and ultimately provided to VA by Congress was more than $7.8 billion less than what was recommended by the IB. Over just the past five years, the IB recommended $4 billion more than VA requested or Congress approved and for next year, FY 2015, the IB has recommended over $2 billion more than VA requested. Further corroboration of the shortfall in VA's medical care funding came two weeks ago from the Congressional Budget Office (CBO), which issued a revised report on H.R. 3230 estimating that, ''. . . under current law for 2015 and CBO's baseline projections for 2016, VA's appropriations for health care are not projected to keep pace with growth in the patient population or growth in per capita spending for health care—meaning that waiting times will tend to increase. . .''

Similarly, over the past decade the amount of funding requested by VA for major and minor construction, and the final amount appropriated by Congress, has been more than $9 billion less than what the IB estimated was needed to allow VA sufficient space to deliver timely, high-quality care. Over the past five years alone, that shortfall is more than $6.6 billion and for next year the VA budget request is more than $2.5 billion less than the IB recommendation. Funding for nonrecurring maintenance (NRM) has also been woefully inadequate. Importantly, the IB recommendations closely mirror VA's Strategic Capital Investment Plan (SCIP), which VA uses to determine infrastructure needs. According to SCIP, VA should invest between $56 to $69 billion in facility improvements over the next ten years, which would require somewhere between $5 to $7 billion annually. However, the Administration's budget requests over the past four years have averaged less than $2 billion annually for major and minor construction and for NRM, and Congress has not significantly increased those funding requests in the final appropriations.

Taking into account the progress achieved by VA over the past two months, and considering the funding shortfalls our organizations have identified over the past decade and in next year's budget, the undersigned believe that Congress must quickly approve supplemental funding that fully meets the critical needs identified by Secretary Gibson, and which fulfills the principles and priorities we laid out a month ago. Such an approach would be a reasonable and practical way to expand access now, while building internal capacity to avoid future access crises in the future. In contrast to the legislative proposals in the Conference Committee which would require months to promulgate new regulations, establish new procedures and set up new offices, the VA proposal could have an immediate impact on increasing access to care for veterans today by building upon VA's ongoing expanded access initiatives and sustaining them over the next three years. Furthermore, by investing in new staff and treatment space, VA would be able to continue providing this expanded level of care, even while increasing its use of purchased care when and where it is needed.

In our jointly signed letter last month, we applauded both the House and Senate for working expeditiously and in a bipartisan manner to move legislation designed to address the access crisis, and we understand you are continuing to work towards a compromise bill. As leaders of the nation's major veterans organization, we now ask that you work in the same bipartisan spirit to provide VA supplemental funding addressing the needs outlined by Secretary Gibson to the floor as quickly as feasible, approve it and send it to the President so that he can enact it to help ensure that no veteran waits too long to get the care they earned through their service. We look forward to your response.

Respectfully,

Garry J. Augustine, Executive Director, Washington Headquarters, DAV (Disabled American Veterans); Homer S. Townsend, Jr., Executive Director, Paralyzed Veterans of America; Tom Tarantino, Chief Policy Officer, Iraq and Afghanistan Veterans of America; Robert E. Wallace, Executive Director, Veterans of Foreign Wars of the United States; Rick Weidman, Executive Director for Policy and Government Affairs, Vietnam Veterans of America; VADM Norbert R. Ryan, Jr., USN (Ret.), President, Military Officers Association of America; Randy Reid, Executive Director, U.S. Coast Guard Chief Petty, Officers Association; James T. Currie, Ph.D, Colonel, USA (Ret.), Executive Director, Commissioned Officers, Association of the U.S. Public Health Service; Robert L. Frank, Chief Executive Officer, Air Force Sergeants Association; VADM John Totushek, USN (Ret), Executive Director, Association of the U.S. Navy (AUSN); Herb Rosenbleeth, National Executive Director, Jewish War Veterans of the USA; Heather L. Ansley, Esq., MSW, Vice President, VetsFirst, a program of United Spinal Association; CW4 (Ret) Jack Du Teil, Executive Director, United States Army Warrant Officers Association; John R. Davis, Director, Legislative Programs, Fleet Reserve Association; Robert Certain, Executive Director, Military Chaplain Association of the United States; Michael A. Blum, National Executive Director, Marine Corps League.

Mr. SANDERS. Mr. President, 16 major veterans organizations, including the Disabled American Veterans, the Veterans of Foreign Wars—the VFW—Paralyzed Veterans of America, the Vietnam Veterans of America, the Iraq and Afghanistan Veterans of America, the Military Officers Association of America, and many others—wonderful veterans organizations that have worked for years representing the needs of millions and millions of veterans—what these organizations say in this letter is that while we must address the immediate crisis of doing away with these long waiting lines and allowing veterans to get private care, what they also say—loudly and clearly—is that the VA must have the doctors, the nurses, and the space capacity that it needs so that in the future it will be able to permanently eliminate these long waiting lines so that 2 years from now, 3 years from now, when veterans come into the VA, they will get quality care, they will get timely care. That is what the veterans organizations have said.

I will quote to you one small paragraph of a long letter. They say that the charge of the conference committee should be ''to ensure that all veterans currently waiting for treatment must be provided access to timely, convenient health care as quickly as medically indicated,'' and at the same time ''protect, preserve and strengthen the VA health care system so that it remains capable of providing a full continuum of high-quality, timely health care to all enrolled veterans.''

Last week, in a Senate Veterans' Affairs Committee meeting, Sloan Gibson, the Acting Secretary of the VA, stated that the VA needed over $16 billion in order to hire thousands and thousands of doctors, nurses, other medical providers. In many VA facilities doctors do not have the examining rooms they need. There are space problems all over this country. What the veterans organizations—16 of them—said loudly and clearly is that Sloan Gibson, the new Acting Secretary of the VA—approved with wide Republican support—they said we support his proposal.

Our legislation does not give the VA all that Mr. GIBSON would like, but we do provide them with the doctors and the nurses and the medical staff they need so we do not continue to have

long waiting lines at VA hospitals all over this country, so we do not come back 2 years from now in the same position, with veterans not being able to get timely care.

I have worked for a month and a half with my House Republican colleagues, led by the Veterans' Affairs chairman there, JEFF MILLER, to find a compromise. Everybody knows the House looks at the world differently than the Senate—we all know that—and if we go forward, we need a compromise.

We have put good-faith offers on the table time and time again and we have tried to meet our Republican colleagues more than halfway, but I am very sad to say that at this point—and I hope this changes—but at this point I can only conclude, with great reluctance, that the good faith we have shown is simply not being reciprocated by the other side.

Standing here and saying this is the last thing I want to be doing. Our veterans deserve a responsible solution to this crisis.

Last night—this is an example of what has happened—somewhere around 10 o'clock in the night, the cochairman of the veterans conference committee, Mr. MILLER in the House, announced unilaterally, without my knowledge or without my concurrence, that he was going to hold a so-called conference committee meeting in order to introduce his proposals.

Needless to say, his proposal is something I have yet to see. I do not know what it is. This is a proposal nobody on our side has seen. My understanding is he then wants to take this to the House on Monday to come up with a vote. In other words, his idea of negotiation is: We have a proposal. Take it or leave it. Any sixth grader in a school in the United States understands this is not negotiation, this is not what democracy is about.

I note the presence on the floor of the coauthor of the bill passed in the Senate, Senator MCCAIN, and I am happy to yield the floor for Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, could I say that I understand the frustration the chairman of the committee feels, and this has been, for everyone involved, a very frustrating process. I think to some degree the real effort has been diverted on this whole issue of the pay-fors, the cost of this legislation. I fully understand the frustration of the Senator from Vermont, the distinguished chairman of the committee. I would hope we could maybe, all of us, cool down some and maybe go to this meeting at noon, and ahead of time—as far ahead of time as is possible—tell the chairman what their proposal is and also a counterproposal of Senator SANDERS' would be fully considered by the conference as well.

It is the proper process to go to a conference. Unfortunately, we only did that once, and that was largely a pro forma kind of activity.

Again, I fully appreciate Senator SANDERS, who has worked very hard on this very terrible issue. But I hope all of my colleagues recognize that for us to not come to agreement on legislation which is not that dissimilar, which passed this body 93 to 3, and over on the House side I believe it was unanimous, is a gross disservice to those who deserve our consideration most.

There is no group of citizens in this country who deserve our help in this time of crisis more than our veterans, the men and women who have served. So may I say to my friend from Vermont, who, like me, is very given to calm deliberation of all issues, we are very similar in that respect. I say, with some humor, I hope, that I hope we can go to this conference at noon today and sit down together, and listen to the various proposals.

I believe the fundamentals, as were passed by this body on a 93-to-3 vote, should be a basis for largely the final legislation we reach. The other body's legislation is strikingly similar. It seems to me where we have a difference is how much additional funding to the fundamentals of the legislation we are considering.

I was watching my friend from Vermont on the floor here. I want to say to him, I fully understand his frustration. I hope we will be able to sit down at noon with both Republicans and Democrats, both sides of the aisle, with the overriding priority of not leaving and going out into an August recess without acting on this issue. Veterans are dying. There are allegations that 40 veterans in my State at the Phoenix VA hospital died because they did not receive care. There is not a policy/academic issue here. This is the very lives of the men and women who are serving.

I guess for the third time I would say to my colleague, and I will yield to him in just a second: I would be more than happy to look at what we have proposed and what has passed through this body, as compared to what the other side of the Capitol is proposing. Perhaps we can come to some agreement and compromise, which is the way we are supposed to pass laws in this body.

I ask unanimous consent to yield to Senator SANDERS.

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

The Senator from Vermont.

Mr. SANDERS. First of all, I want to thank Senator MCCAIN again for all of his hard work on this issue.

Let me ask a few questions. The Senator and I have been talking the last few days. Does the Senator not think—he has been here for 1 or 2 years—that the best way to go forward is for people to sit down at a table and knock out their differences? And then the idea of presenting it to a conference is absolutely right. But the Senator knows, and I know, that what conference committees are largely about are 5-minute speeches.

I have been disappointed that I have not—I think the Senator will agree with me, maybe not, that the best way forward is for people to sit down in a room and work out their differences, not to go forward with unilateral statements. Does that make sense?

Mr. MCCAIN. Well, could I say to my friend from Vermont, I believe it is a matter of simple courtesy, that the Senator, as the chairman of a committee, should be asked to come to a meeting with the other major chairmen and ranking members of the committees. I hope that kind of thing does not happen again.

What I would like to see—and I beg my colleagues to sit down and let's work this out. It is a matter of money. It is not a matter of the provisions of the bill. That cannot be the reason for us not to reach some agreement. I intend at noon to attend. I intend to make a strong case that we would be glad to hear any proposal by the chairmen and ranking members on the other side of the Capitol, and that we would have a counterproposal and maybe could start a discussion and dialog which could lead to an agreement.

Mr. SANDERS. Let me ask Senator MCCAIN one more question. I thank the Senator very much. He is not on, at this moment, the Veterans' Affairs Committee, but he has jumped into this with both feet and is playing a very big role. Would the Senator be prepared if, generally speaking, what happens is the chairmen and ranking members of the Senate and the House get together—you are not the chairman, you are not the ranking member, but I think you could play a good role. Would the Senator be prepared to sit down with the other four members, myself, the other three, and help us reach a compromise?

Mr. MCCAIN. I would be more than glad to do that, I would say to my friend from Vermont. I would also like to say I hope the participation of a number of people would lead us to some agreement today. Because once we reach an agreement, then, of course, we have to go through the normal votes and all of the things that require some period of time.

I want to say to my friends who are deeply concerned about the costs here of some of these provisions: My argument is that, yes, we should seek ways to pay for as much as we can. I believe we can compromise on some areas of spending. But we cannot allow that alone to prevent us from acting.

I thank my friend from Vermont. I look forward to engaging with him. I think maybe it is important that we show courtesy to all Members who are involved in this, including the chairman of the committee. I thank the Senator.

Mr. SANDERS. One more second. I wanted to paraphrase. Tell me if I am misquoting. I do not have it in front of me, but when we were debating this bill on the floor, the Senator said—we were talking about emergency funding—something to the effect of if this is not an emergency, I do not know

what an emergency is. Is that a correct paraphrase?

Mr. MCCAIN. That is absolutely my conviction, that the reason why we have emergency funding from time to time in times of crisis is for when there is an emergency. I will repeat: I do not know of a greater domestic emergency than the care we owe the men and women who have served this country.

I thank my colleague. I yield the floor.

Mr. SANDERS. I thank Senator MCCAIN very much for his statements and for his hard work on this and would reiterate what he said; that is, my belief that what we have here on the Senate floor, that if taking care of the men and women who have put their lives on the line to defend us and who came home without arms or legs, or without their eyesight or 500,000 of them who came home with post-traumatic stress disorder or traumatic brain injury—if that is not an emergency, taking care of those brave men and women, I agree with Senator MCCAIN, I do not know what an emergency is.

I am happy to yield the floor for my colleague from Alaska, Senator BEGICH.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. I say to my chairman on the Veterans' Affairs Committee, we talked very briefly on the phone. I wanted to come down here because I find this amazing. I am new around here. I know it has been almost 6 years. I still consider myself new in the process. But late last night, early this morning, I get a notice of a supposed conference committee meeting, which I was totally unaware of, was unaware of the proposals they are putting on the other side. I would like to have time—I know on the other side they talk a lot about transparency and timeliness and making sure the public is aware of what they are doing. But, lo and behold, they just kind of snap together a meeting because they have an idea that they want to move forward.

I am all game for more ideas on how to solve the problems with our veterans. But the public demands—demands—us to solve this problem, and also demands it to be done in a transparent way, not in the dark of the night a meeting is called. The chairman of the other side, in this case the Senator from Vermont, the chairman of the Senate committee, is not even notified.

I recognize Senator MCCAIN's comments about the courtesy. It should be a courtesy. But on top of it, the basic understanding of compromise and working with each other—that is what has to happen. We are not seeing that. We had a conference committee. We all made 5-minute speeches, grand statements about how to help veterans. We all want to do that. But it also means sitting down, working with each other, putting proposals out. I think the way the chairman described it best is: Roll up your sleeves and solve this problem.

Think about this: What is the real issue here? You heard it from Senator MCCAIN, that we pretty much have agreement on a lot of the basic issues. It is the money.

What is so amazing to me—I was not here when the wars were decided to be funded or, excuse me, not funded—two trillion dollars, Afghanistan even more. But even if you use that $2 trillion number, what we are talking about today is about 1 percent, 1 percent to take care of the veterans and their families who put their lives on the line, have come back, some missing limbs, some having mental issues, a variety of services they need, they earned, they deserve.

You know, when you think about it, my simple statement—the chairman has heard me say this before: You are for veterans or you are not.

We are going to quibble and nickel-and-dime our veterans. I appreciate what the chairman has done trying to lower the costs, trying to find compromise. But this is, as Senator MCCAIN said, an emergency. We need to take care of these veterans. For the House to nickel-and-dime our veterans is absolutely obscene. It is outrageous. They served our country. We need to do what we can to take care of them. It does not mean having midnight emails to tell us about a meeting that is going to occur on a day 12 hours later when I have no idea what their proposal is. They have not shared it with me. It would be nice. They are all about transparency. Let's do it. Let's have transparency. Let's have a debate.

I know the chairman has been working on this for the last 6 weeks. Many of us met, as the chairman in the last week did, talking about—with the new potential Secretary, which I am very excited for. He already has a 90-day idea, a plan, which I was amazed to see that he is already moving forward. I met with him yesterday. I told him: Be bold. Start doing things. Get nominated, get approved, let's get some stuff going.

But for this body on the other side to just out of the blue decide they are going to have a conference—usually the way it works—maybe I am wrong—a conference committee usually means Senate and House. The two chairmen talk to each other, pick a time, everyone tells their Members, and we all attend. We see proposals. We see paperwork beforehand. It is transparent. The press is aware of it, the public is aware of it. It is open to the people.

This is like a midnight ride to, in my view, potentially shortchanging our veterans. I am outraged. The chairman probably got that sense when I sent an email to the chairman this morning. Within seconds we were on the phone, because this is not how we need to do this business. The veterans deserve the care; they earned it; we owe it to them. The bill is due. It is time to pay up and quit nickel-and-diming our veterans. Prepare the services they need. Give the VA the capacity they need in order to perform the many different services, from hiring people—the chairman is right—nurses, doctors, mental health providers. We need them all.

I am very proud of some of the work—you heard me talk about it before—in Alaska. But we are one State. There are 49 other States. We need to do everything we can. I came down here—I had something else going on right now, but I was very frustrated and outraged by this lack of transparency on the body that proclaims to always talk about transparency.

But again, I can go on a rant here. I am going to stop. I am going to say the last thing I will say is: This is an emergency. We know it. The American people know it. Quit nickel-and-diming our veterans. Quit complaining about: Is it $25 or $26 billion. It is an emergency. We did not complain about one dime when they wanted all of the money for the wars: $2 trillion, $3 trillion. Actually, as some remember those photos, we put cash on pallets—cash on pallets—and shipped it over there. Now it is time to take care of our veterans. It is time to put up or shut up. It is time to get the work done. You are for veterans or you are against veterans. It is a simple equation.

It is a simple equation.

Mr. SANDERS. I thank Senator BEGICH.

The PRESIDING OFFICER. The Republican whip.

HUMANE ACT

Mr. CORNYN. Mr. President, there is no question that immigration is one of the toughest, most divisive issues we talk about in Washington, DC, perhaps because it is an economic issue, it involves cultural considerations, and it also includes security concerns. It is not just any one of those things; it is basically all of those wrapped into one.

At the same time, I have been impressed by the fact that the ongoing border crisis that is now occurring in South Texas has produced a moment of bipartisan consensus and clarity, which are rare when we talk about immigration. For example, we all agree that the United States must continue to uphold the rule of law, with which all of us are better off—including the people who want to come to the United States as immigrants, if they can come through a legal system in an orderly way and not as a flood of humanity who have surrendered themselves to the tender mercies of the criminal organizations that funnel children and other immigrants from Central America through Mexico into South Texas.

We all agree that our policies should be one of not encouraging Central American children, and particularly their parents putting their lives at risk in the hands of these criminal organizations. We all agree that the present levels of chaos and confusion on our southern border are totally unacceptable. No one is arguing for the status quo, to my knowledge. They are unacceptable from both a security perspective and from a humanitarian perspective.

I said just a moment ago that no one is arguing that the status quo is acceptable, but I fear that unless we sit down and reason together, we are going to end with a status quo before we leave for the August recess. Unless we are successful in passing the needed policy changes that will actually address some of the causes of the current crisis—as well as appropriate money that is needed on an emergency basis to help build capacity to deal with it—the status quo is what we are going to get. That would be disappointing and it would be tragic.

So people may have good ideas, and I would love to hear them. But working together with my colleague HENRY CUELLAR from the House—HENRY likes to call himself a Blue Dog Democrat, but he is from Laredo, TX, lives on the border and understands it very well—he and I have come up with a bipartisan, bicameral proposal that would discourage illegal immigration from Central America and elsewhere by ending the de facto policy of catch-and-release.

What I mean by that is when people are coming into the country illegally, they are detained by the Border Patrol. But we know there is a policy of de facto release once they are detained because many of them are given a notice to appear for a future court hearing and they never show up.

I had one former head of the Drug Enforcement Administration who said: Everybody knows that a notice to appear should really be retitled a ''notice to disappear'' because that is what happens.

If people are successful in navigating this glitch in our enforcement system, then they are going to keep coming and the cartels and the people who make money off of transporting people through this perilous journey will continue—as I have spoken about numerous times—from Central America through Mexico—a journey in which women are routinely sexually assaulted, the migrants are routinely kidnapped and held for ransom, and some never make it because they die of injuries or exposure.

If we don't fix that by the time we leave for our August recess, we will have failed in some of our more basic responsibilities. But more specifically, our bill would reform a 2008 human trafficking law that actually passed, essentially, by unanimous consent. Nobody dreamed that it would be exploited as it has been in a way that weakened U.S. immigration enforcement and incentivized Central American children to risk everything they have to make this perilous journey from Central America to Mexico.

I have said earlier what I believe to be the fact—the cartels are smart. I mean, these are rich, wealthy criminal organizations with a lot of shrewd and inventive people. What they have figured out is a business model to exploit this vulnerability in the 2008 law that we need to address before we leave.

I will give one sense of the problem. On Tuesday of this week, 20 unaccompanied minors from Central America had hearings scheduled before a Federal immigration court in Dallas—20 scheduled; 18 failed to show up. So roughly 10 percent showed up, and the other 18 didn't show up. We currently don't have the resources through Immigration and Customs Enforcement to locate those children and make sure they actually do appear. What happens is they are part of that 40 percent of illegal immigration, people who enter the country, just simply melt into the landscape, and we don't hear from them again, but they are still here.

Given how few unaccompanied minors actually appear for their hearings, Members of both parties have expressed their view that the 2008 law needs to be changed.

The Secretary of Homeland Security, whom I talked to as recently as yesterday, said on Tuesday: The administration has asked for a change in the law, and we are in active discussions with Congress right now about doing that.

That is a little bit mysterious to me because the majority leader has said the border is secure and he is not interested in taking up any reforms such as the HUMANE Act Congressman CUELLAR and I have sponsored.

I would say to the majority leader, if you don't think that is the right solution, then where is yours? Are there other ideas that people have that are better ideas? I am game.

I think we ought to have that discussion, and we ought to be focused on trying to fix it as Secretary Johnson said is needed. I am sure there will be some differences, but that is what this place is for, to work out those differences and come up with the 80 percent solution, hopefully, and then get the job done.

But the irony of what Secretary Johnson has said is that the administration acknowledges that change is needed. But is any change forthcoming from the majority leader?

Well, apparently it is not, because he is in the process of having us vote on a so-called clean emergency appropriations bill without any reforms attached to it. I have called this a blank check, and indeed I believe it is, because it is not responsible just to spend the money without trying to fix the problem. Indeed, if history is any guide—and I think it is—we are seeing these numbers go up every year.

In other words, it is estimated that of the 57,000 unaccompanied minors that have been detained at our southwestern border since August, that number could grow as high as 90,000 this year. Next year, the estimate is it could be as many as 145,000.

I know the Presiding Officer has read, as I have, stories in the Washington Post, the New York Times, and elsewhere about the backlash that is occurring around the country as these children are being transported and warehoused in different locations around the country. This is going to do nothing but get worse, in my view, as the numbers continue to escalate and as we don't deal with the source of the problem.

This is a very dangerous situation where the American people are demanding we act on our best judgment, trying to work together in a bicameral, bipartisan way. But so far at least, the majority leader, the Democratic leader has rejected any changes in the 2008 law—even along the lines that Secretary Johnson, Secretary of Homeland Security, has suggested.

I have actually heard there are proposals, legislative language that has been floated among our Democratic colleagues in the Senate. But under orders of the White House, none of that has been shared with anyone on this side of the aisle. I hope that changes because we need to be sharing ideas. We need to be working toward a consensus here because we have basically the rest of this week and next week, then we are out of here, and the problem is not going to get better. It is only going to get worse. We could use some help from the President, using some of his political capital—the power and the authority that only the resident of the White House has—to try to work together with Congress to get something done.

Seven weeks ago he called this an urgent, humanitarian crisis, but for some reason unknown to me, the President has still refused to go to the border himself to witness what is happening there. I worry he is living in a bubble—which I think all Presidents are prone to do unless they are careful and fight against it—that does not allow him to appreciate the seriousness of this situation and how bad it will continue to grow.

I was in McAllen, TX, last Friday, and I was pleased to see a number of our colleagues had traveled down to the border: Senator MURKOWSKI of Alaska, Senator HIRONO of Hawaii, Senator BLUMENTHAL of Connecticut, and other Members of the House—from California, Colorado, and Texas. I am grateful to them for coming down to the site of this huge crisis and trying to help work with us to try to figure out what needs to be done in order to resolve it.

I wish the President would take the same opportunity to see with his own eyes what his fellow Democrats saw. When I was in McAllen and then in Mission, TX—which is close to McAllen—last Friday, they made crystal clear to me and Congressman CUELLAR that they didn't care if we were Republicans or Democrats. As a matter of fact, that part of our State is heavily Democratic. What they cared about is whether we were serious about offering a meaningful solution to this crisis.

Can you imagine what impact there is on the local communities and on the State of Texas? I mean, this isn't broadly spread along the entire border,

this is concentrated on the Rio Grande Valley in South Texas. It is overwhelming the capacity of those local communities and of our State to deal with it.

This is why our Governor, in the absence of any Federal response, thought it was important to get more boots on the ground in the form of the National Guard. That is not a permanent solution by any means, but at least Governor Perry is willing to do something when the President is apparently not willing to use any political capital to get a meaningful response from Washington, DC.

I would say that it is obvious to any fairminded observer that the status quo along the border is unacceptable and unsustainable. But the response of the majority leader appears to be: Let's just spend some more money on an emergency basis. But I dare to say that if the majority leader wants us to spend $2.7 billion on an emergency basis now, we are going to be back at the end of the year doing it again. We are going to be back in 6 months doing it again. We are going to be back in another 6 months doing it again.

In other words, unless you are dealing with the source of the problem, we are going to continue to hemorrhage money to try to deal with this crisis when we should be all about deterring people from coming into our country when they have no realistic hope of being able to stay under our current laws.

As former Border Patrol Deputy Chief Ron Coburn recently reported: Not only has the Border Patrol's morale been lower than ever—we have Border Patrol who are being diverted from their law enforcement responsibilities in order to change diapers and to feed children. You can imagine what advantage the cartels and drug are taking when the Border Patrol is being relieved of their duties at the border and is busy trying to process these immigrant children through these various centers.

Well, they are having a field day. They are laughing at the Federal Government's ineptitude. Our current policies are emboldening transnational gangs, jeopardizing public safety, and making a mockery of United States sovereignty.

By contrast, the HUMANE Act that Congressman CUELLAR and I have offered would accelerate the removal process for unaccompanied minors who have no valid basis for staying. It would give those who have a valid basis for staying a timely hearing in front of an immigration judge so they can make their case. And if they can make their case under current law, then they will be able to stay. But it would strongly deter and discourage illegal migration, and it would help restore something that is sorely needed, which is some order in the rule of law in a situation that is characterized now by sheer chaos.

Just to clarify, this isn't about comprehensive immigration reform. We still have a lot of work we need to do beyond this. This is what we can do now together on a bipartisan basis that needs to be done on a timely basis. It is a narrowly targeted measure designed to alleviate a national crisis—nothing more, nothing less. I would think that would be something we would all agree is worth doing.

I would point out that some of the cosponsors of the HUMANE Act include Members who voted for the Gang of 8 immigration bill coming out of the Senate and Members who voted against it. So this is one of those rare points of bipartisanship and clarity as to what the problem is and what we need to do to fix it that is bringing people together on a bipartisan basis.

Our legislation transcends the typical left-right, Democratic-Republican immigration debate. It is a genuine bipartisan solution to a genuine emergency, and it deserves a vote. I hope the majority leader will reconsider his earlier position that all he wants us to do is write a blank check without any real reform.

The majority leader may not particularly like the legislation Congressman CUELLAR and I have introduced, but if he doesn't like it, doesn't it make sense that he would offer something different, something he thinks maybe would be a better solution? I would be glad to take a look at it.

If you don't like our plan, fine. But I would ask, Where is your plan? Because if you don't offer one and if you block a vote on sensible reforms, all you are doing is guaranteeing that the current border crisis will continue.

Again, I urge the President and the majority leader to come down to South Texas, like so many of our other colleagues have done, and take a look for themselves. The very least they could do is say thank you to the Border Patrol and other Federal officers, such as FEMA, who are trying to deal with this crisis. Unless we take action here in Washington, the problems are only going to get worse.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to discuss the current bill before this body, the Bring Jobs Home Act.

At a time when Washington is stuck in political gridlock, I believe Democrats and Republicans should work together on policies that will create jobs not only in Nevada but, of course, across this country.

I have filed five amendments on policies I have been working on here in the Senate this Congress that will spur natural resources jobs throughout the West, and I stand before this body today to urge action on what I consider to be commonsense proposals.

As the Presiding Officer knows, roughly 85 percent of the land in Nevada is controlled by the Federal Government. Other Western States range somewhere between 50 percent and 80 percent. This situation presents our local and State governments with a lot of unique challenges.

Our communities' economic vitality is directly tied to the way the Federal Government manages our Federal lands. As a result, one of my top priorities in the Senate is to implement reforms that streamline bureaucratic redtape that gets in the way of natural resources job creation.

I have five amendments I have filed to deal with public land issues that specifically directly affect rural Nevada and rural America. I encourage my colleagues across the aisle to work with me so we can consider my amendments and other job-related amendments. If given the opportunity, we could spur natural resources-related economic development across this country and especially across the West.

My first amendment, the Lyon County Economic Development and Conservation Act, is a Nevada-centric jobs bill which I have been focusing on for years which, to the disappointment of my constituents, has been held up through Senate gridlock.

The Lyon County Economic Development and Conservation Act could transform the local economy of the county in my State that is struggling the most during this current recession. The bill allows the city of Yerington to partner with Nevada Copper to develop roughly 12,500 acres of land surrounding the Nevada Copper Pumpkin Hollow project site. The intent of this legislation is economic growth, and the land purchased by the city will be used for mining activities, industrial and renewable energy development, recreation, and open space. Enactment of this legislation is the last obstacle in the way of the company moving forward in the creation of over 1,000 jobs. For a rural county such as Lyon County, 1,000 jobs truly is a game changer.

My second amendment, the Public Lands Job Creation Act, will create jobs by streamlining the bureaucratic process, cutting redtape, and ensuring that the BLM reviews Federal Register notices in a timely manner.

The permitting and approval process for energy and mining projects on Federal lands takes several years, largely because of unnecessary delays, which costs businesses valuable time, resources, and jobs.

This amendment, which I have also introduced as stand-alone legislation, streamlines the process by holding these agencies accountable to work effectively and timely to limit the negative effects of bureaucratic delays. Specifically, if BLM does not review a Federal Register notice by 45 days, the notice will be considered to be approved and the State BLM office will immediately forward the notice to be published in the Federal Register. This type of work is basically the transfer of paperwork but a transfer that is consistently holding up important job-creating projects.

Earlier this year I facilitated a meeting between a local company going

through the process to start a large hard rock mineral mine in Elko County and the local BLM to break this bureaucratic logjam. This mine will create hundreds of new jobs. While we were able to get the ball rolling in this particular instance—and I greatly appreciated the agency's work to move forward—it also shouldn't require congressional interaction to spur prompt action.

My legislation will provide certainty to our local job creators.

My third amendment, the Public Lands Renewable Energy Development Act, is an initiative we have been working on for many years. This legislation is a strong bipartisan proposal that will help create jobs, progress toward energy independence, and preserve our Nation's natural wonders by spurring renewable energy development on public lands.

Energy is one of Nevada's greatest assets, and I believe continuing to develop renewable and alternative sources is important for Nevada's economic future. Geothermal and solar production in my State is a major part of the U.S. ''all the above'' energy strategy. In 2013 Nevada ranked second in the Nation for geothermal energy production and third for solar production. Eighteen percent of our total electricity generated came from renewable, compared to the national average of 13 percent.

Our Nation's public lands can play a critical role in that mission, but uncertainty in the permitting process impedes or delays our ability to harness the renewable energy potential. Under current law, permits for wind and solar development are completed under the same process for other surface uses, such as pipelines, roads, and power lines. The BLM and Forest Service need a permitting process tailored to the unique characteristics and impacts of renewable energy projects. This initiative develops a straightforward process that will drive investment toward the highest quality renewable sources.

In addition, the legislation ensures a fair return for public lands communities. Since Federal lands are not taxable, State and local governments deserve a share of the revenues from the sales of energy production on public lands that are within their county or State borders. These resources will help local governments deliver critical services and develop much needed capital improvement projects—projects such as roadways, public safety, and, of course, law enforcement.

In my opinion, this proposal is a win-win situation. It is good for economic development while at the same time protecting the natural treasures out West that all of us value most.

My fourth amendment, the Energy Consumers Relief Act, gets the government out of the way of our private sector natural resources job creators.

Instead of advocating for policies that will put people back to work, this administration's EPA continues to develop rules that will increase Americans' utility bills, cause companies to lay off employees, and stifle economic growth.

My amendment will specifically require the EPA to be transparent when proposing and issuing energy-related regulations with an economic impact of more than $1 billion. Additionally, it prohibits the EPA from finalizing a rule if the Secretary of Energy, in consultation with other relevant agencies, determines the rule would cause significant adverse effects to the economy.

Finally, my final amendment, the Emergency Fuel Reduction Act, tackles a major problem many of our communities out West are facing right now; that is, catastrophic wildfires.

One of the greatest challenges facing our western forests and rangelands is the growing severity and length of the fire season. Nevada is one of a handful of Western States that seemingly keeps enduring recordbreaking fire seasons year after year. We are always going to have fires out West, but we must be proactive in treating our forests and rangelands so that we can reduce the size, the frequency, and the intensity of these forest fires.

My amendment streamlines the bureaucratic process for fire prevention projects, where a dangerous density of fuels threatens critical infrastructure such as power lines, schools, and water delivery canals, private property owners who live adjacent to Federal lands, and areas that threaten endangered species candidates such as the greater sage-grouse.

Every year I hear from ranchers who live in northern Nevada's rural counties, such as Humboldt County, where, through no fault of their own, fires on Federal lands spread onto their private property. The Federal agencies have to prioritize proactive preventive work in these areas. My constituents should not have to suffer because the Federal Government is simply not doing their job to properly manage our own lands.

I think nearly everyone can agree on a commonsense proposal such as the Emergency Fuel Reduction Act.

If this body adopts my five amendments, Congress could go a long way toward spurring economic development and job creation within the mining, energy development, ranching, timber, and outdoor recreational industries. These types of jobs are the bedrock of our Western way of life, and concurrently these fields are struggling the most under this administration's restrictive Federal land management policies. It is no coincidence that our western rural communities are suffering from unemployment rates well above the national average. Let's get the government off their backs and allow them to do what they do best; that is, create jobs.

At a time when the American public continues to lose faith in Congress, I hope the Senate can put partisan politics aside and restore order to the traditional amendment process this deliberative body has been known for over time. We should break through the political gridlock and have an open amendment process in the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

HARRIS NOMINATION

Mr. CARDIN. Mr. President, shortly we will have the opportunity to vote on a cloture motion on Pamela Harris for confirmation to the U.S. Court of Appeals for the Fourth Circuit, which includes Maryland. I urge my colleagues not only to support the cloture motion but to support her confirmation as a judge in the Fourth Circuit.

Senator MIKULSKI and I have a process—and I thank the senior Senator from Maryland for that process—we use in screening recommendations to the President for judgeships. I am very proud of that process. It is very open. We think we have recruited the very best in the legal profession to serve as our judges, and I am proud to be part of it with Senator MIKULSKI.

Of all of the candidates I have interviewed for the appellate court, Pamela Harris has stood out as one of the most qualified individuals we have in the legal community to sit on our appellate court. She is exceptional in her qualifications, well qualified. She is an excellent Supreme Court litigator, has clerked at the Federal appellate court, supervised policy initiatives at the Department of Justice, and she has dedicated her career and professional life to improving the administration of justice as a public servant.

A little bit of background about her—particularly her family. Her grandmother was a Polish Jewish immigrant to the United States who valued education and worked hard to overcome personal adversity. Her mom put herself through law school, with young children, after a divorce, and died from cancer a few years later. Ms. Harris relied in part on Pell grants to attend college at Yale. Her story represents the American dream and the American experience and the opportunity in this country coming from an immigrant family.

After graduating from public high school in Montgomery County, Walt Whitman High School, Ms. Harris received a B.A. summa cum laude from Yale College in 1985 and a J.D. from Yale Law School in 1990. After her graduation from law school, she clerked for Judge Harry T. Edwards of the U.S. Court of Appeals for the District of Columbia Circuit and later clerked with Justice John Paul Stevens of the Supreme Court of the United States between 1992 and 1993.

She became associate professor at the University of Pennsylvania Law School. Beginning in 2007, while she was still in private practice, Ms. Harris codirected Harvard Law School's Supreme Court and Appellate Practice Clinic and was a visiting professor at Georgetown University Law Center.

In 2009 Ms. Harris was named the executive director of the Supreme Court Institute at Georgetown, serving until 2010. Ms. Harris joined the Justice Department's Office of Legal Policy, where she served as Principal Deputy Assistant Attorney General until returning to Georgetown in 2012.

Ms. Harris is currently a visiting professor at Georgetown University Law Center and a senior advisor to the Supreme Court Institute.

It is not surprising that the American Bar Association has given her the highest rating of unanimously ''well qualified'' for this appointment. She has appeared as counsel or cocounsel in approximately 100 cases before the Federal courts of appeals and the U.S. Supreme Court. Her practice has been pretty evenly divided between criminal cases and civil cases.

When it comes to Supreme Court litigation, I must tell you I don't think Ms. Harris has an equal as far as her qualifications. Her clinic at Georgetown which she supervises prepares litigants for the Supreme Court. In other words, she provides experience for those who are going to be before the Supreme Court as to how to properly litigate those cases, and she takes them on a first-come, first-served basis. It is not ideological at all. It is to make sure the highest quality presentations are made in the highest Court of our land so we get the best decisions made by the highest Court of our land, the Supreme Court of the United States. That is the type of person we need on our court of appeals.

As I said, I don't know of a person whom I have interviewed who is more qualified to be an appellate court judge than Ms. Harris. She understands the different role of an advocate or someone writing an opinion or commentary column and a judge. I want to emphasize this. She is a person who brings—we all bring our views and our passion to life, but she understands what the judiciary is all about.

As is the practice of the Judiciary Committee—and I serve on the Judiciary Committee and I am proud of my service—I thank Senator LEAHY for his credible leadership. As you know, after the committee there are questions for the record that are submitted by the Senators. That is certainly true in Ms. Harris's case, and I have those answers here. I would like my colleagues to read these answers because I can imagine the people in the White House going through all the legal cites that Ms. Harris gave in each of the answers to the questions our colleagues requested. It is one of the most thorough answers I have ever seen and thoroughly vetted by the Supreme Court decisions. I mention that because it is exactly why I believe what she has told us is what she will do. She understands the role of a judge in our system.

Quoting from her answer:

> I fully recognize that the role of a judge is entirely different from the role of an advocate. If confirmed as a judge, my role would be to apply governing law and precedent impartially to the facts of a particular case.

Pam Harris went on to state:

> It is inappropriate for any judge or Justice to base his or her decision on their own personal views or on public opinion . . . If confirmed as a circuit judge, I would faithfully follow the methodological precedence of the Supreme Court and the Fourth Circuit, applying the interpretive approaches and only the interpretive approaches used by those courts.

Don't take my word for it. Don't take her qualifications for it. Look at the record. Look at the letters that have been sent in support of Ms. Harris to the Judiciary Committee. There are numerous letters.

I will quote from one that was signed by more than 80 of her professional peers, and I will tell you it includes individuals who were appointed by Republican Presidents to key positions, including Gregory Garre, the former Solicitor General for George W. Bush, but it includes many in that category, and I am reading from that letter. This letter is part of the record. It was made part of the record in the Judiciary Committee.

I would ask unanimous consent it and another letter be printed in the RECORD.

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

JUNE 20, 2014.

Re Nomination of Pamela Harris as Circuit Judge, United States Court of Appeals for the Fourth Circuit.

Hon. PATRICK J. LEAHY,
*Chairman.*
Hon. CHUCK GRASSLEY,
*Ranking Member, U.S. Senate,*
*Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in enthusiastic support of the nomination of Pamela Harris to the U.S. Court of Appeals for the Fourth Circuit. We are lawyers from diverse backgrounds and varying affiliations, but we are united in our admiration for Pam's skills as a lawyer and our respect for her integrity, her intellect, her judgment, and her fairmindedness.

Many of us have had the opportunity to work with Pam on appellate matters. She has been co-counsel to some of us, opposing counsel to others, and a valuable colleague to all. In her appellate work, Pam has demonstrated extraordinary skill. She is a quick study, careful listener, and acute judge of legal arguments. She knows the value of clarity, candor, vigor, and responsiveness. Of equal importance, she has always conducted herself with consummate professionalism, grace, and collegiality, and has a humble and down-to-earth approach to her work.

After 20-plus years devoted largely to federal appellate practice, Pam is naturally suited to serve as a federal appellate judge. She clerked, first, on the United States Court of Appeals for the D.C. Circuit for Judge Harry Edwards and then on the U.S. Supreme Court for Associate Justice John Paul Stevens. In private practice, she represented a wide range of clients (both corporate and individual) before the U.S. Supreme Court and in the U.S. Courts of Appeals. She was Lecturer and Co-Director of the Supreme Court and Appellate Practice Clinic at Harvard Law School. She was then appointed as Executive Director of the highly regarded Supreme Court Institute at the Georgetown University Law Center, which is heavily involved in preparing advocates for their appearances before the United States Supreme Court. She served as Principal Deputy Assistant Attorney General in the Office of Legal Policy at the United States Department of Justice. And she has taught Constitutional Law and Criminal Procedure at the University of Pennsylvania and at Georgetown. Her well-rounded experience makes her well prepared for the docket of a federal appellate court. Pam's substantive knowledge, intellect, and low-key temperament will be great assets for the position for which she has been nominated.

We expect that the Senate, after full inquiry, will see the strengths we know from firsthand experience with Pam. Pamela Harris has exceptional legal ability and personal character, and we urge the Senate to confirm her to be a Circuit Judge.

Sincerely,

Gregory G. Garre, Latham & Watkins LLP; Michael Kellogg, Kellogg, Huber, Hansen, Todd Evans & Figel, PLLC; Carter Phillips, Sidley Austin LLP; Scott H. Angstreich, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Donald B. Ayer, Jones Day; Dori K. Bernstein, Georgetown University Law Center; Richard D. Bernstein, Willkie, Farr & Gallagher, LLP; Rebecca A. Beynon, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Lisa S. Blatt, Arnold & Porter LLP; Steven Gill Bradbury, Dechert LLP; Henk Brands; Richard P. Bress, Latham & Watkins LLP; Caroline M. Brown, Covington & Burling LLP; Don O. Burley, Partner, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP; Gregory A. Castanias, Jones Day; Adam H. Charnes, Kilpatrick Townsend & Stockton LLP; David D. Cole, Georgetown University Law Center; Brendan J. Crimmins, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Mark S. Davies, Orrick, Herrington & Sutcliffe LLP; Susan M. Davies, Kirkland & Ellis LLP; David W. DeBruin, Jenner & Block LLP; William S. Dodge, Hastings College of the Law; Scott M. Edson, O'Melveny & Myers LLP; Clifton S. Elgarten, Crowell & Moring LLP; Roy T. Englert, Jr., Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP. Mark L. Evans (retired), Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Bartow Farr; James A. Feldman, University of Pennsylvania Law School; David C. Frederick, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Paul Gewirtz, Yale Law School; Lauren R. Goldman, Mayer Brown LLP; Thomas C. Goldstein, Goldstein & Russell, P.C.; Irving L. Gornstein, Georgetown University Law Center; Jeffrey T. Green, Sidley Austin LLP; Joseph R. Guerra, Sidley Austin LLP; Jonathan Hacker, O'Melveny & Myers LLP; Mark E. Haddad, Sidley Austin LLP; Mark C. Hansen, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Scott Blake Harris, Harris Wiltshire & Grannis LLP; Derek T. Ho, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Richard B. Katskee, Mayer Brown LLP; Stephen B. Kinnaird, Paul Hastings LLP; Wan J. Kim, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC.

Jeffrey A. Lamken, MoloLamken LLP; Christopher Landau, Kirkland & Ellis LLP; Richard J. Lazarus, Harvard Law School; Michael R. Lazerwitz, Cleary Gottlieb Steen & Hamilton LLP; William F. Lee, Wilmer Cutler Pickering Hale and Dorr LLP; Sean A. Lev, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Maureen E. Mahoney, Latham & Watkins LLP; Jonathan S. Massey, Massey & Gail LLP; Brian R. Matsui, Morrison & Foerster LLP; Deanne E. Maynard,

Morrison & Foerster LLP; Celestine McConnville, Chapman University Law School; Anton Metlitsky, O'Melveny & Myers LLP; Charles B. Molster, Winston & Strawn LLP; David G. Ogden, Wilmer Cutler Pickering Hale and Dorr LLP; Timothy P. O'Toole, Miller & Chevalier; Aaron M. Panner, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Richard C. Peppennan III, Sullivan & Cromwell LLP; Mark A. Perry, Gibson Dunn & Crutcher LLP; Andrew J. Pincus, Mayer Brown LLP; Stephen J. Pollak, Goodwin Proctor LLP; David A. Reiser, Zuckerman Spaeder LLP.

John A. Rogovin, Executive Vice President & General Counsel, Warner Bros. Entertainment Inc.; E. Joshua Rosenkranz, Orrick, Herrington & Sutcliffe LLP; Charles A. Rothfeld, Mayer Brown LLP; John C. Rozendaal, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Stephen M. Shapiro, Mayer Brown LLP; William F. Sheehan, Goodwin Proctor; Paul M. Smith, Jenner & Block LLP; Mark T. Stancil, Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP; Catherine E. Stetson, Hogan Lovells US LLP; John Thorne, Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC; Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School; Rebecca K. Troth, Sidley Austin LLP; Meaghan VerGow, O'Melveny & Myers LLP; Seth P. Waxman, Wilmer Cutler Pickering Hale and Dorr LLP; John M. West, Bredhoff & Kaiser, PLLC; Michael F. Williams, Kirkland & Ellis LLP; Paul R.Q. Wolfson, Wilmer Cutler Pickering Hale and Dorr LLP; Christopher J. Wright, Harris Wiltshire & Grannis LLP.

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JUNE 23, 2014.

Hon. PATRICK LEAHY,
*Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.*
Hon. CHARLES GRASSLEY,
*Ranking Member, Senate Judiciary Committee, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in strong support of Pamela Harris' nomination to the United States Court of Appeals for the Fourth Circuit. As current and former partners in the Washington, D.C., office of O'Melveny & Myers LLP, each of us practiced law with Pam and has witnessed firsthand her outstanding legal talent. Moreover, as former colleagues with Pam, we can attest to her collegiality, temperament, and judgment. We are confident that she possesses the professional and personal qualifications to be an excellent judge.

As a member of the firm's appellate practice, Pam enjoyed a reputation as one of the best brief writers and strategists in the firm. She was the principal author of well-written and important briefs on behalf of a range of clients.

On behalf of Circuit City, for example, Pam argued for enforcement of its employment arbitration agreements. On behalf of Mobil Corporation, Pam wrote a petition challenging the constitutionality of efforts to try thousands of individual asbestos cases through mass aggregation in state courts. Pam's brief argued that the contemplated mass adjudication of thousands of different claims against hundreds of defendants would violate the Due Process Clause by unduly hindering Mobil's right to defend itself. The brief also argued that pre-trial review was necessary because the potential for enormous liability imposed by unfair proceedings would pressure defendants like Mobil to settle even meritless claims, rendering post-trial review an impossibility.

Pam was also the primary author of an amicus brief on behalf of a bipartisan group of House members (Members Dingell and Tauzin were the lead amici) in defense of the Federal Trade Commission's ''do not call'' rule. And in Schaeffer v. Weast, 546 U.S. 49 (2005), Pam authored an amicus brief in the United States Supreme Court supporting the Montgomery County, Maryland, public school system. The case arose under the Individuals with Disabilities Education Act and concerned the status of the ''individualized education programs'' developed by public schools for each covered student. The Supreme Court agreed with Pam's position and ruled for the Montgomery County schools.

Appreciation for Pam's work extended beyond the firm's appellate practice and appellate clients. In fact, she was regularly sought after by partners across practice groups to think through briefing strategy and argument presentation in a range of cases, at earlier stages in litigation. Pam's work on behalf of Merck in class action litigation involving a former painkiller drug highlights this range in her practice beyond traditional appellate work. Working with trial teams from O'Melveny's D.C. and L.A. offices, Pam was active in pre-trial briefing and strategy on a range of discovery and evidentiary issues. Pam often found herself engaged in this type of cross-practice and inter-office collaboration, and the firm's clients were especially appreciative of the opportunity to have an appellate lawyer of Pam's caliber work on some of their most difficult problems.

Pam also found the time throughout her tenure at O'Melveny to maintain an active pro bono practice. As Co-Chair of the National Association of Criminal Defense Lawyers (NACDL) Amicus Committee, Pam helped to provide the Supreme Court and countless indigent defendants with high-quality briefing on issues affecting the administration of criminal justice throughout the country. Given the disparity in the quality of representation afforded to many defendants in criminal cases, Justices from across the ideological spectrum have come to rely on the excellent lawyering provided by NACDL. Pam also helped to establish and supervise a partnership between O'Melveny and the Maryland Office of the Public Defender, Appellate Division, under which the firm's lawyers handled appeals for the Public Defender on a pro bono basis. This program, which continues today, provides many of the firm's younger lawyers with an opportunity to get courtroom experience.

Pam approached all of her work with the utmost level of professionalism, objectivity, and dedication, and we believe she would bring these same qualities to the federal bench. Whether she was working on a brief for a criminal defendant or a major oil company, Pam's singular focus was ensuring that her client received first-rate legal representation. And she did so while also demonstrating many of the qualities that made her such an extraordinary colleague—from her willingness to mentor and support younger lawyers to her openness to helping her law partners with a section of their brief or mooting them for an upcoming argument.

We conclude by noting that the signatories of this letter span the political and jurisprudential spectrum. Some of us have served in Republican Administrations or worked for Republican Senators, while others have served in Democratic Administrations or worked for Democratic Senators. Some of us are members of the Federalist Society, while others are members of the American Constitution Society. Our ranks include a former White House Counsel to President Ronald Reagan, top Commerce Department and Justice Department officials to Presidents George W. Bush and Bill Clinton, and senior aides to President Barack Obama. Although we may not all share Pam's views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.

Respectfully submitted,

Arthur B. Culvahouse, Jr., Walter Dellinger, K. Lee Blalack II, Brian Boyle, Brian Brooks, Danielle C. Gray, Jonathan Hacker, Theodore W. Kassinger, Jeffrey W. Kilduff, Ron Klain, Greta Lichtenbaum, Richard Parker.

It says in part:

We are lawyers from diverse backgrounds and varying affiliations, but we are united in our admiration for Pam's skills as a lawyer and our respect for her integrity, her intellect, her judgment, and her fair-mindedness.

The letter continues:

Many of us have had the opportunity to work with Pam on appellate matters. She has been co-counsel to some of us, opposing counsel to others, and a valuable colleague to all. In her appellate work, Pam has demonstrated extraordinary skill. She is a quick study, careful listener, and acute judge of legal arguments. She knows the value of clarity, candor, vigor, and responsiveness. Of equal importance, she has always conducted herself with consummate professionalism, grace, and congeniality, and has a humble and down-to-earth approach to her work.

The letter concludes:

Her well-rounded experience makes her well prepared for the docket of a federal appellate court. Pam's substantive knowledge, intellect, and low-key temperament will be great assets for the position for which she has been nominated.

She has the whole package. She has intellectual ability. She has the ability to communicate. She has the demeanor we would like to see on our Federal bench.

Let me just add one more characteristic before I yield the floor. I see the distinguished Republican leader of the Judiciary Committee is here and is going to be commenting.

She also has empathy for the importance of our legal system to all. She has volunteered her time to pro bono work in order to help address the growing access to the justice gap in our system for individuals who could not afford legal assistance as we still strive to provide equal justice under law. While in private practice she established a pro bono program in which the law firm where she works worked with the Maryland Office of the Public Defender to provide pro bono representation to defendants appealing criminal convictions in State courts and she supervised attorneys participating in the program, just another indication she understands the oath she takes to dispense justice without partiality to wealth, that everyone is entitled to access to our judicial system and our legal system and she has taken personal interest in doing that.

Senator MIKULSKI and I are proud that she is a long-time resident of Montgomery County, MD, we take great pride in the fact that she is a Marylander, and we urge our colleagues to support this nomination.

HARRIS NOMINATION

Mr. LEAHY. Mr. President, today, we will vote to end the filibuster against

the nomination of Pamela Harris to serve on the U.S. Court of Appeals for the Fourth Circuit. She is a highly accomplished lawyer with excellent legal credentials and has the strong support of her home State Senators, Senator MIKULSKI and Senator CARDIN. Her nomination received the American Bar Association's highest rating of unanimously ''well qualified''.

Pam Harris is currently a visiting professor at my alma mater, Georgetown University Law Center. In her diverse career she has served in the Office of Legal Policy at the Department of Justice, as a partner in private practice, as a professor at University of Pennsylvania Law School, and the executive director of the Supreme Court Institute at Georgetown. After graduating from Yale Law School, she served as a law clerk to Judge Harry Edwards on the DC Circuit and Justice John Paul Stevens on the U.S. Supreme Court. She is beyond qualified—an experienced appellate practitioner with background in both criminal and civil litigation and a command of the law that rivals that of any lawyer in the United States.

Some partisans have tried to misrepresent her past statements in order to caricature her. This account of her record is simply unrecognizable to those individuals who actually know Pam Harris and who know that as a judge she would be committed to the rule of law. Many lawyers who have practiced with Pam Harris have written in support of her nomination, including many prominent Republicans who are respected in the legal community.

One letter, signed by more than 80 of her professional peers, including Gregory Garre, the former U.S. Solicitor General for President George W. Bush, reads, ''We are lawyers from diverse backgrounds and varying affiliations, but we are united in our admiration for Pam's skills as a lawyer and our respect for her integrity, her intellect, her judgment, and her fair-mindedness.''

Another letter of support from a number of current and former partners at O'Melveny and Myers LLP, including A.B. Culvahouse, who served as White House Counsel during the Reagan administration, and Walter Dellinger, who served as Assistant Attorney General of the Office of Legal Counsel and Acting U.S. Solicitor General during the Clinton administration, reads, ''Although we may not all share Pam's views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.''

I ask that these and other letters of support received for Pam Harris' nomination be printed in the RECORD.

When asked about her judicial philosophy at her nomination hearing she testified that ''the role of a judge is to decide cases through impartial application of law and precedent. It is a limited role . . . they decide the concrete disputes in front of them with attention to particular facts, attention to the arguments of the parties and their briefs, and by applying law and precedent to those facts.''

Both her testimony and the letters of bipartisan support for her nomination demonstrate that Pam Harris has a clear understanding of the role of a judge and make clear her commitment to follow Supreme Court precedent and to uphold the Constitution. I believe Pam Harris will be an outstanding judge, and she has my full support. I urge all Senators to vote to end this filibuster and confirm Pam Harris to serve on the Fourth Circuit.

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

JUNE 20, 2014.

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*
Hon. CHARLES GRASSLEY,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in strong support of the nomination of Pamela A. Harris to the United States Court of Appeals for the Fourth Circuit and urge prompt consideration and confirmation of her nomination.

As her classmates in the Yale Law School Class of 1990, we have known Pam for more than 25 years. We all believe that Pam would be a tremendous asset to the appellate bench.

In law school, Pam stood out for her keen intellect, her grasp of legal issues, her intellectual curiosity, her integrity and her fair-mindedness. Because of those qualities, Pam was often able to forge bonds and build consensus among classmates with very different views.

Many of us have kept in touch with Pam since law school and are familiar with her outstanding legal career. Pam's breadth of experience makes her exceptionally well-suited to serve as a judge on the federal appeals court. After law school, Pam clerked for two distinguished jurists, Judge Harry. T. Edwards of the United States Court of Appeals for the District of Columbia Circuit, and Justice John Paul Stevens of the United States Supreme Court. Since then, Pam has served in the United States Department of Justice, represented businesses and other clients in private practice, taught such subjects as constitutional law and appellate practice as a law professor, and served on the boards of directors of both national and local legal and educational organizations.

Of particular relevance to the Court of Appeals, Pam is a recognized national expert in appellate advocacy, having served as Executive Director of the Georgetown Law Center's Supreme Court Institute and Co-Director of Harvard Law School's Supreme Court and Appellate Practice Clinic.

Pam has devoted a significant portion of her career to pro bono work. She has represented numerous nonprofit and public interest organizations as well as individuals. Pam served as Co-Chair of the Amicus Committee of the National Association of Criminal Defense Lawyers, and she established a pro bono program at the law firm O'Melveny & Myers, focusing on Maryland cases, where she handled cases herself and supervised and mentored junior lawyers. Pam has mentored law students and junior lawyers throughout her career. She received a prestigious legal teaching award at the University of Pennsylvania Law School and has been recognized as a popular and highly respected professor at Penn, Georgetown and Harvard Law Schools. Pam grew up in Bethesda, Maryland, and graduated at the top of her class from Walt Whitman High School there. For the last 15 years, Pam and her family have lived in Potomac, Maryland, just a few miles away from her childhood home. Pam is as invested in her community as she is in appellate practice, serving in roles that range from membership on the Board of Trustees at the Norwood School to ''cookie mom'' for her daughter's Girl Scout troop.

We believe Pam to be exceptionally well-qualified and well-suited to serve on the Fourth Circuit Court of Appeals. We urge the Judiciary Committee and the full Senate to promptly review and confirm Pamela Harris for a position on that Court.

Please do not hesitate to contact any of us if you have any questions.

Sincerely,

(SIGNED BY 82 INDIVIDUALS)

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NATIONAL WOMEN'S LAW CENTER,
*Washington, DC, June 23, 2014.*

Re Nomination of Pamela Harris to the United States Court of Appeals for the Fourth Circuit

Senator PATRICK LEAHY,
*Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.*
Senator CHARLES GRASSLEY,
*Ranking Member, U.S. Senate, Committee on the Judiciary, Washington, DC.*

DEAR SENATORS LEAHY AND GRASSLEY: on behalf of the National Women's Law Center (the ''Center''), an organization that has worked since 1972 to advance and protect women's legal rights, we write in strong support of the nomination of Pamela Harris to the United States Court of Appeals for the Fourth Circuit.

Ms. Harris is exceedingly well-qualified to serve on this important court. She graduated from Yale College and Yale Law School. She clerked for Judge Harry T. Edwards on the United States Court of Appeals for the District of Columbia Circuit, and for Associate Justice John Paul Stevens on the United States Supreme Court. Following her clerkships, Ms. Harris served as an Attorney-Advisor in the Office of Legal Counsel at the United States Department of Justice for two years before joining the faculty at the University of Pennsylvania Law School, where she received the Harvey Levin Memorial Teaching Award in 1998. Ms. Harris then joined the law firm of O'Melveny & Myers LLP as counsel, becoming a partner in 2005. During her ten years with O'Melveny & Myers, Ms. Harris served as the Co-Director of the Harvard Law School Supreme Court and Appellate Practice Clinic, and taught at Georgetown University Law Center as a visiting professor. In 2009, she left O'Melveny & Myers and joined the Georgetown University Law Center as the Executive Director of the Supreme Court Institute. In 2010, she became the Principal Deputy to the Assistant Attorney General in the Office of Legal Policy at the United States Department of Justice. She rejoined the Georgetown faculty as a visiting professor of law in 2012.

Ms. Harris' legal career reflects excellence, a dedication to public service, and the best contributions of the legal profession to the public interest. During her career, Ms. Harris has appeared in over 100 federal appellate cases, and argued before the Supreme Court. This record reflects her considerable experience, and the brilliant advocacy for which she is properly renowned. In addition to honing her skills as an exceptionally talented litigator in the private sector, Ms.

Harris has spent a good part of her career in government service and in teaching aspiring lawyers. Further, Ms. Harris has shown her dedication to the public interest and to improving the administration of justice throughout her career. While at O'Melveny & Myers, she had a robust pro bono practice and established a cooperative program between O'Melveny and the Maryland Office of the Public Defender, through which the firm represents indigent criminal defendants appealing their convictions in state court. She also has worked to improve the quality of appellate advocacy as co-director of Harvard Law School's appellate advocacy clinic and as Director of Georgetown's Supreme Court Institute. In that latter capacity, she led the work of the Institute, which provides pro bono assistance preparing advocates for oral argument before the Supreme Court on a first-come, first-served basis, to elevate the quality of arguments heard by the Justices. In addition to her contributions to the legal profession in private practice, public service, and academia, Ms. Harris has served on the boards of directors of several nonprofit organizations, including the Norwood School in Potomac, Maryland. Ms. Harris' many accomplishments are reflected by the unanimous ''Well-Qualified'' rating she received from the ABA Standing Committee on the Federal Judiciary.

The Center has had several opportunities to work with Ms. Harris. In particular, Ms. Harris served as co-counsel with the Center in representing Mr. Roderick Jackson before the Supreme Court in 2005, in Jackson v. Birmingham Bd. of Ed., 544 U.S. 167 (2005). Mr. Jackson was a teacher and girls' basketball coach in Birmingham, Alabama. He described practice and game conditions for the girls' team that were inferior to those provided to the boys' team, and complained to school administrators. He was fired as a coach after doing so, costing him his coaching salary and full retirement. Ms. Harris was part of the legal team that litigated his case before the Supreme Court, successfully arguing that Title IX provided a cause of action for retaliation for those seeking to secure compliance with the law. Working with Ms. Harris in Jackson allows us to personally attest to her outstanding legal skills, judgment, and analytical thinking, as well as to her excellent temperament and collegiality.

Ms. Harris' litigation experience, commitment to improving the administration of justice, and dedication to the public interest make her exceedingly well-suited for the position to which she has been nominated. In addition, Ms. Harris' confirmation would increase the diversity on the Fourth Circuit, making her only the sixth female judge to ever sit on this court. For all of these reasons, the Center offers its strong support of Pamela A. Harris to the United States Court of Appeals for the Fourth Circuit and urges you to support her nomination. If you have questions or if we can be of assistance, please contact us at (202) 588–5180.

Sincerely,

NANCY DUFF CAMPBELL,
*Co-President.*
MARCIA D. GREENBERGER,
*Co-President.*

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JUNE 27, 2014.

Hon. PATRICK LEAHY,
*Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.*
Hon. CHARLES GRASSLEY,
*Ranking Member, Senate Judiciary Committee, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: I write in strong support of Pamela Harris's nomination to the United States Court of Appeals for the Fourth Circuit.

I served as the Senior Vice President, General Counsel and Secretary of The Hertz Corporation from 1998 to 2007. Although it may seem surprising that a car and equipment rental company would face issues with a constitutional dimension, that did indeed occasionally happen. When it did, I turned to Ms. Harris for advice and assistance. The views expressed in this letter regarding her qualifications to serve as a judge are informed by my interactions with her while at Hertz; I hasten to add that those views are my own and do not represent the views of my former employer, for which I cannot speak.

In my dealings with Ms. Harris, I found her to be highly intelligent, quick to grasp issues, creative in her approach to problems, fair in her judgments, and direct in her advice. When discussing legal matters, she was incisive, objective and principled; it surely helped that she knew the law so well and could speak with authority on the subjects at hand, without a hint of defensiveness or dogmatism. She also was an excellent writer, whose work exhibited the same clarity, honesty and force that she showed in conversation. (She was, moreover, able to write quickly and with little need for revision; she seems to be one of those people who gets things right the first time.) In short, Ms. Harris was a model of professionalism as a practicing lawyer—someone who engendered trust and respect. I note that all those qualities are also vital for a judge, and especially for a judge on a court as important as the Fourth Circuit.

Ms. Harris's academic achievements, meanwhile, speak for themselves. After graduating from Yale Law School, she served as a law clerk for Judge Harry T. Edwards on the D.C. Circuit and for Justice John Paul Stevens on the Supreme Court. Ms. Harris has also taught at Harvard Law School, the University of Pennsylvania School of Law, and at the Georgetown University Law Center, where she was the Executive Director of the Supreme Court Institute, a unique and respected project dedicated to improving advocacy before the Supreme Court.

In sum, I believe that Ms. Harris is an ideal candidate for an appellate court judge. As her academic credentials demonstrate, she has a first-rate intellect. Equally important, she is a mature and able lawyer with significant experience in practice, no small part of which consisted of high-quality advocacy for business enterprises. Beyond that, she conveys a sense of fundamental decency, without which her intellectual abilities and professional skills would be for naught. I have no doubt that she would bring to the important judicial seat for which she has been nominated the same qualities that have made her an excellent lawyer, and that she would instill confidence in all litigants that their cases would be decided carefully and fairly. I urge you to confirm her nomination.

Respectfully submitted,

HAROLD E. ROLFE.

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THE LEADERSHIP CONFERENCE
ON CIVIL AND HUMAN RIGHTS
*Washington, DC, July 23, 2014.*

CONFIRM PAMELA HARRIS TO THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT

DEAR SENATOR: On behalf of The Leadership Conference on Civil and Human Rights, we write to express our strong support for the confirmation of Pamela Ann Harris to serve on the U.S. Court of Appeals for the Fourth Circuit. At every stage in her career, Pamela Harris has distinguished herself through her outstanding intellectual credentials, her independence of thought, and her strong respect for the rule of law, establishing herself beyond question as qualified and ready to serve on the court. In addition, she has demonstrated an unwavering integrity and an outstanding commitment to public service. We urge you to vote yes on cloture and yes to confirm her.

The Leadership Conference believes Pamela Harris will be an impartial, thoughtful, and highly-respected addition to the court. She graduated summa cum laude from Yale College in 1985 and received her J.D. from Yale Law School in 1990. After law school, she was a law clerk for Judge Harry T. Edwards of the U.S. Court of Appeals for the D.C. Circuit. She spent one year as an associate at Shea & Gardner (now Goodwin Proctor LLP) before clerking for Justice John Paul Stevens of the Supreme Court. From 2010–2012, she served at the Department of Justice as Principal Deputy Assistant Attorney General in the Office of Legal Policy.

Ms. Harris has devoted her career largely to academia and public service, excelling in both. She has demonstrated a commitment to improving the fair administration of justice and educating new lawyers. In 1996, she joined the faculty of the University Of Pennsylvania Law School, where she taught courses in criminal procedure and received the Harvey Levin Memorial Teaching Award in 1998. At O'Melveny & Myers LLP, where she was counsel, Harris specialized in appellate and Supreme Court litigation and was named partner in 2005. During her ten years in private practice, Harris has become a renowned Supreme Court and appellate advocate, appearing in approximately 100 federal appellate cases. In addition, Harris established a cooperative program between O'Melveny and the Maryland Office of Public Defender, through which the firm provides pro bono representation to indigent criminal defendants appealing their convictions in state court.

Notably, Harris has used her uniquely broad experience as an appellate litigator to prepare the next generation of legal advocates and improve the judiciary. She was a visiting professor at Georgetown University Law Center and executive director of the law school's Supreme Court Institute. As executive director, she managed and participated in a moot court program that prepares advocates for oral argument before the Supreme Court. During her tenure, she worked with lawyers representing a multitude of interests. For example she assisted both the offices of state attorneys general and lawyers for criminal defendants; helped to improve arguments by lawyers bringing civil rights actions and those defending against civil rights actions; and worked with attorneys representing both plaintiffs and defendant corporations. She has also served as lecturer and co-director of the Supreme Court and Appellate Practice Clinic at Harvard Law School.

The Leadership Conference believes that Pamela Harris is an extraordinarily gifted nominee, with the ability to make objective decisions on the multifaceted and prominent cases that will surely come before the court. Her impeccable credentials have garnered her the support of a diverse group of attorneys in the legal community and people across the political spectrum. Harris' rich diversity of experience makes her an excellent choice for the U.S. Court of Appeals for the Fourth Circuit, and we urge you to vote yes on cloture and yes to confirm her.

Thank you for your time and consideration. If you have any questions, please feel free to contact Nancy Zirkin, Executive Vice President, at Zirkin@civilrights.org or (202) 466–2880, or Sakira Cook, Counsel, at cook@civilrights.org or (202) 263–2894.

Sincerely.

WADE HENDERSON,
*President & CEO.*
NANCY ZIRKIN,
*Executive Vice President.*

CONSTITUTIONAL ACCOUNTABILITY CENTER,
*Washington, D.C., July 8, 2014.*

Hon. PATRICK LEAHY,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*
Hon. CHARLES GRASSLEY,
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We are writing on behalf of Constitutional Accountability Center, a think tank, law firm, and action center dedicated to the Constitution's text and history, to urge that Pamela Harris be reported favorably out of Committee and confirmed promptly to the United States Court of Appeals for the Fourth Circuit.

Pam is one of the country's leading appellate advocates, and her exceptional qualifications to serve as a federal judge are well known to us, as Pam has been a member of CAC's Board of Directors since 2012. After growing up in Maryland, Pam graduated summa cum laude from Yale College and received her J.D. from Yale Law School. She then held two prestigious clerkships, first for Judge Harry Edwards on the D.C. Circuit and then for Justice John Paul Stevens on the Supreme Court. Following her clerkships, Pam's distinguished legal career has included broad experience in private practice, government service, and teaching. Among other things, Pam has served as the Principal Deputy Assistant Attorney General in the Office of Legal Policy at the Department of Justice and practiced as a partner at O'Melveny & Myers, where she focused on Supreme Court and appellate litigation. Throughout her career, Pam has dedicated herself to improving the quality of appellate advocacy before our courts, believing that the courts are best served when the advocates on both sides of a case present the strongest possible arguments.

Pam is currently a Visiting Professor at Georgetown University Law Center, where, in addition to teaching the next generation of lawyers, she has also served as the Executive Director of the Supreme Court Institute, working to prepare counsel for oral argument before our Nation's highest court. The Institute's ''moot court'' services are provided without charge, as a public service, on a first-come, first-served basis (the Institute will generally ''moot'' only one side of a case), and without regard to the nature of the case, the parties, the arguments being made, or the affiliation or identity of the lawyers. The expert assistance offered by Pam and her colleagues at the Institute to improve advocacy before the Supreme Court is so helpful and sought-after that the first call a lawyer often makes after learning that the Court has agreed to review her client's case is to the Institute, to reserve its moot court services before her opponent does.

Pam's intellect, temperament, integrity, and the breadth of her professional experience make her extremely well-qualified to serve on the Fourth Circuit. This conclusion is underscored by the ABA's rating of Pam as ''unanimously well qualified,'' as well as by the diversity of voices supporting Pam's confirmation. Those who have written to this Committee to express their support include Greg Garre, who served as Solicitor General in the George W. Bush Administration, Seth Waxman, who held the same position during the Clinton Administration, A.B. Culvahouse, White House Counsel for President Reagan, and Walter Dellinger, Acting United States Solicitor General during the Clinton Administration. Indeed, the letter signed by Mr. Culvahouse, Mr. Dellinger, and other ''current and former partners in the Washington, D.C. office of O'Melveny & Myers''—lawyers who have practiced with Pam and know her best—exemplifies the high praise she has received. These attorneys have written:

[E]ach of us practiced law with Pam and has witnessed firsthand her outstanding legal talent. Moreover, as former colleagues with Pam, we can attest to her collegiality, temperament, and judgment. We are confident that she possesses the professional and personal qualifications to be an excellent judge. . . .

[T]he signatories of this letter span the political and jurisprudential spectrum. Some of us have served in Republican Administrations or worked for Republican Senators, while others have served in Democratic Administrations or worked for Democratic Senators. Some of us are members of the Federalist Society, while others are members of the American Constitution Society. . . . Although we may not all share Pam's views on a range of legal and political issues, we are united in the belief that Pam possesses the intellect, fair-mindedness, humility, and fundamental decency to make an excellent federal judge.

In her testimony before this Committee on June 24, Pam demonstrated that she understands clearly the difference between the roles she has played in her career as an advocate representing clients and as an academic and an expert commentator on the courts, and the new role she would take on if confirmed as a judge. In particular, pointing among other things to her work ''running the Supreme Court Institute on an entirely nonpartisan basis,'' Pam testified that ''I have never let any personal views I have, political views I may have, affect the discharge of my professional responsibilities. And I would not do that if I were confirmed as a judge.''

In sum, Pam Harris clearly has the qualifications, experience, intellect and temperament to serve with great distinction on the Fourth Circuit. We urge every Senator to support her confirmation.

Respectfully,

DOUGLAS T. KENDALL,
*President.*
JUDITH E. SCHAEFFER,
*Vice President.*

With that, I would yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, similar to my colleague from Maryland, I come to the floor to discuss the nomination of Professor Pamela Harris to the Fourth Circuit. I come for another reason, to give my reasons for opposition.

Contemplating my vote on this nominee has been a particularly memorable process. That is because as I reviewed the professor's writings, statements, and legal briefs, it seemed as though I was reviewing the record of not one but two nominees. The size of those two nominees' records was rather unequal. On the one hand, there is the record of the pre-nomination Professor Harris. That is the record reaching all the way back to her graduation from law school in 1990, a record rich in public statements and writings. It is a record long enough to develop a distinct and stridently left-wing philosophy. That is one record.

Then, on the other hand, there is the record of the post-nomination Professor Harris. It is a dramatically shorter record. That record only began a few weeks ago at the professor's confirmation hearing on June 24. It is a record that consists of the professor's testimony before the Judiciary Committee and of course her responses to questions for the record from my colleagues and from this Senator. It is a record of a jurist who will be faithful to the statutory text and constitutional precedents, a record with comments that could be mistaken for those of Justice Scalia or Justice Thomas.

But what is so unbelievable to me is how totally at odds the record of the pre-nomination professor is with the record of the post-nomination professor. As I said before, it is as if there were two entirely distinct nominees vying for this single seat on the Fourth Circuit.

So for the next few minutes I would like to share with my colleagues some excerpts from the record of the pre-nomination Professor Harris and some excerpts from the post-nomination professor. There is no question that the professor spent her entire legal career, before nomination to the Federal bench, that is, consistently and aggressively advocating for a liberal interpretation of the Constitution that is well outside the mainstream of constitutional jurisprudence. That is the pre-nomination record. But as I said, that all changed when she testified before the committee.

I would start with the professor's pre-nomination views on constitutional interpretation. She has spoken with unusual clarity and forthrightness on the topic. That is in part because she served for many years on the board of the left-wing American Constitution Society. That ironically named group spends a lot of time developing theories of interpretation that are designed to attack and redefine key constitutional principles. The professor was at the forefront of those discussions in many years. So how exactly did the pre-nomination Professor Harris view the sources of constitutional meaning?

Here is a statement she made before the American Constitution Society in 2008:

I just don't think that any account of the Constitution that even seems to privilege the Constitution as it was originally ratified is consistent with the way we should think about the Constitution. Yes, the values, the principles, on some level of generality, are there at the beginning, but they take their meaning—and they should take their meaning—from what comes after.

We should pause for a moment because she said a lot in that quote. First, we hear how the professor rejects out of hand the idea that the Constitution as originally ratified should guide its interpretation. Instead she sees only ambiguous principles. Those principles, according to the professor, are more or less empty and meaningless by themselves. That is because those principles, as she formulates them, take their meaning primarily from subsequent developments. Then the professor goes on to specify exactly what subsequent developments she is talking about.

She explains that her interpretive ''source of legitimacy most particularly,'' is ''what the People do'' at what she calls ''critical junctures,'' including ''the civil rights movement, the women's movement, the gay rights movement.'' According to the professor, these movements ''reconstitute what it is we're talking about when we talk about American constitutional tradition, when we say words like equality and liberty, when we change what they mean.''

We need to pause and unpack that statement. First, the professor explicitly identifies for herself ''a source of legitimacy'' to be used in constitutional interpretation. That source of legitimacy is not the Constitution's text, nor its structure, nor its history, nor its original intent, nor any other established interpretive method. It is something outside the law altogether, and that happens to be social and political movements.

I will put it this way: They are the social and political movements that Professor Harris chooses for inspiration. They are the social and political movements Professor Harris has decided to raise all the way to constitutional status. It is these extralegal sources that she says change the scope of the Constitution's guarantees of equality and liberty.

I am sure you are going to say this sounds as though I am making it up, but I am not. The professor literally said, ''We change what they mean.'' Who is the ''we'' the professor is talking about? I suspect it is the people in social movements that Professor Harris finds particularly inspirational. I suspect it is also the people who share her view that the Constitution's original guarantees are merely empty vessels which can be filled with whatever political or social ideas a judge might ''privilege,'' as the professor puts it.

In other contexts, Professor Harris said the meaning of the Constitution changes based on things such as ''an evolving and changing public understanding,'' ''the consequences of constitutional rulings,'' and ''the circumstances on the ground.'' Note the absence of any legal standard on that list which seems to be the basis of the rule of law or the basis of stare decisis.

I will finish up with the professor's quote.

> I think that constitutional legitimacy comes, even in part, from the fact that it does reflect these social movements and what happens at these particular moments when the people come together and force this kind of change in the way we think about ourselves and what it means to be American. And I think there's something about originalism at least as it's commonly understood that's inconsistent with that. And that's why I'm not an originalist, even now.

Let's recap. The Constitution derives some of its legitimacy, as the professor put it, from social movements at particular moments. Again, how are we to know which particular moments rise to the level of constitutional significance? We will have to ask Professor Harris because there is absolutely no principled or objective way of making that kind of a decision. It is certainly not a legal decision. It happens to be a matter of personal preference.

What else can we take away from that quote? Well, we also learned the professor is definitely not an originalist. She literally says: ''I'm not an originalist.'' I want you to keep that in mind because what I have to say shows how quickly she can change her views.

Let's turn now to what the post-nomination professor thinks about constitutional interpretation. As I said before, the contrast is so striking that it is almost as if we are dealing with two different nominees for the single seat on the Fourth Circuit. Does the post-nomination professor still think constitutional principles change with the times?

In a response to my question for the record, Professor Harris wrote:

> I do not believe that the Constitution's provisions and principles change or evolve, other than by the amendment process in Article V. They are fixed and enduring and judges are not free to change them whether by incorporating public preferences or their own policy views.

That is astounding. It is like a night-and-day difference with the judicial philosophy I have previously quoted from the pre-nomination Professor Harris, and it is totally incompatible with the philosophy which Professor Harris has developed over the decades. Now we suddenly hear that the professor believes in unchanging and in fixed—dare I say eternal—principles that cannot be changed except by an Article V amendment.

All of a sudden there are no more social movements. All of a sudden there are no more ''critical junctures.'' All of a sudden there is no more ''what the people do.'' All of a sudden there is no more ''privileging'' or ''reconstituting''—those are her words. So no more ''privileging'' or ''reconstituting'' constitutional meaning. All of a sudden the meanings are now fixed in our Constitution. All that other stuff she previously said happens to be in the rear-view mirror.

Now judges are forbidden from incorporating public preferences to change constitutional principles. Public preferences as interpreted by the judge, of course. But just a few years ago that was at the very core of her interpretative philosophy.

I have another post-nomination quote.

> I would never suggest that a justice of the Supreme Court, or any judge, should change his or her opinions based on public opinion. That is not the way I view the role of a judge.

That happens to be the way I view the role of a judge, and now she says that is the way she sees the role of a judge, but it is completely contrary to what she had thought for decades before this nomination.

The post-nomination Professor Harris added that courts should be ''especially cautious on social issues when the political branches and political institutions are deeply and rapidly engaged in those issues'' and ''leave as much to the democratic process.'' That statement is also a massive sea-change.

For the pre-nomination professor, the democratic process went hand-in-glove with the judicial process. Now, however, with her confirmation on the line, the post-nomination professor sees a wall between politics and the courts.

Let's return to the pre-nomination professor for another quote on judicial decisionmaking. Here is what she candidly told a gathering of the American Constitution Society about that issue in 2009:

> I always feel unapologetically, you know, left to my own devices, my own best reading of the Constitution. It's pretty close to where I am.

Where exactly is the Constitution, in her view? She tells us flatly: ''I think the Constitution is a profoundly progressive document. I think it's born of a progressive impulse.'' Well, if that is where the Constitution is, where then is the professor? Again, there is no mystery here because she is very upfront with that answer: ''I'm a profoundly liberal person so we''—she is talking about herself and the Constitution as one—''we match up pretty well. I make no apologies for that.''

Think for a moment about what the professor is saying. I frankly cannot recall a judicial nominee who has actually expressed her belief that the Constitution embodies the nominee's personal political philosophy, but that is exactly what Professor Harris does in that statement.

Think about how she put it: The Constitution is pretty much where she is as a liberal. It is almost in sync with her views. That was a crystal-clear explanation of how the pre-nomination Professor Harris viewed her beliefs and the Constitution.

But what does the post-nomination Professor Harris have to say? At her hearing, she told our Judiciary Committee:

> I do not believe that it is the view of a judge ever to import his or her personal values into judicial decisionmaking.

Again, the post-nomination statement is strikingly at odds with the pre-nomination views. Or, perhaps we should actually take the post-nomination statement at face value. After all, Professor Harris doesn't need to import her own views when interpreting the Constitution. As she explained, it just happens to be almost as liberal as she is. So that is a fortunate coincidence, I suppose.

What about the professor's views on a particular judicial philosophy? Remember earlier her pre-nomination criticism of originalism and her assertion that she is definitely not an originalist.

That happens to be out the window as well.

Here is her post-nomination testimony: ''I do not reject originalism as an interpretive method.''

Those are just a few of the contradictory quotes from the pre- and post-nomination Professor Harris which strikingly illustrate almost unbelievable inconsistencies in her judicial philosophy and understanding of constitutional interpretation.

The quotations also point to issues that are deeply troubling about this nominee, and I'll discuss a few of them. First, this nominee has made many statements suggesting that if confirmed, she would pursue a results-oriented, whatever-it-takes approach to deciding cases. From this nominee's past commentary, we know that she is not only a devoted liberal, but she would also strive to move the courts leftward to suit her ideological preferences.

For example, in discussing the Warren Court, the professor said she wondered ''whether we almost have, by now, a stunted sense of what the legal choices really are, what really is a liberal legal outcome.''

Just listen to that phrasing again: ''liberal legal outcome.'' Is there any doubt this nominee views the courts as simply a third political branch?

I will quote again:

> If Chief Justice Warren came out a certain way, that must be as liberal as it gets. That's not right! I think that we've stunted the spectrum of legal thought in a way that removes the possibility that there could have been more progressive readings of the Fourth Amendment and the Fifth Amendment.

It seems Professor Harris doesn't think the Warren court was nearly liberal enough. That is a fairly astonishing view in itself.

I often hear liberals and some of our nominees talk about the so-called living Constitution. Well, it is clear to me this nominee sees not a living Constitution but a profoundly political Constitution. She said so herself. She sees judges as proxies engaged in a tug-of-war who use judicial power as an instrument of political control. Her statements, as I explained a few minutes ago, also are a clear indication of her belief that the role of a judge is to reflect those political and social forces.

For example, speaking about Justice Kennedy's stance on gay marriage, the professor said that the Justice ''should be changing the same way the whole country is changing.''

That is the language of politics, not the language of law.

She has said so many things to this effect that I find myself asking this question: Will this nominee even consider the law when deciding a case or is it all progressive outcomes, social movements, and critical junctures?

So it is clear there are two Professor Harrises: the pre-nomination professor and the post-nomination professor.

Let's not be naive about which Professor Harris will sit on the Federal bench—for life—if confirmed, because no one else is being naive about that question.

Take, for example, an article published last May in New Republic gushing that the professor is a ''champion of liberal jurisprudence'' and will be a ''sympathetic vote for liberal causes.'' We know that will be the case from the pre-nomination professor's long record of impassioned liberal advocacy.

The article also observes—accurately, in my view—that Professor Harris ''clearly has an interest in using her voice to project a liberal jurisprudence perspective.'' That quotation pretty much sums it up. All anyone needs to do to confirm that claim is to read the pre-nomination professor's public statements, because they are all out there. It is not a secret what this nominee thinks about the law and what she thinks about the courts. And it is no secret what kind of a judge this nominee will be if she takes the bench.

So it seems pretty clear to me that the timing of the vote on this nominee is not purely coincidental. We know this because of this week's ObamaCare decisions handed down by the DC Circuit and the Fourth Circuit.

Last November, when the majority changed the cloture rule on judicial nominees, I told my colleagues the decision was a blatant attempt to stack the DC circuit with judges who would view sympathetically the administration's arguments in upcoming ObamaCare lawsuits.

The other side dismissed the notion that the rules change was designed to tilt the court in the President's direction and to salvage ObamaCare. Well, as we all know, a three-judge panel of the DC Circuit decided the Halbig case this week against the administration, and it only took the administration about an hour to announce that it would seek a rehearing by the en banc DC Circuit, which now includes four of the President's nominees.

As we all know, our distinguished majority leader rushed through three of those four nominees immediately after the rules change. And yesterday the distinguished majority leader finally admitted that the upcoming en banc panel on the Halbig ruling vindicated his decision to go nuclear. He said: ''I think if you look at simple math, it does.''

So the distinguished majority leader isn't even trying to disguise his intent, and that is exactly what happened with this nominee on her way to the Fourth Circuit.

This nomination is being considered ahead of other circuit nominees on the executive calendar. Why is this Fourth Circuit nomination being fast-tracked? Why fast-track one of the most liberal nominees we have considered to date? If history is any guide, the answer is simple. It is all about saving ObamaCare. The other side wants to stack the Fourth Circuit just like the DC Circuit, because the Fourth Circuit hears a disproportionate number of significant cases involving Federal law and regulations, as does the DC Circuit.

So my colleagues should understand a vote for this nominee is also a solid vote for the Affordable Care Act as the cases make their way through the court.

I am voting ''no'' on this nominee and I urge my colleagues to do the same. I yield the floor.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, following the cloture vote on Executive Calendar No. 777, Disbrow, the Senate consider and vote on calendar No. 919, Mendez; No. 920, Rogoff; and No. 921, Andrews; further, that at a time to be determined by me, in consultation with Senator MCCONNELL, on Monday, July 28, the Senate consider Calendar Nos. 915, Kaye; 916, Kaye; 913, Mohorovic; and 744 McKeon; that there be 2 minutes for debate equally divided between the two leaders or their designees prior to each vote; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nominations; further, if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. For the information of all Senators, we expect nominations considered today to be confirmed by voice vote.

The PRESIDING OFFICER. The Senator from Washington.

WASHINGTON WILDFIRES

Mrs. MURRAY. Madam President, I come to the floor today to speak for a few minutes about the absolutely devastating wildfires currently burning through the farms, communities, and public lands of our home State of Washington.

As a lifelong resident of Washington State and the Pacific Northwest, I have always been aware of the annual risks and dangers that wildfires pose to our region. Every summer, a combination of rising temperatures, months of dry weather, and our State's obvious abundance of forest and fields have resulted in wildfires capable of threatening homes and businesses across our State. Each summer we have worked to become better and better prepared to help protect our communities.

But one wildfire burning this year is the single largest we have seen in Washington State. Since last Tuesday, massive wildfires covering hundreds of thousands of acres have ravaged our farm lands, our agricultural areas, our cherished public lands, and, most importantly, communities throughout Chelan County, Okanogan County, and others across eastern Washington.

I am talking about a massive wave of flames that has burned an area now four times the size of Seattle, which is our State's largest city. Even for those of us who have lived our entire lives with the reality of wildfires, this is unprecedented. So while I am here in what we call ''the other Washington,'' today, my heart, my thoughts, and my prayers are in Central and Eastern Washington. Even here on the Senate floor, I can't help but think of the firefighters and first responders and everyone who is neglecting sleep and rest to protect their communities. Most of all, I can't stop thinking about the families who lost their homes and all they own to this horrific disaster.

If there is one thing I know about our State, it is that we don't turn away from hard times or hard work. Over the last several weeks I have talked with a number of the local leaders in the communities that are facing these fires, including Sheriff Frank Rogers in Okanogan County, Sheriff Brian Burnett in Chelan County, and Mayor Libby Harrison in the small town of Pateros, where dozens of homes, including hers, have been lost to this fire. Every one of them told me that while their community is facing hard times, nobody is giving up. They have been doing everything they can to protect each and every person in their rural communities, and so far they have been able to do that.

I wish to share one story that speaks to what is happening in my home State right now. As I mentioned, this small town of Pateros has been hit very hard. They haven't lost any lives, but they have lost more than 100 homes and buildings throughout their community. But one building they did not lose was their school, which has always been to them the central place of their community, and it is now the central staging area as these fires rage on. As in many other small communities, the school in Pateros serves kids in grades K through 12, and last week that fire came within just a few feet of that school.

Firefighters and responders were working elsewhere. So the school could easily have burned down, until a local man by the name of Augustine Morales decided to do something about it. He and a friend used hoses on the backs of their own trucks to fight back that fire and save their kids' school.

Augustine was interviewed by a local TV station and here is what he said:

> Everything was going through my mind because I have my kids and I have to take care of my kids, and I [was] just thinking . . . if you die, I don't know what's going to happen.

So that is what so many people just like Augustine are facing right now in Central and Eastern Washington, and I know they will not be giving up.

In addition to our thoughts and our prayers, we have to make sure we are working to have all of the Federal resources they need available. I am thrilled the Senate supplemental funding bill that was released yesterday actually includes $615 million for firefighting efforts in Western States—money I requested along with my colleague Senator CANTWELL and 10 other colleagues. But we know there is a lot more work to be done. We have to get that funding passed through the Senate and the House and to the President's desk right away.

I am really very pleased that early yesterday morning the President, in fact, made an emergency declaration that is going to help those communities fight these wildfires.

I know that I and Senator CANTWELL and all of us are going to be working with our local officials and Federal officials all the way up to the President to make sure those communities get what they need.

Thank you, Madam President. 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.

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

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

Ms. CANTWELL. Madam President, I join my colleague from Washington who was just on the floor to take a moment to recognize the heroic efforts that are underway in the State of Washington, battling wildfires with individuals who are trying to protect their homes and property. Our hearts go out to the family and friends of Robert Koczewski, a retired State trooper and veteran who suffered a heart attack and died while trying to save his own home.

I thank the local, State, and Federal agencies that are working together to meet the logistical needs of extinguishing these multiple fires and for the efforts they have already made to help save lives and minimize damage in what is the largest wildfire in our State's history.

I thank all of the community organizing individuals who have done so much work in their individual communities to support the efforts of the firefighters and to work with everybody in the community to make sure every aspect of security and safety is there for the families who have lost their homes.

I thank the individuals who have been working to provide shelter and to help their neighbors no matter what it takes.

There is a huge spirit alive in the Okanogan people who are working very hard to make sure they are also contributing. They have a great deal of self-reliance, spirit, and they want to make sure that, as FEMA and others are moving in, they are also responsible in helping with fighting the fires and to work to make sure as many people as possible in the community can be saved from this devastation.

We are hearing many moving stories of Washingtonians donating their time, volunteering goods, things everybody in the community needs.

So I thank the people of Washington and particularly in the central part of the State for everything they are doing to help battle this fire.

EXPORT-IMPORT BANK

Madam President, I also come to the floor to talk about the Export-Import Bank and the fact that we still need to work out a deal on the Senate floor so we can move this legislation. Time is running out. We only have a few days before the August recess and literally only a few legislative days when we return to make sure we reauthorize this important credit agency that helps manufacturers export their products.

When you grow U.S. manufacturing, you grow U.S. jobs. What we want to do is make sure our manufacturers have a fair shot at getting their products sold overseas. So it makes no sense to me that the fate of an organization that is such an important tool to businesses and comes at no cost to the taxpayers cannot get reauthorized. In fact, I am sure there are colleagues in the House of Representatives who would, if they had a chance, just outright kill the credit agency altogether.

Last week 31 Governors signed a letter that basically called for the reauthorization of the Export-Import Bank. That brings the total number of Governors to 37. I am proud my Governor, Jay Inslee, along with Governor Robert Bentley from Alabama, led an effort to say to the Congress: This is important to do. They see the result in their States as it relates to jobs, and they want to make sure we get this reauthorized.

There are Governors from all over the political spectrum—liberal Democrats, to moderate Democrats, to moderate Republicans, and even tea party Republicans—so there are Governors out there from Neil Abercrombie of Hawaii, to Governor Paul LePage of Maine, who want to get this important tool reauthorized. Even though they are from many different spectrums, they see that this creates jobs in their State.

I would like to point out that nine of those signatures come from Republican Governors, plus five Republican Governors sent their own letter. So that is 14 Republican Governors who joined a chorus of voices in the legislative body to make sure we are doing what is right for the economy and renew this charter for the important Export-Import Bank.

I wish to point out from the letter that it basically says that without the financing, U.S. firms would have lost sales to overseas competitors.

So this is what the Governors are trying to tell us. They are stewards in their States of jobs and the economy, and they are very concerned about the Export-Import Bank. So we want to make sure we continue to listen to those Governors and get their help in making sure their Members of Congress from their individual States support this legislation.

They also are talking to thousands of small business owners who are saying that failing to reauthorize the Export-Import Bank would lead to fewer exports and a loss of jobs in all 50 States. They are out there trying to make sure they are drumming up support in the congressional delegations of their States. That is because trade is a critically important aspect to our economy.

I just talked to one of my colleagues today who was telling me how much their State was recovering, but in the areas where they were doing the most exports, their State was really growing—that particular part.

In 2013, U.S. exports reached $2.3 trillion in goods and services. So exports across the Nation that are attributable to the Ex-Im Bank support about $37 billion worth of U.S. exports and about 205,000 related jobs. So you can see that the Export-Import Bank is a vital tool to creating jobs in our U.S. economy, and it does all of this returning $1 billion to the Federal Treasury. To me, it is a win-win for taxpayers and it is a good aspect for jobs. As I said, it is 205,000 export-related jobs and $37 billion in exports. That supports over 2,000 small businesses throughout our country. That is actually the direct impact of businesses that are exporting with the help of the Export-Import Bank. I say that because there are so many more people who are involved in the supply chain, and we talked about that last week.

I would like to address one issue today that I hear about from a lot of colleagues: Well, isn't this just something the private sector can do?

I guarantee you, if the private sector could just do it and would do it, we would be very happy. I am here to debunk that myth. In fact, in the words of the private sector, it is all about them needing the help of the bank to actually make deals work. Anyone who thinks they know what they are talking about, I want to make sure they understand.

First and foremost, in the bank's charter, it prohibits them from competing with private financing and requires that all financing have a reasonable chance of repayment. So literally in the bank's charter it says they are not there to compete with these banks. Yet I hear so many times my colleagues on the other side trying to say: Oh, well, this is just something that we, the government, should not be involved in.

I just pointed out that we actually make money off of it. So that part is really good for us because it helps us pay down the Federal deficit. And I just mentioned how banks want to partnership with this credit agency because it helps them, but it is actually in their charter that it prohibits them from doing so. Specifically, the charter says, in section 2, that the bank should "supplement and encourage, and not compete with, private capital"—"not compete with, private capital." So there it is in their own charter, exactly how they are supposed to operate. So this is not a bank that is somehow competing with banks across America. They are partnering with financial institutions that see risks in overseas markets that they think are undeveloped and do not have the banking and financing institutions in their organization to help get these things done, and so they want to partner with the Export-Import Bank.

It is helping businesses all across our country. In fact, 98 percent of the Export-Import Bank's transactions were involved with banks throughout 2013. So it is not taking business away from them; it is actually helping businesses throughout our country.

The Export-Import Bank is a leading indicator for U.S. companies in how to get business done in these developing markets, and it is often in the national and local banking interest to have a partner such as this because they see deals and opportunities that come through their local communities.

I know there are banks—the Presiding Officer's major banks in parts of the Midwest, KeyBank—and others have talked to me about how important it is because they have homegrown businesses that come to them, and they see the opportunity but they also see the risk, and having this credit agency be a partner with that local bank helps them secure the deal.

As we look at this chart, it basically shows that 98 percent of the Ex-Im Bank transactions are involving commercial banks. So, again, there is this notion that somehow this bank is competing with the private sector when, in fact, it is basically prohibited in their charter, and 98 percent of the deals are actually done with an individual bank, which shows that this is really a tool for our commercial banking.

So these are banks everywhere, from the Alaska Commercial Fishing and Agriculture Bank in Anchorage, to the Wallis State Bank in Texas, as well as national banks such as Wells Fargo and others. So they find it a very viable tool and something that is important to do.

According to a recent statement by the Bankers Association for Finance and Trade and the Financial Services Roundtable, the Export-Import Bank of the United States plays a critical role "in international trade and US job creation by providing export financing products that help fill gaps in trade financing otherwise not provided by the private sector."

So we are hearing from these individual banks that are saying this and basically articulating that this is a tool. In fact, one CEO, John Stumpf from Wells Fargo, recently talked about his work with a company called Air Tractor. Air Tractor is a Texas company that manufactures agricultural aircraft, with 50 percent of its business being overseas. He said how important it was that the Export-Import—I am going to quote him: Air Tractor would not be where they are today without the Export-Import Bank and there are certain things that would not have been done without them.

I want to go back to the fact that the banking industry really does believe the Export-Import Bank is a necessary tool. "The Ex-Im Bank remains a vital partner for the lending community," according to the bankers association.

I think this shows there are people who are just not educated on the structure of the bank, how it works, how important it is to be an important tool for us. I want to make sure we understand why the private sector cannot do these loans.

If people understand how the bank works, some still want to come back and say: Well, they still should be doing it themselves.

I want to go to one chart that basically shows some of the challenges bankers face when they are dealing with this. They face bank balance sheet limitations; that is, the ability to hold all of those deals on their books over the period of the loan. They have the added risk of exporting to foreign markets, which can be challenging at best. And they have the lack of the financial sector presence in those emerging markets.

So as to all of those things, if you are, as I just mentioned, one of these banks—from the Wallis State Bank in Texas to the Alaska Commercial Fishing and Agriculture Bank—you can see that they want to help this business in their State export or like this company I mentioned—Air Tractor in Texas that manufactures aircraft for agricultural purposes. You can see they want to help them. But, again, is the Wallis State Bank going to be able to go out and assess all these international marketplaces and assess whether that end customer is going to be able to continue to pay on the life of this purchase? No. This bank is not figuring out how to do that. So basically they are just turning this business down. Yet we have a U.S. manufacturer that has figured out a great product, figured out how to make it, figured out how to get customers overseas, figured out how to compete with international competitors, and we have people here strangling the one tool they need—the credit agency that helps the local bank in their community finance the deal.

So I just want to say I hope we resolve this issue with the Export-Import Bank. I hope our colleagues on both sides of the aisle can come to terms with the amendments that are necessary to move this bill to the Senate floor. I know last time we had a similar debate and a lot of discussion, but in the end there were about 79 votes for the Export-Import Bank.

I guess I would ask all of my colleagues now to think about our economy and how much U.S. manufacturers need to sell in overseas markets. We are having an unbelievable growth in the middle class around the globe. It is going to double in the next 15 years. That is 2.7 billion more middle-class

consumers who could buy U.S. products and U.S. services, but they will not if we hamstring the export-import credit agencies that help support banks in the financing of U.S. manufacturers' goods sold overseas.

I hope my colleagues will help us get this bill to the floor, get it reauthorized, and not for a short term, not for 3 months, not for more mischief to be had, but to give predictability and certainty to people who are actually growing jobs in the United States of America, our manufacturers.

UNANIMOUS CONSENT AGREEMENT EXECUTIVE CALENDAR

Madam President, I ask unanimous consent that the confirmation votes on Mendez, Rogoff, and Andrews occur following the vote to confirm the Disbrow nomination, and with all other provisions of the previous order remaining in effect.

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

The Senator from Virginia.

EXPORT-IMPORT BANK

Mr. KAINE. Madam President, I have got a deal for you: Let's create American jobs, let's help American businesses find customers abroad, and let's do it at no cost to the American taxpayer. I rise to speak about exactly the point Chairwoman CANTWELL just spoke about, the chairwoman of our Small Business Committee, the importance of the Export-Import Bank, which expires on September 30 of this year.

The Senate and House need to act to continue the job so we can continue the bank, so we can create hundreds of thousands of jobs, so we can help American businesses find customers abroad, and do it at no cost to the American taxpayer. Chairwoman CANTWELL did a good job of explaining the bank and what it does. I will just spend a few minutes on that.

It is an independent, self-sustaining Federal governmental agency. It is one of the most important tools that U.S. companies have to boost exports to all the countries and all the customers abroad who want high-quality products produced in the United States. The bank assumes country and credit risks that other private sector lenders are unwilling or unable to do, at a reasonable cost. It helps level the playing field for U.S. businesses because so many of our global competitors have banks just like this that loan even more or support even more loans than we do. So this is about leveling the playing field for American businesses.

In fiscal year 2013, the Ex-Im Bank approved an all-time high 3,842 loan authorizations, with a total estimated export value of $37.4 billion. That is estimated to have created or sustained over 200,0000 export-related jobs right here in the United States. Countries such as China, France, Germany, Korea, and India are extending multiple times as much financing as our Export-Import Bank. This is not the time to let international competitors eat our lunch. We have to be aggressive and we have to compete. That is why this bank needs to be reauthorized.

I am here today to talk about why it matters in Virginia, using Virginia as an example. I know the Presiding Officer will forgive me for being partial to the Commonwealth. But anyone can get up here and do exactly what I am going to do, talk about businesses in their States, to whom the Export-Import Bank is incredibly important.

In Virginia generally since 2007, the Ex-Im Bank has supported 98 companies in every congressional district. Fifty-nine are small businesses, ten are minority-owned, three are women-owned, more than $1 billion in exports supported in Virginia since 2007. I have heard from everybody in Virginia, from Governor McAuliffe to the Virginia Chamber of Commerce, to both the National and Virginia Association of Manufacturers saying: Whatever you do, find an agreement to authorize the continuation of this very important bank.

Let me tell you about four companies. They are very different companies: rockets, apples, compressors, and paper. It sounds like a rock-paper-scissors thing, right?

Orbital Sciences Corporation in Dulles, VA, right here close. Orbital manufactures small and medium-class space systems, mostly satellites and rockets. Their headquarters is in Dulles, 3,600 employees, high-paying jobs. They launch rockets from all over the country, including Wallops Island near Chincoteague on the eastern shore of Virginia. They build satellites for the U.S. Government but also sell commercial communications satellites to many international buyers.

This commercial business that Orbital has is faced with significant competition from European satellite manufacturers, EADS/Astrium and Thales/Alenia. So Orbital relies on the Export-Import Bank to level the playing field. These European manufacturers get assistance from their governments to go out and compete for this commercial business and Orbital does the same. This neutralizes the advantage that European governments try to give to their satellite industry. In the last few years, since 2012, Orbital has produced 38 satellites. Six of them relied on Export-Import Bank financing and would not have been done without the backstop the Ex-Im Bank provides.

For every commercial satellite that Orbital builds, 300 jobs are supported, direct and indirect, within the company, and then there is a supply chain, with suppliers all over the country. There are an additional 300 jobs in the supply chain. So the story of Orbital, manufacturing rockets and satellites, is illustrative of the contribution the Ex-Im Bank makes to U.S. small and medium-sized aerospace companies.

Let's switch from rockets and talk about apples for a minute. Turkey Knob Orchard in Timberville, VA. They grow apples on 3,500 acres in rural Virginia. It is a longstanding family-owned business that has produced apples in the Commonwealth since 1918. This family-owned business in Timberville uses the Export-Import Bank to protect deals made with companies in rapidly expanding markets such as West Africa and India, where the risks are high, and conventional lenders may be a little skittish.

Then it gives their partners peace of mind and a credible system for evaluating buyers abroad. The credit insurance is one of the most competitive and user-friendly products in the market for small growers such as Turkey Knob, who do not have a large international office or large international export offices around the globe. Without Ex-Im credit insurance, Turkey Knob would export less and their exports would be exposed to more risk, more potential liability.

Additionally, with the credit insurance program, small exporters are able to build these deals so they can build long-term relationships and expand business that otherwise would not be possible.

We want importers abroad to buy Virginia apples. We think our apples are every bit as good as Washington State's or any other State's apples. We are proud to market them, and other products from Virginia as well, especially at a time when the economy needs to be stronger. But we would not be able to find those clients for growers such as Turkey Knob without the Ex-Im Bank.

Compressors. Bristol Compressors in Bristol, VA, right on the border with Tennessee in the State's far southwestern corner. This is a manufacturing company, very cutting edge. They design and manufacture compressors for residential and commercial applications—air conditioning, heat pump, refrigeration. It is one of the largest compressor manufacturers in the world. They also serve manufacturers and distributors across six continents. I think Antarctica may be the exception. They have enough air conditioning there.

But Bristol has worked directly and indirectly with the Ex-Im Bank through their credit lenders for many years. Bristol would not be able to service the majority of its international business without the support of the Ex-Im Bank. I have been to this company. It is in a part of the State that needs more jobs, not less. Without the Ex-Im Bank, they would not be able to service their customers on six continents.

Bristol has told us that without the support, jobs at Bristol would be at risk, which would have a negative impact on the local economy. We want to promote American manufacturing, not shrink it.

Finally, paper. Eagle Paper International in Virginia Beach. This is an international paper manufacturer and distributor, been around since 1988.

Virginia Beach is an important place, because we have an active port in Virginia Beach, one of the busiest ports on the east coast of the United States. So it is a great place to find exports and ship exports from.

Eagle Paper has succeeded in its 25 years in business in exporting paper worldwide. Eagle has told us very plainly:

> Ex-Im is a crucial part of our business. Without the export credit insurance we would not be able to support the customer base that we currently have. Without this customer base our sales would decrease and in turn we would have to eliminate employees in order to keep our business up and running.

Not often do we have such no-brainers present themselves on the floor. I will end where I started: Let's create American jobs. Let's help businesses find customers around the world. Let's do it at no cost to the American taxpayer. We do not make general fund applications to the Ex-Im Bank because they charge their customers for the services they provide. Not only do they break even, they actually raised $2 billion above the loans they put out in the last few years, which they then used to make more loans to more American businesses to create more jobs.

I have been heartened to see 50-plus months of private sector job growth. I know the Presiding Officer has as well. But we also know we are not where we need to be yet. GDP needs to be higher. More jobs need to be created. We need to create more skilled workers to fill those jobs. The Ex-Im Bank is one of the best tools we have to help move the economy forward. If it did not exist, we would have to create it. The good news is, it does exist. All we have to do is vote to reauthorize it before September 30.

It is my hope that my colleagues on both sides of the aisle and in both Houses will join in this very important and completely logical mission.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. THUNE. Madam President, I rise today to speak in opposition to the legislation pending before the Senate, the so-called Bring Jobs Home Act. I oppose this bill because it is a political stunt designed as an election-year campaign ploy that will have no meaningful impact on job creation or on economic growth. In fact, this bill is a carbon copy of a bill the Senate rejected 2 years ago when it was offered by another Democratic Senator who just happened to also be up for reelection.

Simply put, if there is a Democratic bill on the Senate floor supposedly about outsourcing, you can rest assured it must be election season. The bill before us purports to deal with the problem of companies relocating jobs from the United States to foreign countries by denying the deduction associated with doing so. This must be the tax benefit for shipping jobs overseas that we heard so much about from the Obama campaign in 2008 and again in 2012.

There is only one problem with repealing this special tax break for companies that ship jobs overseas. It does not exist. According to the Joint Committee on Taxation, ''Under present law, there are no targeted tax credits or disallowances of deductions related to relocating business units inside or outside the United States.'' That is from the Joint Committee on Taxation.

This statement is not surprising, given that numerous independent fact checkers disputed the repeated claims in 2008 that companies were receiving tax breaks for shipping jobs overseas. These fact checkers called that statement ''false'' and ''misleading.'' But I guess the facts do not matter when it is an election year. What this bill will do is insert yet more complexity and uncertainty into our Tax Code.

The reality is the United States economy is a $17 trillion enterprise, with businesses all across this country constantly closing old operations and opening new ones. If this bill becomes law, companies that might want to close an old factory or open a new one would now have to worry if they will have to pay a tax penalty, even if their decisions are totally unrelated to any business decisions they might make outside of the United States.

The legislation also includes a new tax credit for companies that eliminate a business operation in a foreign country and move that operation to the United States. Well, that sounds like a good idea. But consider how this would tilt the playing field against companies here in America that have not opened operations overseas. A purely domestic company that opens a new factory in my State of South Dakota will not get a Federal tax credit for doing so, but a global company with jobs overseas will get a generous credit under this bill.

Consider what a coalition of leading business organizations made up of the Business Roundtable, the Information Technology Industry Council, the National Association of Manufacturers, the National Foreign Trade Council, and the U.S. Chamber of Commerce had to say recently in a letter regarding the legislation that is pending before us.

Many of the major business organizations in this country said:

> While intended to promote U.S. job creation, the legislation actually would have the unintended consequence of making it even more difficult for American worldwide companies to compete at home and in world markets, thereby placing at risk jobs of American workers.

This is a letter from some of the major business organizations in this country.

If we want greater economic growth and more jobs, we need a Tax Code that creates a level playing field, not one that picks winners and losers based on the preferences of Members of Congress.

Even if we were to assume that a new tax credit for insourcing would be a good thing, the official estimate of the bill from the Joint Committee on Taxation tells us that this particular tax credit will have essentially no impact on our economy. According to this new estimate, the new insourcing credit will provide a tax credit to U.S. companies of $35 million a year. That is $35 million out of a $17 trillion economy or, put another way, this credit will equal .000002 percent of annual U.S. economic activity. Yes, that is a decimal point followed by five zeroes. This bill isn't a drop in the budget; it is more like a drop in the Pacific Ocean.

Yet despite the fact this legislation won't help our economy or create jobs or make America more competitive in the global economy, I voted with most of my colleagues to move forward with this debate because I believe we need to have a robust debate about those measures that will energize our economy.

As such, I filed a number of amendments that would have a meaningful, positive impact on our economy—unlike, I might add, the underlying bill. For example, I filed an amendment to make the small business expensing limits, which expired at the end of last year, permanent, something that I hear about consistently from farmers, ranchers, and small businesses in my State of South Dakota.

These limits allow small businesses, farmers, and ranchers to deduct up to $500,000 per year in expenses, making it easier for these businesses to grow and to hire new workers.

I filed an amendment to make the R&D tax credit permanent. This amendment would also strengthen the credit by raising the credit rate from 14 percent to 20 percent, thus making this credit more competitive with the research incentives offered by many European and Asian nations.

I have also filed an amendment to improve the tax treatment of S corporations if they convert into a C corporation, thus making this popular form of business operation more easily accessible. This amendment would also make it easier for S corporations to give appreciated property to charity.

I filed an amendment to make permanent the Internet Tax Freedom Act, which currently protects most Internet users in America from taxes on their Internet access. This law was first enacted in 1998. For more than 15 years it has helped our economy grow, and it has helped the digital economy flourish by keeping State and local taxes off of Internet access, regardless of consumers' access to the Internet via their home computers or by handheld device. Unfortunately, this law is scheduled to

expire in just over 3 months on November 1 if we don't take action to prevent that.

Some may claim that my amendments are partisan amendments—that these tax relief measures are simply Republican priorities that can't muster support on the Democrat side of the aisle. The problem with this claim is that all the measures I have just mentioned have found Democratic support already—significant Democratic support.

Consider the R&D amendment I just mentioned. It is identical to the bill that passed the House of Representatives with 274 votes in favor, including 62 House Democrats. That is right, roughly one-third of House Democrats have already voted for this exact amendment.

The same is true for the small business expensing amendment I mentioned. An identical measure passed the House in June with 272 votes, including 53 House Democrats. Consider the S corporation improvements, which were passed by the House with 263 votes, including 42 House Democrats voting yes.

Consider my amendment to make the Internet tax moratorium permanent. My bill, with Finance Committee Chairman RON WYDEN, to make this law permanent has 52 Senate supporters.

In fact, this bill has so much support that an identical bill in the House, just last week, passed by a voice vote. This measure, supported by a majority of Senators, sponsored by the Democratic chairman of the Finance Committee, and approved by the House of Representatives by a voice vote isn't even scheduled for a vote in the Senate. What a shame.

Consider the medical device tax repeal, which is supported by 79 Senators, including 34 Democratic Senators.

Unlike the minuscule economic impact of the bill pending on the Senate floor before us now, repealing the medical device tax would remove an ObamaCare tax increase totaling $24 billion over 10 years on some of the most innovative companies in America. According to a survey by the trade association AdvaMed, the medical device tax is estimated to destroy as many as 165,000 American jobs.

So let's be clear. It is not that there aren't reasonable measures to boost our economy that we could be considering. All of the measures I have mentioned have broad bipartisan support. The problem is simply that the Democratic majority refuses to allow their consideration.

The Senate majority would prefer we spend our time on inconsequential election-year gimmicks rather than any of the job-creating measures I have just mentioned.

In fact, Senate Democrats have chosen to block nearly all Republican amendments rather than risk having to take difficult votes. Consider that the Senate has had rollcall votes on only 12 Republican amendments since last July. House Democrats—the minority in the House of Representatives—in contrast have had 189 amendments voted on during that same period of time.

Put another way, House Democrats have been allowed, on average, more than one vote for each legislative day the House has been in session over the past year. In the Senate, Senate Republicans have been allowed just one vote per month.

Let me repeat that. The minority in the House is being allowed one vote per legislative day. The minority in the Senate is being allowed one vote per month.

The Senate used to be known as the world's greatest deliberative body. That description now sounds like a cruel joke, considering how few amendments we have been allowed to consider.

The other measure our economy desperately needs is comprehensive tax reform. If we really care about making America a more attractive place to do business so as to lure new business investment jobs, we need to have a much simpler Tax Code with tax rates that are competitive with our global competitors.

Let's consider the facts. When President Reagan signed the Tax Reform Act of 1986 into law, the United States had a corporate tax rate that was more than 5 percentage points below our major economic competitors.

The U.S. corporate tax rate has basically stayed the same since 1986. Yet today our tax rate is the highest in the developed world and is more than 14 percentage points higher than the average of developed economies.

Why? Look at what has happened. Unlike the United States, other nations decided they needed to lower their tax rates to spur economic growth and job creation. Unfortunately, today we are reaping the negative consequences of inaction as we see more and more investment and economic activities moving to those nations that have created a more favorable business environment.

If we want to keep the best, highest-paying jobs at home, we don't need new tax credits targeted at a narrow set of companies. We need a complete overhaul of our tax system with new, competitive tax rates and a modernized system for taxing the global revenues of American companies. Yes, it is going to be a difficult lift, but it is far from impossible.

Consider the United Kingdom, which as recently as 2010 had a 28 percent tax rate and an outdated system for taxing global income. The UK enacted tax reform that will result in a 20-percent tax rate by next year and has already resulted in a modernized system for taxing the income earned by global U.K. companies.

Over the past 5 years, Japan—another major economic competitor of the United States—has done something similar. Japan cut its corporate tax rate by 5 percentage points and has moved to a more competitive system for taxing global income.

If the UK, Japan, and other nations can modernize their Tax Code for competition in the 21st century global marketplace, certainly we in the United States can do it as well.

In closing, I hope the Senate Democrats will change course and allow for an open and robust amendment process to allow a wide variety of job-creating measures to be considered.

Our economy, still mired in the sluggish Obama economy, could certainly use it. But, if not, I look forward to a future Congress where the Senate can get back to real debate and real solutions.

I hope that once the campaigning is done, once the election-year slogans have been retired, we can get back to real, substantive legislating.

American families and workers deserve permanent tax and regulatory relief. They deserve a better economy than they have today, and they deserve a Senate that once again functions as the world's greatest deliberative body and puts their interests first, and their futures, their quality of life, and their standard of living where they should be.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Rhode Island.

Mr. REED. I request unanimous consent to speak as in morning business.

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

HIGHWAY TRUST FUND

Mr. REED. I wish to support the short-term reauthorization of our national surface transportation law. It is urgent that we keep the highway trust fund solvent to avoid a shutdown of work on our highways, bridges, and transit systems.

A recent letter from 62 national organizations, including the American Association of State Highway and Transportation Officials, the American Public Transportation Association, the U.S. Chamber of Commerce, and the Laborers' International Union, echoed the White House's warning: If we don't shore up the trust fund, we put at risk 100,000 construction projects that support more than 700,000 jobs, including 3,500 jobs in my home State of Rhode Island.

We have to save these jobs, but I have to say that the legislation before us is inadequate on two fronts.

First, instead of a short-term bill, we should be undertaking a long-term extension of transportation funding to provide certainty to the States and create much-needed jobs.

Second, the House version of this bill uses the very offsets that House Republican leaders rejected when they were included as part of my bipartisan legislation to extend jobless benefits for the long-term unemployed. House leadership has used every excuse to deny

these benefits to people who have been hurting for months, invoking increasingly problematic conditions.

I, for one, will not stop working to help people who, despite their best efforts, find themselves without the opportunity to find work.

We need this patch—even though it is not the preferred solution—to avoid a virtual shutdown of construction throughout the country and prevent further job losses. But the mere fact that the trust fund is so close to becoming bankrupt has already had an effect. Last month, Moody's downgraded the ratings on the GARVEE bonds for 26 transportation agencies.

In Rhode Island our Department of Transportation has about $67 million of projects on hold because of the uncertainty about the trust fund. These are projects that could put people to work in a State that unfortunately is tied for the highest unemployment rate in the Nation. There is more work the State wants to move forward on that would create more needed jobs, but we can only do that with a long-term reauthorization bill.

With only a few months of funding under this so-called patch, Rhode Island will be able to start little—if any—new construction. Instead, the trickle of Federal funding will pay back debt from projects that have already been finished and keep ongoing projects from stopping. It will support some design work that could help keep contract designers from going out of business, but it won't get much new construction started.

So my State and others across the country are forced to wait in a very costly holding pattern. Only a bill that invests significant resources over multiple years can provide this certainty for States and help get new projects underway.

That was the point made by Secretary Foxx and 11 former Secretaries of Transportation in a letter just a few days ago, noting that we are more than a decade removed from the passage of the last long-term transportation reauthorization bill.

Another point the Secretaries make is this: While long-term certainty is essential, greater Federal investment is needed to ensure our transportation infrastructure meets the needs of our people.

As a nation, our transportation infrastructure system is in desperate need of improvement. The most recent report card from the American Society of Civil Engineers gave both our roads and transit systems a grade of D.

Our aging infrastructure doesn't get as much attention in the media as other issues until the worst happens, such as the collapse of major bridges in Minnesota in 2007 and Washington State last year. But there are structurally deficient roads and bridges in every State, bridges that millions of Americans drive across for work or travel, that companies use to transport products, and that our schoolbuses drive over with our children.

Aging infrastructure is a major challenge for Rhode Island, which has the highest percentage of roads that are in poor condition and the highest percentage of bridges that are deficient or obsolete according to the American Society of Civil Engineers and the U.S. Department of Transportation.

In the last 5 years, Rhode Island has had to act to replace two major bridges on the I–95 corridor. Luckily, the State has been able to take action to avert a disaster, but it hasn't been easy. One of these bridges, the Pawtucket River Bridge, was effectively closed to all large trucks for several years until it was replaced. The other, the Providence Viaduct, which is currently being replaced, has required boards to be placed beneath it in order to protect traffic and passersby below from falling concrete.

Each year, these kinds of deficiencies cost American families $120 billion in extra fuel and time, according to the White House. Businesses pay $27 billion annually in extra freight costs, which then get passed on to consumers. In Rhode Island, the poor road conditions cost $496 million each year in added vehicle repair and operating expenses, which is over $650 per year for each motorist.

To tackle the significant challenges to keep our roads, bridges, and transit in a state of good repair, States such as Rhode Island will need a strong Federal commitment. According to the American Society of Civil Engineers, we need to increase our surface transportation funding at all levels of government by $846 billion by 2020 to restore our transportation system to a state of good repair and meet the demands for our growing population and economy. Without more investment, we increase the chance of another infrastructure failure and we create inefficiency in our economy.

Federal funding is critical for all our States in meeting that challenge, but it is especially important for States such as Rhode Island that struggle to generate their own funds for infrastructure. Indeed, stagnant Federal support will make it harder for States that are struggling economically to share in our national prosperity, running the risk of increasing economic inequality among States.

However, with added investments in infrastructure, we can improve freight, roads, and transit systems, meaning commuters will make it to their destinations more quickly and safely while businesses save on shipping goods.

Too many times in the past, the Republican leadership in the House has exploited deadlines like this to engage in brinkmanship, shutting down the Federal Government and bringing the country to the edge of default. In part because we haven't had a manufactured crisis in the last several months, we have seen some good signs in our economy, and so I am encouraged we will not see a shutdown of work on our roads and bridges this summer.

But again, averting disaster shouldn't be our goal. We need to press ahead with a multiyear reauthorization bill to create jobs and improve our economy. Unfortunately, when it comes to helping American workers and our economy, Republican leaders, particularly in the House, have stalled progress.

Indeed, we have seen Republicans block several measures that would help strengthen our economic recovery. As I discussed earlier, House Republicans refused to act on restoring emergency unemployment insurance, despite the fact that the Congressional Budget Office estimates that a year-long extension would generate 200,000 new jobs. Republicans have also blocked our efforts to raise the minimum wage, let borrowers refinance their student loans, pass a paycheck fairness bill or an energy efficiency bill. We need long-term solutions to all of these issues.

In my view, we should make this extension—the one we are considering now—as short as possible to increase the likelihood that we can pass a long-term bill that increases our investment in our transportation system. Regardless of the duration of this short-term bill, we should be working to address the issue before the end of the year. As Secretary Foxx and his predecessors admonished:

> What America needs is to break this cycle of governing crisis-to-crisis, only to enact a stopgap measure at the last moment.

The Secretaries made another important point. They wrote this:

> Until recently, Congress understood that, as America grows, so must our investments in transportation. And for more than half a century, they voted for that principle—and increased funding—with broad, bipartisan majorities in both houses. We believe they can, and should, do so again.

We should follow their advice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

BORDER CRISIS

Mr. VITTER. Mr. President, I rise again on the Senate floor to talk about the crisis at our southern border, and it is a crisis. I don't use that word lightly, but it is clearly a crisis on many levels.

This fiscal year alone, since October 1, 2013, over 381,000 illegal aliens have entered our country through that border. Of course, a big part of that crisis is unaccompanied alien children—58,000 of them. The Obama administration itself says that number will probably grow to 85,000 or 90,000 in just the next few months, by the end of this fiscal year.

We see on this chart that since 2008, sending these UACs back, deporting them, effectively has plummeted—absolutely plummeted. This is a key part of the problem.

Since this crisis came into clear focus, I have been doing several things. I have asked the administration, through a letter to the Department of Homeland Security Secretary Jeh

Johnson, for facts, details about the impact of this crisis—the numbers, the particulars, and specifically what impact it can have on Louisiana, my home State. I haven't gotten any response. That is very disappointing. I am asking publicly again for a detailed response to those legitimate straightforward questions.

I have agreed with many others in the House and Senate to partner with the administration around strong action to change this trend, to change our policy, to deport illegal aliens effectively, to send a very new and different message to Central and South America to stem this growing crisis. Unfortunately, that plea has not gotten a positive response from the administration either.

In reaction to that, I have had to dig around wherever I can find credible sources and find out key information myself, particularly as it affects Louisiana. I have been making calls to military leaders, local ICE officials, anyone else with significant credible information.

Again, this should be able to come directly from the Department of Homeland Security. It has not. But this is what I am finding out: The Louisiana ICE office has a backlog of juvenile cases—cases involving minors. First of all, it already had about 2,000 of those cases in Louisiana alone before this wave upon wave of minor illegal aliens reached crisis proportions. Adding on to those 2,000 cases—1,956 to be exact—there are now over 1,200 new juvenile cases in Louisiana. These are unaccompanied children coming into the country illegally and then being brought into Louisiana, in most cases turned over to the custody of a family member or a sponsor, and many of these family members are themselves illegal.

We are not a border State. We are not Texas, we are not Arizona or New Mexico. We are not one of the States most affected. Yet even Louisiana has this significant impact with very troubling numbers.

I talked to folks at the Hirsch Memorial Coliseum in Shreveport and found out that the International Association of Fairs and Expositions—a trade association for their sorts of facilities around the country—was contacted by the Department of Homeland Security about locating mass space for housing of illegal alien UACs. The Hirsch Memorial Coliseum in particular in Shreveport was contacted to see if they could be part of that, and they said they couldn't. It was not practical at all. But that inquiry was made.

On the military side, I talked to leadership at Fort Pope. They were contacted by the U.S. Army Installation Management Command Headquarters and asked if they could house between 400 and 500 unaccompanied alien children. They said they couldn't for very compelling practical reasons at Fort Pope.

Barksdale Air Force Base in Shreveport was asked via the Air Force Global Strike Command and the Department of Defense if they had capacity for the same mass housing operation. Their response was as follows:

> Barksdale's answer has been consistent with our strategic mission and supporting base infrastructure for the nation's #1 mission (nuclear)—we would not support or participate.

But it is significant those inquiries were actively made.

Belle Chasse Naval Air Station in New Orleans, again on behalf of the Department of Homeland Security, was contacted about their capacity for this same sort of thing twice.

Again, it makes the point that even Louisiana—not a border State, not a State most affected—is fielding many inquiries and significant impacts—1,259 new juvenile cases being brought into the State, all of these inquiries.

I wish I could get this information directly from the Department of Homeland Security. I have asked for it. They have not been forthcoming.

Unfortunately, the administration likewise has not been forthcoming about real solutions, partnering with Congress to make changes in the law and anything else necessary to stem this tide and reverse the policy that continues to encourage this tide. We have seen no leadership there either.

While the President spent the first 10 days of focus on this crisis talking about various parts of Federal law that he said were tying his hands, when it came to sending a request to Congress, there was no request to change any of that law. There was no request to streamline any deportation procedures. There was no request to heighten the standard for asylum or anything else. The only request was to send him a huge amount of additional money, billions upon billions of dollars.

So in the absence of that leadership and partnership and information, I started to develop legislative ideas with many others myself, and I have introduced a legislative solution—S. 2632—to address this specific unaccompanied alien children crisis, and it has been introduced in the House by my Louisiana colleague, Congressman BILL CASSIDY.

Fundamentally, this legislation would reverse the policy we have in place which accepts these folks over and does nothing to quickly deport them to their home country. It would reverse that policy so we would have quick, effective, immediate deportations to send the message to Central and South America that this has to stop and to stem that tide.

Specifically, the legislation would do nine things:

No. 1, it would mandate detention of all unaccompanied alien children upon apprehension. No catch and release. No catch and then, yes, here. We will further the smuggling and give you to your family members or sponsors in this country.

No. 2, we would amend the law to bring parity between UACs from contiguous and noncontiguous countries. All UACs, regardless of country of origin, will be given the option to voluntarily depart. That is a practical solution, in the case of those coming from Mexico and Canada—obviously many more from Mexico.

No. 3, those UACs who do not voluntarily depart will be immediately placed in a streamlined removal process and detained by the Department of Homeland Security. Currently, they are transferred instead to Health and Human Service's Office of Refugee Resettlement, where they are basically resettled.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I have to object. I have no objection to having more time after the vote, but I object before the vote.

The PRESIDING OFFICER. Objection is heard.

The Senator from Maryland.

Ms. MIKULSKI. I ask unanimous consent to speak for up to 5 minutes prior to the cloture vote on the Harris nomination.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. I will consider objecting, but I would far prefer to amend the unanimous consent request so that I get the additional minute I was just denied and the Senator from Maryland gets her time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. VITTER. Mr. President, my unanimous consent request was for me to finish my remarks in 1 minute and then have the Senator——

The PRESIDING OFFICER. The pending unanimous consent request is from the Senator from Maryland.

Is there objection?

Mr. VITTER. I object.

The PRESIDING OFFICER. The objection is heard.

Ms. MIKULSKI. Mr. President, I therefore call for the regular order. I ask unanimous consent that my full statement be included in the RECORD, to yield back whatever time we have, and that we move expeditiously to the vote.

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

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

HARRIS NOMINATION

Ms. MIKULSKI. Mr. President, I am so proud to be here today in support of the nomination of Pamela Harris—a brilliant litigator, professor, and public servant—to serve on the Fourth Circuit.

Senator CARDIN and I recommended Ms. Harris to President Obama with

the utmost confidence in her abilities, talent, and competence for the job. The ABA agreed—they gave her their highest rating of unanimously well-qualified.

I thank Senator REID for being so prompt in scheduling this vote. I also thank Senator LEAHY for his expeditious movement of her nomination through the Judiciary Committee.

I have had the opportunity to recommend several judicial nominees for our district and appellate courts. I take my ''advise and consent'' responsibilities very seriously. When I consider nominees for the Federal bench, I have four criteria: absolute integrity; judicial competence and temperament; a commitment to core constitutional principles; and a history of civic engagement in Maryland. I expect our recommendations to not only meet these criteria but to exceed them, as Ms. Harris surely does. She has dedicated her career to the rule of law, achieving equal justice under the law and the perfection of appellate advocacy. She is truly an outstanding nominee.

Ms. Harris's career spans academia, private practice, and government. But there has always been a common thread of public service. We are proud to say that she is ''home-grown''—although born in Connecticut, she has called Maryland home since she was a child, eventually graduating from Walt Whitman High School in Bethesda, MD. She went on to Yale where she received her bachelor's degree summa cum laude as well as her law degree. After completing a clerkship on the D.C. Circuit, Ms. Harris went on to clerk for Justice Stevens on the Supreme Court. She has served at the Department of Justice Office of Legal Counsel and at the Office of Legal Policy under two different administrations. She also spent 10 years appearing regularly before the Supreme Court while counsel and then partner at O'Melveny & Myers, taking on some of the most complex issues of our time.

Ms. Harris also has a distinguished career in academia as a Professor at the University of Pennsylvania Law School, co-director of the Harvard Appellate Practice Clinic, and later, at Georgetown, where she is today. At Georgetown she serves as executive director of the Supreme Court Institute, preparing litigants—first come, first served—and regardless of their position—for arguments before the Court. But Ms. Harris remained connected to Maryland, whether it was a pro bono appellate clinic at O'Melveny to work with Maryland's public defender or an amicus brief in major litigation involving Montgomery County Public Schools.

Ms. Harris has a commitment to the legal profession that is unmatched. It shows in the students that she has taught, the litigants that she has prepared, the briefs that she has written, and the pro bono service that she has rendered. She has risen to the highest levels of her education and career. Yet she has seen people in her life confront adversity and she knows the impact that the law has on people's daily lives. I believe it is this which contributes to her very humble nature. She believes that the Court is a place for justice and not a stepping stone. Ms. Harris continues to give back to the community, serving on the board of trustees at her children's school, and also to legal scholarship, as a member of the board of directors for the American Constitution Society and the Constitutional Accountability Center.

So I am so honored to be here today to support her nomination. I ask that you all join me in doing the same. It is critical that we have judges with commitment to public service, civic engagement, and the rule of law. And we have that in none other than Pamela Harris.

Mr. VITTER. Mr. President, I would just like to again ask unanimous consent to be recognized for 1 additional minute following the Senator from Maryland being recognized for 4 additional minutes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. The objection is heard.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question occurs on agreeing to the motion to proceed to S. 2569.

The motion was agreed to.

## BRING JOBS HOME ACT

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

The bill clerk read as follows:

A bill (S. 2569) to provide an incentive for businesses to bring jobs back to America.

## CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

Harry Reid, Patrick J. Leahy, Barbara A. Mikulski, Benjamin L. Cardin, Thomas R. Carper, Sheldon Whitehouse, Christopher A. Coons, Bernard Sanders, Dianne Feinstein, Mazie K. Hirono, Richard Blumenthal, Amy Klobuchar, Edward J. Markey, Tom Harkin, Kirsten E. Gillibrand, Christopher Murphy, Cory A. Booker.

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

The question is, Is it the sense of the Senate that debate on the nomination of Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 54, nays 41, as follows:

[Rollcall Vote No. 241 Ex.]

YEAS—54

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

NAYS—41

| | | |
|---|---|---|
| Alexander | Graham | McConnell |
| Ayotte | Grassley | Murkowski |
| Barrasso | Hatch | Paul |
| Blunt | Heller | Portman |
| Boozman | Hoeven | Risch |
| Coats | Inhofe | Rubio |
| Cochran | Isakson | Scott |
| Corker | Johanns | Sessions |
| Cornyn | Johnson (WI) | Shelby |
| Crapo | Kirk | Thune |
| Cruz | Landrieu | Toomey |
| Enzi | Lee | Vitter |
| Fischer | Manchin | Wicker |
| Flake | McCain | |

NOT VOTING—5

| | | |
|---|---|---|
| Burr | Coburn | Roberts |
| Chambliss | Moran | |

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 41. The motion is agreed to.

## EXECUTIVE SESSION

### NOMINATION OF PAMELA HARRIS TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the Harris nomination, which the clerk will report.

The assistant bill clerk read the nomination of Pamela Harris, of Maryland, to be United States Circuit Judge for the Fourth Circuit.

NOMINATION OF LISA S. DISBROW TO BE ASSISTANT SECRETARY OF THE AIR FORCE

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

The assistant bill clerk read the nomination of Lisa S. Disbrow, of Virginia, to be an Assistant Secretary of the Air Force.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Would it be appropriate at this time to yield back the 2 minutes of time? I ask unanimous consent to do that.

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

The question is, Will the Senate advise and consent to the nomination of Lisa S. Disbrow, of Virginia, to be an Assistant Secretary of the Air Force?

The nomination was confirmed.

NOMINATION OF VICTOR M. MENDEZ TO BE DEPUTY SECRETARY OF TRANSPORTATION

The PRESIDING OFFICER. The clerk will report the Mendez nomination.

The assistant bill clerk read the nomination of Victor M. Mendez, of Arizona, to be Deputy Secretary of Transportation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Victor M. Mendez to be Deputy Secretary of Transportation?

The nomination was confirmed.

NOMINATION OF PETER M. ROGOFF TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY

The PRESIDING OFFICER. The clerk will report the Rogoff nomination.

The assistant bill clerk read the nomination of Peter M. Rogoff, of Virginia, to be Under Secretary of Transportation for Policy.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Peter M. Rogoff, of Virginia, to be Under Secretary of Transportation for Policy?

The nomination was confirmed.

NOMINATION OF BRUCE ANDREWS TO BE DEPUTY SECRETARY OF COMMERCE

The PRESIDING OFFICER. The clerk will report the Andrews nomination.

The assistant bill clerk read the nomination of Bruce Andrews, of New York, to be Deputy Secretary of Commerce.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Bruce Andrews to be Deputy Secretary of Commerce?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action with respect to each of these nominations.

NOMINATION OF PAMELA HARRIS TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT—Continued

The PRESIDING OFFICER. The Senator from Wisconsin.

WILDFIRE MANAGEMENT

Ms. BALDWIN. Madam President, we have an opportunity to address an issue of concern to foresting communities in Wisconsin and across the Nation in the emergency supplemental appropriations bill now pending before Congress.

The supplemental addresses a number of very urgent issues. The issue of unaccompanied minors who are crossing our southern border has rightly received much attention and there is, indeed, a crisis. I believe Congress must pass a supplemental appropriations bill to help address this humanitarian crisis.

This afternoon I wish to call attention to another emergency that Congress must address: extreme wildfires and the dysfunctional way the Federal Government manages our firefighting operations.

Devastating wildfires are raging in Washington and Oregon States, and many other States have felt the heartbreaking impact of major forest fire destruction. As I presided earlier today, I heard the two Senators from Washington State come to the floor and talk about the devastation the wildfires in their State are causing and the bravery of citizens who are facing these destructive fires. It is why I am pleased Appropriations Committee Chairwoman MIKULSKI has drafted an emergency supplemental appropriations bill that includes $615 million for wildfire suppression. I thank her for her tremendous leadership in putting together a strong bill, and I urge Congress to take up and pass this legislation without delay to provide much needed support to these suffering communities.

But it is not just Western States that feel the impact of wildfires. In fact, a State such as Wisconsin is hurt very significantly by a broken budget process called fire borrowing. It forces the U.S. Forest Service to take funding intended to manage our forests and instead use it for wildfire suppression. In fact, fire borrowing is a misnomer. The money is never paid back. This cripples the U.S. Forest Service and diverts critical funding from my home State and many others.

In Wisconsin, over 50,000 people are employed in the forest products industry, from jobs in forestry and logging to paper makers in the State's many mills. The industry pays over $3 billion in wages into the State's economy and ships products worth over $17 billion each year.

Unfortunately, fire borrowing has led to long project delays that are impacting this vital industry and jeopardizing the jobs which it supports.

The practice of fire borrowing has increased in recent years, triggered when we have a bad fire season and the Forest Service runs out of funds available for firefighting. When the firefighting funding is gone, the agency transfers funds from other parts of its budget and borrows them to pay for the fire suppression. When these funds are diverted, agency work is simply put on hold.

No business owner would select a supplier who couldn't provide a clear delivery schedule or who would routinely delay delivery of products for undetermined amounts of time. Loggers and other local businesses that partner with the Forest Service have to deal with just such uncertainty because of fire borrowing. Government can work better than this.

Fortunately, the Senate emergency supplemental appropriations bill would solve this broken process by treating the largest fires as other natural disasters such as hurricanes or tornadoes, and it would stabilize the rest of the Forest Service budget so that other essential work, ranging from timber sales to the management of forest health, can be completed on schedule.

Furthermore, the proposal is fiscally responsible, because it would help reduce long-term costs by allowing for increased fire prevention activities and because it would not increase the amount that Congress can spend on natural disasters.

Ending fire borrowing has strong bipartisan support. In fact, over 120 Members of the House and Senate, and more than 200 groups ranging from the timber industry to conservation groups, to the National Rifle Association, support the Wildfire Disaster Funding Act—the bipartisan bill that contains the fire borrowing fix included in the supplemental. The consensus is we need to get this fix done this year.

While there is strong bipartisan support for ending fire borrowing, it is unclear if the House of Representatives is going to support this fix in the supplemental appropriations bill that is being considered now. In fact, my friend, the House Budget Committee chairman PAUL RYAN, has consistently stood in the way of bipartisan solutions offered in both the House and the Senate. He has ignored the fact that the current budget structure is flawed and has resulted in the Forest Service taking the forest management funding Wisconsin's forests rely upon and instead using it to fight wildfires.

As his Republican House colleague Representative MIKE SIMPSON recently pointed out:

Unfortunately, continuing the status quo, as Chairman Ryan advocates, prevents us

from reducing the cost and severity of future fires by forcing agencies to rob the money that Congress has appropriated for these priorities to pay for increasingly unpredictable and costly suppression needs.

I urge my friend and fellow Wisconsinite to join us and support ending fire borrowing.

I thank Chairwoman MIKULSKI and subcommittee Chairman REED for including this important provision in the supplemental bill. I wish to also thank Senators WYDEN and CRAPO for their tireless leadership in the fight to end fire borrowing.

The proposal included in the emergency appropriations supplemental is a fiscally responsible solution to a devastating problem with wide-ranging impacts. It will help us respond to wildfires and it will support businesses and thousands of jobs in the timber industry in Wisconsin as well as throughout the country.

I urge my colleagues in the Senate and in the House to come together to solve this problem once and for all.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

UNREST IN ISRAEL

Mr. HELLER. Madam President, last week the Washington Post ran an opinion piece titled ''Moral clarity in Gaza.'' The thesis of the article states that Israel is not interested in cross-border violence; rather, the goal of the current military action is to establish peace. I believe the writer correctly suggests that Israel has been left with no choice but to act in order to defend herself from the terrorist organization Hamas.

The piece also made the important conclusion that Hamas wants to provoke a fight with Israel and that this group is willing to sacrifice their own people in order to win international support and ultimately undermine Israel's legitimacy and right to defend itself.

There is no question regarding Israel's legitimacy, and there is also no question regarding Israel's right to defend itself. The international community has affirmed this principle. Further, this body affirmed Israel's right to defend itself when the Senate recently passed Senator GRAHAM's resolution on this matter.

As a cosponsor, I believe this resolution speaks in clear terms: The Senate stands with Israel's right to defend itself, and it demands that Hamas immediately—immediately—stop attacking Israel.

While the Senate has made its position on this issue clear, Israel has been forced to take matters into its own hands. As we speak, Israeli defense forces are engaged in Operation Protective Edge, working to identify and destroy the infrastructure Hamas has used to execute attacks and move artillery underneath Gaza City.

Recent reports have stated that the IDF has destroyed more than 20 tunnels and identified many more as ground troops moved from building to building. They are utilizing air, ground, and sea to strike designated targets and provide support as IDF works its way through Gaza City.

The fighting will likely continue and more casualties on both sides will increase until either a cease-fire can be negotiated or Israel believes the tunnel system has been successfully negated.

I believe Israel has been left with no choice but to defend herself. Israel has faced a barrage of rocket attacks from Gaza Strip, and according to Secretary of State Kerry Hamas has attempted to sedate and kidnap Israelis through the network of tunnels used to stage cross-border raids.

Prime Minister Netanyahu cannot tolerate rocket attacks and cannot tolerate kidnappings aimed at Israelis. Their right to defend themselves is without question. But through the process, innocent Palestinians are being killed. This tragic loss of innocent life must not go unnoticed, but we must acknowledge Hamas's role in risking the lives of their own through their own actions.

Hamas stores and launches rockets from heavily populated areas. They do this because they know it will draw return fire from Israel, and even if some Palestinians are killed, the coverage aired worldwide will be favorable to Hamas and therefore well worth the loss. Hamas is sacrificing its own to win a media war against Israel. In contrast, in the lead-up to military action, Israel dropped thousands of leaflets explaining to Palestinians where they can go to be safe.

There is no clearer picture of right versus wrong than Israel fighting to protect its citizens against a terrorist operation operating underground and using Palestinians they live with as human shields.

Hamas is a terrorist organization willing to let women and children die if there is a possibility it advances international sympathy for them and underscores Israel in any way.

The footage of innocent Palestinians dying in Gaza is tragic, but the blame is not at the foot of Israel; it is on Hamas.

Over the next weeks and months, the military action in Gaza may escalate. If a cease-fire is not negotiated, the United States cannot turn its back on Israel. We must continue to stand with them and allow them to eradicate this terrorist threat and shut down these underground tunnels. It is their right as a nation, and the United States must stand with them.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I wish to compliment the distinguished Senator from Nevada for his very cogent remarks. They are true, and I appreciate his leadership on this matter.

BRING JOBS HOME ACT

Madam President, the Senate is currently debating the so-called Bring Jobs Home Act—a bill supposedly aimed at preserving and creating jobs in the United States. However, as I noted here on the floor yesterday, the Bring Jobs Home Act is little more than political posturing and election-year messaging. It really does get old. We have gone through that over and over while we do not do what we ought to do for this country.

The Senate Democrats want to portray the Republicans as the party of outsourcing, which is a joke. So they have crafted a bill that will do nothing to actually address the problem of outsourcing but will provide them with a few days' worth of talking points on the subject. We went through precisely this same exercise in 2012. We voted on the exact same bill during the last election cycle. It was meaningless then, and it is meaningless now.

As I said, I went over this yesterday. I talked at some length about the shortcomings of this bill, and I do not want to rehash all of that again today. Instead, I would like to take a few minutes to talk about some things we could be doing to create and protect American jobs. I have filed some amendments to this bill that I think would actually do something along those lines. If we get a chance to offer amendments to this bill—which is, of course, doubtful under the way the Senate is currently being run—I think these are the types of amendments we should consider.

One of my amendments is a four-part tax amendment that would help businesses create jobs in the United States. If enacted, it would provide additional cash flow for businesses that would allow them to hire workers, increase wages, and invest in plant and equipment in the United States, among other things. It would do so by making four separate temporary tax provisions permanent.

The first of these provisions relates to section 179, small business expensing. My amendment would permanently increase the amount of equipment, certain real property, and software a business can deduct in a year to $500,000 and index that amount to inflation. That makes sense.

The second provision would make bonus depreciation permanent, allowing businesses to permanently deduct 50 percent of the cost of qualified property in the first year that property is placed in service.

My amendment would also make the research and development tax credit permanent, increasing the alternative simplified credit to 20 percent and eliminating the traditional research and development credit test.

Finally, the amendment would permanently provide for a full exclusion of capital gains income derived from the sale of stock of certain small subchapter C corporations held on a long-term basis.

All of these would be tremendous amendments and would really create jobs. They ought to be allowed on this

bill. Together, these four provisions would provide much needed certainty for job-creating businesses and allow companies to more effectively plan for the future.

If we are going to amend the Tax Code in the name of creating jobs, this is a far better approach, as it removes uncertainty and simplifies elements of the code. The Bring Jobs Home Act would actually do the opposite.

I have also filed two health-related amendments to this bill.

The first of these amendments would repeal the medical device tax that was included as part of the so-called Affordable Care Act. ObamaCare's $24 billion tax on lifesaving and life-improving medical devices is reducing U.S. employment.

A recent study by industry group AdvaMed estimated that the tax has cost as many as 165,000 jobs. That is 165,000 American jobs eliminated by this misguided tax. Ten percent of respondents to that survey have relocated manufacturing outside of the country or expanded manufacturing abroad rather than in the United States.

This would help solve the inversion problem, but our colleagues on the other side will not do anything about it. Yet they are trying to blame the Republicans for the inversion? Give me a break.

The tax is also curbing American innovation. Thirty percent of AdvaMed survey respondents have reduced their investments in research and development—30 percent.

If we really want to keep companies from moving American jobs offshore, this is a far better approach. It is far more substantial, and, as the survey data shows, it will have an immediate, real-world impact on jobs in the United States.

It is bipartisan. Republicans and Democrats support repeal of the medical device tax. Last year 79 Senators on this floor—including 34 Democrats—voted to repeal the tax. It really is a no-brainer. I hope we can finally get a vote on it. But sooner or later, we are going to get a vote on it, and it is going to be on a bill that will pass both Houses.

My other health care amendment would repeal ObamaCare's job-killing employer mandate. As we all know, the so-called Affordable Care Act requires employers with 50 or more employees to provide health coverage to their workers or pay a $2,000 tax per employee. This deters business growth as it discourages small businesses from hiring more than 50 employees and has led many employers to cut workers' hours to keep from going over the mandate's threshold. How stupid can we be? Even the administration has acknowledged that the employer mandate is harmful. They have already delayed it several times in hopes of delaying its harmful impact during an election year. Isn't that nice?

If we really want to keep people in their jobs and encourage businesses to hire more American workers, repealing the employer mandate would go a long way.

My last amendment would advance U.S. trade policy by renewing trade promotion authority. Specifically, the amendment contains the text of the Bipartisan Congressional Trade Priorities Act of 2014, a bill I introduced in January along with Chairman CAMP of the House Ways and Means Committee and former chairman of the Finance Committee, Senator Max Baucus of Montana.

This bill establishes 21st-century congressional negotiating objectives and rules for the administration to follow when engaged in trade talks, including strict requirements for congressional consultations and access to information. If the administration follows these rules, the bill provides special procedures to more quickly move a negotiated deal through Congress.

Renewing TPA, which expired in 2007, is necessary to successfully conclude ongoing trade negotiations, such as the Trans-Pacific Partnership, the TPP, negotiations as well as free-trade agreement talks with the European Union, often referred as T-TIP, involving 28 nations, including ours. These are two landmark trade deals with the potential to greatly boost U.S. exports and create jobs here.

The TPP countries—which represent many of the fastest growing economies in the world—accounted for 40 percent of total U.S. goods exports in 2012. Think of the jobs that would be created.

Another, the EU, the European Union, purchased close to $460 billion—with a ''b''—in U.S. goods and services that same year, supporting 2.4 million American jobs.

In addition, the United States is negotiating the Trade in Services Agreement, or TISA, with 50 countries, covering about 50 percent of global GDP and over 70 percent of global services trade. This agreement would create many opportunities for U.S. jobs in this critical sector.

It is vital that we get these trade agreements over the finish line, and the only way we are going to be able to do that is to renew trade promotion authority. My amendment provides a reasonable, bipartisan path forward on renewing TPA and would do far more to create jobs and grow our economy than the legislation before us today, which is minuscule in effort. As with other amendments, I hope we can vote on this TPA amendment.

Of course, I am not the only Senator who has offered reasonable job-creating amendments to the Bring Jobs Home Act. Numerous amendments have already been offered, and I am sure more are on the way—or should I say filed because we have been prohibited from really offering amendments on these bills and really having a robust debate for a long time now because of the actions of the current leadership of the Senate. The Senate is hardly operating as the Senate always has in the past; that is, in an effective, let's-be-positive way.

Sadly, if the recent past is any indication, there will not be any votes on amendments to this bill. The Bring Jobs Home Act is not designed to create jobs. It is not even designed to pass the Senate. Once again, the entire purpose of this bill is to give Democrats some political talking points as the August recess approaches. Having an open and fair debate on amendments would distract from this partisan goal. We understand that everything is partisan around here. Everything is political right now. But my gosh, when are we going to start acting as the Senate?

That being the case, it is doubtful that any amendments are going to be considered on this legislation, which is, of course, a crying shame. The stated purpose of this bill is to create and protect American jobs. The Republicans have amendments that would do just that and more. I mentioned a few such amendments that would have a far greater impact on American workers and businesses than the bill before us today—most of which are bipartisan amendments.

That is what is amazing to me. This is just a game that is being played. It is really an irritating game to me. If we are serious about the idea of creating jobs in the United States, let's have a real debate about it. Let's discuss some alternative approaches. I know my friends on the other side will have great ideas on some of these, if they would be allowed to act like legislators for a change.

Let's talk about the real problems that are hampering job growth. Let's set votes on some of the ideas we have proposed. I hope we can do that this time around. But of course I am not under any illusions that the Democratic leadership here in the Senate is about to change course and let this body function the way it is supposed to. They are not about to let the Senate be the Senate. They are not about to let both sides have a full-fledged opportunity to improve these bills. They are not about to allow full and fair debate on both sides.

To me, it is mind-boggling in the case of this bill. I hope I am wrong. I hope we can get amendments up that would make this bill a real bill about jobs, instead of just politics. But, sadly, I do not think I am wrong. My experience has been that politics is triumphant around here and getting the people's work done is secondary.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

CHILD REFUGEE CRISIS

Mr. DURBIN. Madam President, the child refugee crisis on America's border is a human tragedy.

Two weeks ago in Chicago I met 70 of these children. It was a meeting I won't forget. These are children, some are infants. How they ever made it to the United States is nothing short of a miracle, and many who tried didn't.

Those who made it—some of them—come scarred from the journey—young women who were assaulted, children who were beaten. Some lost their lives on the way, but these were the survivors. They made it. They were in a transitional shelter in Chicago that has been there for 19 years, and 70 of them were getting physical exams and meals. As one person there said, for the first time in their lives, many of them, were free to be children.

These children are in the United States and they are testing us. It is a test for the United States as to whether we care. I believe we are a caring nation. We proved it over and over. How many times in far-flung places in the world have we rallied—politically to stand behind 300 girls who were kidnapped in Nigeria, to be there during the Haitian earthquake to make sure the families and children would at least have shelter, medicine, and food. The list goes on and on for this caring nation.

But this is different. This is not about a problem over there. This is about a challenge here. What President Obama has said to us is we must rise to this challenge. As we have in so many places in this world, we must rise to the challenges at home. When it comes to these children, we can be humane and caring and do the right thing.

He sent us a bill to pay for the services they need. It is expensive. Some people argue it is too expensive. Well, we can argue about the exact amount of money, but I hope we aren't arguing about the value and the principle that is being tested. I hope we are not arguing about whether the United States is a caring and compassionate nation.

I just left a meeting with the Presidents from the three Central American countries which are responsible for 80 percent of these refugees: El Salvador, Honduras, and Guatemala. Yesterday we met with their Ambassadors.

It is easy to understand what is happening. It is easy to understand when the economies are so poor in this area that families cannot feed their children. It is easy to understand when the drug gangs are so powerful that these children are being threatened, exploited, raped, and killed. It is only then that in desperation some member of the family says: There is only one chance. We send you to the United States—putting these children in the hands of coyotes and smugglers who take them on a journey that doesn't last hours but days and is 2,000 miles. Imagine. Imagine a mother taking her child to the freight train—this 12-year-old boy—watching him climb up the ladder on the side and hang on. She says: You will be there in 4 days.

Can you imagine that. Can you imagine the family in Honduras, who before they send their young girl on this journey with the coyote, giving her birth control pills in anticipation that she will likely be sexually assaulted during the course of that journey? How desperate must that family be? That is the reality of this human child refugee crisis that we face.

The President has said we need to do several things. First, we need to tell these countries: Don't send these children. It is too dangerous, and when they have arrived, they have no special legal rights to be citizens or to stay. We need to get that message through loudly and clearly: Do not send your children. The countries involved—Honduras, El Salvador, and Guatemala—are joining us now in getting that message out.

Secondly, we need to start apprehending and prosecuting these coyotes, these smugglers. They extort from these families 1 year of wages to try to bring children into this country.

Some of these children are teenagers—most of them are—but many of them are babies and infants.

Five women walked into the dining room at the shelter carrying newborn babies. All of these women are from Honduras and all are victims of rape. They had gone on these buses for 8 days to bring these newborn infants to a safer place so that they might survive.

I am heartened by the fact that religious groups all around the United States have rallied behind these children. I am proud the Catholic Church—which I associate with; occasionally they associate with me—I am proud the Catholic Church and the bishops have spoken. Evangelicals are one of the first groups to come forward and say: We have to do something for these children.

Even some of the most conservative political commentators have said: First, America, show your heart that you care for these children.

That is what the President is asking us to do.

So let us take care, when we consider the supplemental appropriations bill, that we don't lose sight of our values. To those who politically disagree and sometimes even despise the President, I urge them not to try to show how tough they are with this President at the expense of these small children. Let's show how big we are as a nation first. The political debate can be saved for another day.

I support this legislation. I think it is the right thing to do.

I want history to write this chapter about America, and I want it to be a chapter of which we are proud. I want a future generation to look back to this year and say that in this year, when the United States was presented with this border crisis with children, America showed its heart; America stood and did what was right for these children, as we have so many times in the past.

IRON DOME

There are other parts of this bill. One of them is a section I have worked on in my capacity as chairman of the Defense Appropriations Subcommittee. This is called Iron Dome, and it is much different than a debate about children or refugees.

Over the past 3 weeks, more than 2,000 rockets have been fired from Gaza into Israel. According to press reports, civilian casualties have been limited—maybe even only 2 out of 2,000 rockets. There are two reasons for the low number of injuries from this barrage.

First, many of these rockets land in uninhabited areas. Second, these rockets are headed for cities and towns, but these rockets are stopped and destroyed before they strike their targets. The reason? The Iron Dome missile defense system, a joint effort by the United States and Israel to protect against just an attack. The United States and Israel have deep ties on this program. Of the 10 Iron Dome batteries that have been fielded, the United States provided funding for 8 of them. I am pleased we have because this system has saved innocent lives.

Our country has been asked for additional assistance to ensure that the Israeli stockpile of Iron Dome interceptors is adequate to the challenge. We don't know when this crisis will end. Secretary of Defense Chuck Hagel endorsed an additional $225 million in funding for Iron Dome in a recent letter.

The requested funds are in addition to next year's appropriations. It may be some time before the appropriations bills are enacted, and that is why the President has asked to include in this supplemental appropriation $225 million to speed up the production of Iron Dome missiles.

The Senate simply has too little time. There is next week, and then we are gone for 5 or 6 weeks, return for perhaps 2, and then we are gone until November. So we have to act and act now.

This supplemental appropriations bill with the Iron Dome money needs to pass. I am going to be supporting it. This is an emergency which is front and center.

The Ambassador from Israel to the United States came to see me last week. He said at one time two-thirds of the population of Israel was in bomb shelters during these attacks. It is a serious threat to them.

Let me add too that all of us are praying this violence and war between Gaza and Israel will come to an end soon, that they will institute a cease-fire, sit at a table and resolve their differences.

But we cannot expect any country—not Israel, not the United States—any country—to sit and take 2,000 incoming rockets and not respond. This saves lives—the Iron Dome.

But now we need to take the next step, bringing peace to this region so

that innocent people on both sides of the border are going to be spared.

Hamas, a group which we have characterized as terrorist since the late 1990s, is leading this attack on Israel. This terrorist group is politically popular in some parts of Gaza. How do they protect their rocket launchers? They place them in homes, they put them in crowded areas, and they build tunnels under Gaza streets for their weapons and to escape when they are attacked.

The latest report is they were building these tunnels under hospitals, knowing that Israel and other countries would spare these hospitals. Meanwhile, the hospitals are covering tunnels, which is just the source of much more violence in the area.

CHILD REFUGEE CRISIS

I wish to close on the issue about the child refugees. I see Senator PORTMAN of Ohio is on the floor. I will close and yield in a moment for him.

One of the questions I asked of the Ambassadors from Honduras, El Salvador, and Guatemala was this: We believe the children who come into the United States once given a chance to state why they are here—we believe that half of them or maybe more will be returned to their countries.

I asked the Ambassadors from these countries: Can we have confidence that if these children, who have come to our border, are returned back to their countries, they will be safe. A simple question, Will they be safe. Do you have people, charities, agencies of government to guarantee that when they return, when they get off the plane or the bus, they will be safe?

The Ambassador from Guatemala said: Yes, we do. The Ambassador from Honduras said: No, we don't. The Ambassador from El Salvador said: Neither do we.

Let us think about this for a moment. Let us reflect on this for a moment. Let us make sure we do everything in our power to hand these children over to a safe situation.

Let us work with these countries to stop the flow into this country, but to make certain that when they return, they are returned to a safe setting.

Can you believe that in Chicago a brother and a sister—a 6 year-old and a 3-year-old brother and sister—came to one of these shelters? I could see from the bruises on their bodies they had been through something on their way here. It took 2 months before these children—the 6-year-old—finally talked about what she can remember from this horrendous journey. I won't recount the details, but it is heartbreaking to think that a child of 6 years would have endured this experience.

Let's do right by these children. Let's make sure at the end of the day America has proven again we are a caring nation and that for those children who come to our shores, come to our borders, we will treat them humanely and compassionately, as we would want our own children to be treated if they were ever in such a desperate circumstance.

Let's set the politics aside. Let's put these children front and center.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

BRING JOBS HOME ACT

Mr. PORTMAN. Madam President, earlier today the Senate voted to proceed to debate on legislation called the Bring Jobs Home Act. It is about tax reform. It is about the tax system in this country.

I am glad we are having the debate. I voted to proceed to the debate. I think it is important we talk about it.

I had a reporter come to me earlier today who said: I hear that Democrats are going to talk about inversions. That means when a company of the United States goes overseas and buys a company—usually smaller than they are—and then inverts, they become a foreign corporation.

They said: Are you concerned about that?

I said: No. I think that is great. I think we need to talk about it. I think it is a hidden problem that no one is talking about, and I think it is terrific that we are talking about it.

So I hope what will happen over the next week on the floor of the Senate is we will have an honest conversation about what is happening in our great country, where we have more and more American companies saying, because of the Tax Code they are saddled with, they cannot compete around the globe.

So what do they do? Having a responsibility to their shareholders, they go and find either a foreign company to become part of and become foreign—or they make themselves a foreign company by being acquired by a foreign company. Some of them are simply not growing because they can't compete with other companies from other countries that are buying some of their assets.

A company recently came to me from Ohio, my home State, and said: We do work in Korea. We were in South Korea. We wanted to buy this subsidiary there so we could expand what we are doing in Korea and push more of our product there, more of our exports there. We finished the negotiation with the Korean company, and a company from Germany stepped up and said: Do you know what. Whatever you guys have negotiated, we will take it, but we will pay 18 percent more.

The reason the German company could pay 18 percent more is their after-tax profits were higher, because the German tax code treats the German company better than the American Tax Code treats the American company. That is the reality, and it is happening.

Over the last 5 years, they say there have been 35 American companies that have gone overseas through these inversions, but there are also a lot of American companies that have become foreign entities.

I am a beer drinker, and it is hard to find an American company that can sell you a beer these days. Why? Because they are almost all foreign companies. The two largest American beer companies each have about a 1.4-percent market share—Sam Adams and Yuengling. Great beers, by the way. But this is sad to me.

It doesn't mean these companies have all left the United States. A lot of them still have production here, breweries here, and so on. But by headquartering somewhere else for tax purposes we lose something as Americans. We lose executive jobs over time, but we lose this intangible thing—which is, companies that are willing to invest in our communities—in hometowns, like in my hometown, probably everything we are involved with on the charitable side, some local company has been involved with and helped with. A lot of them tend to be international companies that do a lot to help make our cities a better place to live and to work. But they do it partly because it is where their headquarters is. This is where their towns are. If they are not here—if they are in Dublin, Ireland, or if they are in London, England, or if they are in Beijing or in Rio, Brazil, or somewhere else, they are not going to be making those investments. So this is a big deal.

It is also a big deal because it is not just about the inversion. I see that as kind of the tip of the iceberg. It is also about all these companies that are losing right now in foreign competition because, again, they can't compete. They have to pay more in terms of taxes than their foreign competitors. So their foreign competitors can afford to broaden their market share, get more customers, can afford to buy a company when one comes up for acquisition.

I had a fellow come up recently from the Boston area. Boston does a lot of biopharmaceutical research, as the Presiding Officer knows. It is very exciting what is going on there, and throughout our country. We are still doing top-notch research. They showed me the list of companies that have been purchased in the last 4 or 5 years. Unfortunately, the majority of those companies were purchased by a foreign company. It wasn't by a U.S. company coming in and consolidating. It was by a company under different tax laws—a Swiss company, a French company, a German company, or a Japanese company—that had bought an American company, the majority of them—by far the majority. This is happening all over the country, and it is happening under our noses.

We are sitting here in Washington, allowing this to happen because we are abdicating our responsibility to reform the Tax Code so that it is competitive.

By the way, we are the only country that is not waking up to this. Every single one of the other developed countries in the world—the countries that are members of what is called the

OECD, which is all the developed countries—every single one of them is reforming their tax code, except us.

In the 1980s, we established the rate we have now, which is 35 now—then it was 34 percent. When we add the State tax rates for the companies, it is about 39 percent on average in America. We are the highest rate in the world.

So at the time we set our rate in the mid-thirties, that was just below the average. It was done deliberately, and it was done as part of the 1986 tax reform. We said: Let's set the business rate at something below the average so we can be competitive.

But since that time, we have become the highest rate, and every single one of our developed country competitors—all of them—have reformed their tax code and lowered their rate.

But they haven't just lowered their rate to make us No. 1 in the world—which is not a No. 1 you want to be if you want to compete and develop jobs—they have also reformed their tax code to make it more competitive internationally. We haven't done that. We have been bystanders in this effort to attract jobs and investment opportunities.

We still have what is called the worldwide system, where we don't tax income where it is earned. That has created a real problem.

So I am glad we are having this debate on the floor. I am glad there is an opportunity to talk about this. I must say that, unfortunately, the bill before us, the Bring Jobs Home Act, is not going to help because it doesn't get at this underlying problem we have been talking about today. It does nothing about lowering the rate. It does nothing about changing the international system of taxation. It tinkers around the edges with one issue, and that is to remove deductions and tax credits that, according to the authors of the bill, incentivizes companies to move overseas.

There is a group here in Washington called the Joint Committee on Taxation. They are nonpartisan, and they tell us in Congress what tax policy means, how much it costs, and what the effects are going to be. Here is what they say:

> Under present law, there are no targeted tax credits or disallowances of deductions related to relocating business units inside or outside the United States.

So why are we having this debate? Why aren't we debating the core issue—the real problem? I guess because this is the better political debate and it is easier to do. But it is not going to help. It would be nice if there were these targeted tax credits that some of the authors claim, because then we could get rid of those and that might help some. But, as the Joint Committee on Taxation has said, that doesn't exist.

Let's take a look at the numbers.

According to the Joint Committee on Taxation, the very small tweaks this legislation will make to the Tax Code by disallowing some of these deductions will amount to around $143 million over 10 years. So they say $143 million over 10 years, because even though there is no targeted allowance or targeted tax credits, they think this legislation will have some effect on the way the IRS will interpret it. By the way, it is left up to the IRS to interpret it, and it is a subjective decision by the IRS since it is not targeted.

But let's say that $143 million over 10 years is the right number. That is what the Joint Committee says. So $143 million over 10 years. Let me give one example.

There is a company in Ohio that is about a Fortune 200 or Fortune 300 company. So it is a big company—not the biggest company, but it is a big company in Ohio. They decided a year or so ago to do an inversion. They bought a company that was one-quarter their size overseas and they became a foreign company. Based on the public filings, we know this year that company will save $160 million on its taxes because it chose to become a foreign company. That is wrong. Our tax system should be fair, it should be competitive. It shouldn't be driving these companies to do this on behalf of their shareholders and under their fiduciary responsibility.

That is $160 million a year versus this bill that, even if it works as the folks are talking about, is intended to be a $143 million impact over 10 years. See what I mean about this not being a serious proposal? Let's get at the core problem.

The other problem is, if we continue to make it harder to be a U.S. company—whether it is to take away a tax credit, whether it is to take away a deduction, whether it is to do something else, to try to block inversion, what will happen? What happens every time we try to put up a wall to stop something but don't deal with the underlying problem? These companies will continue to look overseas, and they will be targets for acquisition.

We talked about the fact that there are no American beer companies anymore, except ones that have less than 2 percent market share. These companies didn't invert. They were bought by foreign companies. That is happening right and left in America, and that is what would happen even more if we make it even more disadvantageous to be an American company because we are trying to block this.

We have to get at the core issue. We can't have the highest tax in the world, and we can't have an international system that is not competitive and hope to have these companies stay American companies. So let's deal with the underlying problem.

Thirty-five companies over the past 5 years have chosen to invert, but so many others have done other things to try to be competitive, including to sell to foreign companies, or not to grow, not to be able to compete with acquisitions, because their after-tax profits are not as high as their foreign competitors.

It is not going to be easy to do tax reform. I understand that. It is never easy. That is not what we were hired to do, the easy things. We are on the floor right now debating this proposal called the Bring the Jobs Home Act, which I think is a misnomer, unfortunately. I guess that would be easy. It wouldn't help, but it would seem easy.

Tax reform is going to be hard, because we do have to lower the rate and broaden the base and get rid of some of these deductions and credits and exemptions and so on that are out there. The Tax Code is now riddled with them. Everybody likes their special provisions. But it is an effort well worth undertaking, because it is about our economy, it is about our future, it is about our kids having jobs here. It is about keeping American companies here. We simply have to do it.

By the way, Congress has done this before. We did it back in 1986. It was led by a Republican, Ronald Reagan, and a Democrat here in the Senate, Bill Bradley; and in the House, Dan Rostenkowski, Tip O'Neill. This was a bipartisan effort. It should be again. There is no reason it shouldn't be bipartisan.

The President has talked about it as a big problem right now in our economy, that our Tax Code is so inefficient, antiquated, needs to be updated. He has talked about lowering the rate, broadening the base. I agree with him, let's do it. Unfortunately, we haven't seen a proposal from the administration.

We had a hearing on this recently and I asked the administration: Where is the proposal?

They said: Well, we are interested in working with you.

Great. I am, too. All of us are.

Some Republicans, including DAVE CAMP, have put out very specific proposals in the House Ways and Means Committee.

We have to move forward on this. And we have done this before. We can do hard things. It is our job to do hard things. We did welfare reform a year before an election—actually, months before election day, with President Clinton, working with Republicans, including Newt Gingrich.

This seems to be the kind of thing that is harder and harder to do around here, and yet there is more and more urgency to do it.

People call it corporate tax reform or business tax reform and think: It must be about the boardroom and about the executives. It is not. They will be fine either way. We don't need to worry about them. We need to worry about the workers. CBO, the Congressional Budget Office, which is the group that analyzes legislation, has looked at this and said: Do you know who is hurt more by these high corporate taxes we have? It is the workers, of course. More than 70 percent of the burden, they said, is borne by the workers in the

form of lower pay, lower benefits, and fewer job opportunities.

So we need to do this not because we are looking to help the boardroom but because we are looking to help the American worker at a time when it is already tough.

Over the last 5 years, they say, average take-home pay has gone down about $3,500 for a typical family. So pay is not going up, it has gone down. Health care costs have gone up. In fact, they are skyrocketing.

I talked to some folks in Ohio last weekend who asked: Why aren't you doing more to get health care costs down?

I said: Well, I didn't support the ObamaCare proposal. It was promised that the costs would go down, and they are now going up. That is why we need real health care reform.

This is a middle-class squeeze. Health care costs are up, and wages are down, now stagnant. This is an opportunity, not through a sideshow like we are going to see on the floor here talking about how to do these tweaks that aren't going to make any difference, but to really get at the problem is the way to get payback. That is what the Congressional Budget Office tells us.

Our Tax Code should draw companies to our shores, should bring investment here and bring jobs here instead of pushing companies away. All we are looking for is a level playing field. If Americans have a level playing field here, we will be able to be competitive, and we will be able to bring back jobs. We have the greatest innovators in the world, we have the greatest resources, and we have incredible infrastructure in this country. We have a lot of advantages. Our energy advantage now, thanks to what we are doing now on private lands—we should do more on public lands, but what we are doing on private lands is really giving us an advantage in terms of a stable supply of relatively low-cost natural gas, particularly for manufacturing. We see this in Ohio. It is a great opportunity, but to take advantage of that opportunity, we have to reform and improve these basic institutions of our economy, including the Tax Code.

By the way, it is not just the Tax Code, it is about regulatory relief to ensure that American companies are not being saddled, as they are now, with higher and higher costs and more and more regulations that make it harder for them to compete, make it harder for them to create jobs.

It is also about being assured that we have a trade policy that actually works to expand exports. That is a huge issue in my home State of Ohio. We do a lot of exporting. We could do a whole lot more. Twenty-five percent of our factory jobs are now export trade jobs. One in every three acres planted in Ohio is now exported. We want to do more. That gets the prices up for farmers. That is adding more jobs and creating more opportunity for good-paying jobs. These great jobs tend to pay more and have better benefits. We are sitting on the sidelines there too.

Congress could move quickly to provide this President with the negotiating authority every President since Franklin Delano Roosevelt has had. Since FDR, every President has also asked for it. This President has now asked for it. You heard him in his State of the Union earlier this year. He hadn't asked for it earlier in his term, but now he has asked for it. Let's provide it to him. Let's give him the ability to knock down the barriers of trade for our workers, our service providers, and our farmers to get this economy moving, along with tax reform and regulatory reform. These are things that would actually make it better for the American people.

On the regulatory side, I am offering amendments in the context of this legislation, and they are bipartisan amendments. One has to do with ensuring that we do allow companies to permit something more quickly. Right now it can take years to permit a project in the United States of America. We have a bipartisan bill. Senator MCCASKILL and I are the two lead sponsors, but we have other Democrats and Republicans onboard saying this is just common sense. Let's make one agency accountable. Let's be sure there is a way for everybody to transparently look at a windshield and see what the status of the project is and move it forward. Let's reduce some of the legal liability in some of these projects.

What people tell me—whether it is the solar companies I talked to yesterday or whether it is some of the oil and gas producers or whether it is some of the wind companies or whether it is the hydro people who brought this to my attention initially a few years ago—they cannot get foreign investors because it takes so long to permit something in America.

We used to be at the top of the heap, by the way, and now in the annual ease-of-doing-business surveys that are done, America has fallen behind. America is now something like 34th in the world in terms of the ease of doing business on permitting because more and more regulations have been added. For an energy project, there are sometimes up to 34 Federal regulations. Usually it is one after the other because there is no coordination and accountability.

That is what this bill does. It is very simple. It is common sense. It already passed the House. It is the kind of bill that, if passed, would create jobs and good construction jobs, which is why the building trades support it.

By the way, the labor unions, building trades, and others who support this kind of legislation do so because they figured out that America cannot be competitive unless we have these basic institutions of our economy—whether it is regulatory reform or whether it is a smarter energy policy or whether it is the ability to have a tax code that works, they want to be sure we are expanding opportunities for their members. So I appreciate the building trades stepping forward.

The other one is simply to make sure regulations are accountable, make sure there is a cost-benefit analysis, make sure we use the least burdensome alternative in Washington, DC, to get to a policy that is passed by the Congress—commonsense stuff. Again, that has passed the House, too, with bipartisan support.

I am offering these because I do think it is important for us to have this debate on tax reform, and I look forward to further debate on Monday and Tuesday of next week. I think this is a great opportunity for us to talk about the real problems.

I am not going to support this solution because I don't think it will help, but I welcome the debate, and I am glad we have proceeded to this debate. I am glad my colleagues on the other side of the aisle are raising this issue.

To the reporter who asked the question I got today—Are you concerned that Democrats are talking about inversions?—no, I am really happy they are talking about it. We should all be talking about it—Republicans, Democrats, Independents alike. As Americans, we should be focused on this issue and the broader issue that by our companies not being competitive, we are hurting American workers. If we don't turn this around—not by show votes, not by something that looks good politically but doesn't make any difference, but by actually getting at the root of the problem—the highest rate in the developed world, an international system that doesn't let us be competitive globally because people cannot move around their assets to find the best, most efficient use for them—those two issues, if addressed, will unlock all kinds of opportunities. That is the potential we have. There is a better day ahead, right around the corner, if we do some of these basic things.

I was also asked today at a press conference we do every week with Ohio reporters: How would you grade this Congress? Are they doing the things they ought to be doing?

I have to tell you there are small things that have been done, but, no, Congress is not doing the work of the people. And the work of the people at its core means that the laws, the Federal laws that this place alone—the House and the Senate and the President—have control over, those laws need to help the American people to be successful. It needs to be an environment for success, an environment for people to be able to say: Hey, my kids and grandkids could have it better than I have it because we see America on the upswing.

That is not what we see today—the weakest economic recovery since the Great Depression. I talked about wages going down, not up. I talked about the higher cost of health care. I talked about the fact that we have now in this

country a lot of people who are discouraged about the future.

CNN did a poll recently, and normally when people are asked in a poll whether they think their kids or grandkids are better off, they say: Yes. That is the American dream. The next generation will be better off.

That is what my grandparents believed, and that is what my parents believed. That is not what today's generation believes. Sixty-three percent of the people said: No, I don't believe that is going to happen.

What is even more troubling is that 63 percent of young people do not believe that. They don't believe their lives are better off than their parents'. We can change that.

I hope we get a vote on these amendments I talked about. I hope we will have a good discussion and debate on these issues. We owe it to the people we represent to solve these big problems.

I thank you for the time, Madam President, and I yield the floor.

MOMENT OF SILENCE

The PRESIDING OFFICER. Under the previous order, the Senate will now observe a moment of silence in remembering Officer Jacob J. Chestnut and Detective John N. Gibson of the United States Capitol Police.

(Moment of silence.)

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, I ask to be recognized as if in morning business.

The PRESIDING OFFICER. Without objection.

ISRAELI-GAZA CONFLICT

Mr. RUBIO. Thank you, Madam President.

I come to the floor today to discuss the ongoing situation in Israel. We all watch with great concern the images of the loss of life, young children, innocents who have lost their lives over the last few days, and also the men and women who served in the defense forces of Israel who have lost their lives in this operation. Our hearts also go out to the men and women who live in the nation of Israel who are living under the constant threat of rockets that are coming over from Gaza.

I came to the Senate floor a week ago to express not simply my concerns with this but also my solidarity—and I believe that of almost everyone in this body—with our ally Israel, and I received a response, a pretty heated letter from the Palestinian Ambassador in Washington, DC. He expressed outrage that I and my colleagues had not expressed the same level of concern for Palestinians as we had for the Israelis. He particularly pointed to the case of the three murdered Israelis but said we had not expressed similar feelings for the young Palestinian who lost his life.

I responded to his letter by pointing out a number of things. The first is that I believe that I and all my colleagues wish and pray and will do all we can to further the ideal that the Palestinian people could live peacefully side-by-side with their Israeli neighbors. It is a sentiment I expressed when I visited the Palestinian officials in the West Bank a year and a half ago.

But I also expressed that there was a significant difference between the way Israel and the Palestinians reacted to these two horrible incidents. The Palestinian Authority had to be basically nudged into expressing any sentiment about the three young people who were missing at the time. In fact, when the bodies were discovered, it led to street demonstrations. It led to celebrations on the streets of the West Bank and Gaza.

In Israel, the discovery of the death of the young Palestinian led to strong statements by the Prime Minister and condemnation. It led to a phone call from the Prime Minister to the family of the Palestinian. It led to visits by Israelis to the family of the Palestinian. It led to real outrage. There was a difference there, although both are horrible tragedies.

But I think there is something now emerging that is not being talked about. We have all seen the images of people being killed, civilians who are losing their lives in Gaza, and some are beginning to say that this is all Israel's fault, that this is Israel's fault. In fact, earlier today—or maybe it was last night—the Prime Minister of Turkey said that what the Israelis are doing in Gaza is worse than what Adolf Hitler did to the Jews. It is, of course, a ridiculous statement, but it gives an indication of where this is headed.

There is a story here that is not being told and that the Palestinian Ambassador himself has ignored, as I point to in my response to him. The first thing he ignores is that we have never in the modern history of the world seen any organization use human shields like Hamas is using human shields today. In fact, the reality behind it is unbelievable.

I would like to read from some press accounts with regards to this.

Washington Post correspondent William Booth, reporting from Gaza, wrote in an article on the 15th of July:

> At the Shifa Hospital in Gaza City, crowds gathered to throw shoes and eggs at the Palestinian Authority's health minister, who represents the crumbling ''unity government'' in the West Bank city of Ramallah. The minister was turned away before he reached the hospital, which has become a de facto headquarters for Hamas leaders, who can be seen in the hallways and offices.

Another report by the Washington Post on July 17 recounts:

> During the lull—

I imagine in the action—

> a group of men at a mosque in northern Gaza said they had returned to clean up the green glass from windows shattered in the previous day's bombardment. But they could be seen moving small rockets into the mosque.

The Japanese Mainichi Daily's correspondent in Gaza reported on July 21:

> Hamas criticizes that ''Israel massacres civilians.'' On the other hand, it tries to use evacuating civilians and journalists by stopping them and turning them into ''human shields,'' counteracting thoroughly with its guerilla tactics . . .

It doesn't end there. A Globe and Mail correspondent in Gaza, Patrick Martin, wrote on July 20:

> The presence of militant fighters in the Shejaia became clear Sunday afternoon when, under the cover of a humanitarian truce intended to allow both sides to remove the dead and wounded, several armed Palestinians scurried from the scene.
>
> Some bore their weapons openly, slung over their shoulder, but at least two, disguised as women, were seen walking off with weapons partly concealed under their robes. Another had his weapon wrapped in a baby blanket and held on his chest as if it were an infant.

If you think that is bad, it gets worse. I obviously cannot play a video on the floor of the Senate, so instead I will read a statement from Hamas spokesperson Sami Abu Zuhri. This is a quote on television in Gaza:

> The people oppose the Israeli fighter planes with their bodies alone . . . I think this method has proven effective against the occupation. It also reflects the nature of our heroic and brave people, and we, the [Hamas] movement, call on our people to adopt this method in order to protect the Palestinian homes.

The response to this is, Israel drops fliers and sends text messages and makes phone calls telling people—civilians—we are going to undertake a military operation, you should leave the area. What does Hamas do? I will tell you what they do.

This is from the Facebook page of their Interior Ministry spokesperson:

> An important and urgent message: The [Hamas] Ministry of the Interior and National Security calls on our honorable people in all parts of the [Gaza] Strip to ignore the warnings [to vacate areas near rocket launching sites before Israel bombs them] that are being disseminated by the Israeli occupation through manifestos and phone messages, as these are part of a psychological war meant to sow confusion on the [Palestinian] home front, in light of the [Israeli] enemy's security failure and its confusion and bewilderment.

This next statement was on television on July 14:

> We call on our Palestinian people, particularly the residents of northwest Gaza, not to obey what is written in the pamphlets distributed by the Israeli occupation army. We call on them to remain in their homes and disregard the demands to leave, however serious the threat may be.

This is evidence that Hamas is using its own people as human shields.

It doesn't stop there, Mr. Ambassador. Ask yourself: Why did your organization—why did your government—unify with this terrorist organization that uses its own people as a human shield? You didn't mention that in your letter. You didn't mention in your letter that you aligned yourself with an organization that calls for the destruction of the Jewish state. You left that out of your letter as well, Mr. Ambassador.

What has been the international reaction to this? Well, I already told you about what came out of Turkey. Just yesterday the so-called United Nations Human Rights Council—and I say so-called because it has such distinguished human rights beacons as Cuba and China on its membership—voted unanimously, except for the United States, to condemn Israel and to call for an investigation into war crimes against Israel. There is a 700-page document that briefly mentions rockets and does not mention Hamas or human shields whatsoever. Meanwhile, this crisis continues.

What do we see coming out of Hamas? Have they stopped what they are doing beyond the human shields? No. What we discovered—and what has been discovered now—is an intricate web of underground tunnels designed to bring killers into the Israeli territory. They attempted, by the way, to carry out a massacre at a kibbutz near the border with Gaza. Luckily they were intercepted by Israeli defense forces. They discovered tranquilizers in their possession, the purpose of which, of course, was to use them to abduct and kidnap Israelis and take them back to Gaza for ransom or worse. The rockets continue to rain down as well.

You also didn't mention in your letter, Mr. Ambassador, the cease-fire, which, by the way, Israel agreed to even though it was extremely unpopular in Israel. Why? Because three times in the last 5 years they had to face this.

I want you to imagine for a moment that you lived in a country with a neighbor that blitzed you three times in the last 5 years with rockets, trying to kill your children and destroy your cities and disrupt and paralyze your economy. There comes a point where you say enough is enough, we have to put an end to this. So you can just imagine how unpopular that cease-fire must have been among some elements of the cabinet and the unity government in Israel, and certainly among the population. Yet the Prime Minister went ahead with it because they desire peace, and in just a few hours Hamas violated the cease-fire.

So please don't come to me and say that both sides are to blame here. That is not true. This crisis would end tomorrow if Hamas would turn over its rockets and stop bombarding people. This would end tomorrow, by the way, if the Hamas commanders were not such cowards. I will tell you why they are cowards. While they are on TV asking these people to go to the rooftops of these buildings, you know where they are? They are hiding in their basement command center, which, by the way, is located in the basement underneath a hospital.

This would end tomorrow—the civilian deaths could end tomorrow—if they stopped storing rockets in schools, including a U.N. school. By the way, when the U.N. discovered these rockets, do you know what they did with them? They turned them back over to Hamas. Don't tell me both sides are to blame here because it is not true. It is not true. This is the result of one thing and one thing alone: Hamas has decided to launch rockets against Israel, Hamas has decided to build this extensive network of underground tunnels so that in a moment of conflict they can get these commandos into Israel and kill Israelis.

What is Israel doing? What any country would do. Of course this is not an excellent example, but imagine for a moment if one of our neighboring countries decided to start hitting us with rockets. What would the United States do? Would we sit there and say: We really have to be restrained and hold back here? We would not tolerate that. Imagine that every night and every morning sirens were going off in your city because rockets were on their way in and you spent the better part of the day running in and out of shelters and taking cover. What would you say? You would say: Take care of this problem once and for all.

Why would we ever ask Israel to do anything less than we would do if we were in the same situation? And that is what they are doing.

In the process of taking care of the situation, tragically, civilians are dying, and do you know why? Because Hamas is deliberately putting them in the way. I just read the quotes. Hamas is asking their people to do what their leaders won't do. They are asking their own people to get in harm's way and act as human shields because they want these images to be spread around the world. They are willing to sacrifice their own people to win a PR war.

I think it is absolutely outrageous that some in the press corps domestically and most of the press corps internationally are falling for this game. So please don't tell me that both sides are to blame here, and please don't tell me this was caused by Israel.

In my time here in the Senate, I had the opportunity to visit multiple countries. I have never met a people more desirous of peace than the people in Israel. But peace cannot mean your destruction, and that is what they are facing here—an enemy force that wants to destroy them and wipe them out as a country. It is impossible to reach any sort of peace agreement with an organization like that. That is what Israel is facing here.

Mr. Ambassador, I ask that you go back to your government and ask them to separate completely from Hamas, condemn what Hamas is doing to your own people—condemn the use of human shields. That is what I ask you to do. Stop writing letters to Senators and being angry at us when, by the way—although we should not be doing it because the law says no money should be going toward any organization linked with Hamas—the United States has been helping you to stand up your security forces in the West Bank through our taxpayer money. Don't write letters to the U.S. Congress complaining to us about what Israel is doing when the people you just created a unity government with are launching rockets against civilians in Israel and using its own people as human shields.

I think you need to take responsibility for your own people and your own part of the world. If you truly want peace, peace begins with laying down your arms and stopping these attacks and condemning those who are conducting these attacks and using innocent civilians as human shields. If you want peace, that is what you should spend your time doing and not trying to rally public support around the world for the idea that Israel is responsible for war crimes.

From our perspective, I hope the United States continues to be firmly on the side of Israel because there is no moral equivalency here. What is happening between Israel and Hamas is totally 100 percent the fault of Hamas. There is no moral equivalency here. All of the blame lies on Hamas.

For this crisis to end, Hamas must either be eliminated as an organization or they must lay down their weapons and adhere to the true precepts of peace, which is the desire to live peacefully side by side with our neighbors in Israel.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Alabama.

BORDER SECURITY

Mr. SESSIONS. Mr. President, we are dealing with a very disturbing crisis on our borders. The situation that has developed is unbelievable. It is unbelievable how rapidly it has developed, but it has, indeed, been building up for more than a year. It is a direct and predictable result of the President's policies and not enforcing the laws of the United States when it comes to immigration. It is a very sad day, and it can only end when the President stops suspending laws and starts enforcing laws.

The President is the chief law enforcement officer in America. Every Border Patrol officer, every ICE officer, every Coast Guard officer, every military officer, every Department of Justice employee, and FBI employee works for him. He supervises them and directs them. He has been directing them not to enforce the law rather than to enforce the law. The evidence of that is undeniable.

The law enforcement officers—the ICE officers, Immigration and Customs Enforcement officers—sued their supervisor directly appointed by President

Obama for blocking them from fulfilling their oath to enforce the laws of the United States of America. There is a Federal court case that is still ongoing, and the judge found, at least at one point in his order, that the President has no right to direct officers not to comply with the law.

We now know that we are facing an exceedingly grave threat of an unbelievable expansion of his unilateral Executive orders of amnesty that go beyond anything we have ever seen in this country and which threatens the very constitutional framework of our Republic and the very ability of this Nation to even have borders, it seems to me, and certainly to create a lawful, equitable, consistent enforcement in our country.

The respected newspaper National Journal, which is here in Washington, a nonpartisan and respected organization, reported on July 3—and a lot of people have missed this, and we need to know what this is saying. We need to know what it means, and we need, as Members of Congress and this Senate, to resist it. We cannot allow it to happen. We will not allow it to happen. The American people, when they find out what is being discussed, will not allow it to happen, in my opinion. Congress needs to be directed by the people—I hate to say—to resist it. It says:

> Obama made it clear he would press his executive powers to the limit. He gave quiet credence to recommendations from La Raza and other immigration groups that between 5 million to 6 million adult illegal immigrants could be spared deportation under a similar form of deferred adjudication he ordered for the so-called Dreamers in June 2012.

The DREAMers being the young people. Five to 6 million would be given legal status in the United States of America when they have entered contrary to law or are in the country contrary to law and are not entitled to work in America.

The article goes on to say:

> Obama has now ordered the Homeland Security and Justice departments to find executive authorities that could enlarge that non-prosecutorial umbrella by a factor of 10. Senior officials also tell me Obama wants to see what he can do with Executive power to provide temporary legal status to undocumented adults.

What we know is with the children's group, they were provided with an ID card that at the top of it, in big print, says, ''employee authorization card.'' This is exactly what is being talked about here, what the President of the United States is saying.

Remember, the Congress has been asked by activist groups and certain business interests to provide an amnesty for people who are here. The Congress has declined to do so. It has been fully and openly debated and has not passed into law. That is the decision of the Congress. That is the decision we have made—the duly elected body that passes laws. As such, they not having been given amnesty, the President of the United States is not entitled to do so. By declaration of duly passed law, people aren't entitled to come to America unlawfully, to come to America and stay unlawfully. They are not entitled to do that. How simple is this? They are not entitled to be able to take jobs if they do. They are not entitled to certain government benefits if they come illegally. Of course they are not. Of course they are not able to work and take jobs and get benefits if they came into the country illegally.

So when this first got talked about in more general terms, 22 Members of the Senate wrote President Obama and questioned what we are hearing. The Senators wrote this:

> These policies have operated as an effective repeal of duly enacted federal immigration law and exceed the bounds of the Executive Branch's prosecutorial discretion. It is not the province of the Executive to nullify the laws that the people of the United States, through their elected representatives, have chosen to enact. To the contrary, it is the duty of the Executive to take care that these laws are faithfully executed. Congress has not passed laws permitting people to illegally enter the country or to ignore their visa expiration dates, so long as they do not have a felony conviction or other severe offense on their record. Your actions demonstrate an astonishing disregard for the Constitution, the rule of law, and the rights of American citizens and legal residents.
>
> Our entire constitutional system—

The letter goes on to say—

> is threatened when the Executive Branch suspends the law at its whim and our nation's sovereignty is imperiled when the commander-in-chief refuses to defend the integrity of its borders.
>
> You swore an oath—

The letter says to the President—

> to preserve, protect and defend the Constitution of the United States. We therefore ask you to uphold that oath and to carry out the duties required by the Constitution and entrusted to you by the American people.

The President is limited. He is not all-powerful. He is entrusted with certain limited powers by the people of the United States of America.

Now we understand he intends to go even further. In the response we got back, he never addressed it at all, except for his Secretary of Homeland Security, Mr. Jeh Johnson. He announced that, yes, he is indeed, at the order of the President of the United States, conducting a review of how many other people he can provide this amnesty for and work authorization for.

So last week one of our able colleagues, Senator TED CRUZ—a former solicitor general for the attorney general's office in Texas who has argued cases in appellate courts in the country—identified this problem and proposed I think a legislative fix that every Member of this body should sign. Some may say, Well, the President, I don't think he is going to do this. OK. Why not bar him from doing it? Some say, I don't think we should sign it. Why not? He basically said he has already done it with the younger group, and he said it is going to be a tenfold increase in the 5 million to 6 million people who are suggested to be legalized by the President's unilateral Executive order; represents about 10 times the number of people who have already been given lawful status, in effect, by the President's unlawful Executive order.

At this time perhaps it would be appropriate, and I would appreciate it, if the Senator from Texas would explain his analysis of this issue and how his legislation would be effective in ensuring that we don't go down this illegal road any further.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I thank my friend, the junior Senator from Alabama, for his very kind comments and for his relentless leadership in defense of the rule of law and standing against amnesty.

What I wish to speak about this afternoon is the humanitarian crisis that is playing out on our southern border right now and the abdication of responsibility that is playing out in Washington, DC.

A couple of weeks ago President Obama was in my home State of Texas. He found time to go to two Democratic Party fundraisers, to pal around with some Democratic Party fat cats, to collect a whole bunch of checks. Yet somehow he didn't have time to make it down to our southern border.

The day before he was in Colorado and he found time to play a game of pool with the Governor there. I am glad he enjoyed himself playing pool. Yet somehow he didn't have time to go visit Lackland Air Force Base and see the 1,200 children who are being held there who are paying the price for the failure of the Obama immigration policy. In the coming weeks he is headed to Martha's Vineyard. He is, I am sure, going to enjoy himself paling around with swells. Yet the people held in detention facilities up and down the border are not going to see the Commander in Chief because he cannot be bothered to address the human suffering.

He was just in California, in Hollywood, where the producer of ''Scandal'' hosted him. That is kind of fitting because it is scandalous that the President has more time to be ''Fundraiser in Chief'' than he does to do his basic job as Commander in Chief in securing our borders.

Let me tell my colleagues, while the President was running around collecting checks from Democratic Party fat cats, I was back home in Texas. I was on the border this weekend down in McAllen. I sat down with the chief of the Border Patrol in McAllen. I sat down with the line officers of the Border Patrol in McAllen. I visited the detention facilities that are being constructed to hold these children. I saw a remarkable facility. It used to be a gigantic warehouse, and in 18 days the Border Patrol had to stand up a facility to house 1,000 children because that is the volume coming through there every couple of days.

The President is right in one regard. He has publicly stated we are seeing a humanitarian crisis, and that is correct, but it is a crisis of his own creation. This humanitarian crisis is the direct consequence of President Obama's lawlessness. I will note he cannot even be bothered to cast his eyes on the people who are suffering because of it.

If we want to know what is causing this crisis, a simple examination of the numbers will suffice. Just 3 years ago, in 2011, the number of unaccompanied children entering this country was roughly 6,000. Then, in June of 2012, just a few months before the election, President Obama unilaterally granted amnesty to some 800,000 people who were here illegally in this country who entered as children. He did so, presumably, because he thought there would be a political benefit. It was a few months before an election and he thought there was good politics in ignoring the law and granting amnesty. But the foreseeable consequence of that amnesty—the predictable and the predicted consequence of that amnesty—if we tell people across the globe that if they enter as children, they get amnesty, suddenly we create an incredible incentive for more and more children to come and more and more children to come alone.

This year, the Department of Homeland Security estimates that 90,000 unaccompanied children will enter this country illegally. Next year they estimate 145,000. I want my colleagues to compare those numbers for a second. Three years ago, it was 6,000. Now it is 90,000, and next year we expect 145,000. The direct and proximate cause was President Obama's amnesty.

There are some in this body who might not believe what a Member of the opposite party says on this. There is a whole lot of partisanship in Washington. It truly has shut down the ability of this body to deal with real challenges facing this country.

If people don't believe what a Member of the opposite party says, perhaps they will believe the Border Patrol. Just a few weeks ago the Border Patrol conducted a confidential study that was given to members of the Senate Judiciary Committee by a whistleblower in the Border Patrol, where they interviewed over 200 people who had entered the country recently illegally, and they asked them the question: Why are you coming? Ninety-five percent said we are coming because we believe we will get amnesty; that if we just get here, we will be allowed to stay.

The administration has been giving lots of supposed causes for this humanitarian crisis. One of their favorites is the violence in Central America. It is true. Tragically, there is a great deal of violence in Central America and it has been increasing, but I would note violence is not new to the human condition. There have always been countries across the globe that are racked by violence, racked by civil war, and we have always seen when violence rises, the immigration from a particular country goes up. We see legal immigration from that country go up and we see illegal immigration from that country go up. What we haven't seen in the past is the explosion of children.

The violence in Central America is a reasonable cause to explain the increase in immigrants from Central America, the increase in families coming up to get away from the violence. What it doesn't explain is this new phenomenon: 90,000 unaccompanied children. That is a new phenomenon. There is no reason violence would dictate saying, I am going to take my little boy, I am going to take my little girl, and send them alone. That instead is a direct response to what President Obama did by granting amnesty that was targeted to those who entered as kids. Why are kids entering? Because the President has said, if you enter as a kid, I will grant you amnesty.

Several weeks ago I visited Lackland Air Force Base where roughly 1,200 of these children are being held. I visited with the senior officials there. It is worth understanding that there are many victims of the President's refusal to enforce the law, but some of the most direct victims are these little boys and little girls because the coyotes who are bringing these children in are not well-meaning social workers. They do not have beards and Birkenstocks, and they are not there out of love. These coyotes are hardened, vicious transnational drug cartels, and these children are being subjected to horrific physical and sexual abuse.

When I was at Lackland Air Force Base, a senior official there described to me how these coyotes get custody of these kids to smuggle them illegally into this country, and then sometimes they will decide to hold the children for ransom, to get even more money from the families. If the families cannot or will not pay, horribly, what these coyotes are doing is severing body parts of these children and sending them back to the families.

The senior official at Lackland described coyotes putting machine guns to the back of the head of a little boy or a little girl and ordering them to cut off the fingers or the ears of another little boy or little girl. If the child refuses, they shoot that child and move on to the next one. They described how on our end we are seeing children come into this country—some of whom have been horribly maimed by these violent coyotes and drug cartels, others of whom have enormous psychological damage—from a little boy or a little girl forced to commit such atrocities upon pain of death.

I asked the officials at Lackland: How many of these children have been victimized? The answer: All of them. That was from the senior official at Lackland. By the way, one of the things we hear reports of is these families with the girls, before they send them up, they give them birth control because the expectations are that the risks of sexual assault and rape are so high. That risk is being undertaken because of the promise of amnesty.

When I was down in McAllen this weekend, I asked the line agents—I said: Listen. Every day you guys are on the river, you are in the helicopter, you are securing the border. Why are they coming? What has changed? Just 3 years ago it was 6,000 kids. Now it is 90,000. What has changed? Every single one of the Border Patrol agents gave the exact same answer. They said they are coming because they believe they will get amnesty.

It is important to understand, by the way, the coyotes smuggle them across the border, and as soon as they get across the border, they actively look for the Border Patrol. They are not being captured. They are not being caught. They go look for someone in uniform. They may have ragged clothes falling off their back, they may not have food or water, but they have their papers. They have their papers with them. They cross the border illegally with a coyote and they endure the physical and sexual abuse and then they look for the Border Patrol to hand their papers to. Why? Because they believe once they get here and hand their papers over, they get amnesty.

If we want to solve this crisis, there is one, and only one, way to solve this crisis; that is, to eliminate the promise of amnesty. I mentioned a few moments ago that I wanted to talk about this humanitarian crisis and talk about the abdication of responsibility because Washington has always been lousy at taking responsibility for the suffering our policies create. But the response of this President, and I am sorry to say the Democratic majority in this body, has been particularly callous.

President Obama proposed a $3.7 billion supplemental plan. Mind you, he did not have time to visit the border, to visit the children, to see the suffering, but he proposed yet more spending. The $3.7 billion supplemental is an HHS social services bill. It spends a whole bunch of money. By the way, to give you a sense of just how much $3.7 billion is, for $3.7 billion we could purchase a first-class airplane ticket for each one of these 90,000 children to return them home—first class—sitting in the front row of a commercial airline. After doing so, we could deposit $3.6 billion back in the Federal Treasury. It is a massive amount of money he has asked for, and what is striking, less than 5 percent of it goes to border security.

Here is the cynical part. Here is the sad part. Nothing in the President's proposal does anything to solve the underlying problem. Nothing does anything to eliminate the promise of amnesty. Nothing does anything to solve the problem. What the President is

saying is he is perfectly content for this crisis to continue in perpetuity. Under the President's bill, next year we can expect 145,000—DHS expects—to come. We can expect tens of thousands or hundreds of thousands of little boys and little girls to be physically assaulted and sexually assaulted by coyotes.

That is not humane. That is not compassionate. Any system that continues to have children in the custody of these vicious drug cartels is the very opposite of humane and compassionate. As my friend the junior Senator from Alabama pointed out, the magnet of amnesty has been significantly exacerbated in recent months. Why? Because President Obama, in a very high-profile way, met with far-left activists and made a promise. He said: I am going to study how to expand amnesty and to grant amnesty to another 5 or 6 million people here illegally.

Let's be clear. There is nothing—zero—in U.S. immigration law that gives the President the power to grant amnesty. It is open lawlessness and contempt for rule of law, but yet that promise is heard. That promise is heard throughout Central America. That promise is heard by those mothers and dads who make the heart-wrenching decision to hand their sons and daughters over to these coyotes. They do so because they love their kids and they believe, as terrible as the journey will be, that if they get here, they get a permiso, they get to stay in the ''promised land.'' That promise of amnesty is why this crisis has happened.

So I have introduced legislation to solve the problem. Last week I introduced a very simple bill that puts into law that President Obama has no authority to grant any additional amnesty. It is a very simple bill. It prevents the President from taking the DACA Program that he unilaterally and illegally implemented in 2012 and expanding it to cover any new immigrants.

It is interesting. Representatives from the administration go on television and they say: These children are not eligible for amnesty. If that is their position, the administration should support my bill. If that is their position, all this bill does is put into law what they say their position is; that these children are not eligible for amnesty.

Have they supported the bill? They have not. Instead the majority leader of this body took it upon himself to go out and hold a press conference. What is the top priority for the majority leader of this body? To come after and attack the legislation I introduced, to personally come after the freshman Senator from Texas. The majority leader is welcome to impugn any Member of this body. Sadly, that happens all too often. But yet nowhere in the majority leader's comments was a word said about solving this problem. Nowhere in the majority leader's comments was a word said about changing it so little boys and little girls are not physically and sexually assaulted so we do not have tens of thousands and hundreds of thousands of kids coming illegally into this country.

Look, we all understand politics in this town. It is an election year. The election is a few months away. Scaring people and demagoguing, unfortunately, is not new to Washington. But the cynicism that is reflected in President Obama's and the majority leader's approach to this issue is a new level for this town.

This week I am introducing broader legislation that not only includes what was included last week—a prohibition on the President granting amnesty—but includes two other elements: a reform of the 2008 law to expedite the humane return of these children to their families and a provision to reimburse the cost for the States calling up the National Guard to secure their borders.

I would like to say a word about the 2008 law. That has actually been discussed a lot in this body. Indeed, the Obama administration has two talking points. If we ask the administration what has caused this crisis, the first one is violence in Central America. There is something convenient about that talking point because if it is violence in Central America, it is not President Obama's fault. It is not anything they have done. It is something else extrinsic. But the second talking point that sometimes the administration will say is that the cause of this crisis is the 2008 law.

There is a reason they point to that. Because it seems there is nothing President Obama enjoys more than blaming everything bad on this planet on George W. Bush. The 2008 law was signed by George W. Bush. So if this crisis was caused by the 2008 law, then mirabile dictu, it is not this administration's fault.

But John Adams famously said: Facts are stubborn things. If someone is going to make a claim that a crisis is caused by the 2008 law, they have to be willing to take at least a moment to look to the facts.

The 2008 law was passed, unsurprisingly, in 2008. The number of children entering unaccompanied did not spike in 2008. It did not spike in 2009. It did not spike in 2010. It did not spike in 2011. In 2011 it was roughly 6,000. If the 2008 law were the cause of this crisis, we would have seen the numbers spike in 2008 or 2009 or 2010 or 2011. No, they did not spike until 2012—June of 2012—when the President pulled out his pen and granted amnesty. That is the cause—the direct cause—the cause that the Border Patrol tells us these immigrants are telling us is why they are coming.

Once the crisis was created, the 2008 law has had unintended consequences. The 2008 law allowed expedited removal for unaccompanied children from Mexico and Canada—our immediate contiguous countries—but created slow, delayed, bureaucratized removal for children from more distant countries.

That did not create significant problems in 2008 or 2009 or 2010 or 2011 because we did not have a massive influx of kids from those countries. But once the President illegally granted amnesty and we started getting—as we are expected to this year—90,000 unaccompanied children—most of whom are from Central American countries—now we are seeing the 2008 law cause real problems because returning these children home is delayed, often delayed indefinitely.

When I was in the McAllen meeting with the line Border Patrol agents, I asked them another question. I said: Listen. Washington is dysfunctional. Partisan politics rips the town apart. If you could ignore the politics, what do you say on the frontlines? How do we actually secure the borders? How do we solve this problem? Every single one of the Border Patrol agents answered the same way. They said: We have to send them home.

We treat them humanely. We treat them compassionately—because that is who we are as Americans; those are our values—but humanely and compassionately we need to expeditiously return them to their families back home. Why? Because if the children are allowed to stay—and, mark my words, President Obama wants these children to stay and he wants to grant amnesty to the next children and the next children, which means that promise of amnesty will cause tens of thousands and hundreds of thousands of children to continue to be physically assaulted and sexually assaulted in perpetuity.

If we grant amnesty, all it will do is incite yet more kids to be victimized. The only way to solve this problem—this is coming from the Border Patrol agents—is to humanely and expeditiously send them home, reunite them with their families.

The legislation I am introducing this week changes the 2008 law so the policies for sending them home are the same as the policies for Mexico and Canada. We treat Mexico and Canada with great friendship and compassion. There is no reason the very same procedures cannot apply to children from Central America.

The final element of this bill is dealing with the real security crisis that is occurring.

Just today the junior Senator from Alabama and I both heard a briefing from one of our senior military leaders on the national security threats caused by our porous borders, by the same avenues that are taking those kids in and that are also being used to smuggle vast quantities of drugs. The same corridors that are taking those kids in are also being used to smuggle in thousands of aliens from special interest countries, from the Middle East, aliens from countries that face serious issues of radical Islamic terrorists.

A number of our border Governors have stepped forward to respond to this crisis. I commend the Governor of my home State of Texas, Rick Perry, for

showing leadership and calling up the National Guard in Texas. It was the right thing to do. He should not have to do it. The Constitution gives that responsibility to the Federal Government. The Governor should not have to step in and fill the breach. They are doing so because the President and the Federal Government are refusing to do their job. But I commend the Governors for doing so. The legislation I am introducing simply provides that when a State steps up and does the job that is our responsibility, the Federal Government will reimburse the costs.

In all likelihood, next week we are going to have a vote on a bill that is denominated a ''border security'' bill. It is a bill the majority leader wants us to vote on that is a version of the President's HHS social services bill and spends a whole bunch of money and does nothing, zero, nada, to solve the problem.

The majority leader knows that. The President knows that. The intention is to have it voted down. One of the incredible things about where we are right now is this Democratic Senate is a do-nothing Senate. We do not pass any legislation of consequence. There is a reason for that. The majority leader has decided we are not going to pass any legislation of consequence. So instead what do we have? We have a series of show votes, every one of which is designed to fail, every one of which the majority leader knows will fail, and every one of which is poll tested or focus-group tested to allow Democrats running for reelection to campaign based on those votes.

It is not legislating. It is not doing the job the Senate was meant to do. This border security bill that we will likely vote on next week will do nothing for border security. It is not designed to. Even if it were to pass, it is not designed to. It is not designed to do anything to stop President Obama's amnesty. It is not designed to do anything to expedite reuniting these kids with their families back home. It is simply designed to be a fig leaf, to say: The Democrats have responded to this crisis. The evil, mean, nasty Republicans did not go along.

That is a political narrative that is not new. It is common in partisan politics. It just happens not to be true. Unfortunately, the Democratic majority in this body has demonstrated no interest in actually solving this problem. You want to know just how cynical the majority leader's strategy is? They have added to this border bill a provision that would replenish the Iron Dome missiles for the nation of Israel.

I would note that has nothing to do with the crisis at our southern border. It is a policy that is unambiguously good. Every Member on the Republican side of this Chamber supports replenishing the Iron Dome missiles that are right now keeping Israel safe from the Hamas terrorist rocket fire. So why has the majority leader stuck that onto a bill that he knows will fail and is designed to fail?

Well, it is called partisan politics. Because when it fails, the talking points will come out. The majority leader will come out and say: The Republicans do not want to solve the problem on the border. The Republicans are unwilling to stand with our friend and ally Israel. Let me tell you right now, every Republican on this side of the Chamber would vote right now, this afternoon, to replenish the Iron Dome missiles. To be honest, we should be voting. You know, in most parts of the country, Thursday afternoon, 4:30, people who actually have an honest job are still at work. Not in the Senate. The Senate people head on home. People are out campaigning. How about we actually have Senators show up on this floor more than one or two at a time and debate these issues? How about we actually see Senators stand, debate the issues, and resolve the problems?

The majority leader went on television and said: The border is secure. I find that an astonishing assertion. I recognized how from the perch of Washington, DC, it might seem that way. Perhaps the DC/Virginia border is secure. But I would invite the majority leader and I would invite any Member of the Chamber: Come down to Texas. Come to McAllen. Come visit the border. When I was in McAllen on Saturday, the Border Patrol agents told me the day before they had apprehended 622 people.

I went to the processing center. They had 10 holding centers with 600 or 700 people there. One holding room had little girls below age 14, unaccompanied. Another holding room had little boys under age 14, unaccompanied. The third holding room had girls ages 14 to 19, unaccompanied. The fourth room had boys ages 14 to 19, unaccompanied. The fifth and sixth rooms had family units, mothers and fathers and little bitty babies, including tiny infants needing diapers and formula. Then the final four holding areas held adults.

That was one day. That was not a week. That was not a month. That was one day. Ninety thousand unaccompanied children are expected to enter the country this year. The majority leader of the Senate says the border is secure. I would invite the majority leader to say that to those little boys and little girls who have just been victimized that the border is secure. That sure would surprise them. I would invite the majority leader to say that to the farmers and ranchers and the citizens in South Texas because that sure would surprise them.

By the way, when you get outside of Washington this issue is not partisan. When you go down to South Texas and you visit with the elected leaders there, many of whom—most of whom—are elected Democrats and often Hispanic Democrats, and you ask: What is your top priority? Among Hispanic Democrats on the border, they say: Border security—because the border is so far from secure that their communities are paying the price.

I would invite the majority leader to come to Brooks County, TX. In Brooks County, TX, hundreds of men, women, and children are found dead from crossing illegally. I would invite the majority leader to look, as I have, at the photographs of these bodies. Pregnant women are abandoned and left to die. Those are vicious cartels and coyotes. This is the face of amnesty. Ninety thousand children being victimized, being physically assaulted and sexually assaulted. This is the face of amnesty: Children held in detention centers with chain-link fences going up 18 feet, separating them in separate pens. This is the face of amnesty. Our heart breaks for these kids. But if it really breaks for those kids, we should do something about it. The only way to stop this humanitarian crisis is to stop President Obama's amnesty. As long as the President continues to promise amnesty, these children will keep coming, and they will keep being victimized.

Sadly, as long as Senate Democrats are unwilling to stand up to their President and say, let's actually show some leadership and fix this problem, then the Senate will continue to be the Democratic do-nothing Senate. We will not solve those problems. We will fail in the fundamental obligation all of us owe to the men and women who elected us.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas because it, indeed, is the face of amnesty. He has documented for us, I think indisputably, that this surge of immigration was a result of the amnesty provided for these children by the President of the United States. I think that has been shown. I think we have never had a clearer analysis of it.

I am reading now further in the National Journal article about what the President plans to do next. The concern we have is about the future. I am not making this up, colleagues. This is a very real action the President is considering, as I read from that chart on amnesty. He would execute, contrary to law, what would give legal status and work status to 5 to 6 million people, 10 times the number that he has been provided for in this action.

What did the National Journal report? Well, I am quoting here.

> The President also told a group—This is the group of La Raza and other activist groups that are demanding amnesty and, really, open borders. He told them that Boehner, the Speaker of the House ''urged him not to press ahead with executive actions because that would make legislating more difficult next year.''

In other words, Speaker BOEHNER said: Do not use this executive amnesty in the future, Mr. President. So now the President is talking to the group, these activists that have been pushing him and demanding things. This is what the article says.

> Obama told the group, according to those present, his response to Boehner was: 'Sorry

about that. I'm going to keep my promise and move forward with executive action soon.'

It makes the hair stand up on the back of my neck as a former Federal prosecutor in Federal court for almost 15 years to have the President say this. The article went on to say:

In the room, there was something of a collective, electric gasp. The assembled immigration-rights groups had been leaning hard on Obama for months to use executive action to sidestep Congress and privately mocked what they regarded as Pollyanna hopes that House Republicans would budge . . . Obama told the groups what they had been dying to hear—that he was going to condemn House Republicans for inaction and . . . provide legal status to millions of undocumented workers—all by himself.

Mr. CRUZ. Would the Senator yield for a question?

Mr. SESSIONS. I would be pleased.

Mr. CRUZ. The junior Senator from Alabama has just described President Obama's stated intention to grant amnesty to an additional 5 to 6 million people here illegally in the months preceding this next election. As the junior Senator from Alabama is certainly aware, there are a number of Senators up for reelection, including a number of Democrats in bright red States where the constituents of those States, whether in Louisiana or Arkansas or North Carolina or many other States, do not support amnesty for another 5 to 6 million people here illegally.

The question I would ask my friend from Alabama: Is he aware of any Democrat in this Chamber, including those Democrats running for reelection in conservative States where the citizens strongly oppose amnesty—is he aware of any Democrat in this Chamber who has had the courage to stand with him in standing up to President Obama and saying: Do not grant amnesty illegally? Is he aware of any Democrat who has joined the two of us in our legislation to prohibit President Obama from illegally granting amnesty to 5 to 6 million people?

Mr. SESSIONS. Well, I am not. One of the things I think the American people do need to understand is when Majority Leader REID, in conjunction with the President of the United States, blocks even amendments up for a vote, where does he get his power? He gets his power from every Member of his conference.

None of them are breaking in and saying: This is not right.

Senator CRUZ's bill would deal with this future danger, that the President might do this again. I think—and we have looked at it hard, our Judiciary staff—we both serve on that committee—and have said this will actually work to ensure that we don't have another rogue action, unlawful, by the President of the United States, directly contrary to deciding the will of the American people and congressional action.

The President is happy that Congress doesn't pass his law, and he says: They won't act, so I will.

But, colleagues, when we don't act, we act. That is an act. It is a decision as sure as if we had passed a law. A decision not to act is a decision. The President of the United States can't simply go around and say: I can do anything I want because Congress won't act. How ridiculous is that? A National Journal article calls this policy explosive, and I believe that is a direct action.

One more question. Senator CRUZ, I know, is a student of the Constitution, and Professor Turley at George Washington University has testified numerous times before Congress. I think he considers himself a Democrat, a liberal, but he is deeply concerned about the future of our Republic because of the President's overreach and exceeding the lawful powers given to the President.

Is some other President going to expand it further and very soon Congress becomes nothing? I would ask if the Senator shares this concern, because he was very active in the attorney general's office in Texas. Professor Turley said:

The President's pledge to effectively govern alone is alarming, and what is most alarming is his ability to fulfill that pledge. When a president can govern alone, he can become a government unto himself, which is precisely the danger the framers sought to avoid . . .

What we're witnessing today is one of the greatest crises that members of this body will face. . . . It has reached a constitutional tipping point that threatens a fundamental change in how our country is governed.

Does that cause the Senator concern and does he have any thoughts about that?

Mr. CRUZ. Senator SESSIONS, it causes me great concern. One of the most troubling aspects of the Obama Presidency has been the persistent pattern of lawlessness from this President. We have never seen a President who, if he disagrees with a particular law, so frequently and so brazenly refuses to enforce it, refuses to comply with it, and asserts the power to unilaterally change it.

The President famously said: I have a pen and I have a phone, and he seems to confuse his pen and his phone for the constitutional process of lawmaking our country was built on.

Rule of law does not mean you have a country with a whole lot of laws. Most countries have laws, and many totalitarian countries have a whole lot of laws. Rule of law means no man is above the law. It means that everyone, everyone, everyone, and especially the President, is bound by the law.

President Obama openly defies his constitutional obligation under article 2 of the Constitution to take care that the laws will be faithfully executed.

I would note that Professor Turley, as the junior Senator from Alabama quoted, is a liberal Democrat who in 2008 voted for President Obama. Professor Turley also testified before the House that President Obama has become the embodiment of the imperial President. Barack Obama has become the President Richard Nixon always wished he could be.

Those are the words of a liberal Democratic constitutional law professor who voted for Barack Obama.

But my friend the junior Senator from Alabama is learned and experienced in the ways of the Senate. He has seen lions of the Senate walk this floor. It is unprecedented to have a President so brazenly defy the rule of law, but I state what is equally unprecedented, to have the Senate lie down and meow like kitty cats.

Abuse of power by the President is not a new phenomenon. Presidents of both parties have abused their power. That is a job, sadly, where that tendency has been significant. But in the past, when Presidents have abused their power, Members of their own party stood and called them to account for it. When Richard Nixon abused his power, Members of both parties rightfully decried his abuse of power, so much so that he was forced to resign.

I can state when George W. Bush was President, he signed a two-paragraph order that purported to order the State courts to obey the World Court. I know this because I was at the time serving as the solicitor general of Texas, and it was our State courts that the President's order purported to bind.

George W. Bush is a good man. He is a former Governor of Texas, he is a Republican, and he was a friend and is a friend. Yet I was proud that the State of Texas did not hesitate to stand up to that abuse of power. I went before the U.S. Supreme Court on behalf of the State of Texas and argued that President George W. Bush's order was unconstitutional, that no President has the authority to give up U.S. sovereignty. I am pleased to say the U.S. Supreme Court agreed and struck down the President's order by a vote of 6 to 3.

What is unprecedented today is that on the left side of the Chamber it is both literally and figuratively empty.

We had, not too long ago, the President abuse his power with recess appointments. One of the important checks and balances the Constitution creates on Presidential authority is it gives this body, the Senate, the power of confirmation. President Obama apparently didn't like any checks and balances on his power, so he made a series of recess appointments when the Senate wasn't in recess. It was brazen, it was naked. The President simply asserted: I say the Senate is in recess. Mind you, the Senate didn't say we were in recess, but the President claimed the power to declare us in recess when we weren't.

Do you want to know how extreme that was? Do you want to know how brazen that was? Do you want to know how extraordinary that was?

Just a few weeks ago the Supreme Court unanimously struck it down as unconstitutional.

It is important to underscore that. There is a lot of coverage in the newspaper that suggests we have liberal Justices, conservative Justices, and on any close issue it is going to be 5 to 4. This wasn't 5 to 4, it wasn't 6 to 3, it wasn't 7 to 2, and it wasn't even 8 to 1—9 to 0. Every Democratic appointee on the Court—both of President Obama's appointees on the Court. They looked at the substantive issue and they said: This ain't hard. The President doesn't get to say when the Senate is in recess, the Senate gets to say when the Senate is in recess. And if the Senate isn't in recess, the President has to respect the checks and balances of confirmation.

So we have an easy, no-brainier layup of a constitutional law question about the President usurping the constitutional prerogatives of the Senate, and how many Senate Democrats stood up to their party's President? Not a single one. Not the majority leader of the Senate, who we would think might have some interest in the credibility of this institution and, I am sorry to say, not a lone Democratic Senator. It wasn't that long ago there were lions of the Senate on the Democratic side who prided themselves on defending this institution: Robert Byrd, who stood for years defending this institution; Ted Kennedy.

I would say to my friend the junior Senator from Alabama, what is truly unprecedented is that there are no Senate Democrats who say: Enough is enough.

I am hopeful at some point we will see a Senate Democrat listen to their constituents, listen to the Constitution, and listen to the rule of law.

I can assume the reason why Senate Democrats don't do it and why our friends in the press often don't report on this. I can assume their reasoning goes something such as: Well, I basically agree with the policies of President Obama. I like the policies. I agree with what he is doing, and he is our guy. We kind of have to back our guy.

I am guessing that is a reason, but I will note, as the Scriptures say: There came a pharaoh who knew not Joseph and his children.

President Barack Obama will not always be President of the United States. There will be another President. And even to my friends on the Democratic side of the aisle—I must say something shocking and terrifying to you—there will come another Republican President.

If the President has the authority to do what President Obama is claiming, with ObamaCare—28 times—he simply unilaterally changed the text of the law, said: It doesn't matter what the law says, I say it is something different. If the President has that power, a Republican President has that power too.

So I would encourage all of my friends on the left who like these policy issues—well, imagine some of the policy issues you don't like, whether on labor law or environmental law or tort reform or let's take tax law. I will give an example.

Imagine a subsequent Republican President who stood up and stated quite sensibly the economy might do much better if we move to a flat tax, so I am therefore instructing the IRS: Do not collect any tax above 20 percent.

Now one might say, well, that sounds extreme. That sounds radical. As a policy matter, that would be a terrific policy.

But could the President instruct the IRS not to enforce tax laws? Fifty-five Members of this body are already on record saying yes. Do you know why? Because when the President suspended the employer mandate for big business, the text for ObamaCare says the employer mandate kicks in on January 1, 2014. The President said: I am suspending that provision of law. I am granting my buddies in big business a waiver. That was a tax law.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Texas.

I think what he is saying is reflected in what Professor Turley said. It is almost like a plea to his colleague, maybe his Democratic colleague, his friend. He said: ''The President's pledge to effectively govern alone is alarming, and what is most alarming is his ability to fulfill that pledge.''

In other words, his ability to get away with it; that Congress acquiesces in it. Let me say this the President is not going to get away with a unilateral amnesty. We are going to take this to the American people, and at some point this Congress will be held to account if he does so. Remember, every Member is going to have to vote and be responsible for allowing a President to run roughshod over the law of this country, the people's representatives, and, in effect, the people of the United States.

His plan for amnesty, under the circumstances he advocated them, has been rejected.

Congress is always available to consider any issue and make any decision it chooses, but it has, under the circumstances driven in this body, been rejected.

He has no power to go forward and beyond that, and we are not going to allow it to happen. It is wrong. Whether we agree or disagree about how amnesty should be given, it is wrong for the President to unilaterally execute such a policy, as Professor Turley said and as the Senator from Texas has said, the former solicitor general of the State of Texas. He understands it is law, and this matter is not over. We will continue to advocate.

I yield the floor.

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

Mr. HARKIN. Mr. President, I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 2658 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Thank you, Madam President. This is my 75th ''Time to Wake Up'' speech, something of a minor benchmark, I suppose. I come here urging my colleagues to wake up to the threat of climate change. I do this every week we are in session, hoping someday a spark will hit tinder. But even as the evidence of climate change deepens, the dialogue in Washington remains one-sided.

Climate change was once a bipartisan concern. In recent years something changed. I think I know what changed, and I will get to that. First, let's reminisce about the bipartisanship. As we take a look back in this body, we have Republican colleagues who once openly acknowledged the existence of carbon-driven climate change and who called for real legislative action to cut carbon emissions. Imagine that. It wasn't that long ago.

We have a former Republican Presidential nominee amongst us who campaigned for the Presidency on addressing climate change. We have Republicans here who have spoken favorably about charging a fee on carbon, including an original Republican cosponsor of a bipartisan Senate carbon-fee bill. We have a Republican colleague who cosponsored carbon fee legislation in the House and another who voted for the Waxman-Markey cap-and-trade bill when he was in the House. For years—for years—there was a steady, healthy heartbeat of Republican support for major U.S. legislation to address carbon pollution.

Let me be specific. In 2003, Senator JOHN MCCAIN was the lead cosponsor of Democrat Joe Lieberman's Climate Stewardship Act, which would have created a market-based emissions cap-and-trading program to reduce carbon dioxide and other heat-trapping pollutants from the biggest U.S. sources.

Here is what Senator MCCAIN said at the time:

> While we cannot say with 100 percent confidence what will happen in the future, we do know the emission of greenhouse gases is not healthy for the environment. As many of the top scientists through the world have stated, the sooner we start to reduce these emissions the better off we will be in the future.

His Climate Stewardship Act actually got a vote. Imagine that. When it did not prevail, Senator MCCAIN reintroduced the measure himself in the following Congress. Republican Senators Olympia Snowe of Maine and Lincoln Chafee of Rhode Island, my predecessor, were among that bill's cosponsors. Other Republicans got behind other cap-and-trade proposals. Senator TOM CARPER's Clean Air Planning Act at one time or another counted Senator LAMAR ALEXANDER of Tennessee, Senator LINDSEY GRAHAM of South Carolina, and Senator SUSAN COLLINS of Maine among its supporters.

In 2007, Republican Senator Olympia Snowe was a lead cosponsor of then-Senator Kerry's Global Warming Pollution Reduction Act. Senators MURKOWSKI and Stevens from Alaska and Senator Specter of Pennsylvania, then a Republican, were original cosponsors of the Bingaman Low Carbon Economy Act. That same year Senator ALEXANDER introduced the Clean Air/Climate Change Act of 2007. Each of these bills sought to reduce carbon emissions through a cap-and-trade mechanism.

Said Senator ALEXANDER:

> It is also time to acknowledge that climate change is real. Human activity is a big part of the problem and it is up to us to act.

That bipartisan heartbeat remained strong in 2009. Senator MARK KIRK of Illinois, while he served in the House of Representatives, was one of eight Republicans to vote for the Waxman-Markey cap-and-trade proposal. In that same year, 2009, Senator JEFF FLAKE of Arizona, then representing Arizona in the House, was an original cosponsor of the Raise Wages, Cut Carbon Act to reduce payroll taxes for employers and employees in exchange for equal revenue from a carbon tax. On the House floor then-Representative FLAKE argued the virtues of this approach. He said:

> If we want to be honest about helping the environment, then just impose a carbon tax and make it revenue neutral. Give commensurate tax relief on the other side. Myself and another Republican colleague have introduced that legislation to do just that. Let's have an honest debate about whether or not we want to help the environment by actually having something that is revenue neutral where you tax consumption as opposed to income.

It was a good idea then and it is still a good idea now. Senator FLAKE's words were echoed that year in the Senate by Senator COLLINS, a lead cosponsor of the Carbon Limits and Energy for America's Renewal Act, Senator CANTWELL's carbon fee bill.

''In the United States alone,'' said Senator COLLINS, ''emissions of the primary greenhouse gas carbon dioxide have risen more than 20 percent since 1990. Clearly climate change is a daunting environmental challenge,'' she said, ''but we must develop solutions that do not impose a heavy burden on our economy, particularly during these difficult economic times.''

Madam President, 2009—think of it. There was once not too long ago a clear and forceful acknowledgment from leading Republican voices of the real danger posed by climate change and of Congress's responsibility to act.

What happened? Why did the steady heartbeat of Republican climate action suddenly flatline?

I believe we lost the ability to address climate change in a bipartisan way because of the evils of the Supreme Court's Citizens United decision. Our present failure to address climate change is a symptom of things gone awry in our democracy due to Citizens United. That decision did not enhance speech in our democracy. It has allowed bullying, wealthy special interests to suppress real debate. I have spoken before on the Senate floor about the Supreme Court's Citizens United decision, one of the most disgraceful decisions by any Supreme Court, destined ultimately, I believe, to follow cases such as Lochner v. New York onto the ash heap of judicial infamy, but we are stuck with it for now. In a nutshell the Citizens United decision says this: Corporations are people. Money is speech. So there can be no limit to corporate money influencing American elections.

If that doesn't seem right, it is because it is not. Phony and improper fact-finding by the five conservative activists on the Supreme Court concluded that corporate spending could not ever corrupt elections—just couldn't do it. By some magic it is pure. That is a bad enough finding on its face, but they also didn't get that limitless, untraceable political money doesn't have to be spent to damage our democracy.

Unlimited corporate spending in politics can corrupt not just through floods of anonymous attack advertisements, it can corrupt secretly and more dangerously through the mere threat of that spending through private threats and promises. The Presiding Officer was the attorney general of her State, and she well knows how much mischief can be done in back rooms by threats and promises. That is what attorneys general see when they go out and investigate.

As we are evaluating the effect of Citizens United on our climate change debate, let's remember this: A lot of this special interest money has been spent against Republicans. I have had Republican friends tell me, ''What are you complaining about? They are spending more against us than against you.'' There have been times when that has been true.

When the Koch brothers' polluter money can come in and bombard you in a small primary election, that is pretty scary. When the paid-for rightwing attack machine can be cranked up against you in your Republican primary, that is pretty scary too. What the polluters can do with political spending, they can threaten or promise to do in ways that the public will never see or know, but the candidate will know. The candidate will know for sure.

So I wrote a friend-of-the-court brief to the Supreme Court with Senator JOHN MCCAIN to highlight for the Justices some of the failings and pitfalls of their shameful Citizens United decision. ''The dominating influence of super PACs,'' we wrote, ''makes it all the easier for those seeking legislative favors and results to discreetly threaten such expenditures if Members of Congress do not accede to their demands.'' I think we were right.

How does this bear on climate change? All that bipartisan activity I talked about preceded Citizens United. After that, polluter attacks funded by Citizens United money and the threat of those polluter attacks—perhaps promises not to make those attacks if you behave—cast a dark shadow over Republicans who might work with Democrats on curbing carbon pollution. Tens, perhaps even hundreds of millions of dark-money dollars are being spent by polluters and their front organizations, and God only knows what private threats and promises have been made.

The timing is telling. Before Citizens United, there was an active heartbeat of Republican activity on climate change. Since then, the evidence has only become stronger. But after Citizens United uncorked all that big, dark money and allowed it to cast its bullying shadow of intimidation over our democracy, Republicans—other than those few who parrot the polluter party line that climate change is a big old hoax—have all walked back from any major climate legislation.

We have Senators here who represent historic native villages that are now washing into the sea and needing relocation because of climate change and sea-level rise. We have Senators here who represent great American coastal cities that are now overwashed by high tides because of climate change. We have Senators representing States swept by drought and wildfire. We have Senators whose home State forests by the hundreds of square miles are being killed by the marauding pine beetle. We have Senators whose home State glaciers are disappearing before their very eyes. We have Senators whose States are having to raise offshore bridges and highways before rising seas. We have Senators whose emblematic home State species are dying off, such as the New Hampshire moose, for instance, swarmed by ticks by the tens of thousands that snows no longer kill. Yet none will work on a major climate bill. It is not safe to ever since Citizens United allowed the bullying, polluting special interests to bombard our elections, and threaten and promise to bombard our elections with their attack ads.

Despite all the dark money, despite the threats and intimidation, I still believe this can be a courageous time. We simply need conscientious Republicans and Democrats to work together in good faith on a common platform of facts and common sense to protect the American people and the American economy from the looming effects of climate change in our atmosphere, on our lands, and in our oceans. We simply need to shed the shackles of corrupting influence and rise to our duty.

In courageous times, Americans have done far more than that. It is not asking much to ask this generation to stand up to a pack of polluters just because they have big checkbooks. In previous generations, Americans have put their very lives, fortunes, and sacred honor at risk to serve the higher interests of this great Republic. We know it can be done because it has been done.

We do not have to be the generation that failed at our duty. We are headed

down a road to infamy now, but it doesn't have to be that way. We can leave a legacy that will echo down the corridors of history so that those who follow us will be proud of our efforts. But sitting here doing nothing, yielding to the special interest bullies and their Citizens United money, pretending that the problem isn't real, will not accomplish that.

As I have said before, 74 times, and as I say tonight for the 75th time, it is time for us to wake up.

I thank the Presiding Officer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SUPPORTING ISRAEL

Mr. MCCONNELL. Madam President, yesterday Secretary of Defense Chuck Hagel wrote to the majority leader seeking $225 million in additional U.S. funding for the production of Iron Dome components in Israel so they can maintain adequate stockpiles and defend their population. Republicans are united in support of our ally Israel. We have legislation that would allow Congress to meet the Secretary's request, and we hope our friends on the other side will join us in coming to a sensible, bipartisan solution that can be passed quickly.

As most Senators know, the Iron Dome missile defense system has played a critical role in defending Israel's population from rocket attacks launched by Hamas from within the Gaza Strip.

While our friends in Egypt are working to bring Hamas to a cease-fire and end this mirage of rocket attacks—attacks that indiscriminately target the civilian population of Israel—the Iron Dome system will remain critical to Israel's security until a true cease-fire is achieved. It will remain vital afterwards as well, because this defensive system helps blunt the impact of one of Hamas's preferred tools of terror.

By passing a bipartisan measure to meet the Secretary's request, we can send a message to Hamas that its terrorist tactics and its attempts to terrorize Israel's populace will not succeed. And we can help Israel defend its civilian population against indiscriminate attacks as it continues its campaign—Operation Protective Edge—to destroy the often Iranian-supplied weapons stockpiled within Gaza, as well as to eliminate the tunnels that allow terrorists to infiltrate into Israel and smuggle arms into Gaza.

BURMA

Now, on a different matter in a different part of the world. For more than two decades I have been coming to the Senate floor to discuss the latest events in Burma. Typically, in the spring, I would introduce legislation to renew the import sanctions on the then-Burmese junta contained in the Burmese Freedom and Democracy Act. In addition to pressuring the junta, the annual renewal of the import sanctions provided a useful forum to focus public attention on Burma.

After much deliberation, last summer Members of Congress chose not to renew these sanctions for another year as Burma had demonstrated progress toward implementing governmental reform. That said, Burma's path to reform is far from complete. Much work remains to be done. As such, it is important to continue focusing attention on the country in a regular fashion. That is what I wish to do today, to highlight an important, immediate, intuitive step that the country can take to reassure those who wish the country well, that it remains on the path to reform.

In many ways the Burma of 2014 scarcely resembles the nation that existed in 2003 when Congress first enacted the BFDA against the Burmese junta. Beginning about 3 years ago, Burma began to make significant strides forward in several key areas.

Under President U Thein Sein, the Burmese Government began to institute reforms that surprised virtually all of the onlookers. In the following years, the government granted numerous amnesties and political pardons to political prisoners and has released more than 1,100 political prisoners to date.

As a result of the new government's actions, Daw Aung San Suu Kyi, the Nobel Peace Prize laureate, was released from house arrest after spending 15—15—of the previous 21 years in detention. Since her release from House arrest, Daw Suu has been permitted to travel abroad. Moreover, a by-election was held in April 2012 and she was elected as a member of Parliament along with a number of her National League for Democracy colleagues. In fact, when she did travel abroad back in 2012, at my invitation she came to Louisville, KY. It was an incredible experience to have her in our State and in our country.

In light of these democratic reforms—many of which I witnessed firsthand when I visited the country in January of 2012—I believe that to no small degree Burma has been a remarkable story among many dark developments in the world today.

However, even though the country has made incredible progress in a relatively short period of time, to many Burma of late appears stalled amidst a score of pressing challenges. These include continued conflict between the government and ethnic minorities, governmental restrictions on civil liberties, and ongoing humanitarian issues in Rakhine State. All are serious concerns that command close attention. And related to all of these issues is the need for Burma to continue to bring the military under civilian control if it is to evolve into a more representative government.

With the by-election in Burma scheduled for late this year and a parliamentary election scheduled for late 2015, reformers in the Burmese Government have an opportunity to regain their momentum. To my view, the time between now and the end of 2015 is pivotal—pivotal—for Burma. The elections will help demonstrate whether the country will continue on the reformist path.

With that in mind, the Burmese Government should understand that the United States, and the Senate specifically, will watch very closely at how Burmese authorities conduct the 2015 parliamentary elections as a critical marker of the sincerity and the sustainability of democratic reform in Burma.

President U Thein Sein has made public assurances that the upcoming parliamentary election will be ''free and transparent.'' However, his pledge has already been challenged by several campaign restrictions.

One of those restrictions is a simple one. It involves who can be chosen for the most important civilian office in Burma: The Presidency.

Burma has several requirements governing who can hold this highest office. Some of them make sense. For instance, like the United States, Burma has a minimum age requirement for its highest office. Its President must be at least 45 years old. I suppose that helps assure that only someone with a fair amount of life experience can be President.

In addition, the Burmese constitution stipulates that the President must be a citizen who is ''well acquainted'' with the country's ''political, administrative, economic, and military'' affairs, and is ''loyal to the union and its citizens.'' This requirement helps ensure that a president is knowledgeable about public affairs and has a vested interest in serving in Burma's executive office.

However, Burma's constitution also includes a deeply disconcerting limitation on Presidential eligibility. Section 59 stipulates that the Burmese President may not be a foreign national and may not have any immediate family members who are foreign nationals.

This limitation on the home nation of a candidate's immediate family has no bearing on an individual's fitness for office. This restriction prevents many, including Daw Suu herself, from even being considered for Burma's highest office. Daw Suu, for example, would not be permitted to run because her deceased husband was, and her two sons are, British nationals. To think that the nationalities of family members have relevance for fitness to hold office or allegiance to Burma is dubious at best.

Not only is Daw Suu discriminated against but so are the Burmese who fled or were exiled from the country during the junta's rule. Many of them

were out of Burma for years—not by choice, I would add—and during this time many became naturalized citizens in another country out of necessity. These men and women are also ineligible to be President.

Deciding who will be the next Burmese President is obviously up to the people of Burma through their elected representatives and not up to the international community. But, at a minimum, I believe that otherwise qualified candidates should be permitted to stand for office.

More important than the provision's unfairness for certain Presidential candidates is that this provision restricts the ability of the people of Burma, through their representatives, to have a choice in who can hold their highest office. This is profoundly undemocratic, and it is profoundly undemocratic at a time when Burma's commitment to democracy is actually open to question.

It is notable that one apparent roadblock to amending the Presidential eligibility requirement is the fact that the military holds de facto veto power over constitutional amendments. Under the constitution, the military controls a block of 25 percent of the parliamentary seats and in excess of a 75-percent vote is required for a constitutional amendment to go forward. The military controls 25 percent of the Parliament; they need over 75 percent of the Parliament to change the constitution. It becomes clear what this is about.

I understand the Burmese parliamentary committee is in the process of finalizing plans for the implementation of constitutional reform, but I am concerned that eligibility changes will apparently not—not—include amending the narrow restrictions of the constitution that limit who can run for President. To me, it will be a missed opportunity if this provision is not revisited before the 2015 parliamentary elections.

Modifying this provision is one way the Burmese Government can display to the world, in an immediate and clearly recognizable way, that it remains fully committed to reform. Permitting a broad array of candidates to run for President is an unmistakable symbol to the world—even to those who do not follow Burma closely—that Burmese reformers actually mean business; otherwise, such a restriction will quite simply cast a pall over the legitimacy of the election in the eyes of the international community and certainly to Members of the U.S. Senate.

While Congress did not renew the BFDA's import ban last year and there is little appetite to renew the measure this year, several U.S. sanctions toward Burma remain on the books. They include restrictions on the importation of jade and rubies into the United States and sanctions on individuals who continue to hinder reform efforts. It is hard to see how those provisions get lifted without there being progress on the constitutional eligibility issue and the closely related issue of the legitimacy of the 2015 elections.

As the 2015 elections approach, I urge the country's leadership—its President, Parliament and military—to remain resolute in confronting the considerable obstacles to a more representative government that Burma faces. That is the only way the existing sanctions are going to get removed—the only way.

I wanted to highlight the eligibility issue as an example of an important step Burma could take to continue its reformist momentum. Such a step is of course necessary but not sufficient. As I noted, undergirding many of Burma's problems is the need to enhance civilian control over the military. This concern manifests itself in many ways, including the need to clarify that the commander in chief serves under the President and the importance of removing the military's de facto veto authority over constitutional amendments.

One tool the United States could use to help reform Burma's armed forces is through military-to-military contacts. I believe that exposure to the most professional military in the world—our own—will help Burma develop a force that is responsive to civilian control and to professional standards. Security assistance and professional military education are not simply rewards to partnering countries, as some view such programs. They are tools with which we advance our foreign policy objectives. Helping the Burmese military to reform is in our interest but it cannot be done through mere exhortation; it needs to be done through training and regular contact with the highest professional military standards. Only then, I believe, will the Burmese military see that being under civilian control is not—not—inimical to its interests.

This realization by the Burmese military, coupled with a successful 2015 election that is open to all otherwise qualified Presidential aspirants, will greatly enhance the cause for reform and peaceful reconciliation in Burma.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

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

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

## TRIBUTE TO JEREMY HOLBROOK

Mr. MCCONNELL. Madam President, I rise today to pay tribute to Jeremy Holbrook a Marine from my home State, the Commonwealth of Kentucky.

Jeremy hails from Magoffin County, and graduated from Magoffin County High School in 2004. The attacks of September 11, 2001, had a profound impact on Jeremy, and inspired him to enlist in the Marine Corps after graduating at the age of 18.

After completing basic training, combat training, and tank school, Jeremy was deployed to Ramadi as a part of Operation Iraqi Freedom. Despite being wounded on this first tour, for which he received the Purple Heart, he remained determined to serve his country. Jeremy returned to Iraq for a second tour, this time in Fallujah and, as in his previous tour, participated in counter-insurgency missions.

Both Jeremy's uncle and grandfather served in the U.S. Army, and for Jeremy it just made sense to continue that legacy of service. As he puts it—''pretty much whenever I saw our Nation needed people to defend our Nation, I felt I needed to take the call, and that's what I did.''

Jeremy's honorable service to this country is deserving of the praise of this body. Therefore, I ask that my Senate colleagues join me in honoring Jeremy Holbrook.

The Salyersville Independent recently published an article detailing Holbrook's two tours in Iraq. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Salyersville Independent, July 3, 2014]

HOLBROOK INSPIRED BY 9/11 TO JOIN MARINES

(By Heather Oney)

The attacks of 9/11 inspired Jeremy Holbrook to join the Marines, which took him on two tours of Iraq.

At 18 years old in 2004, Holbrook enlisted with the Marines, making his family sad, but proud, he said. Since his grandfather and uncle had both been in the Army, he said it just seemed like the right thing to do.

''Pretty much, whenever I saw our nation needed people to defend our nation, I felt I needed to take the call and that's what I did,'' Holbrook said.

The Magoffin County High School grad went to boot camp at the Marine Corps Recruit Depot Parris Island in South Carolina in July 2004, graduating from there in October 2004. He had his combat training at Camp Lejeune, North Carolina, then tank school in Fort Knox, Kentucky, assigned to the M1A1 Abrams Tank Crew. He trained for Operation Iraqi Freedom at Twentynine Palms, California.

Holbrook did two combat tours in Iraq, the first time in Ramadi, Iraq, running counter-insurgency missions, and the second time to Fallujah, Iraq, where he continued counter-insurgency missions and route clearing.

Based in an old Iraqi Army barracks, Holbrook said the living conditions were dingy and rundown, with no running water or toilets. With temperatures climbing upward of 150 degrees during the day and 110 degrees at

night, he said they would actually get cold at night.

In a normal day he said they would go into a city and look for insurgents. If found, they would try to eliminate them, all while trying to protect and liberate the Iraqi people, Holbrook said.

''We slept when we could, ate when we could, and there wasn't much time for a bath,'' Holbrook remembers.

Even though he was wounded in his first tour, receiving the Purple Heart, he still went back for the second tour, deployed for seven months each time. In addition to the Purple Heart, he also received the National Defense Medal, Iraqi Freedom Medal, Combat Action Medal, Sea Service Deployment Ribbon and Global War on Terrorism Medal.

Holbrook said the hardest thing he had to deal with when he returned to the States was coping with the loss of a friend, who was killed during their first tour together.

Holbrook is married to Britani Holbrook, and has three kids, Gavin, Austin and Bentley.

## TRIBUTE TO JIM MORTIMER

Mr. MCCONNELL. Madam President, I rise today to pay tribute to Jim Mortimer. Mortimer hails from Magoffin County, KY, and served his country honorably over the course of his career with the Kentucky National Guard.

After graduating from Castle Heights Military Academy in Tennessee, Mortimer enlisted in the U.S. Army Reserves. Only 22 at the time, it would be 30 years before he retired from the military.

In 1960, 2 years after enlisting, he was transferred to the Kentucky National Guard. His experiences in the Guard ran the gamut from clearing out swamps in southern Georgia to riot control on the University of Kentucky campus during the Vietnam war to responding to natural disasters. It is this diverse range of service to our country that epitomizes the National Guard motto—''Always Ready, Always There.''

Mortimer retired from the Guard in 1988 with the rank of command sergeant major. In addition to his military service, he also took the time to substitute teach in Lexington high schools and obtain his masters from Georgetown College.

His service to this country is worthy of our praise here in the Senate—so, I ask that my colleagues join me in paying tribute to Mr. Jim Mortimer.

The Salyersville Independent recently published an article detailing Mortimer's military career. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Salyersville Independent, July 3, 2014]

MORTIMER RETIRES FROM THE GUARD

(By Heather Oney)

Geared up early for a career in the military, Magoffin native Jim Mortimer left Magoffin when he was 14 years old and attended Castle Heights Military Academy, in Lebanon, Tennessee. When he was 22 years old and with the draft imminent, Mortimer joined the U.S. Army Reserves in Sistersville, West Virginia, in 1958.

In 1960 he was transferred to the Kentucky National Guard and was called to active duty during the Berlin Crisis in 1962.

Mortimer's unit replaced another unit that had been deployed to Germany, taking their place at Fort Stewart, Georgia, in charge of repairing vehicles and armament, as well as various National Guard functions, he said, such as riots and natural disasters.

While he was never sent overseas, he said the year he spent in southern Georgia preparing to be deployed was his strongest memory of his service.

For a year Mortimer said they lived in Quonset huts and were tasked with clearing out swamps with saws and rakes, cutting trees and brush along the way.

Also while he was at Fort Stewart, Mortimer said they had a tornado and all the men got in their vehicles armored much like tanks, while he and two other sergeants laid in the ditch.

''It was maybe a mile away,'' Mortimer laughed. ''Just lots of wind.''

With an extremely flat terrain, he said lightning was a problem there, with two of their soldiers hit. He remembers one was near a radio and the lightning hit the antenna, knocking him out of his boots.

During Desert Storm, Mortimer was sent to Frankfort, working as a liaison aiding the dependents of the men at war.

During his 30 years of service, he worked at Fort Knox, Kentucky; Fort Campbell, Kentucky-Tennessee border; Fort Jackson, South Carolina; Fort Hood, Texas; and Fort Sill, Oklahoma. Mortimer was involved in rifle marksmanship on the Kentucky State Rifle Team, winning several awards. He had a scout troop sponsored by the National Guard, as well.

In North Little Rock, Arkansas, he attended National Guard matches, where Guards from all over sent teams to compete.

During active duty, Mortimer taught second lieutenants in Officer Candidate School (OCS), as well as many other courses, such as marksmanship and all weapons.

In 1965 he was called to deal with Vietnam War riots on the University of Kentucky's campus, where students had burned down the ROTC building.

Mortimer obtained the rank of command sergeant major in 1980, retiring from his employment with the Kentucky National Guard and as a part-time soldier in 1988.

While in the Guard, Mortimer went to school, receiving a degree in 1980. He began substitute teaching in Lexington high schools while still in the service.

In 1973 he returned to Magoffin and started substitute teaching in 1977 at the middle school and high school, where he eventually retired from in 2000. In the meantime, he received his masters from Georgetown College in 1982.

Mortimer is presently a member of the Salyersville Kiwanis and works part-time with the Magoffin County Sheriff's Office. He has a daughter and two sons, as well as six grandchildren. His wife of 53 years, June, passed away in 2011. In 2013, he married Gail King Mortimer and the two sons still live in Magoffin.

## RECOGNIZING ELIZABETHTOWN COMMUNITY AND TECHNICAL COLLEGE

Mr. MCCONNELL. Madam President, I rise to commemorate the 50th anniversary of Elizabethtown Community and Technical College, ECTC, a comprehensive community and technical college that has been serving the central Kentucky region since 1964. ECTC provides education and training to all types of Kentuckians to prepare them to succeed in a constantly changing world.

ECTC is a member of the Kentucky Community and Technical College System. It provides accessible and affordable education and training through academic and technical associate degrees; diploma and certificate programs in occupational fields; pre-baccalaureate education; adult, continuing and developmental education; customized training for business and industry; and distance learning.

ECTC has its roots in the founding of the Elizabethtown Community College, which first opened its doors in 1964 to 355 students from 11 counties. Meanwhile, Elizabethtown Technical College was founded in 1965 through a bond issue by the Elizabethtown Independent School Board. ECTC was formed by the consolidation of the two schools in 2004, following historic legislation in 1997 that established the Kentucky Community and Technical College System.

For five decades, ECTC has enriched the lives of citizens by providing access to quality, affordable academic, technical and community education programs, and by partnering with communities to enhance the economic vitality of the region. A comprehensive college with regional reach, ECTC now offers certificates, diplomas and associate degrees through 34 academic and technical programs on the Elizabethtown, Springfield, Leitchfield and Fort Knox campuses, and at extended campus sites throughout its 12-county service area.

Enrollment has grown steadily from 355 students in 1964 to 7,000 today, and thousands of alumni have distinguished themselves through service to their professions and communities.

During the 2014–2015 academic year, the college will celebrate 50 years of educational excellence and service to Kentuckians. I want to be among the many who congratulate ECTC for 50 years of outstanding service in education to the central Kentucky region. I want to commend the school for 50 years of educating Kentuckians, and thank its president/CEO, Dr. Thelma J. White, for her extraordinary leadership of the institution.

## REMEMBERING GERALDINE FERRARO

Ms. MIKULSKI. Madam President, I wish to commemorate the 30th anniversary of Geraldine Ferraro's nomination as the Democratic candidate for Vice President of the United States.

On the night of July 19, 1984, Gerry gave her acceptance speech as the first woman to be nominated for U.S. Vice President by a majority party. I was there, experiencing the thrill, excitement, and turbo energy as 10,000 people

jammed the Mosconi Center. Male delegates gave their tickets to female alternate delegates and their daughters. Gerry's walk on stage was electrifying. We gave her a 10-minute resounding ovation and wouldn't sit down. That night, a barrier was broken. That night, they took down the ''men only'' sign on the White House. For Gerry and all American women there was no turning back—only going forward.

Some people only knew Gerry as a political phenomenon, but I first knew her in Congress. She was a born fighter—for New York and every little guy and gal. She was an advocate for women, fighting for our status and giving us a new stature. Long after the campaign was over, she continued to be a source of inspiration and empowerment.

When Gerry was chosen for the Vice Presidential nomination, she showed modern American women what we had become and what we could be. Women felt that if Gerry could go for the White House, we could go for anything. For some of us women, that meant going to Congress to make a difference. Today, I know Gerry would be so proud of all we have accomplished. Back when we met in the House, we were the early birds. We weren't afraid to ruffle some feathers, but we were in the minority. In 1979, there were 16 women in the House: 11 Democrats and 5 Republicans, and 2 women of color. Today, there are 79 women in the House: 60 Democrats, 19 Republicans, and 30 women of color. As the Dean of the Senate Women, I am proud we are 20 women strong in the Senate: 16 Democrats and 4 Republicans. Together, we are changing the tide and changing the tone.

We have had some amazing victories along the way. We increased breast cancer research funding at NIH by 750 percent to $657 million in fiscal year 13. We increased childcare funding by 75 percent—$2.2 billion in fiscal year 14. We made sure good science included women by founding the NIH Office of Research on Women's Health. The research from that office has changed medical practices, reduced breast cancer by 15 percent, and saved lives a million at a time. This year, we celebrated the fifth anniversary of the Lilly Ledbetter Act, which kept the courthouse doors open for women to sue for discrimination. Last October, women on both sides of the aisle created the climate for compromise that was crucial to ending the disastrous government shutdown.

We have had some amazing victories, but we still have more to do. The Senate women are fighting for women across America. We know women need a raise to raise their families. That is why we are fighting for equal pay for equal work and to pass the Paycheck Fairness Act. We are fighting for a better minimum wage because we know that a full-time job shouldn't mean full-time poverty. We are fighting for education that helps our kids every step of the way. We want to give working families peace of mind and give children quality care for a brighter future. Passing my bipartisan child care and development block grant bill will bring affordable, accessible childcare to working families.

Women need a social safety net they can count on, at every age and in every stage. That is why we are fighting so hard for seniors by saving Medicare from becoming a coupon and a promise. We are ensuring Social Security remains guaranteed, lifetime and inflation proof. We are also fighting for health care that is affordable and accessible, by passing the Affordable Care Act to end gender discrimination in health care. I was so proud when we passed my Mikulski preventive health amendment, so simply being a woman is no longer a preexisting condition. We are taking a stand against the Supreme Court decision that denies women contraception and family planning, while valuing employer rights over employee rights. And we are fighting to ensure the safety and education of women and girls around the world—whether they are in Nigeria, Central America, or Afghanistan.

When Gerry took the stage at the 1984 Democratic Convention, she forever altered the course of history. For the rest of her life, she remained dedicated to empowering thousands of women in the United States and around the world. Today, we honor her lasting legacy and her impact on generations of women with a dream—and a desire to make a difference.

## STENNIS CENTER PROGRAM FOR CONGRESSIONAL INTERNS

Mr. COCHRAN. Madam President, 2014 is the 12th year in which summer interns working in congressional offices have benefited from a program run by the John C. Stennis Center for Public Service Leadership. This 6-week program is designed to enhance their internship experience by providing an inside look at how Congress works and a deeper appreciation for the role that Congress plays in our democracy. Each week, the interns meet with senior congressional staff and other experts to discuss issues such as the legislative process, power of the purse, separation of powers, the media and lobbying, foreign affairs, and more.

Interns are selected for this program based on their college record, community service experience, and interest in a career in public service. This year, 27 outstanding interns have taken part in the program. Most of the participants are juniors and seniors in college who are working in Republican and Democratic offices in the House or Senate, including two interns in my office, MaryBeth Cox and James Moody.

I congratulate the interns for their participation in this valuable program and I thank the Stennis Center and the Senior Stennis Fellows for providing such a meaningful experience for these interns and for encouraging them to consider a future career in public service.

I ask unanimous consent that a list of 2014 Stennis Congressional Interns and the offices in which they work be printed in the RECORD.

Brennen Bergdahl, attending the University of North Dakota, interning in the office of Representative Kevin Cramer;

Samantha Bisogno, attending the University of Minnesota Duluth, interning in the office of Representative Rick Nolan;

Ariel Lee Bothen, attending the University of Maine, interning in the office of Senator Angus King;

Tyler Brown, attending The College of Saint Benedict and Saint John's University, interning in the office of Representative Erik Paulsen;

Paul Bruins, attending the University of Illinois, interning in the office of Representative Rodney Davis;

Molly Cain, attending Stanford University, interning in the office of Senator Chris Coons;

Simon Cardenas, attending the University of the Incarnate Word, interning in the office of Representative Rubén Hinojosa;

Sarah Carnes, attending the University of Georgia, interning in the office of Representative Sanford Bishop;

MaryBeth Cox, attending Mississippi State University, interning in the office of Senator Thad Cochran;

Will Giles, attending Duke University, interning in the office of Representative Ralph Hall;

Sophia Herzlinger, attending Tufts University, interning in the office of Representative Alan Lowenthal;

Ben Hutterer, attending The College of Saint Benedict and Saint John's University, interning in the office of Senator Al Franken;

Natasha Jensen, attending Northern Illinois University, interning in the office of Representative Robin Kelly;

Kaitlyn Kline, attending South Dakota State University, interning in the office of Representative Kevin Cramer;

Namrata Kolla, attending the Georgia Institute of Technology, interning in the office of Representative Sanford Bishop;

Adam Lewis, attending Willamette University, interning in the office of Representative Peter DeFazio;

Emily Madden, attending the University of Dallas, interning in the office of Senator Mike Enzi;

James Moody, attending Louisiana State University, interning in the office of Senator Thad Cochran;

Mackenzie Muirhead, attending the University of Wyoming, interning in the office of Senator Mike Enzi;

Harnek Neelam, attending the University of Michigan, interning in the office of Representative John Conyers, Jr.;

Meghan Oakes, attending Virginia Tech University, interning on the House Committee on Ways and Means;

Caleb Orr, attending Abilene Christian University, interning in the office of Representative Ralph Hall;

Meg Richardson, attending Smith College, interning in the office of Senator Angus King;

Sapna Sharma, attending Carnegie Mellon University, interning in the office of Senator Debbie Stabenow;

Rachel Shields, attending Wake Forest University School of Law, interning in the office of the Speaker of the House;

Julia Winfield, attending the University of Michigan, interning in the office of Senator Debbie Stabenow; and

Shannel Wise, attending Howard University, interning in the office of Representative John Conyers, Jr.

## HONORING OUR ARMED FORCES

### SPECIALIST DENNIS J. PRATT

Mr. INHOFE. Madam President, I wish to pay tribute to a true American hero, Army SPC Dennis J. Pratt, who died on July 20, 2009, serving our Nation in Maydan Shahr, Afghanistan. Specialist Pratt, SPC Anthony M. Lightfoot, SPC Andrew J. Roughton, and SGT Gregory Owens, Jr., died of wounds sustained when an improvised explosive device detonated near their vehicle followed by an attack from enemy forces using small arms and rocket-propelled grenades.

Dennis was born January 7, 1975, in Waterbury, CT. After graduating high school in Southington, CT, he moved to Arizona, Oklahoma, and then Texas, where he joined the military. He married Michelle Bryant on May 9, 2008 in Lawton, OK.

After completing basic training at Fort Sill, OK, Dennis was assigned to 4th Battalion, 25th Field Artillery (Strike), 3rd Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, NY. A third-generation soldier and a 34-year-old father of three, Dennis was called ''the old man'' among comrades in his unit.

On January 6, 2009, he was deployed to Afghanistan as a field artillery automated tactical data systems specialist and reenlisted while there. ''Dennis wasn't supposed to be at that place at that time, but he always told us that the Army and serving his country was where he wanted to be. He had found his niche in life in the military,'' said his mother.

Funeral services were held July 31, 2009, at the Fort Sill chapel, and he was laid to rest in Fort Sill National Cemetery, Elgin, OK.

Dennis is survived by his wife Michelle, three children, Collin Kessler, Gabrielle Pratt, and Caden Bryant, parents, Jim and Sinammon Pratt, mother and father-in-law, Fred and Margaret Bryant, two brothers, Jim Pratt and wife Staci and their children Miranda, D.J. and Morgan and Kyle Hansan and wife Nicole and their daughter CaLista, one stepsister, Leanna Pratt, and a host of other relatives and friends.

Today we remember Army SPC Dennis J. Pratt, a young man who loved his family and country and gave his life as a sacrifice for freedom.

### PETTY OFFICER 2ND CLASS TONY M. RANDOLPH

Madam President, I would also like to remember the life and sacrifices of PO2 Tony M. Randolph, who died on July 6, 2009, of injuries sustained when insurgents utilized improvised explosive devices to attack his convoy in Zabul province, Afghanistan.

Tony was born on September 27, 1986, in Santa Rosa, CA. Growing up in Oklahoma, he was a 2005 graduate of Henryetta High School in Henryetta, OK, where he was a star athlete earning all-district honors in football.

''Tony was a leader. I truly believe he was a natural born leader,'' said Henryetta football coach Kenny Speer. He was known for his toughness. In high school one day, Coach Speer made him run lap after lap. All Tony had to do was say ''yes sir'' for the punishment to end. ''I said, Tony, you say the two magic words to make you stop running. So he looks at me and goes, 'Si Senor,'" said Coach Kenny Speer.

Tony joined the Navy on September 28, 2005, and graduated from boot camp at Recruit Training Command, Great Lakes, IL, in December 2005. Other military assignments include Joint Forces Staff College in Norfolk, VA; Naval Dive and Salvage Training Center in Panama City, FL; Naval Explosive Ordnance Device School at Eglin Air Force Base, FL; and Explosive Ordnance Device Training and Evaluation Unit 1 in San Diego, CA.

He reported to Explosive Ordnance Disposal Mobile Unit Eight, Sigonella, Sicily, in March 2008 and deployed to Afghanistan in March 2009.

''Petty Officer Randolph brought an incredible sense of youthful spirit, professionalism and dedication to this unit,'' said CDR Todd Siddall, commanding officer of EODMU 8. ''He will forever be remembered by his fellow Sailors as an example of true service to country and selfless sacrifice.''

Funeral services were held July 15, 2009, at First Baptist Church in Henryetta, OK, and he was laid to rest in Hillcrest Cemetery, Weleetka, OK.

''He loved his friends. He loved his family. He loved his country. That was Tony,'' said his mother, Peggy Randolph.

Tony is survived by his parents, Fred and Peggy Sue Randolph, his brothers, Shawn and Richard, and his sisters, Susan and Kelly.

I extend our deepest gratitude and condolences to Tony's family and friends. He lived a life of love for his family and country. He will be remembered for his commitment to and belief in the greatness of our Nation. I am honored to pay tribute to this true American hero who volunteered to go into the fight and made the ultimate sacrifice for our protection and freedom.

### LANCE CORPORAL JONATHAN F. STROUD

Madam President, I also wish to remember Marine LCpl Jonathan F. Stroud, who died on July 31, 2009, of injuries sustained when his unit was attacked by insurgents with small arms fire while on foot patrol in Garmsir District, Afghanistan.

Jonathan was born on October 10, 1988, in North Richland Hills, TX. He attended Cashion High School in Cashion, OK, where teachers remember him as exceptionally intelligent. Fellow students remember him as the class clown—goofy, gangly, dorky, the most honest, and one of the nicest guys you could ever meet.

After graduating from high school in 2007 he joined the Marines on April 14, 2008. He was assigned to 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC, as a combat engineer.

Funeral services were held on August 8, 2009, and he was laid to rest in Cashion Cemetery, Cashion, OK.

While many tears were shed, there was a brief moment of laughter when Jonathan's final request was played, ''Another One Bites the Dust'' by Queen. The song is to let everybody know that he's still with us and he's still trying to make us happy even after he's gone,'' a friend of his said.

Jonathan is survived by his wife Lacie E. Stroud of Jacksonville, NC, mother Mavis Stroud and Thomas ''Smokey'' Longan of Cashion, OK, sister Marissa L. Stroud of Oklahoma City, OK, father Bill R. Stroud of Bedford, TX, grandparents Virginia Crawford Light and Jim Light of Weatherford, TX, grandparents Bo and Helen Stroud of Hobbs, NM, and numerous aunts, uncles, cousins, and friends.

I extend our deepest gratitude and condolences to Jonathan's family and friends. He lived a life of love for his family and country. He will be remembered for his commitment to and belief in the greatness of our Nation. I am honored to pay tribute to this true American hero who volunteered to go into the fight and made the ultimate sacrifice for our protection and freedom.

## LEGAL SERVICE CORPORATION'S 40TH ANNIVERSARY

Mr. HARKIN. Madam President, Friday, July 25, marks the 40th anniversary of the Legal Services Corporation, LSC. In 1974, Congress—with bipartisan support, including that of President Nixon—established LSC to be a major source of funding for civil legal aid in this country. LSC is a private, nonprofit corporation, funded by Congress, with the mission to ensure equal access to justice under law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes nearly 94 percent of its annual Federal appropriations to 134 local legal aid programs, with nearly 800 offices serving every congressional district and U.S. territories.

LSC-funded legal aid programs make a crucial difference to millions of Americans by assisting with the most basic civil legal needs, such as addressing matters involving safety, subsistence, and family stability. These low-income Americans are women seeking protection from abuse, mothers trying to obtain child support, families facing unlawful evictions or foreclosures that could leave them homeless, veterans seeking benefits duly earned, seniors defending against consumer scams, and individuals who have lost their jobs and need help in applying for unemployment compensation and other benefits.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities.

I know firsthand the important work of the Legal Services Corporation. Before I was elected to Congress, I worked as a legal aid attorney in Polk County, IA. I experienced the challenges—and also the rewards—of representing people who otherwise would not have the legal assistance they deserve. And I developed a deep appreciation for the role that legal aid attorneys play within our system of justice.

Investing in civil legal aid helps ensure that we have equal justice under the law. That is a fundamental American value, and it is reflected both in the first line of our Constitution and in the closing words of our Pledge of Allegiance. As former Justice Lewis Powell said: ''Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society . . . it is fundamental that justice should be the same, in substance and availability, without regard to economic status.''

Given the vital role played by LSC-funded attorneys, it is disturbing to note that more than 50 percent of eligible clients who seek assistance continue to be turned away because of lack of LSC program resources. With the growing number of Americans eligible for services and increased demand for legal services, the need for legal aid attorneys has never been greater. On this anniversary, I salute the Legal Services Corporation and LSC-funded attorneys for the vital work they do every day on behalf of Americans who need qualified counsel. Every day that a legal aid attorney protects the safety, security and health of our most vulnerable citizens, they bring this Nation closer to living up to its commitment to equal justice for all.

Mrs. MURRAY. Madam President, I wish to recognize the 40th anniversary of the Legal Services Corporation, LSC, which falls on Friday, July 25.

Established with bipartisan support in 1974, LSC is a private, nonprofit corporation funded by Congress that aims to provide access to civil legal assistance to Americans who would otherwise be unable to afford it. LSC is a major source of funding for civil legal aid in this country and distributes over 90 percent of its annual Federal appropriation to over 130 local legal aid programs and close to 800 offices across every congressional district and territory.

Millions of Americans rely upon LSC-funded programs each year for help with their most basic civil legal needs. Every day, LSC-funded programs help low-income individuals and families fight illegal evictions, safeguard their financial health, and secure their veterans benefits. In my home State of Washington, LSC-backed programs have been helping survivors of the Oso mudslide get back up on their feet and rebuild their lives.

LSC-funded services are especially important for women across the country. Over 70 percent of legal aid clients are women and one-third of LSC-eligible cases involve family law issues such as domestic abuse, child support, and child custody.

Today, the need for LSC-supported programs and attorneys has never been greater. According to the Census Bureau, nearly one in five Americans qualifies for LSC-funded services. Yet recent studies show that due to financial constraints legal aid offices are forced to turn away more than half of the eligible individuals coming to them for help. As we mark this anniversary, I applaud the efforts of LSC, the programs and services funded by the corporation, and ask that we commit ourselves to ensuring that Americans of all backgrounds have access to adequate legal services. LSC is essential to protecting the lives and liberty of the most vulnerable Americans. We are a better nation for its 40 years of service and advocacy on their behalf.

Ms. LANDRIEU. Madam President, July 25, 2014, marks the 40th anniversary of the Legal Services Corporation (LSC). With bipartisan support, including that of President Nixon, LSC was established in 1974 as a private, nonprofit corporation, funded by Congress, with the mission to ensure equal access to justice under law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes nearly 94 percent of its annual Federal appropriations to 134 local legal aid programs and has nearly 800 offices that serve each of the 435 congressional districts and the U.S. territories.

LSC-funded legal aid programs make a crucial difference to millions of Americans by assisting with the most basic civil legal needs, such as helping women get protection from abuse, mothers to obtain child support, families from unlawful evictions or foreclosures that could leave them homeless, veterans seeking benefits duly earned, defending seniors against consumer scams, and individuals who have lost their jobs and need help in applying for unemployment compensation and other benefits. In my home State, more than 25 percent of the population is eligible for LSC-funded legal services. The three programs funded by LSC served nearly 40,000 Louisianians and closed nearly 16,000 cases last year.

On this 40th anniversary, I congratulate and commend the Legal Services Corporation for the vital work they do every day on behalf of Americans who need qualified counsel. With the growing number of Americans eligible for services and increased demand for legal services, the need for legal aid attorneys has never been greater. Every day that a legal aid attorney protects the safety, security, and health of our most vulnerable citizens, they bring this Nation closer to living up to its commitment to equal justice for all.

Mr. KING. Madam President, Friday, July 25, marks the 40th anniversary of the Legal Services Corporation (LSC). In 1974, Congress—with bipartisan support, including that of President Nixon—established LSC to be a major source of funding for civil legal aid in this country. LSC is a private, nonprofit corporation, funded by Congress, with the mission to ensure equal access to justice under law for all Americans by providing civil legal assistance to those who otherwise would be unable to afford it. LSC distributes nearly 94 percent of its annual Federal appropriations to 134 local legal aid programs, with nearly 800 offices serving every congressional district and U.S. territories.

LSC-funded legal aid programs make a crucial difference to millions of Americans by assisting with the most basic civil legal needs, such as addressing matters involving safety, subsistence, and family stability. These low-income Americans are women seeking protection from abuse, mothers trying to obtain child support, families facing unlawful evictions or foreclosures that could leave them homeless, veterans seeking benefits duly earned, seniors defending against consumer scams, and individuals who have lost their jobs and need help in applying for unemployment compensation and other benefits.

It is LSC-funded attorneys who help parents obtain and keep custody of their children, assist parents in enforcing child support payments and help women who are victims of domestic violence. In fact, three out of four legal aid clients are women, and legal aid programs identify domestic violence as one of their top priorities. LSC-funded attorneys provide critical legal services that would otherwise be unavailable.

In fact, I began my career as one of these attorneys. Beginning in 1969, I worked in Skowhegan, ME for a legal services provider called Pine Tree Legal Assistance. Although my time predated LSC, today Pine Tree is funded by LSC and continues to provide high-quality legal services to those in most need. I learned firsthand during this period that the work of LSC attorneys is a critical element of making real the promise of our country to our disadvantaged and disenfranchised citizens.

Given the vital role played by LSC-funded attorneys, we need to do better than turn away more than 50 percent of eligible clients who seek assistance because of lack of LSC program resources. With the growing number of Americans eligible for services and increased demand for legal services, the need for legal aid attorneys has never been greater. On this anniversary, I salute the Legal Services Corporation

and LSC-funded attorneys for the vital work they do every day on behalf of Americans who need qualified counsel. Every day that a legal aid attorney protects the safety, security, and health of our most vulnerable citizens, they bring this Nation closer to living up to its commitment—chiseled in stone above the entrance to the Supreme Court building here in Washington, DC—''Equal Justice Under Law.''

## WORLD WAR II VETERANS VISIT

Mr. UDALL of Colorado. Madam President, I wish to pay tribute to the outstanding military service of a group of incredible Coloradans. At critical times in our Nation's history, these veterans each played a role in defending the world from tyranny, truly earning their reputation as guardians of peace and democracy through their service and sacrifice. Now, thanks to Honor Flight, these combat veterans came to Washington, DC to visit the national memorials built to honor those who served and those who fell. They've also come to share their experiences with later generations and to pay tribute to those who gave their lives. I am proud to welcome them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to thank the volunteers from Honor Flight of Northern Colorado who made this trip possible. These volunteers are great Coloradans in their own right, and their mission to bring our veterans to Washington, DC is truly commendable.

I wish to publicly recognize the veterans who visited our Nation's capital, many seeing for the first time the memorials built as a tribute to their selfless service. Today, I honor these Colorado veterans on their visit to Washington, DC, and I join them in paying tribute to those who made the ultimate sacrifice in defense of liberty.

Veterans from World War II include: Norlin Akers, Joseph Arthur, Donald Carlstrom, William Culp, Robert Davidson, Victor Ebel, Reginold Edwards, Arthur Engler, John Eschbaugh, Daniel Flanagan, Anthony Gance, Robert Gittinger, Paul Glasgow, Gene Hansen, Dean Hecker, Henry Jesse, Benjamin Jones, Robert King, Virgil Kiser, Fred Knipschild, James McIver, Richard Minges, Jack Moss, Ronald Reidy, Robert Ryan, Herbert Shelton, J Spaulding, William Spearman, Charles Sutter, Howard Swartz, Arpad Szallar, Eugene Turnbull, William Worth, and George Zuniga.

Veterans from the Korean war include: Dean Amdahl, Alfred Apodaca, Jennings Barr, Earl Bartlow, Elmer Bartlow, James Beach, John Bergquist, Eugene Burmester, Larry Carpenter, Glenn Chapman, William Chrismer, Harl Clark, Leonard Cooper, Sr., LaVerne Dietz, Alfred Duchene, Emanuel Eckas, Thelma Eckas, Donald Eckert, Jessie Ellis, Edwin Ellstrom, Samuel Evans, Jr., Herman Friesenhahn, Henry Geisert, Paul Gill, Lloyd Gould, George Hare, Eugene Hemmerle, William Hock, Milton Hunholz, Willis Janssen, William King, Dean Kingcade, Wallace Kirchhoff, Lawrence Kopecky, Richard Kounovsky, John Kreman, Kenneth Lamp, Robert Larsen, Dennis Larson, Lawrence Lawler, James Lee, William Leppert, Murdo MacLennan, Philip Mahoney, Charles Markesbery, Gene Mitchell, Robert Nagel, Dale Nelson, George Niedermayr, Willard Nordick, Richard Ochsner, Gerald Pearson, Donald Piermattei, Reid Pope, Paul Shapard, Howard Smallwood, Richard Spaulding, Donald Sterling, Harold Sulzbach, Robert Swanstrom, Betty Taylor, John Waddell, Donald Webb, Louie Wells, Russel White, Norman Wikler, Egbert Womack, Jr., George Woodman, and James Yenter.

Veterans from the Vietnam war include: Jon Ackerman, Isidro Arroyo, Ronald Britton, Steven Drake, Vearlon Forbes, James Freeland, Jimmie Garcia, Kenneth Hedger, Kenneth Hollingshead, Kenneth Jacobsen, Mark Kauffman, Terry Keating, Robert Klausner, William Miller, William Ortega, Marvin Pruitt, Robert Taylor, and Gene Thim.

Our Nation asked a great deal of these individuals—to leave their families to fight in unknown lands and put their lives on the line. Each one of these Coloradans bravely answered the call. They served our country with courage, and in return, let us ensure they are shown the honor and appreciation they deserve. Please join me in thanking these Colorado veterans and the volunteers of Honor Flight of Northern Colorado for their tremendous service.

# ADDITIONAL STATEMENTS

## TRIBUTE TO THOMAS J. MINKLER

• Ms. AYOTTE. Madam President, I wish to recognize Thomas J. Minkler of Keene, NH, as he nears the end of his term as the 109th chairman of the Independent Insurance Agents & Brokers of America, also known as the Big ''I.'' Tom was installed as chairman of the Big ''I'' in September 2013, and he has been a strong and thoughtful leader for independent insurance agents across the country.

Tom is president of the Clark-Mortenson Agency, which is headquartered in Keene. Previously, he served as chairman of the Independent Insurance Agents and Brokers of New Hampshire, as New Hampshire director on the Big ''I'' national board, and as president of the Massachusetts Association of Insurance Agents.

As I recognize Tom, I would also like to acknowledge his wife Heather Minkler. She serves as chief executive officer of the Clark-Mortenson Agency in Keene. Together, Tom and Heather are a truly dynamic team. They always find time to give back to the community, serving as members of numerous charitable organizations and civic boards when they aren't managing their agency, which has 52 employees in five office locations in New Hampshire and Vermont.

I am pleased to join Tom's colleagues from across New Hampshire and the Nation in congratulating him as he finishes his term as chairman.•

## CONGRATULATING REBECCA ESPINOZA

• Mr. HELLER. Madam President, I wish to congratulate one of Nevada's brightest students—Rebecca Espinoza—for being chosen to participate in the United Health Foundation's Diverse Scholars Forum in Washington, DC.

The United Health Foundation named scholars from 28 States throughout the Nation this year, and I am proud that Rebecca Espinoza, who attends the University of Nevada, Las Vegas, is among them. The Diverse Scholars Initiative serves to improve our Nation's health care system by increasing the number of health care professionals from multicultural backgrounds. Rebecca's academic achievements thus far and her continued commitment to serving her community have made her a qualified candidate for the forum.

In an effort to continue her dedication and service to her community, Rebecca is currently majoring in social work at UNLV and hopes to one day become a clinical social worker operating a non-profit to help disadvantaged youth in the community. I commend Rebecca for her mission and recognize that professional social workers provide valuable mental health therapy, caregiver and family counseling, health education, program coordination, and case management services. They also seek to ensure full participation of all members of society by working with millions of individuals, their families, and communities to combat a range of social problems so that we may improve our Nation's health and potential. Rebecca has been presented with the opportunity to pursue her career as a health care professional, and I am confident that great things will come from her in all of her future endeavors.

On behalf of the residents of the Silver State, I am proud to recognize Rebecca for her accomplishments and contributions to our State. She undoubtedly represents Nevada's best and brightest. Today, I ask my colleagues to join me in congratulating this exceptional young Nevadan.•

## TRIBUTE TO DENNIS JAEGER

• Mr. JOHNSON of South Dakota. Madam President, today I wish to recognize and honor the public service of Mr. Dennis Jaeger as the deputy forest supervisor for the Black Hills National Forest. He has been asked to serve as the new forest supervisor with the Medicine Bow-Routt National Forest

and will shortly be assuming those duties. I want to recognize him for the exceptional service and leadership he has provided in working for the Black Hills of my Home State of South Dakota.

A graduate of St. Mary's High School, Bismarck, ND, Jaeger earned a bachelor of science degree in civil engineering from the United States Military Academy at West Point, NY, in 1982. He served 7 years Active Duty in the U.S. Army and retired from the South Dakota Army National Guard in 2010 as a lieutenant colonel.

Jaeger started his Forest Service career as a civil engineer on the Rio Grande National Forest in Monte Vista, CO, followed by working as district engineer on the Medicine Bow-Routt National Forests and Thunder Basin National Grasslands on the Douglas Ranger District in Wyoming. In 1996 he became the works program officer for the Angell Job Corps in Yachats, OR, and in 1998 was selected as the center director of the Boxelder Job Corps Center in Nemo, SD. In 2007 Mr. Jaeger assumed the duties as the deputy forest supervisor for the Black Hills National Forest of South Dakota and Wyoming.

Jaeger is an avid skier, hiker, and enjoys mountain biking. He and his wife Carole have three wonderful children.

There have been a number of key accomplishments on the Black Hills National Forest that Jaeger has helped facilitate, including guiding the successful merger of the Tribal Youth Natural Resources Crew with the Boxelder Job Corps Center Crew to become the Youth Natural Resources, YNR, Crew. The YNR Crew is much better organized, provides unique work training and education, remains very diverse and productive, and improves the land. The YNR Crew received a Regional Forester's Honor Award in 2013. Dennis, as a key member of the Forest Leadership Team, helps guide one of the largest forest restoration programs in the United States. The Black Hills Forest received the Regional Forester's Honor Award for its timber program in 2013 and the Chief's Honor Award in 2013 for its Mountain Pine Beetle Response Project.

Dennis has served as the Agency Administrator on two very large and complex fires in 2012, White Draw and Myrtle. Dennis interacted professionally with several Federal, State, and county cooperators and the National Guard and private citizens under very difficult circumstances.

Dennis is known for his positive, ''can do'' attitude, his outstanding customer service, and his passion for the Forest Service mission and the well-being of employees and the public he serves. He is highly visible and respected by the Federal delegation, tribes, the National Forest Advisory Board, State officials and many stakeholders.

I am proud to recognize and honor Dennis' service to the U.S. Forest Service and am delighted to join with his family and friends in congratulating him on this promotion to forest supervisor.●

## REMEMBERING LANCE HOWARD TURNER

● Mr. LEE. Mr. President, I would like to take this opportunity to pay tribute to a great Utahn and patriot, Lance Howard Turner. Lance passed from this life on Monday last, and his family and friends will dearly miss him.

There is a beautiful painting hanging on the wall of the Rex E. Lee conference room in my office. It is a painting of a majestic landscape in the Southwestern portion of United States painted by Lance Turner. This painting shows the beauty of the land that he loved so dearly and demonstrates the mastery developed over a lifetime of hard work.

During his career, Lance was able to take part in and lead many successful programs. One such program, well known to all, involves a talking bear that helps campers keep our forests safe. In 2009, KSL, a Utah news station, ran a story on Lance, who was the art director at Foote, Cone & Belding in the 1950s. Lance was tasked with marketing the newly created Smokey Bear, whose mission was to reduce manmade forest fires. The campaign was a success and remains the longest running PSA campaign in our country's history. Smokey Bear also remains a highly recognized American character and continues his original mission of encouraging fire safety.

More important than any success in his professional life, Lance was a good husband and father who, according to his children, was always willing to share the wisdom he had gained through a life of service. He was a faithful member of the Church of Jesus Christ of Latter-day Saints and made sure to always take care of those in need. He loved to hunt pheasants and had a deep love for this country.

I offer my heartfelt condolences to his children, Heidi, Josh, Chip, and Matt, and his 14 grandchildren and 22 grandchildren. I know his legacy will shine brightly through their examples of faith and patriotism. Happily, Lance leaves this life to reunite with his sweetheart Marilyn. The thought of such a joyous reunion reminds me of an old but dear hymn by Katharina von Schlegel. I close with touching words of the third verse: ''Be still, my soul: The hour is hast'ning on, When we shall be forever with the Lord, When disappointment, grief, and fear are gone, Sorrow forgot, love's purest joys restored.

Be still, my soul: When change and tears are past, All safe and blessed we shall meet at last.''●

## REMEMBERING MELVIN SANTIAGO

● Mr. BOOKER. Madam President, it is with a heavy heart that I pay tribute to a young New Jersey police officer who gave his life in the line of duty on Sunday, July 13.

Officer Melvin Santiago was born and raised in Jersey City, New Jersey's second largest city. As a child, he dreamed of following in the footsteps of his uncle, an officer in the city's police department. That dream came true last December, when he graduated from the police academy, and it ended tragically early Sunday morning, when he was ambushed and killed in the line of duty while responding to a call. He was only 23 years old.

Officer Santiago is described by his friends and family as having been full of life, with an easy smile and a gift for making others laugh. He is a source of pride for his parents, mother Cathy and stepfather Alex, and a role model for his younger brother and cousins. Officer Santiago was committed to being the best police officer he could be, and he quickly earned the respect of his fellow officers by volunteering to work in the West District—one of Jersey City's toughest neighborhoods—because he wanted to serve where he was most needed. According to his family, he savored every moment of the last 7 months, thrilled to be doing what he loved.

Officer Santiago's courage, spirit of service, and commitment to his community will be long remembered by those he protected and for whom he gave his life. As we recognize Officer Santiago's tremendous sacrifice, I ask that the Senate join with this courageous officer's family, friends, fellow Jersey City Police Department personnel, the Jersey City community, and the State of New Jersey in mourning the loss of this extraordinary young man.●

## REMEMBERING CHRISTOPHER GOODELL

● Mr. BOOKER. Madam President, it is with great sadness that I pay tribute to a New Jersey police officer who tragically lost his life in the line of duty last week.

Officer Christopher Goodell, a lifelong resident of the Borough of Waldwick, NJ, was killed when his patrol car was struck by a tractor-trailer early Thursday morning, July 17. He was 32 years old and will be greatly missed by all who knew him.

Officer Goodell is described by friends and colleagues as having been friendly to everyone he met, with a gift for comedy and a kind heart. He was also long-committed to serving others. He joined the Marine Corps in the wake of September 11, 2001, earning several medals and commendations for his service in Iraq, including the Air Medal and two Humanitarian Service Medals. Upon his return, Officer Goodell never stopped serving—first as a dispatcher for the Waldwick Police Department, and later as a police officer.

Officer Goodell embraced the responsibilities that came with being a police officer, and he cherished the opportunity to protect and serve the town

that helped raise him. He was a role model for children in the community, and he always took the time to speak with students at the local high school about staying on the right track. Officer Goodell was eager to help others, from working to make our streets safer to once assisting a man who had collapsed at his gym. Simply put, his dedication saved lives.

Officer Goodell is mourned by his father Mark, his mother Patricia, his fiancée Jillian, his sister Nicole, his niece and nephew, a large extended family, many friends and neighbors, fellow Waldwick Police Department personnel, the Borough of Waldwick, and the entire State of New Jersey. His spirit of service and his dedication to his community and to our Nation will be long remembered by those he protected and served. I ask my colleagues in the Senate to please join me in honoring this remarkable young police officer and marine, and in recognizing his tremendous service.●

## RECOGNIZING VETERANS SUPPORT NETWORK

● Mr. HELLER. Madam President, I wish to recognize a veterans education program within Las Vegas known as Veterans Support Network for its continued dedication to helping its fellow servicemembers gain training and certifications that will assist them in becoming self-sufficient. This unique program works to improve the lives of disabled, visually impaired, and homeless veterans by providing educational classes and trainings, funding for on-the-job training, as well as professional talking books and Braille books to assist those with disabilities.

The brave men and women who served the United States and fought to protect our freedom have often come home to a struggling economy. A number of veterans are unable to find a job or afford to buy or rent a home. As the demographics of our Armed Forces have changed throughout the years, so too have the needs of homeless veterans. As a member of the Senate Veterans' Affairs Committee, this is an issue I have been personally involved with and have introduced legislation to address. Organizations like the Veterans Support Network serve to help those in need in the Las Vegas community. This organization is a shining example of the kind of initiatives that will help to get our veterans off of the streets.

There is no way to adequately thank the men and women that lay down their lives for our freedoms, but the founders and volunteers at the Veterans Support Network are working to assist our Nation's veterans by giving them the opportunity to start a new career. The organization was founded by Ed Manley, a brave veteran who has selflessly been working toward the betterment of the homeless veteran community by teaching certification classes and working tirelessly to find funds to assist the homeless and wounded veterans within the community. This organization's continued dedication to serving veterans needing to learn new skills, build resume experience and earn wages through work assistance programs is commendable.

As a member of the Senate Veterans' Affairs Committee, I know the struggles that our veterans face after returning home from the battlefield. Congress has a responsibility not only to honor these brave individuals, but to ensure they receive the quality care they have earned and deserve. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation. I am very pleased that veterans service organizations like the Veterans Support Network are committed to ensuring that the needs of our veterans are being met.

Today, I ask my colleagues and all Nevadans to join me in recognizing the Veterans Support Network, an organization whose mission is both noble and charitable. I am both humbled and honored to recognize the Veteran's Support Network's mission of providing veterans with the skills that will allow them the opportunity to change their circumstances. This organization's commitment to helping struggling veterans get back on their feet is admirable, and I wish them the best of luck in all of their future endeavors.●

## TEXT OF AN AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES OF JULY 3, 1958, AS AMENDED—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, pursuant to section 123 d. of the Atomic Energy Act of 1954, as amended, the text of an amendment (the ''Amendment'') to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended (the ''1958 Agreement''). I am also pleased to transmit my written approval, authorization, and determination concerning the Amendment. The joint unclassified letter submitted to me by the Secretaries of Defense and Energy providing a summary position on the unclassified portions of the Amendment is also enclosed. The joint classified letter and classified portions of the Amendment are being transmitted separately via appropriate channels.

The Amendment extends for 10 years (until December 31, 2024), provisions of the 1958 Agreement that permit the transfer between the United States and the United Kingdom of classified information concerning atomic weapons; nuclear technology and controlled nuclear information; material and equipment for the development of defense plans; training of personnel; evaluation of potential enemy capability; development of delivery systems; and the research, development, and design of military reactors. Additional revisions to portions of the Amendment and Annexes have been made to ensure consistency with current United States and United Kingdom policies and practice regarding nuclear threat reduction, naval nuclear propulsion, and personnel security.

In my judgment, the Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces into the foreseeable future. Based on our previous close cooperation, and the fact that the United Kingdom continues to commit its nuclear forces to the North Atlantic Treaty Organization, I have concluded it is in the United States national interest to continue to assist the United Kingdom in maintaining a credible nuclear deterrent.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

BARACK OBAMA.
THE WHITE HOUSE, *July 24, 2014*.

## MESSAGE FROM THE HOUSE

At 1:16 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. 2283. An act to prioritize the fight against human trafficking within the Department of State according to congressional intent in the Trafficking Victims Protection Act of 2000 without increasing the size of the Federal Government, and for other purposes.

H.R. 3136. An act to establish a demonstration program for competency-based education.

H.R. 4449. An act to amend the Trafficking Victims Protection Act of 2000 to expand the training for Federal Government personnel related to trafficking in persons, and for other purposes.

H.R. 4980. An act to prevent and address sex trafficking of children in foster care, to extend and improve adoption incentives, and to improve international child support recovery.

H.R. 4983. An act to simplify and streamline the information regarding institutions of higher education made publicly available by the Secretary of Education, and for other purposes.

H.R. 5076. An act to amend the Runaway and Homeless Youth Act to increase knowledge concerning, and improve services for, runaway and homeless youth who are victims of trafficking.

H.R. 5116. An act to direct the Secretary of Homeland Security to train Department of Homeland Security personnel how to effectively deter, detect, disrupt, and prevent human trafficking during the course of their primary roles and responsibilities, and for other purposes.

H.R. 5134. An act to extend the National Advisory Committee on Institutional Quality and Integrity and the Advisory Committee on Student Financial Assistance for one year.

H.R. 5135. An act to direct the Interagency Task Force to Monitor and Combat Trafficking to identify strategies to prevent children from becoming victims of trafficking and review trafficking prevention efforts, to protect and assist in the recovery of victims of trafficking, and for other purposes.

## MEASURES REFERRED

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

H.R. 2283. An act to prioritize the fight against human trafficking within the Department of State according to congressional intent in the Trafficking Victims Protection Act of 2000 without increasing the size of the Federal Government, and for other purposes; to the Committee on Foreign Relations.

H.R. 3136. An act to establish a demonstration program for competency-based education; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4449. An act to amend the Trafficking Victims Protection Act of 2000 to expand the training for Federal Government personnel related to trafficking in persons, and for other purposes; to the Committee on Foreign Relations.

H.R. 4983. An act to simplify and streamline the information regarding institutions of higher education made publicly available by the Secretary of Education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5076. An act to amend the Runaway and Homeless Youth Act to increase knowledge concerning, and improve services for, runaway and homeless youth who are victims of trafficking; to the Committee on the Judiciary.

H.R. 5116. An act to direct the Secretary of Homeland Security to train Department of Homeland Security personnel how to effectively deter, detect, disrupt, and prevent human trafficking during the course of their primary roles and responsibilities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5134. An act to extend the National Advisory Committee on Institutional Quality and Integrity and the Advisory Committee on Student Financial Assistance for one year; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5135. An act to direct the Interagency Task Force to Monitor and Combat Trafficking to identify strategies to prevent children from becoming victims of trafficking and review trafficking prevention efforts, to protect and assist in the recovery of victims of trafficking, and for other purposes; to the Committee on the Judiciary.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2648. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2666. A bill to prohibit future consideration of deferred action for childhood arrivals or work authorization for aliens who are not in lawful status, to facilitate the expedited processing of minors entering the United States across the southern border, and to require the Secretary of Defense to reimburse States for National Guard deployments in response to large-scale border crossings of unaccompanied alien children from noncontiguous countries.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6600. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the Financial Stability Oversight Council 2014 annual report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–6601. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2014–0084—2014–0089); to the Committee on Foreign Relations.

EC–6602. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Dental and Vision Insurance Program; Qualifying Life Event Amendments'' (RIN3206–AM57) received in the Office of the President of the Senate on July 23, 2014; to the Committee on Homeland Security and Governmental Affairs.

EC–6603. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay and Defer Sanctions, Clark County Department of Air Quality'' (FRL No. 9914–17–Region 9) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Environment and Public Works.

EC–6604. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Redesignation of the Bellefontaine Area to Attainment of the 2008 Lead Standard'' (FRL No. 9914–22–Region 5) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Environment and Public Works.

EC–6605. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles, Vehicle Inspection and Maintenance and Locally Enforced Motor Vehicle Idling Limitations'' (FRL No. 9914–31–Region 6) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Environment and Public Works.

EC–6606. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Solvent Degreasing Operations Rule'' (FRL No. 9914–24–Region 5) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Environment and Public Works.

EC–6607. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Amendments to Vehicle Inspection and Maintenance Program for Illinois'' (FRL No. 9913–15–Region 5) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Environment and Public Works.

EC–6608. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation and Apportionment of Interest Expense'' ((RIN1545–BJ59) (TD 9676)) received in the Office of the President of the Senate on July 23, 2014; to the Committee on Finance.

EC–6609. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Foreign Tax Credit Guidance Under Section 901(m)'' (Notice 2014–44) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Finance.

EC–6610. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosures of Return Information Reflected on Returns to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities'' ((RIN1545–BL60) (TD 9677)) received during adjournment of the Senate in the Office of the President of the Senate on July 18, 2014; to the Committee on Finance.

EC–6611. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Research Expenditures'' ((RIN1545–BE64) (TD 9680)) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Finance.

EC–6612. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mixed Straddles; Straddle-by-Straddle Identification Under Section 1092'' ((RIN1545–BK99) (TD 9678)) received in the Office of the President of the Senate on July 23, 2014; to the Committee on Finance.

EC–6613. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Obtaining Evidence Beyond the Current 'Special Arrangement Sources' '' (RIN0960–AH44) received in the Office of the President of the Senate on June 10, 2014; to the Committee on Finance.

EC–6614. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Technical Corrections to Regulations'' (RIN0960–AH55) received in the Office of the President of the Senate on June 9, 2014; to the Committee on Finance.

EC–6615. A communication from the Acting Assistant Deputy for Regulatory Services,

Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities, Requirements, and Definitions—Charter Schools Program (CSP) Grants for National Leadership Activities'' (CFDA No. 84.282N) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–6616. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Department of Education Acquisition Regulation'' (RIN1890–AA18) received in the Office of the President of the Senate on July 22, 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–6617. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Annual Report for 2013 on Disability-Related Air Travel Complaints''; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with amendments and an amendment to the title:

S. 2508. A bill to establish a comprehensive United States Government policy to assist countries in sub-Saharan Africa to improve access to and the affordability, reliability, and sustainability of power, and for other purposes (Rept. No. 113–219).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1353. A bill to provide for an ongoing, voluntary public-private partnership to improve cybersecurity, and to strengthen cybersecurity research and development, workforce development and education, and public awareness and preparedness, and for other purposes.

## 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. COBURN (for himself and Mr. CARPER):

S. 2651. A bill to repeal certain mandates of the Department of Homeland Security Office of Inspector General; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FISCHER:

S. 2652. A bill to improve the design-build process in Federal contracting; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. PORTMAN, and Mr. BEGICH):

S. 2653. A bill to amend the definition of ''homeless person'' under the McKinney-Vento Homeless Assistance Act to include certain homeless children and youth, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 2654. A bill to require the Secretary of Veterans Affairs to conduct outreach to veterans regarding the effect of certain delayed payments by the Secretary, to require the Secretary to submit to Congress an annual report regarding such delayed payments, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself and Mr. VITTER):

S. 2655. A bill to reauthorize the Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY:

S. 2656. A bill to provide for the regulation of persistent, bioaccumulative, and toxic chemical substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PAUL:

S. 2657. A bill to reclassify certain low-level felonies as misdemeanors, to eliminate the increased penalties for cocaine offenses where the cocaine involved is cocaine base, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 2658. A bill to prioritize funding for the National Institutes of Health to discover treatments and cures, to maintain global leadership in medical innovation, and to restore the purchasing power the NIH had after the historic doubling campaign that ended in fiscal year 2003; to the Committee on the Budget.

By Mr. MURPHY:

S. 2659. A bill to amend title 49, United States Code, to require the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish a process for providing expedited and dignified passenger screening services for veterans traveling to visit war memorials built and dedicated to honor their services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. CANTWELL (for herself, Mr. CRAPO, Mrs. MURRAY, and Mr. RISCH):

S. 2660. A bill to amend the Internal Revenue Code of 1986 to clarify the special rules for accident and health plans of certain governmental entities, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2661. A bill to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 2662. A bill to promote and expand the application of telehealth under Medicare and other Federal health care programs, and for other purposes; to the Committee on Finance.

By Mr. ISAKSON (for himself, Mr. BLUNT, and Mr. BEGICH):

S. 2663. A bill to provide high-skilled visas for nationals of the Republic of Korea, and for other purposes; to the Committee on the Judiciary.

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

S. 2664. A bill to amend the Homeland Security Act of 2002 to direct the Administrator of the Federal Emergency Management Agency to modernize the integrated public alert and warning system of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BEGICH:

S. 2665. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide eligibility for broadcasting facilities to receive certain disaster assistance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ:

S. 2666. A bill to prohibit future consideration of deferred action for childhood arrivals or work authorization for aliens who are not in lawful status, to facilitate the expedited processing of minors entering the United States across the southern border, and to require the Secretary of Defense to reimburse States for National Guard deployments in response to large-scale border crossings of unaccompanied alien children from noncontiguous countries; read the first time.

By Mr. KIRK (for himself, Ms. AYOTTE, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. HATCH, and Mr. HOEVEN):

S. 2667. A bill to prohibit the exercise of any waiver of the imposition of certain sanctions with respect to Iran unless the President certifies to Congress that the waiver will not result in the provision of funds to the Government of Iran for activities in support of international terrorism, to develop nuclear weapons, or to violate the human rights of the people of Iran; to the Committee on Foreign Relations.

By Mr. BEGICH:

S. 2668. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. BEGICH:

S. 2669. A bill to ensure funding for certain payments to Indian tribes and tribal organizations, and for other purposes; to the Committee on Appropriations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRAHAM (for himself, Mr. SCHUMER, Ms. AYOTTE, Mr. CARDIN, Mr. RUBIO, and Mr. BLUMENTHAL):

S. Res. 517. A resolution expressing support for Israel's right to defend itself and calling on Hamas to immediately cease all rocket and other attacks against Israel; to the Committee on Foreign Relations.

By Mr. PRYOR (for himself and Mr. BOOZMAN):

S. Res. 518. A resolution designating the week of October 12 through October 18, 2014, as ''National Case Management Week'' to recognize the role of case management in improving health care outcomes for patients; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. REED, Mr. REID, Mr. MCCONNELL, Mrs. HAGAN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. MANCHIN, Mr. CASEY, Mr. RUBIO, Mr. BLUNT, Mr. BURR, Mr. BEGICH, Ms. AYOTTE, Mr. MORAN, Mr. COCHRAN, Mr. TESTER, and Mr. WALSH):

S. Res. 519. A resolution designating August 16, 2014, as ''National Airborne Day''; considered and agreed to.

By Mr. MURPHY (for himself and Mr. JOHNSON of Wisconsin):

S. Res. 520. A resolution condemning the downing of Malaysia Airlines Flight 17 and expressing condolences to the families of the victims; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Ms. MIKULSKI, Mr. BURR, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. KING, Mr. WHITEHOUSE, Mr. RUBIO, Mr. UDALL of Colorado, and Mr. KAINE):

S. Res. 521. A resolution designating July 26, 2014, as ''United States Intelligence Professionals Day''; to the Committee on the Judiciary.

By Mr. COONS (for himself, Mr. FLAKE, Mr. MENENDEZ, and Mr. CORKER):

S. Res. 522. A resolution expressing the sense of the Senate supporting the U.S.-Africa Leaders Summit to be held in Washington, D.C. from August 4 through 6, 2014; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. CORNYN, Mr. KAINE, and Mr. RISCH):

S. Res. 523. A resolution expressing the sense of the Senate on the importance of the United States-India strategic partnership and the continued deepening of bilateral ties with India; to the Committee on Foreign Relations.

By Mr. CRUZ (for himself and Mrs. GILLIBRAND):

S. Con. Res. 41. A concurrent resolution denouncing the use of civilians as human shields by Hamas and other terrorist organizations in violation of international humanitarian law; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 539

At the request of Mrs. SHAHEEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 539, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 620

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 620, a bill to withhold the salary of the Director of OMB upon failure to submit the President's budget to Congress as required by section 1105 of title 31, United States Code.

S. 637

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 637, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the programs and activities of the National Institutes of Health with respect to Tourette syndrome.

S. 836

At the request of Mr. BROWN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 836, a bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit and make permanent certain tax provisions under the American Recovery and Reinvestment Act of 2009.

S. 865

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 865, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 942

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) 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. 1431

At the request of Mr. THUNE, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1431, a bill to permanently extend the Internet Tax Freedom Act.

S. 1531

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1531, a bill to amend the Internal Revenue Code of 1986 to modify the types of wines taxed as hard cider.

S. 2329

At the request of Mrs. SHAHEEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2329, a bill to prevent Hezbollah from gaining access to international financial and other institutions, and for other purposes.

S. 2406

At the request of Mr. REED, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2406, a bill to amend title XII of the Public Health Service Act to expand the definition of trauma to include thermal, electrical, chemical, radioactive, and other extrinsic agents.

S. 2449

At the request of Mr. MENENDEZ, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2449, a bill to reauthorize certain provisions of the Public Health Service Act relating to autism, and for other purposes.

S. 2471

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2471, a bill to amend title 11 of the United States Code to provide bankruptcy protections for medically distressed debtors, and for other purposes.

S. 2483

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2483, a bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 2488

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2488, a bill to amend the Internal Revenue Code of 1986 to provide an exception to the exclusive use requirement for home offices if the other use involves care of a qualifying child of the taxpayer, and for other purposes.

S. 2545

At the request of Ms. AYOTTE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2545, a bill to require the Secretary of Veterans Affairs to revoke bonuses paid to employees involved in electronic wait list manipulations, and for other purposes.

S. 2607

At the request of Mr. BOOKER, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 2607, a bill to extend and modify the pilot program of the Department of Veterans Affairs on assisted living services for veterans with traumatic brain injury, and for other purposes.

S. 2622

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2622, a bill to require breast density reporting to physicians and patients by facilities that perform mammograms, and for other purposes.

S. 2635

At the request of Mr. CORNYN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2635, a bill to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes.

S. 2650

At the request of Mr. CORKER, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 2650, a bill to provide for congressional review of agreements relating to Iran's nuclear program, and for other purposes.

S. CON. RES. 39

At the request of Mr. PRYOR, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 39, a concurrent resolution expressing the sense of Congress regarding support for voluntary, incentive-based, private land conservation implemented through cooperation with local soil and water conservation districts.

S. RES. 462

At the request of Mr. RUBIO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 462, a resolution recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia.

S. RES. 502

At the request of Mr. PORTMAN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 502, a resolution

concerning the suspension of exit permit issuance by the Government of the Democratic Republic of Congo for adopted Congolese children seeking to depart the country with their adoptive parents.

S. RES. 513

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. Res. 513, a resolution honoring the 70th anniversary of the Warsaw Uprising.

AMENDMENT NO. 3594

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3594 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3598

At the request of Mr. ENZI, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3598 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3599

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 3599 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

AMENDMENT NO. 3601

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 3601 intended to be proposed to S. 2569, a bill to provide an incentive for businesses to bring jobs back to America.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. PORTMAN, and Mr. BEGICH):

S. 2653. A bill to amend the definition of ''homeless person'' under the McKinney-Vento Homeless Assistance Act to include certain homeless children and youth, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce bipartisan legislation with my colleagues Senator PORTMAN and Senator BEGICH that would expand the definition of ''homeless'' used by the U.S. Department of Housing and Urban Development, HUD, to ensure all homeless children and families are eligible for existing Federal homeless assistance programs.

According to the U.S. Department of Education, approximately 1.1 million children were homeless during the 2011–2012 school year; this is a 24 percent increase from the 939,903 homeless students enrolled in the 2009–2010 school year.

In California, nearly 250,000 children experienced homelessness last year, up from 220,000 in 2010 and nearly four times the 65,000 homeless children in the State in 2003.

Unfortunately, the numbers reported by the HUD ''Point-in-Time Count'' fail to reflect these increasing numbers.

According to the 2012 HUD ''Point-in-Time Count,'' there were only 247,178 people counted as homeless in households that included children, a fraction of the true number.

This is important because only those children counted by HUD are eligible for vital homeless assistance programs. The rest of these children and families are simply out of luck.

The Homeless Children and Youth Act of 2014 would expand the homeless definition to allow HUD homeless assistance programs to serve extremely vulnerable children and families, specifically those staying in motels or in doubled up situations because they have nowhere else to go.

These families are especially susceptible to abuse and trafficking because they are often not served by a case manager, and thus remain hidden from potential social service providers.

As a result of the current narrow HUD definition, communities that receive federal funding through the competitive application process are unable to prioritize or direct resources to help these children and families.

This bill would provide communities with the flexibility to use federal funds to meet local priorities.

I would note that the bill comes at no cost to taxpayers and does not impose any new mandates on service providers.

Finally, this legislation improves data collection transparency by requiring HUD to report data on homeless individuals and families currently recorded under the existing Homeless Management Information System survey.

I am pleased that Senators ROB PORTMAN and MARK BEGICH have joined me as original cosponsors on this bill.

Homelessness continues to plague our nation. If we fail to address the needs of these children and families today, they will remain stuck in a cycle of poverty and chronic homelessness.

It is our moral obligation to ensure that we do not erect more barriers for these children and families to access services when they are experiencing extreme hardship. I believe this bill is a commonsense solution that will ensure that homeless families and children can receive the help they need.

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

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

S. 2653

*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 ''Homeless Children and Youth Act of 2014''.

**SEC. 2. AMENDMENTS TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.**

The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

(1) in section 103—

(A) in subsection (a)—

(i) in paragraph (5)(A)—

(I) by striking ''are sharing'' and all that follows through ''charitable organizations,'';

(II) by striking ''14 days'' each place that term appears and inserting ''30 days'';

(III) in clause (i), by inserting ''or'' after the semicolon;

(IV) by striking clause (ii); and

(V) by redesignating clause (iii) as clause (ii); and

(ii) by amending paragraph (6) to read as follows:

''(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

''(A) are certified as homeless by the director or designee of a director of a program funded under any other Federal statute; or

''(B) have been certified by a director or designee of a director of a program funded under this Act or a director or designee of a director of a public housing agency as lacking a fixed, regular, and adequate nighttime residence, which shall include—

''(i) temporarily sharing the housing of another person due to loss of housing, economic hardship, or other similar reason; or

''(ii) living in a room in a motel or hotel.''; and

(B) by adding at the end the following:

''(f) OTHER DEFINITIONS.—In this section—

''(1) the term 'other Federal statute' has the meaning given that term in section 401; and

''(2) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).'';

(2) in section 401—

(A) in paragraph (1)(C)—

(i) by striking clause (iv); and

(ii) by redesignating clauses (v), (vi), and (vii) as clauses (iv), (v), and (vi);

(B) in paragraph (7)—

(i) by striking ''Federal statute other than this subtitle'' and inserting ''other Federal statute''; and

(ii) by inserting ''of'' before ''this Act'';

(C) by redesignating paragraphs (14) through (33) as paragraphs (15) through (34), respectively; and

(D) by adding after paragraph (13) the following:

''(14) OTHER FEDERAL STATUTE.—The term 'other Federal statute' includes—

''(A) the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

''(B) the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.);

''(D) section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h));

''(E) section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(F) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); and

''(G) subtitle B of title VII of this Act.'';

(3) by inserting after section 408 the following:

**''SEC. 409. AVAILABILITY OF HMIS REPORT.**

''(a) IN GENERAL.—The information provided to the Secretary under section 402(f)(3) shall be made publically available on the Internet website of the Department of Housing and Urban Development in aggregate, non-personally identifying reports.

''(b) REQUIRED DATA.—Each report made publically available under subsection (a) shall be updated on at least an annual basis and shall include—

''(1) a cumulative count of the number of individuals and families experiencing homelessness;

''(2) a cumulative assessment of the patterns of assistance provided under subtitles

B and C for the each geographic area involved; and

''(3) a count of the number of individuals and families experiencing homelessness that are documented through the HMIS by each collaborative applicant.'';

(4) in section 422—

(A) in subsection (a)—

(i) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(2) RESTRICTION.—In awarding grants under paragraph (1), the Secretary may not consider or prioritize the specific homeless populations intended to be served by the applicant if the applicant demonstrates that the project—

''(A) would meet the priorities identified in the plan submitted under section 427(b)(1)(B); and

''(B) is cost-effective in meeting the overall goals and objectives identified in that plan.''; and

(B) by striking subsection (j);

(5) in section 424(d), by striking paragraph (5);

(6) in section 427(b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (vi), by adding ''and'' at the end;

(II) in clause (vii), by striking ''and'' at the end; and

(III) by striking clause (viii);

(ii) in subparagraph (B)—

(I) in clause (iii), by adding ''and'' at the end;

(II) in clause (iv)(VI), by striking ''and'' at the end; and

(III) by striking clause (v);

(iii) in subparagraph (E), by adding ''and'' at the end;

(iv) by striking subparagraph (F); and

(v) by redesignating subparagraph (G) as subparagraph (F); and

(B) by striking paragraph (3); and

(7) by amending section 433 to read as follows:

**''SEC. 433. REPORTS TO CONGRESS.**

''(a) IN GENERAL.—The Secretary shall submit to Congress an annual report, which shall—

''(1) summarize the activities carried out under this subtitle and set forth the findings, conclusions, and recommendations of the Secretary as a result of the activities; and

''(2) include, for the year preceding the date on which the report is submitted—

''(A) data required to be made publically available in the report under section 409; and

''(B) data on programs funded under any other Federal statute, as such term is defined in section 401.

''(b) TIMING.—A report under subsection (a) shall be submitted not later than 4 months after the end of each fiscal year.''.

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By Mr. HARKIN:

S. 2658. A bill to prioritize funding for the National Institutes of Health to discover treatments and cures, to maintain global leadership in medical innovation, and to restore the purchasing power the NIH had after the historic doubling campaign that ended in fiscal year 2003; to the Committee on the Budget.

Mr. HARKIN. Mr. President, last year, 2013, marked the 10-year anniversary of the completion of the historic campaign to double funding for the National Institutes of Health.

Beginning in fiscal year 1998, I worked with Congressman John Porter and Senator Arlen Specter in our leadership roles on the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. In that year, 1998, funding for the National Institutes of Health was $13 billion. By fiscal year 2003, we had increased NIH funding to $27 billion. We doubled funding in 5 years. We said we were, and we laid out a plan under both Republican and Democratic administrations and we got it done. That was a historic milestone for biomedical research in the United States.

Truly, increasing our Nation's investment in NIH was a bold statement of our Nation's commitment to retaining our standing as the undisputed world leader in biomedical research, and we have reaped extraordinary benefits from that investment. We reaped benefits in terms of new treatments, new diagnostics, and the new jobs and economic growth that biomedical research brings.

But where does NIH stand today, 10 years after the historic doubling of funding for biomedical research, which did so much to advance America's economy and our standing in the world? Where are we today? Sadly, as this chart illustrates, we have been falling behind.

So here we are. We got back up to where we should be by doubling the funding. Since that time, it has basically leveled off. We are now short about $8 billion below where we would be if we had just kept up with inflation. So NIH has lost about 20 percent of its purchasing power from that time. Success rates for applicants fell from the traditional range of 25 to 35 percent to just 16 percent last year, 2013. Promising research was not funded, and many young scientists had no choice but to find other occupations. This has had profoundly negative consequences. Our biomedical pipeline is clearly showing the negative effects.

So today I am introducing a bill that allows us to find common ground, on a bipartisan basis, to jump-start our reinvestment in the National Institutes of Health and ensure America's leadership in biomedical research.

Republicans and Democrats may disagree on what level of revenue is appropriate. We disagree about the value of investing in education in order to build a stronger workforce. But I have yet to hear any Senator who disagrees with my view that Federal investments in biomedical research are good for the economy and good for our country.

As the chairman of the appropriations subcommittee that funds NIH, I get letters from Senators every year requesting support for research programs, so I can speak with authority when I say the majority of Senators—from both parties—believe we should be investing more strongly in NIH. That is exactly the aim of the bill I am introducing today. The Accelerating Biomedical Research Act makes NIH a priority in our national budget process by creating a budget cap adjustment for the National Institutes of Health. This bill will put a plan in place for the Appropriations Committee to reverse the 10-year retrenchment in biomedical research funding over the remaining years of the Budget Control Act.

Importantly, the Accelerating Biomedical Research Act is not an appropriation. It is not a mandatory trust fund. It is not a tax credit. The bill that I am introducing does not score for CBO purposes because it does not spend any money now. I am always hearing that we should have a robust debate on the budget and our spending priorities as a country. So this bill starts that debate. I invite Senators to cosponsor this bill if they believe, as I do, that we should change our budget to allow for biomedical research to grow in the United States.

I ask unanimous consent that a list of the organizations who have endorsed this bill be entered into the RECORD at the end of my remarks.

I believe we must do this. I believe we must do this to save lives and to improve the health of the American people. I also believe we must do it because we know that investing in biomedical research creates jobs and spurs the economy.

Some may say that changing the budget allows for more spending so it should be offset by cuts to other programs. Well, to that I say there can be little doubt that NIH funding abundantly pays for itself in expanded economic activity. Respected economists have studied this, and they have estimated that each dollar of investment in the National Institutes of Health generates anywhere from $1.80 to $3.20 in economic output.

Let me take just one vivid example of the payoffs from our Federal investments in biomedical research.

In 2003 NIH completed the Human Genome Project started about 13 years earlier. In total, the Federal Government invested $3.4 billion of taxpayers' money in sequencing the human genome. That project has had a truly staggering economic impact. As of 2012, it had generated $965 billion in economic activity, personal income exceeding $293 billion, and more than 4.3 million job-years of employment. For every dollar our government spent on the Human Genome Project, America has reaped $178 in economic benefits—for every dollar we invest. And this is just the economic impact. The positive impact in terms of cures discovered and lives saved is incalculable.

But research doesn't have to launch an entire industry to contribute significantly to our economy as the Human Genome Project did. I will give an example from my home State.

Dr. Joseph Walder, a researcher at the University of Iowa, received a $5.7 million research grant many years ago from the National Heart, Lung, and Blood Institute. In the course of his research, he developed synthetic DNA and RNA technology. Realizing that

this was a valuable research tool, Dr. Walder launched a company called Integrated DNA Technologies in 1987. Out of a $5.7 million Federal investment came a company with $100 million in annual sales, employing 650 people.

Now, if the creation of all of these companies and products and jobs isn't enough of a reason to expect that this bill will boost the economy and lower the Federal deficit, I have another reason. One of the principal missions of biomedical research is to reduce and improve chronic diseases and health conditions that are a major factor in driving deficit spending. In 2006, economists found that a future 1-percent reduction in mortality rates from cancer would save $500 billion to current and future Americans. A cure for cancer was estimated to save $50 trillion to Americans in future expenditures.

Recent estimates indicate the economic cost of Alzheimer's disease is over $200 billion a year. That is going to rise to over $1 trillion a year by 2050 unless a prevention or cure is found. The Centers for Disease Control and Prevention reports that annual costs from undiagnosed diabetes are about $245 billion a year. And a recent study projects that, by 2030, nearly 45 percent of the United States population will face some form of cardiovascular disease, costing a total of $1.2 trillion between now and 2030.

I could go on and on with examples and studies, but no matter what I say, some will say we can't afford this bill. But we can't afford not to do this. The status quo confronts our Nation with what those in the military call a ''clear and present danger.''

The United States has been the global leader in research, but that standing is now in jeopardy. While the United States has been retrenching in biomedical research, other countries, including China, India, and Singapore, have been redoubling their investments and surging forward. Of the 10 leading countries in the field of scientific research, the United States is the only one that has reduced its investment in scientific research.

Let me repeat that. Of the 10 leading countries in the world in the field of scientific research, the United States is the only one that has reduced its investment in scientific research.

According to an NIH study:

> Other countries are investing more in biomedical research relative to the size of their economies. When it comes to government funding for pharmaceutical industry-performed research, Korea's government provides seven times more funding as a share of GDP than does the United States, while Singapore and Taiwan provide five and three times as much, respectively. France and the United Kingdom also provide more than the US, as a share of their economies.

This chart here vividly shows what has been happening in research investment just since 2011 as a percent of GDP: China, Brazil, South Korea, India, UK, France, Japan, Germany, and Russia are increasing. In the United States we are going in the wrong direction.

Dr. Francis Collins, Director of NIH, testified before my subcommittee about the ambitious investments of America's rivals. He said this:

> China has made policy changes to invest heavily in the life sciences industry, moving [China] closer to becoming a world leader in science and technology by the end of the decade. Over the past decade, Singapore has also pursued a prominent role as a global leader in the life sciences. For example, their pharmaceutical industry R&D funding was five times greater than that of the United States in 2009 as a share of GDP.

I will say one more thing about China's ambitious plans. China has identified biotechnology as one of seven key ''strategic and emerging pillar'' industries. They have pledged to invest $308.5 billion in biotechnology over the next 5 years. By contrast, the U.S. investment over the same period of time will be roughly $160 billion, just about half of what China is doing.

It is a shocking and disturbing fact that, if current trends continue, the U.S. Government's investment in life sciences research as a share of GDP will soon be about one quarter of what China is doing.

According to the NIH, China already has more gene sequencing capacity than the entire United States, and they have about one third of global capacity.

Imagine that. We are the ones that mapped and sequenced the entire human genome. We are the ones that put the $3.6 billion into that. We reaped some rewards and benefits—as I just said—but right now China has more gene sequencing capacity than we do. That, again, illustrates my point that they are moving ahead and we have sort of slowed down and stopped, resting on our laurels, so to speak.

The budget caps enacted by Congress are forcing disinvestments in a whole range of priorities that are the key to our Nation's prosperity. These disinvestments are having devastating impacts across our economy—lower growth and fewer jobs.

Again, I appreciate there are honest disagreements about the appropriate levels of investment in education, job training, and other domestic priorities. But from countless conversations with Senators from both parties, there seems to be one area of broad agreement, and that is that we should invest robustly in the National Institutes of Health. And that is why I have introduced this bill today. It is time for us on a bipartisan basis to reverse this erosion of support for biomedical research to ensure America's standing as a world leader in this field. This is what we are talking about, a discretionary cap adjustment. That is what our bill would do to allow NIH to make up for lost ground.

Here is what is happening. We are about $8 billion behind. By providing a budget cap adjustment we can close this gap by 2021 and bring it up to where it should be if we could allow for increases due to inflation. Quite frankly, I guess I could argue we have to do even more than that, but this is the minimum we ought to do, a minimum to close the gap in biomedical research.

We have to do this for the health of our people, our economy, and our Federal budget. So I urge my colleagues to join in supporting the Accelerating Biomedical Research Act.

I yield the floor.

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

NATIONAL GROUPS SUPPORTING THE BILL

AcademyHealth, Ad Hoc Group for Medical Research, Alliance for Aging Research, Alzheimer's Association, Alzheimers North Carolina, American Academy of Neurology, American Aging Association, American Association for Cancer Research, American Association for Long Term Care Nursing, American Federation for Aging Research, American Geriatrics Society, American Lung Association, American Thoracic Society, American Cancer Society Cancer Action Network, American College of Cardiology, American Diabetes Association, American Heart Association, American Society for Pharmacology & Experimental Therapeutics, American Society of Clinical Oncology, amfAR, The Foundation for AIDS Research.

Association for Clinical and Translational Science, Association of American Cancer Institutes, Association of American Medical Colleges, Association of American Universities, Association of Independent Research Institutes, Association of Public and Land-grant Universities, Association of Schools and Programs of Public Health, Children's Cardiomyopathy Foundation, The Clinical Research Forum, Coalition for Clinical and Translational Science, College on Problems of Drug Dependence, Cure Alliance for Mental Illness, Cure Alzheimer's Fund, Dystonia Medical Research Foundation, Epilepsy Foundation, Federation of American Societies for Experimental Biology (FASEB), Friends of the National Institute on Drug Abuse, GBS/CIDP Foundation International, Gerontological Society of America, Huntington's Disease Society of America.

Inspire, Interstitial Cystitis Association, Juvenile Diabetes Research Foundation, Keep Memory Alive, LuMind Foundation (formerly the Down Syndrome Research and Treatment Foundation), Lupus Research Institute, The Marfan Foundation, Melanoma Research Foundation, Memory Training Centers of America, Mended Hearts, National Alliance on Mental Illness, National Alopecia Areata Foundation, National Brain Tumor Society, National Coalition for Cancer Research, National Coalition for Heart and Stroke Research, National Down Syndrome Society, NHLBI Constituency Group, National Stroke Association.

National Task Group on Intellectual Disabilities and Dementia Practices, NephCure Foundation, Neurofibromatosis Network, in particular: Neurofibromatosis Inc., California; Neurofibromatosis, Michigan; Neurofibromatosis Midwest; Neurofibromatosis, Northeast; Texas Neurofibromatosis Foundation; and Washington State Neurofibromatosis Families, One Voice Against Cancer, OWL-The Voice of Women 40+, Parkinson's Action Network, Pediatric Stroke Network, Pulmonary Hypertension Association, ResearchAmerica!, Scleroderma Foundation, Sleep Research Society, Society for Neuroscience, Society of Toxicology, Sudden Arrhythmia Death Syndromes Foundation, United for Medical Research, USAgainstAlzheimer's.

RESEARCH INSTITUTIONS SUPPORTING THE BILL

Arizona: Banner Alzheimer's Institute, Biodesign Research Institute of Arizona.

California: Cedars-Sinai Medical Center, Salk Institute for Biological Studies, Sanford-Burnham Medical Research Institute, UC San Diego Moores Cancer Center, UCSF Helen Diller Family Comprehensive Cancer Center.

Delaware: Yale University and Yale Cancer Center.

District of Columbia: The GW Cancer Institute.

Florida: Moffitt Cancer Center.

Georgia: Emory University Winship Cancer Institute.

Illinois: University of Chicago Medicine Comprehensive Cancer Center.

Iowa: University of Iowa Health Care.

Kansas: University of Kansas Cancer Center.

Louisiana: Tulane University School of Medicine.

Maryland: Johns Hopkins University and the Sidney Kimmel Comprehensive Cancer Center.

Massachusetts: Dana Farber Cancer Institute, Northeastern University, Tufts University.

Michigan: Karmanos Cancer Center, University of Michigan Comprehensive Cancer Center.

Minnesota: Mayo Clinic, University of Minnesota Masonic Cancer Center.

Nebraska: Fred & Pamela Buffett Cancer Center.

New Jersey: North Shore-LIJ Health System and its Feinstein Institute for Medical Research.

New Mexico: Taos Health Systems, Inc., University of New Mexico Cancer Center.

New York: Associated Medical Schools of New York, Memorial Sloan-Kettering Cancer Center, New York Academy of Sciences, The NYU Langone Medical Center, Roswell Park Cancer Institute, The State University of New York System.

North Carolina: Duke Cancer Institute, UNC Lineberger Comprehensive Cancer Center.

Ohio: Cleveland Clinic Foundation, The Ohio State University Comprehensive Cancer Center, James Cancer Hospital, and the Solove Cancer Institute, The Ohio State University Wexner Medical Center, University of Cincinnati.

Pennsylvania: University of Pittsburgh School of Medicine, The Wistar Institute.

South Carolina: Hollings Cancer Center.

Tennessee: Vanderbilt University Medical Center and Vanderbilt-Ingram Cancer Center.

Virginia: University of Virginia.

Washington: Fred Hutchinson Cancer Research Center.

Utah: Huntsman Cancer Institute.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 517—EXPRESSING SUPPORT FOR ISRAEL'S RIGHT TO DEFEND ITSELF AND CALLING ON HAMAS TO IMMEDIATELY CEASE ALL ROCKET AND OTHER ATTACKS AGAINST ISRAEL

Mr. GRAHAM (for himself, Mr. SCHUMER, Ms. AYOTTE, Mr. CARDIN, Mr. RUBIO, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 517

Whereas, on July 17, 2014, the Senate unanimously passed a resolution supporting Israel's absolute right to defend its citizens and ensure the survival of the State of Israel, condemning the actions of Hamas, and calling for the President of the Palestinian Authority to dissolve the unity government with Hamas;

Whereas, since June 2014, Hamas has fired over 1,800 rockets at Israel;

Whereas Hamas has used a system of tunnels to smuggle weapons and launch attacks on Israel;

Whereas, since ground operations in Gaza began, the Israeli Defense Forces (IDF) have discovered 28 of these tunnels whose only purpose is to kill and kidnap Israelis;

Whereas Hamas' weapons arsenal includes approximately 12,000 rockets that vary in range;

Whereas innocent Israeli civilians are indiscriminately targeted by Hamas rocket attacks;

Whereas 5,000,000 Israelis are currently living under the threat of rocket attacks from Gaza;

Whereas the Iron Dome system has saved countless lives inside Israel;

Whereas, consistent with Article 51 of the United Nations charter, which recognizes a nation's right to self-defense, Israel must be allowed to take any actions necessary to remove those threats;

Whereas the IDF has used text messages, leaflet drops, phone calls, and other methods to clear out areas and avoid unnecessary civilian casualties;

Whereas Hamas uses civilians in Gaza as human shields by placing missile launchers next to schools, hospitals, mosques, and private homes;

Whereas Hamas' interior ministry has called on residents of Gaza to ignore IDF warning to get out of harm's way; and

Whereas any effort to broker a ceasefire agreement that does not eliminate those threats cannot be sustained in the long run and will leave Israel vulnerable to future attacks: Now, therefore, be it

*Resolved*, That the Senate—

(1) reaffirms its support for Israel's right to defend its citizens and ensure the survival of the State of Israel;

(2) calls on the United Nations Secretary General to immediately condemn the terrorist attacks by Hamas on Israel;

(3) urges the international community to condemn the unprovoked rocket fire at Israel;

(4) recognizes that the Government of Israel must be allowed to take actions necessary to remove the present and future threats posed by Hamas' rockets and tunnels;

(5) calls on Hamas to immediately cease all rocket and other attacks against Israel;

(6) opposes any efforts to impose a cease fire that does not allow for the Government of Israel to protect its citizens from threats posed by Hamas rockets and tunnels; and

(7) calls on Hamas to stop using residents of Gaza as human shields.

### SENATE RESOLUTION 518—DESIGNATING THE WEEK OF OCTOBER 12 THROUGH OCTOBER 18, 2014, AS ''NATIONAL CASE MANAGEMENT WEEK'' TO RECOGNIZE THE ROLE OF CASE MANAGEMENT IN IMPROVING HEALTH CARE OUTCOMES FOR PATIENTS

Mr. PRYOR (for himself and Mr. BOOZMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 518

Whereas case management is a collaborative process of assessment, education, planning, facilitation, care coordination, evaluation, and advocacy;

Whereas the goal of case management is to meet the health needs of the patient and the family of the patient, while respecting and assuring the right of the patient to self-determination through communication and other available resources in order to promote high-quality, cost-effective outcomes;

Whereas case managers are advocates who help patients understand their current health status, guide patients on ways to improve their health, and provide cohesion with other professionals on the health care delivery team;

Whereas the American Case Management Association and the Case Management Society of America work diligently to raise awareness about the broad range of services case managers offer and to educate providers, payers, regulators, and consumers on the improved patient outcomes that case management services can provide;

Whereas through National Case Management Week, the American Case Management Association and the Case Management Society of America aim to continue to educate providers, payers, regulators, and consumers about how vital case managers are to the successful delivery of health care;

Whereas the American Case Management Association and the Case Management Society of America will celebrate National Case Management Week during the week of October 12 through October 18, 2014, in order to recognize case managers as an essential link to patients receiving quality health care; and

Whereas it is appropriate to recognize the many achievements of case managers in improving health care outcomes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 12 through October 18, 2014, as ''National Case Management Week'';

(2) recognizes the role of case management in providing successful and cost-effective health care; and

(3) encourages the people of the United States to observe National Case Management Week and learn about the field of case management.

### SENATE RESOLUTION 519—DESIGNATING AUGUST 16, 2014, AS ''NATIONAL AIRBORNE DAY''

Ms. MURKOWSKI (for herself, Mr. REED of Rhode Island, Mr. REID of Nevada, Mr. MCCONNELL, Mrs. HAGAN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. MANCHIN, Mr. CASEY, Mr. RUBIO, Mr. BLUNT, Mr. BURR, Mr. BEGICH, Ms. AYOTTE, Mr. MORAN, Mr. COCHRAN, Mr. TESTER, and Mr. WALSH) submitted the following resolution; which was considered and agreed to:

S. RES. 519

Whereas the members of the airborne forces of the Armed Forces of the United States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world;

Whereas the experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump,

which took place on August 16, 1940, to test the innovative concept of inserting United States ground combat forces behind a battle line by means of a parachute;

Whereas the success of the Army Parachute Test Platoon in the days immediately before the entry of the United States into World War II validated the airborne operational concept and led to the creation of a formidable force of airborne formations that included the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions;

Whereas, included in those divisions, and among other separate formations, were many airborne combat, combat support, and combat service support units that served with distinction and achieved repeated success in armed hostilities during World War II;

Whereas the achievements of the airborne units during World War II prompted the evolution of those units into a diversified force of parachute and air-assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas, since the terrorist attacks of September 11, 2001, the members of the United States airborne forces, including members of the XVIII Airborne Corps, the 82nd Airborne Division, the 101st Airborne Division, the 173rd Airborne Brigade Combat Team, the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, the 75th Ranger Regiment, special operations forces of the Army, Marine Corps, Navy, and Air Force, and other units of the Armed Forces, have demonstrated bravery and honor in combat, stability, and training operations in Afghanistan and Iraq;

Whereas the modern-day airborne forces also include other elite forces composed of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control and pararescue teams;

Whereas, of the members and former members of the United States airborne forces, thousands have achieved the distinction of making combat jumps, dozens have earned the Medal of Honor, and hundreds have earned the Distinguished Service Cross, the Silver Star, or other decorations and awards for displays of heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States airborne forces are all members of a proud and honorable tradition that, together with the special skills and achievements of those members, distinguishes the members as intrepid combat parachutists, air assault forces, special operation forces, and, in the past, glider troops;

Whereas individuals from every State of the United States have served gallantly in the airborne forces, and each State is proud of the contributions of its paratrooper veterans during the many conflicts faced by the United States;

Whereas the history and achievements of the members and former members of the United States airborne forces warrant special expressions of the gratitude of the people of the United States; and

Whereas, since the airborne forces, past and present, celebrate August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 is an appropriate day to recognize as National Airborne Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates August 16, 2014, as ''National Airborne Day''; and

(2) calls on the people of the United States to observe National Airborne Day with appropriate programs, ceremonies, and activities.

## SENATE RESOLUTION 520—CONDEMNING THE DOWNING OF MALAYSIA AIRLINES FLIGHT 17 AND EXPRESSING CONDOLENCES TO THE FAMILIES OF THE VICTIMS

Mr. MURPHY (for himself and Mr. JOHNSON of Wisconsin) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 520

Whereas, on July 17, 2014, Malaysian Airlines Flight 17 tragically crashed in eastern Ukraine, killing all 298 passengers and crew, including 80 children;

Whereas President Barack Obama has offered President of Ukraine Petro Poroshenko all possible assistance to determine the cause of the crash, including the services of the Federal Bureau of Investigations and the National Transportation Safety Board;

Whereas intelligence analysis shows that the plane was shot down by an antiaircraft missile fired from an area controlled by pro-Russian separatists;

Whereas separatists have shot down 10 additional aircraft and took credit for shooting down another aircraft at approximately the same time as Malaysian Airlines Flight 17 crashed in eastern Ukraine;

Whereas separatists blocked international experts from accessing the crash site in the first 72 hours, preventing the proper care of the victims' bodies and allowing evidence from the crash to be removed and mishandled;

Whereas weapons and fighters have continued to flow across the border from the Russian Federation to eastern Ukraine, and there is evidence that the Government of the Russian Federation has been providing training to separatists fighters, including training on air defense systems;

Whereas this tragic incident has demonstrated that European and other foreign citizens are at risk from dangerous instability in Ukraine;

Whereas, on July 21, 2014, the United Nations Security Council condemned in the strongest terms the downing of Malaysian Airlines Flight 17 and demanded that those responsible be held to account and that all states fully cooperate with efforts to establish accountability;

Whereas British Prime Minister David Cameron asserted, ''Russia cannot expect to continue enjoying access to European markets, European capital and European knowledge and technical expertise while she fuels conflict in one of Europe's neighbors.''; and

Whereas the United States Government has continued to implement sanctions against Russian and Ukrainian individuals responsible for destabilizing Ukraine and failing to end the violence: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns the shooting down of Malaysian Airlines Flight 17 in Eastern Ukraine that resulted in the deaths of all 298 passengers and crew;

(2) expresses its deepest condolences to the families of the victims and the people of the Netherlands, Malaysia, Australia, Indonesia, Great Britain, Germany, Belgium, the Philippines, Canada, and New Zealand;

(3) supports the ongoing international investigation into the attack on Malaysian Airlines Flight 17, including unobstructed access to the crash site;

(4) calls on the Government of the Russian Federation to immediately stop the flow of weapons and fighters across the border with Ukraine, allow an Organization for Security and Co-operation in Europe (OSCE) monitoring mission on the border, and fully cooperate with the international investigation currently underway; and

(5) urges the European Union to join the United States Government in holding the Government of the Russian Federation accountable for its destabilizing actions in Ukraine through the use of increased sanctions.

## SENATE RESOLUTION 521—DESIGNATING JULY 26, 2014, AS ''UNITED STATES INTELLIGENCE PROFESSIONALS DAY''

Mr. WARNER (for himself, Ms. MIKULSKI, Mr. BURR, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. KING, Mr. WHITEHOUSE, Mr. RUBIO, Mr. UDALL of Colorado, and Mr. KAINE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 521

Whereas on July 26, 1908, Attorney General Charles Bonaparte ordered newly-hired Federal investigators to report to the Office of the Chief Examiner of the Department of Justice, which subsequently was renamed the Federal Bureau of Investigation;

Whereas on July 26, 1947, President Truman signed the National Security Act of 1947 (50 U.S.C. 3001 et seq.), creating the Department of Defense, the National Security Council, the Central Intelligence Agency, and the Joint Chiefs of Staff, thereby laying the foundation for today's intelligence community;

Whereas the National Security Act of 1947, which appears in title 50 of the United States Code, governs the definition, composition, responsibilities, authorities, and oversight of the intelligence community of the United States;

Whereas the intelligence community is defined by section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)) to include the Office of the Director of National Intelligence, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs, the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Department of Energy, the Bureau of Intelligence and Research of the Department of State, the Office of Intelligence and Analysis of the Department of the Treasury, the elements of the Department of Homeland Security concerned with the analysis of intelligence information, and other elements as may be designated;

Whereas July 26, 2012, was the 65th anniversary of the signing of the National Security Act of 1947 (50 U.S.C. 3001 et seq.);

Whereas the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) created the position of the Director of National Intelligence to serve as the head of the intelligence community and to ensure that national intelligence be timely, objective, independent of political

considerations, and based upon all sources available;

Whereas Congress has previously passed joint resolutions, signed by the President, to designate Peace Officers Memorial Day on May 15, Patriot Day on September 11, and other commemorative occasions, to honor the sacrifices of law enforcement officers and of those who lost their lives on September 11, 2001;

Whereas the United States has increasingly relied upon the men and women of the intelligence community to protect and defend the security of the United States in the decade since the attacks of September 11, 2001;

Whereas the men and women of the intelligence community, both civilian and military, have been increasingly called upon to deploy to theaters of war in Iraq, Afghanistan, and elsewhere since September 11, 2001;

Whereas numerous intelligence officers of the elements of the intelligence community have been injured or killed in the line of duty;

Whereas intelligence officers of the United States are routinely called upon to accept personal hardship and sacrifice in the furtherance of their mission to protect the United States, to undertake dangerous assignments in the defense of the interests of the United States, to collect reliable information within prescribed legal authorities upon which the leaders of the United States rely in life-and-death situations, and to ''speak truth to power.'' by providing their best assessments to decision makers, regardless of political and policy considerations;

Whereas the men and women of the intelligence community have on numerous occasions succeeded in preventing attacks upon the United States and allies of the United States, saving numerous innocent lives; and

Whereas intelligence officers of the United States must of necessity often remain unknown and unrecognized for their substantial achievements and successes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 26, 2014, as ''United States Intelligence Professionals Day'';

(2) acknowledges the courage, fidelity, sacrifice, and professionalism of the men and women of the intelligence community of the United States; and

(3) encourages the people of the United States to observe this day with appropriate ceremonies and activities.

## SENATE RESOLUTION 522—EXPRESSING THE SENSE OF THE SENATE SUPPORTING THE U.S.-AFRICA LEADERS SUMMIT TO BE HELD IN WASHINGTON, D.C. FROM AUGUST 4 THROUGH 6, 2014

Mr. COONS (for himself, Mr. FLAKE, Mr. MENENDEZ, and Mr. CORKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 522

Whereas the United States will convene the first U.S.-Africa Leaders Summit from August 4 through August 6, 2014, featuring a congressional reception welcoming African heads of state, the U.S.-Africa Business Forum, the African Growth and Opportunity Act (AGOA) Forum, and dialogue sessions between Africa leaders and President Barack Obama on investing in Africa's future, promoting peace and regional stability, and governing for the next generation;

Whereas the U.S.-Africa Leaders Summit will be the largest event held between the United States Government and African heads of state and governments;

Whereas the U.S.-Africa Leaders Summit will build on the President's trip to Africa in the summer of 2013 and will strengthen ties between the United States and one of the most dynamic and fastest growing regions in the world;

Whereas the United States Government has built strong and enduring partnerships with African heads of state bilaterally and through the United Nations, African Union, and African regional institutions;

Whereas the United States Government has demonstrated its commitment to Africa's development and growth through resources, legislation, economic relationships, and initiatives, including the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.), Power Africa, Feed the Future, Millennium Challenge Corporation compacts, and other efforts led by the Department of State, the United States Agency for International Development, the Overseas Private Investment Corporation, the Department of Commerce, and other agencies of the United States Government;

Whereas there are 10 authorized United Nations peacekeeping operations in Africa with over 94,000 United Nations peacekeepers working to promote peace and stability for over 131,000,000 people across the continent, in addition to additional missions led by the African Union, with United States and international support and training;

Whereas the United States has served as the global leader in investments and innovations in health across Africa, contributing significant resources to improvements in health over the past two decades through United States-led programs such as the President's Emergency Plan for AIDS Relief (PEPFAR), the President's Malaria Initiative (PMI), and the Global Alliance for Vaccines and Immunization (GAVI);

Whereas, through its investments in health across 16 priority countries in Africa over the last two decades, the United States Government has contributed to the reduction of child mortality rates by 44 percent and the reduction of maternal mortality rates by 39 percent;

Whereas the majority of the fastest growing economies in the world are in Africa, and the continent's steady annual economic growth rate of 5 percent has exceeded that of other regions in the world;

Whereas there are currently 1,000,000,000 Africans representing the fastest growing population in the world, and by 2035, the African continent will have the world's largest workforce;

Whereas individual nations in Africa and the African Union have made significant achievements and remarkable progress since the inception of the African Union 51 years ago and its transition from the Organization of African Unity;

Whereas the United States Government, recognizing the importance of Africa's youth and future generations, has invested in the next generation of African entrepreneurs, educators, civic leaders, and innovators, including through the United States-led Young African Leaders Initiative (YALI), helping them develop skills and networks to build brighter futures for their communities and countries; and

Whereas the United States Government is looking forward to hosting 50 heads of state and the Chair of the African Union at the U.S.-Africa Leaders Summit to demonstrate the United States commitment to Africa, deepen partnerships, and determine concrete ways that the United States can support African-led efforts to further peace and regional security, advance democracy and good governance, improve health and education services, increase trade and investment, address environmental issues, improve resilience and food security, combat wildlife trafficking, invest in women, and support the next generation of African leaders: Now, therefore, be it

*Resolved*, That the Senate—

(1) deeply values the historic United States commitment to Africa;

(2) affirms a future commitment to increased economic partnership with Africa;

(3) supports innovations in development and an expanded partnership with the private sector, including in the areas of energy, food security, and health;

(4) supports efforts to facilitate increased trade and investment between the United States and Africa, as well as amongst African countries;

(5) supports ongoing African-led efforts to improve peacekeeping, prevent atrocities, and combat violent extremism and terrorism;

(6) affirms the enduring partnership of the people and Government of the United States with the African people, including the youth, and urges African leaders to invest in this generation of young people, as well as the next generation;

(7) encourages leaders in Africa to make efforts toward strengthening good governance, the rule of law, and democracy, including respecting constitutional term limits, human rights, and ensuring that civil society organizations are able to function freely in their countries;

(8) supports ongoing efforts to protect and promote women and children, including through investments in education and maternal, newborn, and child health;

(9) reaffirms the strong United States investment in health in Africa, and anticipates leaders in Africa making greater and sustainable investments in healthcare;

(10) commends African investments in preventing wildlife trafficking and supports further investments, including training and equipping enforcement teams in Africa;

(11) urges African heads of state to take concrete steps to implement reforms that will further economic growth, good governance, democracy, peace, security, rule of law, and development; and

(12) expresses support for the U.S.-Africa Leaders Summit from August 4 through August 6, 2014.

## SENATE RESOLUTION 523—EXPRESSING THE SENSE OF THE SENATE ON THE IMPORTANCE OF THE UNITED STATES-INDIA STRATEGIC PARTNERSHIP AND THE CONTINUED DEEPENING OF BILATERAL TIES WITH INDIA

Mr. WARNER (for himself, Mr. CORNYN, Mr. KAINE, and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 523

Whereas the United States-India relationship is built on mutual respect for common values, including democracy, the rule of law, a market economy, and ethnic and religious diversity, and bolstered by strong people-to-people ties, including a 3,000,000 strong Indian American diaspora;

Whereas the Senate places tremendous value on the relationship with India, and the bipartisan Senate India Caucus comprises 40 Senators and is the largest bilateral caucus in the Senate;

Whereas the United States and India have a unique opportunity, in the early days of

the new administration in India, to refresh the United States-India relationship and work cooperatively to make progress that will benefit both of our countries in a broad range of areas, including education, skills development, infrastructure, and energy;

Whereas a strong economic partnership between India and the United States requires a mutual respect for innovation;

Whereas an investment environment that fosters continued research and development and the bilateral relationship between the United States and India has resulted in almost $100,000,000,000 in trade of goods and services in 2013;

Whereas the United States-India relationship is vital to promoting stability, democracy, and economic prosperity in the 21st century;

Whereas defense and security ties have led to nearly $10,000,000,000 in defense trade, and the United States-India Defense Trade and Technology Initiative has facilitated greater cooperation on joint development of defense platforms;

Whereas counterterrorism cooperation is a growing and important aspect of the partnership given the terrorist threats faced by both countries, including from groups such as al Qaeda and Lashkar-e-Taiba;

Whereas the United States values India's role as a net security provider in the Indian Ocean Region and promoter of regional stability and maritime security in the Asian Pacific region; and

Whereas India is a close partner of the United States in Afghanistan, has committed over $2,000,000,000 in development assistance, and shares the United States' goal of a stable, democratic, and prosperous Afghanistan; Now, therefore, be it

*Resolved,* It is the sense of the Senate that—

(1) Prime Minister Narenda Modi should be able to address the United States Congress at the earliest opportunity;

(2) the United States Government should develop a clear strategic plan for its relationship with India and hold a robust strategic dialogue in New Delhi that lays out clear objectives and deliverables to set a positive trajectory for the relationship and moves from dialogue to action to build a path forward for more ambitious cooperation;

(3) the United States nominate and confirm an Ambassador to India as soon as possible;

(4) the United States and India should continue to expand economic engagement, including finalizing a bilateral investment treaty and reviving the Trade Policy Forum;

(5) the United States Government should urge the Government of India to continue with its economic liberalization reforms, including lifting the caps on foreign direct investment and taking steps to enhance protections for intellectual property, and consider discussions with other Asia-Pacific Economic Cooperation (APEC) forum nations about Indian membership in APEC;

(6) the United States and India should expand energy cooperation, by India fully implementing the 2008 civil nuclear pact, and the United States pursuing increased export of liquefied natural gas to India;

(7) the United States and India should continue to deepen defense and security cooperation, to include expanded joint exercises and training, sales and co-production, holding a ''2+2'' meeting of senior defense and foreign affairs officials, and reestablishing the Defense Policy Group; and

(8) the United States Government should urge the Government of India to modify its offset regime so funds can flow to a second tier of Indian priorities such as education, skills development, or manufacturing.

## SENATE CONCURRENT RESOLUTION 41—DENOUNCING THE USE OF CIVILIANS AS HUMAN SHIELDS BY HAMAS AND OTHER TERRORIST ORGANIZATIONS IN VIOLATION OF INTERNATIONAL HUMANITARIAN LAW

Mr. CRUZ (for himself and Mrs. GILLIBRAND) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 41

Whereas the term ''human shields'' refers to the use of civilians, prisoners of war, or other noncombatants whose mere presence is designed to protect combatants and objects from attack;

Whereas the use of human shields violates international humanitarian law (also referred to as the Law of War or Law of Armed Conflict);

Whereas Additional Protocol I, Article 50(1) to the Geneva Convention defines ''civilian'' as, ''[a]ny person who does not belong to one of the categories of persons referred to in Article 4(A)(1), (2), (3), and (6) of the Third Convention and in Article 43 of this Protocol. In the case of doubt whether a person is a civilian, that person shall be considered a civilian.'';

Whereas Additional Protocol I, Article 51(7) to the Geneva Convention states, ''[T]he presence or movement of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.'';

Whereas, since June 15, 2014, there have been over 2,000 rockets fired by Hamas and other terrorist organizations from Gaza into Israel;

Whereas Hamas uses civilian populations as human shields by placing its underground tunnel network and missile batteries in densely populated areas, and in and around schools, hospitals, and mosques;

Whereas Israel drops leaflets, makes announcements, places phone calls and sends text messages to the Palestinian people in Gaza warning them in advance that an attack is imminent, and goes to extraordinary lengths to target only terrorist actors;

Whereas Hamas has urged the residents of Gaza to ignore the Israeli warnings and to remain in their houses and has encouraged Palestinians to gather on the roofs of their homes to act as human shields; and

Whereas Hamas, al Qaeda, Hezbollah, Al-Shabaab, Islamic State of Iraq and the Levant (ISIL) and other foreign terrorist organizations typically use innocent civilians as human shields: Now, therefore, be it

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

(1) strongly condemns the brutal and illegal tactic by Hamas and other terrorist organizations of using innocent civilians as human shields;

(2) calls on the international community to recognize the grave breaches of international law committed by Hamas in using human shields;

(3) places responsibility for launching the rocket attacks on Hamas and other terrorist organizations, such as Islamic Jihad, in Gaza;

(4) supports the sovereign right of the Government of Israel to defend its territory and stop the rocket attacks on its citizens;

(5) expresses condolences to the families of the innocent victims on both sides of the conflict;

(6) supports Palestinian civilians who reject Hamas and all forms of terrorism, desiring to live in peace with their Israeli neighbors; and

(7) calls on Mahmoud Abbas to condemn the use of innocent civilians as human shields by Hamas and other terrorist organizations.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3626. Mr. BLUNT (for himself, Ms. AYOTTE, Mr. CHAMBLISS, Mr. COBURN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HATCH, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. PORTMAN, Mr. PRYOR, Mr. SCOTT, Mr. VITTER, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3627. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3628. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3629. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3630. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3631. Mr. BARRASSO (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3632. Mr. THUNE (for himself, Mr. TOOMEY, Ms. AYOTTE, Mr. MCCAIN, Mr. ROBERTS, Mr. RUBIO, Mr. CRUZ, Mr. LEE, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3633. Mr. THUNE (for himself, Mr. TOOMEY, Ms. AYOTTE, Mr. MCCAIN, Mr. ENZI, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. CRUZ, Mr. LEE, Mr. FLAKE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3634. Mr. THUNE (for himself, Mr. ROBERTS, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3635. Mr. THUNE (for himself, Mr. ROBERTS, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3636. Mr. THUNE (for himself, Mr. TOOMEY, Mr. ROBERTS, Mr. LEE, Mr. FLAKE, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3637. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3638. Mr. MORAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3639. Mr. MORAN (for himself, Mr. ROBERTS, Mr. INHOFE, Mr. CRUZ, and Mr. CORNYN)

submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3640. Mrs. SHAHEEN (for herself, Mrs. BOXER, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3641. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3642. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3643. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3644. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, supra; which was ordered to lie on the table.

SA 3645. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3646. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3647. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3648. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3649. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3650. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3651. Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3652. Mr. KIRK (for himself, Ms. AYOTTE, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. HELLER, Mr. HOEVEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3653. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3654. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3655. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3656. Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr. FLAKE, Mr. GRASSLEY, Mr. ISAKSON, Mr. JOHANNS, Mr. LEE, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3657. Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. JOHANNS, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3658. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3659. Mr. SANDERS (for himself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3608 submitted by Mr. PAUL and intended to be proposed to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3660. Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3661. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3662. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3663. Mr. PORTMAN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3664. Mr. HATCH (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3665. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3666. Mr. HOEVEN (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3667. Mr. HOEVEN (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3668. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3669. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3670. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3671. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3672. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3673. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3674. Mr. WARNER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3675. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3676. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3677. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3678. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3679. Mr. JOHANNS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3680. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3681. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3682. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3683. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3684. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3685. Ms. COLLINS (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3686. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3687. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, supra; which was ordered to lie on the table.

SA 3688. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3689. Mrs. FISCHER (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 3690. Mr. REID (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 462, recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia.

## TEXT OF AMENDMENTS

**SA 3626.** Mr. BLUNT (for himself, Ms. AYOTTE, Mr. CHAMBLISS, Mr. COBURN, Mrs. FISCHER, Mr. GRASSLEY, Mr. HATCH, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KIRK, Mr. PORTMAN, Mr.

PRYOR, Mr. SCOTT, Mr. VITTER, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. EMPLOYEES WITH HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION MAY BE EXEMPTED FROM EMPLOYER MANDATE UNDER PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

(a) IN GENERAL.—Section 4980H(c)(2) of the Internal Revenue Code is amended by adding at the end the following:

''(F) EXEMPTION FOR HEALTH COVERAGE UNDER TRICARE OR THE VETERANS ADMINISTRATION.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph for any month, an employer may elect not to take into account for a month as an employee any individual who, for such month, has medical coverage under—

''(i) chapter 55 of title 10, United States Code, including coverage under the TRICARE program, or

''(ii) under a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to months beginning after December 31, 2013.

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**SA 3627.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

**SEC. 4. ELIGIBILITY FOR CHILD TAX CREDIT.**

(a) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by striking ''under this section to a taxpayer'' and all that follows and inserting ''under this section to any taxpayer unless—

''(1) such taxpayer includes the taxpayer's valid identification number (as defined in section 6428(h)(2)) on the return of tax for the taxable year, and

''(2) with respect to any qualifying child, the taxpayer includes the name and taxpayer identification number of such qualifying child on such return of tax.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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**SA 3628.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2013'' and inserting ''December 31, 2015''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2013.

(d) SPECIAL RULE FOR CERTAIN PERIODS DURING 2014.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods after December 31, 2013, and before the date of the enactment of this Act, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods described in the preceding sentence. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

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**SA 3629.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. POINT OF ORDER AGAINST LEGISLATION THAT WOULD CREATE A TAX OR FEE ON CARBON EMISSIONS.**

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that includes a Federal tax or fee imposed on carbon emissions from any product or entity that is a direct or indirect source of the emissions.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

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**SA 3630.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. FEDERALISM IN MEDICAL MARIJUANA.**

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given that term under section 102 of the Controlled Substances Act (21 U.S.C. 802).

(b) STATE MEDICAL MARIJUANA LAWS.—Notwithstanding section 708 of the Controlled Substances Act (21 U.S.C. 903) or any other provision of law (including regulations), a State may enact and implement a law that authorizes the use, distribution, possession, or cultivation of marijuana for medical use.

(c) PROHIBITION ON CERTAIN PROSECUTIONS.—No prosecution may be commenced or maintained against any physician or patient for a violation of any Federal law (including regulations) that prohibits the conduct described in subsection (b) if the State in which the violation occurred has in effect a law described in subsection (b) before, on, or after the date on which the violation occurred, including—

(1) Alabama;
(2) Alaska;
(3) Arizona;
(4) California;
(5) Colorado;
(6) Connecticut;
(7) Delaware;
(8) the District of Columbia;
(9) Florida;
(10) Hawaii;
(11) Illinois;
(12) Iowa;
(13) Kentucky;
(14) Maine;
(15) Maryland;
(16) Massachusetts;
(17) Michigan;
(18) Minnesota;
(19) Mississippi;
(20) Missouri;
(21) Montana;
(22) Nevada;
(23) New Hampshire;
(24) New Jersey;
(25) New Mexico;
(26) Oregon;
(27) Rhode Island;
(28) South Carolina;
(29) Tennessee;
(30) Utah;
(31) Vermont;
(32) Washington; and
(33) Wisconsin.

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**SA 3631.** Mr. BARRASSO (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PROTECTING PATIENTS FROM HIGHER PREMIUMS.**

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111–148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is repealed.

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**SA 3632.** Mr. THUNE (for himself, Mr. TOOMEY, Ms. AYOTTE, Mr. MCCAIN, Mr. ROBERTS, Mr. RUBIO, Mr. CRUZ, Mr. LEE, and Mr. FLAKE) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PERMANENT MORATORIUM ON INTERNET ACCESS TAXES AND MULTIPLE AND DISCRIMINATORY TAXES ON ELECTRONIC COMMERCE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Internet has continued to drive economic growth, productivity and innovation since the Internet Tax Freedom Act was first enacted in 1998.

(2) The Internet promotes a nationwide economic environment that facilitates innovation, promotes efficiency, and empowers people to broadly share their ideas.

(3) According to the National Broadband Plan, cost remains the biggest barrier to consumer broadband adoption. Keeping Internet access affordable promotes consumer access to this critical gateway to jobs, education, healthcare, and entrepreneurial opportunities, regardless of race, income, or neighborhood.

(4) Small business owners rely heavily on affordable Internet access, providing them with access to new markets, additional consumers, and an opportunity to compete in the global economy.

(5) Economists have recognized that excessive taxation of innovative communications technologies reduces economic welfare more than taxes on other sectors of the economy.

(6) The provision of affordable access to the Internet is fundamental to the American economy and access to it must be protected from multiple and discriminatory taxes at the State and local level.

(7) As a massive global network that spans political boundaries, the Internet is inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under article I, section 8, clause 3 of the Constitution of the United States.

(b) IN GENERAL.—Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking '' during the period beginning November 1, 2003, and ending November 1, 2014''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxes imposed after the date of the enactment of this Act.

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**SA 3633.** Mr. THUNE (for himself, Mr. TOOMEY, Ms. AYOTTE, Mr. MCCAIN, Mr. ENZI, Mr. BLUNT, Mr. ROBERTS, Mr. RUBIO, Mr. CRUZ, Mr. LEE, Mr. FLAKE, and Mrs. FISCHER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES.**

(a) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 2210. TERMINATION.**

''(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Bring Jobs Home Act.

''(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Bring Jobs Home Act—

''(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

''(2) section 2056A(b)(1)(B) shall not apply on or after such date.''.

(b) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of such Code is amended by adding at the end the following new section:

**''SEC. 2664. TERMINATION.**

''This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Bring Jobs Home Act.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter C of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 2210. Termination.''.

(2) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

''Sec. 2664. Termination.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

**SEC. _____. MODIFICATIONS OF GIFT TAX.**

(a) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) COMPUTATION OF TAX.—

''(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

''(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

''(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

''(2) RATE SCHEDULE.—

| **''If the amount with respect to which the tentative tax to be computed is:.** | **The tentative tax is:** |
|---|---|
| Not over $10,000 ..... | 18% of such amount. |
| Over $10,000 but not over $20,000. | $1,800, plus 20% of the excess over $10,000. |
| Over $20,000 but not over $40,000. | $3,800, plus 22% of the excess over $20,000. |
| Over $40,000 but not over $60,000. | $8,200, plus 24% of the excess over $40,000. |
| Over $60,000 but not over $80,000. | $13,000, plus 26% of the excess over $60,000. |
| Over $80,000 but not over $100,000. | $18,200, plus 28% of the excess over $80,000. |
| Over $100,000 but not over $150,000. | $23,800, plus 30% of the excess over $100,000. |
| Over $150,000 but not over $250,000. | $38,800, plus 32% of the excess of $150,000. |
| Over $250,000 but not over $500,000. | $70,800, plus 34% of the excess over $250,000. |
| Over $500,000 ..... | $155,800, plus 35% of the excess of $500,000.''. |

(b) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor's spouse under subpart E of part I of subchapter J of chapter 1.''.

(c) LIFETIME GIFT EXEMPTION.—

(1) IN GENERAL.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were $5,000,000, reduced by''.

(2) INFLATION ADJUSTMENT.—Section 2505 of such Code is amended by adding at the end the following new subsection:

''(d) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year after 2011, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 2505(a) of such Code is amended by striking the last sentence.

(2) The heading for section 2505 of such Code is amended by striking ''**UNIFIED**''.

(3) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

''Sec. 2505. Credit against gift tax.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts made on or after the date of the enactment of this Act.

(f) TRANSITION RULE.—

(1) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(2) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this Act is enacted shall be treated as one preceding calendar period.

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**SA 3634.** Mr. THUNE (for himself, Mr. ROBERTS, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PERMANENT RULE REGARDING BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Section 1367(a)(2) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2013.

**SEC. _____. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS OF S CORPORATIONS MADE PERMANENT.**

(a) IN GENERAL.—Paragraph (7) of section 1374(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term recognition period means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the phrase 5-year.

''(B) INSTALLMENT SALES.—If an S corporation sells an asset and reports the income from the sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2013.

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**SA 3635.** Mr. THUNE (for himself, Mr. ROBERTS, and Mr. ISAKSON) submitted

an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. RESEARCH CREDIT SIMPLIFIED AND MADE PERMANENT.**

(a) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) IN GENERAL.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to the sum of—

''(1) 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined,

''(2) 20 percent of so much of the basic research payments for the taxable year as exceeds 50 percent of the average basic research payments for the 3 taxable years preceding the taxable year for which the credit is being determined, plus

''(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to an energy research consortium for energy research.''.

(b) REPEAL OF TERMINATION.—Section 41 of such Code is amended by striking subsection (h).

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 41 of such Code is amended to read as follows:

''(c) DETERMINATION OF AVERAGE RESEARCH EXPENSES FOR PRIOR YEARS.—

''(1) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENDITURES IN ANY OF 3 PRECEDING TAXABLE YEARS.—In any case in which the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined, the amount determined under subsection (a)(1) for such taxable year shall be equal to 10 percent of the qualified research expenses for the taxable year.

''(2) CONSISTENT TREATMENT OF EXPENSES.—

''(A) IN GENERAL.—Notwithstanding whether the period for filing a claim for credit or refund has expired for any taxable year taken into account in determining the average qualified research expenses, or average basic research payments, taken into account under subsection (a), the qualified research expenses and basic research payments taken into account in determining such averages shall be determined on a basis consistent with the determination of qualified research expenses and basic research payments, respectively, for the credit year.

''(B) PREVENTION OF DISTORTIONS.—The Secretary may prescribe regulations to prevent distortions in calculating a taxpayer's qualified research expenses or basic research payments caused by a change in accounting methods used by such taxpayer between the current year and a year taken into account in determining the average qualified research expenses or average basic research payments taken into account under subsection (a).''.

(2) Section 41(e) of such Code is amended—

(A) by striking all that precedes paragraph (6) and inserting the following:

''(e) BASIC RESEARCH PAYMENTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'basic research payment' means, with respect to any taxable year, any amount paid in cash during such taxable year by a corporation to any qualified organization for basic research but only if—

''(A) such payment is pursuant to a written agreement between such corporation and such qualified organization, and

''(B) such basic research is to be performed by such qualified organization.

''(2) EXCEPTION TO REQUIREMENT THAT RESEARCH BE PERFORMED BY THE ORGANIZATION.—In the case of a qualified organization described in subparagraph (C) or (D) of paragraph (3), subparagraph (B) of paragraph (1) shall not apply.'',

(B) by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively, and

(C) in paragraph (4) as so redesignated, by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

(3) Section 41(f)(3) of such Code is amended—

(A)(i) by striking '', and the gross receipts'' in subparagraph (A)(i) and all that follows through ''determined under clause (iii)'',

(ii) by striking clause (iii) of subparagraph (A) and redesignating clauses (iv), (v), and (vi), thereof, as clauses (iii), (iv), and (v), respectively,

(iii) by striking ''and (iv)'' each place it appears in subparagraph (A)(iv) (as so redesignated) and inserting ''and (iii)'',

(iv) by striking subclause (IV) of subparagraph (A)(iv) (as so redesignated), by striking '', and'' at the end of subparagraph (A)(iv)(III) (as so redesignated) and inserting a period, and by adding ''and'' at the end of subparagraph (A)(iv)(II) (as so redesignated),

(v) by striking ''(A)(vi)'' in subparagraph (B) and inserting ''(A)(v)'', and

(vi) by striking ''(A)(iv)(II)'' in subparagraph (B)(i)(II) and inserting ''(A)(iii)(II)'',

(B) by striking '', and the gross receipts of the predecessor,'' in subparagraph (A)(iv)(II) (as so redesignated),

(C) by striking '', and the gross receipts of,'' in subparagraph (B),

(D) by striking '', or gross receipts of,'' in subparagraph (B)(i)(I), and

(E) by striking subparagraph (C).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to amounts paid or incurred after December 31, 2013.

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**SA 3636.** Mr. THUNE (for himself, Mr. TOOMEY, Mr. ROBERTS, Mr. LEE, Mr. FLAKE, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PERMANENT EXTENSION OF EXPENSING CERTAIN DEPRECIABLE BUSINESS ASSETS FOR SMALL BUSINESS.**

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed—'' and all that follows and inserting ''shall not exceed $500,000.''.

(2) REDUCTION IN LIMITATION.—Paragraph (2) of section 179(b) of such Code is amended by striking ''exceeds—'' and all that follows and inserting ''exceeds $2,000,000.''.

(b) COMPUTER SOFTWARE.—Clause (ii) of section 179(d)(1)(A) of such Code is amended by striking '', to which section 167 applies, and which is placed in service in a taxable year beginning after 2002 and before 2014'' and inserting ''and to which section 167 applies''.

(c) ELECTION.—Paragraph (2) of section 179(c) of such Code is amended—

(1) by striking ''may not be revoked'' and all that follows through ''and before 2014'', and

(2) by striking ''IRREVOCABLE'' in the heading thereof.

(d) AIR CONDITIONING AND HEATING UNITS.—Paragraph (1) of section 179(d) of such Code is amended by striking ''and shall not include air conditioning or heating units''.

(e) QUALIFIED REAL PROPERTY.—Subsection (f) of section 179 of such Code is amended—

(1) by striking ''beginning in 2010, 2011, 2012, or 2013'' in paragraph (1), and

(2) by striking paragraphs (3) and (4).

(f) INFLATION ADJUSTMENT.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2014, the dollar amounts in paragraphs (1) and (2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(c)(2)(A) for such calendar year, determined by substituting calendar year 2013 for calendar year 2012 in clause (ii) thereof.

''(B) ROUNDING.—The amount of any increase under subparagraph (A) shall be rounded to the nearest multiple of $10,000.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

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**SA 3637.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT AGREEMENTS AND CONTRACTS.**

Section 604(d) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) CANCELLATION CEILINGS.—

''(A) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

''(B) NOTICE.—

''(i) SUBMISSION TO CONGRESS.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief and the Director shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

''(I)(aa) the cancellation ceiling amounts proposed for each program year in the agreement or contract; and

''(bb) the reasons for the cancellation ceiling amounts proposed under item (aa);

''(II) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

''(III) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

''(ii) TRANSMITTAL TO OMB.—At least 14 days before the date on which the Chief and Director enter into an agreement or contract under subsection (b), the Chief and Director shall transmit to the Director of the Office of Management and Budget a copy of the written notice submitted under clause (i).''.

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**SA 3638.** Mr. MORAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. 4. EXCEPTION TO ANNUAL WRITTEN PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.**

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

''(f) EXCEPTION TO ANNUAL WRITTEN NOTICE REQUIREMENT.—A financial institution that—

''(1) provides nonpublic personal information in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

''(2) has not changed its policies and practices with respect to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section; and

''(3) otherwise provides customers access to such most recent disclosure in electronic or other form permitted by regulations prescribed under section 504,

shall not be required to provide an annual written disclosure under this section, until such time as the financial institution fails to comply with paragraph (1), (2), or (3).''.

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**SA 3639.** Mr. MORAN (for himself, Mr. ROBERTS, Mr. INHOFE, Mr. CRUZ, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. PROHIBITION ON LAND MANAGEMENT MODIFICATIONS RELATING TO LESSER PRAIRIE CHICKEN.**

Notwithstanding any other provision of law (including regulations), the Secretary of Agriculture and the Secretary of the Interior shall not implement or limit any modification to a public or private land-related policy or subsurface mineral right-related policy or practice that is in effect on the date of enactment of this Act relating to the listing of the Lesser Prairie Chicken as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

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**SA 3640.** Mrs. SHAHEEN (for herself, Mrs. BOXER, Mrs. MURRAY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. ENHANCEMENT OF THE DEPENDENT CARE TAX CREDIT.**

(a) INCREASE IN DEPENDENT CARE TAX CREDIT.—

(1) INCREASE IN INCOMES ELIGIBLE FOR FULL CREDIT.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 20 percent reduced (but not below zero) by 1 percentage point for each $5,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $200,000.''.

(2) INCREASE IN DOLLAR LIMIT ON AMOUNT CREDITABLE.—Subsection (c) of section 21 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$3,000'' in paragraph (1) and inserting ''$8,000'', and

(B) by striking ''$6,000'' in paragraph (2) and inserting ''$16,000''.

(3) INFLATION ADJUSTMENT.—Section 21 of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subsection (f) as subsection (g), and

(B) by inserting after subsection (e) the following new subsection:

''(f) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2015, the $200,000 amount in subsection (a)(2) and each of the dollar amounts in subsection (c) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '2014' for '1992' in subparagraph (B) thereof.

''(2) ROUNDING.—The amount of any increase under paragraph (1) shall be rounded—

''(A) for purposes of the dollar amount in subsection (a)(2), the nearest multiple of $1,000, and

''(B) for purposes of the dollar amounts in subsection (c), the nearest multiple of $100.''.

(b) DEPENDENT CARE TAX CREDIT TO BE REFUNDABLE.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 is amended—

(A) by redesignating section 21, as amended by subsection (a), as section 36C, and

(B) by moving section 36C, as so redesignated, from subpart A of part IV of subchapter A of chapter 1 to the location immediately before section 37 in subpart C of part IV of subchapter A of chapter 1.

(2) TECHNICAL AMENDMENTS.—

(A) Paragraph (1) of section 23(f) of the Internal Revenue Code of 1986 is amended by striking ''21(e)'' and inserting ''36C(e)''.

(B) Paragraph (6) of section 35(g) of such Code is amended by striking ''21(e)'' and inserting ''36C(e)''.

(C) Paragraph (1) of section 36C(a) of such Code (as redesignated by paragraph (1)) is amended by striking ''this chapter'' and inserting ''this subtitle''.

(D) Subparagraph (C) of section 129(a)(2) of such Code is amended by striking ''section 21(e)'' and inserting ''section 36C(e)''.

(E) Paragraph (2) of section 129(b) of such Code is amended by striking ''section 21(d)(2)'' and inserting ''section 36C(d)(2)''.

(F) Paragraph (1) of section 129(e) of such Code is amended by striking ''section 21(b)(2)'' and inserting ''section 36C(b)(2)''.

(G) Subsection (e) of section 213 of such Code is amended by striking ''section 21'' and inserting ''section 36C''.

(H) Subparagraph (A) of section 6211(b)(4) of such Code is amended by inserting ''36C,'' after ''36B,''.

(I) Subparagraph (H) of section 6213(g)(2) of such Code is amended by striking ''section 21'' and inserting ''section 36C''.

(J) Subparagraph (L) of section 6213(g)(2) of such Code is amended by striking ''section 21, 24, 32,'' and inserting ''section 24, 32, 36C,''.

(K) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''36C,'' after ''36B,''.

(L) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36B the following:

''Sec. 36C. Expenses for household and dependent care services necessary for gainful employment.''.

(M) The table of sections for subpart A of such part IV of such Code is amended by striking the item relating to section 21.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2014.

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**SA 3641.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SMALL BUSINESS ACCESS TO CAPITAL.**

(a) SHORT TITLE.—This section may be cited as the ''Small Business Access to Capital Act of 2014''.

(b) NEW TRANCHES OF CAPITAL FOR SUCCESSFUL STATE PROGRAMS.—Section 3003 of the Small Business Jobs Act of 2010 (12 U.S.C. 5702) is amended by adding at the end the following:

''(d) ADDITIONAL ALLOCATION AND COMPETITIVE AWARDS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible participating State' means a participating State that has certified to the Secretary that the State has expended, transferred, or obligated not less than 80 percent of the second ⅓ of the 2010 allocation transferred to the State under subsection (c)(1)(A)(iii); and

''(B) the term 'unused funds' means—

''(i) amounts made available to the Secretary under clause (i)(II) or (ii)(II) of paragraph (2)(E); and

''(ii) amounts made available to the Secretary under paragraph (4)(B)(ii).

''(2) ALLOCATION FOR 2010 PARTICIPATING STATES.—

''(A) ALLOCATION.—Of the amount made available under paragraph (6)(D), the Secretary shall allocate a total of $500,000,000 among eligible participating States in the same ratio as funds were allocated under the 2010 allocation under subsection (b)(1) among participating States.

''(B) APPLICATION.—An eligible participating State desiring to receive funds allocated under this paragraph shall submit an application—

''(i) not later than the later of—

''(I) June 30, 2015; or

''(II) the date that is 6 months after the date of enactment of the Small Business Access to Capital Act of 2014; and

''(ii) in such manner and containing such information as the Secretary may require.

''(C) AVAILABILITY OF ALLOCATED AMOUNT.—Notwithstanding subsection (c)(1), after an eligible participating State approved by the Secretary to receive an allocation under this paragraph has certified to the Secretary that the eligible participating State has expended, transferred, or obligated not less than 80 percent of the last ⅓ of the 2010 allocation to the eligible participating State, the Secretary shall transfer to the eligible participating State the funds allocated to the eligible participating State under this paragraph.

''(D) USE OF TRANSFERRED FUNDS.—An eligible participating State may use funds transferred under this paragraph for any purpose authorized under subparagraph (A) or (B) of subsection (c)(3).

''(E) TERMINATION OF AVAILABILITY OF AMOUNTS.—

''(i) IN GENERAL.—If an eligible participating State has not certified to the Secretary that the State has expended, transferred, or obligated not less than 80 percent of the last ⅓ of the 2010 allocation as of the date that is 2 years after the date on which the Secretary approves the eligible participating State to receive an allocation under this paragraph, any amounts allocated to the eligible participating State under this paragraph—

''(I) may not be transferred to the eligible participating State under this paragraph; and

''(II) shall be available to the Secretary to make awards under paragraph (4).

''(ii) OTHER AMOUNTS.—Effective on the date that is 2 years after the date of enactment of the Small Business Access to Capital Act of 2014, any amounts allocated under this paragraph to a participating State that, as of such date, is not an eligible participating State or to an eligible participating State that did not submit an application under subparagraph (B) or was not approved by the Secretary to receive an allocation under this paragraph—

''(I) may not be transferred to an eligible participating State under this paragraph; and

''(II) shall be available to the Secretary to make awards under paragraph (4).

''(3) COMPETITIVE FUNDING.—

''(A) IN GENERAL.—Of the amount made available under paragraph (6)(D), the Secretary may award, on a competitive basis, not more than a total of $1,000,000,000 to participating States and consortiums of participating States for use for any purpose authorized under subparagraph (A) or (B) of subsection (c)(3).

''(B) APPLICATION.—

''(i) IN GENERAL.—A participating State or consortium of participating States desiring to receive an award under this paragraph shall submit an application—

''(I) not later than the date established by the Secretary, which shall be not later than the date that is 1 year after the date of enactment of the Small Business Access to Capital Act of 2014; and

''(II) in such manner and containing such information as the Secretary may require.

''(ii) NUMBER OF APPLICATIONS.—A participating State may submit not more than 1 application on behalf of the participating State and not more than 1 application as part of a consortium of participating States.

''(iii) STATES THAT DID NOT PARTICIPATE.—A State that is not a participating State may apply to the Secretary for approval to be a participating State for purposes of this paragraph and paragraph (4), in accordance with section 3004.

''(C) FACTORS.—In determining whether to make an award to a participating State or consortium of participating States under this paragraph, the Secretary shall consider—

''(i) how the participating State or consortium of participating States plan to use amounts provided under the award under the approved State program to—

''(I) leverage private sector capital;

''(II) create and retain jobs during the 2-year period beginning on the date of the award;

''(III) serve businesses that have been incorporated or in operation for not more than 5 years; and

''(IV) serve low-or-moderate-income communities;

''(ii) the extent to which the participating State or consortium of participating States will establish or continue a robust self-evaluation of the activities of the participating State or consortium of participating States using amounts made available under this title;

''(iii) the extent to which the participating State or consortium of participating States will provide non-Federal funds in excess of the amount required under subparagraph (E); and

''(iv) the extent to which the participating State expended, obligated, or transferred the 2010 allocation to the State.

''(D) AWARD OF FUNDS.—

''(i) FIRST TRANCHE.—Notwithstanding subsection (c)(1), and not later than 30 days after making an award under this paragraph to a participating State or consortium of participating States, the Secretary shall transfer 50 percent of the amount of the award to the participating State or consortium of participating States.

''(ii) SECOND TRANCHE.—After a participating State or consortium of participating States has certified to the Secretary that the participating State or consortium of participating States has expended, transferred, or obligated not less than 80 percent of the amount transferred under clause (i), the Secretary shall transfer to the participating State or consortium of participating States the remaining amount of the award.

''(E) STATE SHARE.—The State share of the cost of the activities, excluding administrative expenses, carried out using an award under this paragraph shall be not less than 10 percent. The Secretary may determine what contributions by a State qualify as part of the State share of the cost for purposes of this subparagraph.

''(4) AWARD OF UNUSED FUNDS.—

''(A) IN GENERAL.—The Secretary may award, on a competitive basis, unused funds to participating States for use for any purpose authorized under subparagraph (A) or (B) of subsection (c)(3).

''(B) UNUSED 2010 FUNDS.—

''(i) IN GENERAL.—The Secretary shall determine whether any amounts allocated to a participating State under subsection (b) shall be deemed no longer allocated and no longer available if a participating State has not certified to the Secretary that the State has expended, transferred, or obligated 80 percent of the second ⅓ of the 2010 allocation by December 31, 2016.

''(ii) AVAILABILITY.—Effective on the date of the determination under clause (i), any amounts identified in the determination that were deemed no longer allocated and no longer available to the participating State shall be available to the Secretary to make awards under this paragraph.

''(C) APPLICATION.—A participating State desiring to receive an award under this paragraph shall submit an application—

''(i) not later than 3 months after the date on which funds are deemed no longer allocated and no longer available to any participating State; and

''(ii) in such manner and containing such information as the Secretary may require.

''(D) FACTORS.—In determining whether to make an award to a participating State under this paragraph, the Secretary shall consider the factors described in paragraph (3)(C).

''(E) MINIMUM AMOUNT.—The Secretary may not make an award of less than $5,000,000 under this paragraph.

''(5) EXTENSION OF COMPLIANCE AND REPORTING.—Notwithstanding section 3007(d), a participating State that receives funds under paragraph (2), (3), or (4) shall submit quarterly and annual reports containing the information described in section 3007 until the end of the 8-year period beginning on the date of enactment of the Small Business Access to Capital Act of 2014.

''(6) ADMINISTRATION AND IMPLEMENTATION.—

''(A) ADMINISTRATIVE EXPENSES FOR PARTICIPATING STATES.—A participating State may use not more than 3 percent of the amount made available to the participating State under paragraph (2), (3), or (4) for administrative expenses incurred by the participating State in implementing an approved State program.

''(B) CONTRACTING.—During the 1-year period beginning on the date of enactment of the Small Business Access to Capital Act of 2014, and notwithstanding any other provision of law relating to public contracting, the Secretary may enter into contracts to carry out this subsection.

''(C) AMOUNTS NOT ASSISTANCE.—Any amounts transferred to a participating State under paragraph (2), (3), or (4) shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

''(D) APPROPRIATION.—There are appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $1,500,000,000 to carry out this subsection, including to pay reasonable costs of administering the programs under this subsection, to remain available until expended.

''(E) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the program under this subsection shall terminate at the end of the 8-year period beginning on the date of enactment of the Small Business Access to Capital Act of 2014.''.

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**SA 3642.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EMPLOYEE PAYROLL TAX HOLIDAY FOR NEWLY HIRED VETERANS.**

(a) IN GENERAL.—Subsection (d) of section 3111 of the Internal Revenue Code of 1986 is amended to read as follows:

''(d) SPECIAL EXEMPTION FOR ELIGIBLE VETERANS HIRED DURING CERTAIN CALENDAR QUARTERS.—

''(1) IN GENERAL.—Subsection (a) shall not apply to 50 percent of the wages paid by the employer with respect to employment during the holiday period of any eligible veteran for services performed—

''(A) in a trade or business of the employer, or

''(B) in the case of an employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under such section.

''(2) HOLIDAY PERIOD.—For purposes of this subsection, the term 'holiday period' means the period of 4 consecutive calendar quarters beginning with the first day of the first calendar quarter beginning after the date of the enactment of the Bring Jobs Home Act.

''(3) ELIGIBLE VETERAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible veteran' means a veteran who—

''(i) begins work for the employer during the holiday period,

''(ii) was discharged or released from the Armed Forces of the United States under conditions other than dishonorable, and

''(iii) is not an individual described in section 51(i)(1) (applied by substituting 'employer' for 'taxpayer' each place it appears).

''(B) VETERAN.—The term 'veteran' means any individual who—

''(i) has served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 days, or has been discharged or released from active duty in the Armed Forces of the United States for a service-connected disability (within the meaning of section 101 of title 38, United States Code),

''(ii) has not served on extended active duty (as such term is used in section 51(d)(3)(B)) in the Armed Forces of the United States on any day during the 60-day period ending on the hiring date, and

''(iii) provides to the employer a copy of the individual's DD Form 214, Certificate of Release or Discharge from Active Duty, that includes the nature and type of discharge.

''(4) ELECTION.—An employer may elect not to have this subsection apply. Such election shall be made in such manner as the Secretary may require.

''(5) COORDINATION WITH WORK OPPORTUNITY CREDIT.—For coordination with the work opportunity credit, see section 51(3)(D).''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 51 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) DENIAL OF CREDIT FOR VETERANS SUBJECT TO 50 PERCENT PAYROLL TAX HOLIDAY.—If section 3111(d)(1) (as amended by the Bring Jobs Home Act) applies to any wages paid by an employer, the term 'qualified veteran' does not include any individual who begins work for the employer during the holiday period (as defined in section 3111(d)(2)) unless the employer makes an election not to have section 3111(d) apply.''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 51 of such Code is amended by striking paragraph (5).

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**SA 3643.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 317. REPORT FOR ENERGY-REMOTE MILITARY INSTALLATIONS.**

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Deputy Under Secretary of Defense for Installations and Environment, in conjunction with the assistant secretaries responsible for installations and environment for the military services, shall submit to the congressional defense committees a report detailing the current cost and sources of energy at each military installation in States with energy-remote military installations, and viable and feasible options for achieving energy efficiency and cost savings at those military installations.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at energy-remote military installations.

(B) An assessment of current sources of energy in States with energy-remote military installations and potential future sources that are technologically feasible, cost-effective, and mission-appropriate.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) UTILIZATION OF OTHER EFFORTS.—In preparing the report required under paragraph (1), the Under Secretary shall take into consideration completed and ongoing efforts by agencies of the Federal Government to analyze and develop energy-efficient solutions in States with energy-remote military installations, including the Department of Defense information available in the Annual Energy Management Report.

(4) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing energy-remote military installations, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term ''energy-remote military installation'' means military installations in the United States not connected to an extensive electrical energy grid.

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**SA 3644.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

**SEC. 354. CLARIFICATION THAT DEPARTMENT OF DEFENSE EMPLOYEES PAID USING NONAPPROPRIATED FUNDS ARE SUBJECT TO THE SAME COST-COMPARISON REVIEW PROCEDURES AS OTHER DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

Section 2461(a)(1) of title 10, United States Code, is amended, in the matter preceding subparagraph (A)—

(1) by inserting '', including nonappropriated functions,'' after ''No function''; and

(2) by inserting '', including civilian employees who perform nonappropriated functions,'' after ''Department of Defense civilian employees''.

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**SA 3645.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ____. CREDIT FOR SHRIMP PRODUCTION AND EFFICIENCY IMPROVEMENTS.**

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 45S. CREDIT FOR SHRIMP PRODUCTION AND EFFICIENCY IMPROVEMENTS.**

''(a) IN GENERAL.—For purposes of section 38, in the case of a shrimp harvester or shrimp processor, the shrimp production and efficiency improvements credit determined under this section for the taxable year shall be an amount equal to $0.50 per pound of wild-caught shrimp lawfully harvested or processed by the taxpayer during the taxable year.

''(b) DEFINITIONS.—For purposes of this section

''(1) SHRIMP HARVESTER.—The term 'shrimp harvester' means any vessel with a valid commercial license issued by any State or territory of the United States to harvest shrimp from a wild fishery.

''(2) SHRIMP PROCESSOR.—The term 'shrimp processor' means any facility located within the United States with a valid processing license for processing shrimp.

''(3) POUND.—The term 'pound' means, with respect to wild-caught shrimp, the round (whole) weight by pound of the wild-caught shrimp, or if such shrimp is not in whole form, the weight by pound of such shrimp equivalent to the round (whole) weight of such shrimp, based on the conversion factors used by the National Marine Fisheries Service. In the case of a shrimp processor, the weight of wild-caught shrimp shall be determined before processing operations are undertaken.

''(4) WILD-CAUGHT SHRIMP.—The term 'wild-caught shrimp' means shrimp that qualifies as 'wild fish' according to section 281(9) of the Agricultural Marketing Act of 1946 ( 7 U.S.C. 1638(9)).

''(c) TERMINATION.—This section shall not apply to wild-caught shrimp harvested or processed after December 31, 2019.''.

(2) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—

(A) IN GENERAL.—Subsection (b) of section 38 of such Code is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) the shrimp production and efficiency improvements credit determined under section 45S(a).''.

(B) CREDIT ALLOWABLE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) of such Code is amended by redesignating clauses (vii) through (ix) as clauses (viii) through (x), respectively, and by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45S,''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45S. Credit for shrimp production and efficiency improvements.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to wild-caught shrimp (as defined in section 45S(b)(4) of the Internal Revenue Code of 1986, as added by this section) harvested or processed after the date of the enactment of this Act, in taxable years ending after such date.

(b) MODIFICATION TO CHILD TAX CREDIT REQUIRING PROOF OF CITIZENSHIP OR RESIDENCE.—

(1) IN GENERAL.—Subsection (e) of section 24 of the Internal Revenue Code of 1986 is amended by adding ''and includes with such return information (in such form and manner as the Secretary prescribes) which establishes that the qualifying child is a citizen,

national, or resident of the United States'' before the period at the end thereof.

(2) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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**SA 3646.** Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. AMENDMENT TO THE NATIONAL LABOR RELATIONS ACT.**

Section 9(b) of the National Labor Relations Act (29 U.S.C. 159(b)) is amended by striking the first sentence and inserting the following: ''In each case, prior to an election, the Board shall determine, in order to ensure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, excluding acute health care facilities, the unit appropriate for purposes of collective bargaining shall consist of employees that share a sufficient community of interest. In determining whether employees share a sufficient community of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organizational structure; (7) similarity of job functions and work; and (8) the bargaining history in the particular unit and the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed unit members share a sufficient community of interest, with the exception of proposed accretions to an existing unit, in which the inclusion of additional employees shall be based on whether such additional employees and existing unit members share an overwhelming community of interest and the additional employees have little or no separate identity.''.

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**SA 3647.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. EQUAL ACCESS TO DECLARATORY JUDGMENTS FOR ORGANIZATIONS SEEKING TAX-EXEMPT STATUS.**

(a) IN GENERAL.—Subparagraph (A) of section 7428(a)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) or 501(d) which is exempt from tax under section 501(a) or as an organization described in section 170(c)(2),''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to pleadings filed after the date of the enactment of this Act.

**SA 3648.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. NOTICE REQUIRED BEFORE REVOCATION OF TAX EXEMPT STATUE FOR FAILURE TO FILE RETURN.**

(a) IN GENERAL.—Section 6033(j) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

''(2) REQUIREMENT OF NOTICE.—

''(A) IN GENERAL.—Not later than 300 days after the date an organization described in paragraph (1) fails to file the annual return or notice referenced in paragraph (1) for 2 consecutive years, the Secretary shall notify the organization—

''(i) that the Internal Revenue Service has no record of such a return or notice from such organization for 2 consecutive years, and

''(ii) about the penalty that will occur under this subsection if the organization fails to file such a return or notice by the date of the next filing deadline.

The notification under the preceding sentence shall include information about how to comply with the filing requirements under subsection (a)(1) and (i).''.

(b) REINSTATEMENT WITHOUT APPLICATION.—Paragraph (3) of section 6033(j) of such Code, as redesignated under subsection (a), is amended—

(1) by striking ''Any organization'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), any organization'', and

(2) by adding at the end the following new subparagraph:

''(B) RETROACTIVE REINSTATEMENT WITHOUT APPLICATION IF ACTUAL NOTICE NOT PROVIDED.—If an organization described in paragraph (1)—

''(i) demonstrates to the satisfaction of the Secretary that the organization did not receive the notice required under paragraph (2), and

''(ii) files an annual return or notice referenced in paragraph (1) for the current year,

then the Secretary may reinstate the organization's exempt status effective from the date of the revocation under paragraph (1) without the need for an application.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2014.

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**SA 3649.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SENSE OF THE SENATE REGARDING COMPREHENSIVE TAX REFORM.**

It is the sense of the Senate that Congress should enact comprehensive pro-growth tax reform that lowers corporate and individual tax rates and modernizes the international tax system of the United States in order to promote American jobs and competitiveness and help families be more financially secure.

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**SA 3650.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. SOUND REGULATION ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Sound Regulation Act of 2014''.

(b) FINDINGS.—Congress finds the following:

(1) Growing Federal regulation that is highly prescriptive in nature burdens and impairs the international competitiveness of industry in the United States.

(2) Prescriptive regulation takes away flexibility, is adversarial in nature, leads to unintended consequences, and, especially as it proliferates, slows economic growth and job creation.

(3) Despite evidence of increasing regulatory costs, Federal agencies hold fast to the presumption that their rules are in the public interest.

(4) Some statutes prohibit agencies from considering costs and benefits in rulemaking, although no statutes prohibit agencies from analyzing the costs and benefits of rules for informative purposes.

(5)(A) Cost-benefit analysis is not institutionalized for independent regulatory agencies.

(B) Executive agencies perform cost-benefit analysis pursuant to Executive order and under the purview of the Office of Information and Regulatory Affairs (commonly referred to as ''OIRA''), which takes direction from the President.

(C) Peer review is not required for cost-benefit analysis by independent regulatory agencies or executive agencies.

(6) There are no—

(A) statutory standards for cost-benefit analysis in Federal rulemaking; or

(B) consistent, material consequences when rules are based on faulty or inadequate analysis.

(7) Agencies—

(A) conduct their own regulatory impact analysis—

(i) largely by methods of their own choosing; and

(ii) only on a small fraction of the rules they issue; and

(B) use regulatory cost-benefit analysis mainly in support of favored, preconceived rules rather than as a decision tool.

(8) Common deficiencies in the regulatory analysis used by agencies include—

(A) lack of a coherent theory by which to—

(i) define a problem;

(ii) determine why the problem occurs; and

(iii) guide the agency to the most efficient response;

(B) lack of objective evidence that an actionable problem actually exists, what its dimensions are, and how they differ from acceptable norms;

(C) lack of comprehensive analysis to—

(i) determine whether a market malfunction exists; and

(ii) orient rulemaking to the causes, not the symptoms, of the market malfunction;

(D) failure to set clear and realistic objectives whose benefits justify the cost of achieving the objectives;

(E) objectives that—

(i) are disconnected from costs; and

(ii) may be expansive and vague so that any regulation can be made to appear beneficial;

(F) agencies increasingly claiming—

(i) incidental benefits (also know as ''co-benefits'') that are not in furtherance of the stated objective; and

(ii) even private, as opposed to public, benefits for rules;

(G) failure to—

(i) develop regulatory options in light of market analysis; and

(ii) rank regulatory options by how efficiently they will improve the market process;

(H) inconsistent assumptions and methodologies across agencies;

(I) invalid baselines for gauging regulatory effects;

(J) the omission of important impacts, such as the impact on employment and on the international competitiveness of United States firms;

(K) failure to reevaluate regulations after implementation; and

(L) failure to consider the cumulative costs of regulation by the various Federal, State, local, and tribal agencies.

(9)(A) Despite continually changing market conditions, agencies do not—

(i) regularly review their existing regulations and regulatory regimes; or

(ii) review the division of functions—

(I) among different Federal agencies; or

(II) among Federal, State, local, and tribal agencies.

(B) Regulations lose their purpose, yet linger and accumulate, imposing unnecessary costs and slowing economic growth to the detriment of—

(i) material living standards; and,

(ii) to some extent, the very social conditions that are the objects of regulation.

(10)(A) Agencies typically do not—

(i) proactively conduct regulatory cost studies; and

(ii) report to Congress on unnecessary costs that are not under the control of the agencies because of the way laws are written.

(B) Agency recommendations on how to improve the efficiency of regulation by modifying an existing statute could be helpful to Congress.

(c) UNIFORM USE OF COST-BENEFIT ANALYSIS.—Section 553 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) Before an agency publishes or otherwise provides notice of a notice of proposed rulemaking under this section, the agency shall comply with the following requirements with respect to the proposed rule:

''(A) The agency shall identify, in the context of a coherent conceptual framework and supported with objective data—

''(i) the nature and significance of the market failure, regulatory failure, or other problem that necessitates regulatory action;

''(ii) the reasons why national economic and income growth, advancing technology, and other market developments will not obviate the need for the rulemaking;

''(iii) the reasons why regulation at the State, local, or tribal level could not address the problem better than at the Federal level;

''(iv) the reasons why reducing rather than increasing the extent or stringency of existing Federal regulation would not address the problem better; and

''(v) the particular authority under which the agency may take action.

''(B) Before the agency increases the extent or stringency of regulation based on its determinations pursuant to subparagraph (A), the agency shall—

''(i) set an achievable objective for its regulatory action and identify the metrics by which the agency will measure progress toward the objective;

''(ii) issue a notice of inquiry seeking public comment on the identification of a new objective under clause (i); and

''(iii) give notice to the committees of Congress with jurisdiction over the subject matter of the rule.

''(C) If the agency is not seeking to repeal a rule, the agency shall develop not less than 3 distinct regulatory options, in addition to not regulating, that the agency estimates will provide the greatest benefits for the least cost in meeting the regulatory objective set under subparagraph (B) and, in developing such regulatory options, shall apply the following principles:

''(i) The agency shall, to the extent practicable—

''(I) attempt to engage private incentives to solve a problem; and

''(II) not supplant private incentives any more than necessary.

''(ii) The agency shall consider the adverse effects that mandates and prohibitions may have on innovation, economic growth, and employment.

''(iii)(I) The agency's risk assessment shall be confined to the jurisdiction of the agency, subject to specific regulatory authority.

''(II) Agency assessments of the risks of adverse health and environmental effects shall follow standardized parameters, assumptions, and methodologies.

''(III) The agency shall provide analyses of increases in risks, whatever their nature, produced by the regulatory options under consideration.

''(iv) The agency shall avoid incongruities and duplication in regulation at the Federal, State, local, and tribal levels.

''(v) The agency shall compare and contrast the regulatory options developed and explain how each would meet the regulatory objective set pursuant to subparagraph (B).

''(D) The agency shall estimate the costs and benefits of each regulatory option developed, notwithstanding any provision of law that prohibits the agency from using costs in rulemaking, at least to the extent that the agency is able to—

''(i) exclude options whose costs exceed their benefits;

''(ii) rank the options by cost from lowest to highest;

''(iii) estimate the monetary cost of any adverse effects on private property rights, identify the categories of persons who experience a net loss from a regulatory option, and explain why the negative effects cannot be lessened or avoided;

''(iv) establish whether the cost of an option exceeds $50,000,000 for any 12-month period, except that the dollar amount shall be adjusted annually for inflation based on the GDP deflator, and the President may order that a lower dollar amount be used for a particular period;

''(v) identify the key uncertainties and assumptions that drive the results of the analysis under clause (iv); and

''(vi) provide an analysis of how the ranking of the options and the threshold determination under clause (iv) may change if key assumptions are changed.

''(E) The estimates pursuant to subparagraph (D) shall—

''(i) follow the methodology established pursuant to paragraph (2)(A);

''(ii) to the maximum extent practicable, comply with any guidelines issued by the Administrator of the Office of Information and Regulatory Affairs pertaining to cost-benefit analysis; and

''(iii) include, at a minimum—

''(I) agency administrative costs;

''(II) United States private sector compliance costs;

''(III) Federal, State, local, and tribal compliance costs;

''(IV) Federal, State, local, and tribal revenue impacts;

''(V) impacts from the regulatory options developed on United States industries in the role of suppliers and consumers to each industry substantially affected, especially in terms of employment, costs, volume and quality of output, and prices;

''(VI) nationwide impacts on overall economic output, productivity, and consumer and producer prices;

''(VII) international competitiveness of United States companies; and

''(VIII) distortions in incentives and markets, including an estimate of the resulting loss to the United States economy.

''(F) The agency shall—

''(i) publish for public comment all analyses, documentation, and data under subparagraphs (A) through (D) for a public comment period of not less than 30 days (subject to applicable limitations under law, including laws protecting privacy, trade secrets, and intellectual property); and

''(ii) correct deficiencies or omissions that the agency becomes aware of before choosing a rule to propose.

''(2)(A)(i) Beginning not later than the date that is 180 days after the date of enactment of the Sound Regulation Act of 2014, each agency shall, by rule—

''(I) establish and maintain a specific cost-benefit analysis methodology appropriate to the functions and responsibilities of the agency; and

''(II) establish an appropriate period for review of new rules to assess the cost effectiveness of each such new rule at achieving the objective that the new rule was intended to address, as identified under paragraph (1)(B)(i).

''(ii) The methodology established by an agency under clause (i) shall—

''(I) include the standardized parameters, assumptions, and methodologies for agency assessments of risk under paragraph (1)(C)(iii);

''(II) comply, to the maximum extent practicable, with technical standards for methodologies and assumptions issued by the Administrator for the Office of Information and Regulatory Affairs;

''(III) include the scope of benefits and costs consistent with the framework used and the metrics identified in the establishment of the regulatory objective under paragraph (1);

''(IV) not include consideration of incidental benefits but only those benefits that were considered in the establishment of the regulatory objective under paragraph (1);

''(V) limit consideration of costs and benefits to costs and benefits that accrue to the population of the United States;

''(VI) constrain the agency from presuming that continued augmentation or tightening of mandates and additional prohibitions cause benefits and costs to change linearly but instead determine at what point benefits will rise less than, and costs will rise more than, proportionally;

''(VII) include comparison of incremental benefits to incremental costs from any action the agency considers taking and refrain from actions whose incremental benefits do not exceed their incremental costs; and

''(VIII) include analysis of effects on private incentives and possible unintended consequences.

''(iii) Each agency shall adhere to the methodology established by the agency under this subparagraph in all rulemakings.

''(B) If an agency does not select the least-cost regulatory option as its proposed rule, the agency shall justify its selection, explaining—

''(i) how that selection furthers other goals or requirements relevant to regulating matters within the jurisdiction of the agency and why these should override cost savings; and

''(ii) why each of the other regulatory options not chosen would not sufficiently further such other goals or requirements.

''(C) Any person may petition an agency to amend an existing rule made prior to the establishment of methodology under this paragraph, and, if the agency denies such a petition, that denial shall be subject to review under chapter 7 of this title.

''(3) If an agency makes a determination under paragraph (1)(D) that the monetized cost of a rule exceeds the applicable monetary limit under clause (iv) of such paragraph for any 12-month period—

''(A) the head of the agency shall—

''(i) first issue an advanced notice of proposed rulemaking;

''(ii) provide notice to the appropriate Congressional committees; and

''(iii) keep the committees described in clause (ii) informed of the status of the rulemaking;

''(B) the agency shall—

''(i) notify—

''(I) the Administrator of the Small Business Administration (referred to in this paragraph as the 'Administrator');

''(II) the Director of the Office of Management and Budget (referred to in this paragraph as the 'Director'); and

''(III) affected parties; and

''(ii) provide each person described in clause (i) with information on—

''(I) the potential effects of the proposed rule on affected parties; and

''(II) the type of affected parties that might be affected;

''(C) not later than 15 days after the date of receipt of the information described in subparagraph (B)(ii), the Director, in consultation with the Administrator, shall—

''(i) identify representatives of affected parties, not less than 25 percent of which shall, when possible, represent small business concerns (as such term is defined in section 3(a) of the Small Business Act (15 U.S.C. 623(a)); and

''(ii) provide each major stakeholder with the opportunity to obtain advice and recommendations about the potential effects of the proposed rule;

''(D) the agency shall convene a review panel that consists wholly of—

''(i) full-time Federal officers, employees, and contractors in the agency;

''(ii) the Director;

''(iii) the Administrator; and

''(iv) the representatives of affected parties identified under subparagraph (C)(i);

''(E) the agency shall—

''(i) conduct a detailed analysis of the costs and benefits of the regulatory option that the agency is advancing; and

''(ii) in conducting the detailed analysis under clause (i)—

''(I) consider the cumulative and interactive costs of regulatory requirements of Federal, State, local, tribal, and, where applicable, international regulations;

''(II) identify the key uncertainties and assumptions that drive the results of the analysis; and

''(III) provide an analysis of how the ranking of the regulatory options changes if the key assumptions identified under subclause (II) are changed;

''(F) the review panel convened under subparagraph (D) shall review—

''(i) all agency material prepared in connection with this subsection, including any draft proposed rule; and

''(ii) the advice and recommendations of each representative of an affected party identified under subparagraph (C)(i);

''(G) not later than 60 days after the date on which the agency convenes the review panel under subparagraph (D)—

''(i) the review panel shall report on—

''(I) the comments of each representative of an affected party identified under subparagraph (C)(i); and

''(II) the findings of the review panel as to issues related to the provisions of this subsection; and

''(ii) the report under clause (i) shall be made public as part of the rulemaking record;

''(H) if appropriate, the agency shall modify the proposed rule or the cost-benefit analysis under subparagraph (E) based on the report under subparagraph (G);

''(I) subject to applicable limitations under law, including laws protecting privacy, trade secrets, and intellectual property, the agency shall—

''(i) publish for comment all analyses, documentation, and data under this subsection for a public comment period of not less than 30 days; and

''(ii) correct deficiencies or omissions that the agency becomes aware of before adopting a proposed rule; and

''(J) the agency shall ensure that affected parties, including State, local, or tribal governments, and other stakeholders, may participate in the rulemaking, by means such as—

''(i) the publication of advanced and general notices of proposed rulemaking in publications likely to be obtained by affected parties;

''(ii) the direct notification of interested affected parties;

''(iii) the conduct of open conferences or public hearings, including soliciting and receiving comments over computer networks; and

''(iv) reducing the cost or complexity of procedural rules to ease participation in the rulemaking.

''(4) Every 4 years, each agency shall—

''(A) conduct a review of all rules of the agency that are in effect; and

''(B) determine based on objective data whether the rules are—

''(i) working as intended;

''(ii) furthering their objectives;

''(iii) imposing unanticipated costs; or

''(iv) generating a net benefit or not;

''(C) amend the rules if appropriate; and

''(D) report to Congress the findings of the review conducted under this paragraph.

''(5) Notwithstanding any other provision of law, including any provision of law that explicitly prohibits the use of cost-benefit analysis in rulemaking, an agency shall conduct cost-benefit analyses and report to Congress the findings with specific recommendations for how to lower regulatory costs by amending the statutes prohibiting the use thereof.

''(6) For purposes of this subsection—

''(A) the term 'regulatory options' means any action an agency may take to address an objective identified under paragraph (1)(B)(i), including the option not to act;

''(B) the term 'private incentives'—

''(i) means financial gains or losses that motivate actions by private individuals and businesses; and

''(ii) does not include any law or regulation that prescribes private actions or outcomes; and

''(C) the term 'incidental benefit' means a claimed benefit outside the specific regulatory objective or objectives that a rule is intended to address, as identified under paragraph (1)(B)(i).

''(7) All determinations made under this subsection shall be subject to review under chapter 7.''.

(d) CONGRESSIONAL REVIEW.—Section 801(a)(2) of title 5, United States Code, is amended by adding at the end the following:

''(C) The Comptroller General shall—

''(i) examine the cost-benefit analysis for compliance with the requirements of section 553(f), including the agency methodology established under section 553(f)(2)(A);

''(ii) examine any risk analysis under section 553(f)(1)(C)(iii) pertaining to the cost-benefit analysis for compliance with the requirements under section 553(f); and

''(iii)(I) examine the agencies' quadrennial regulatory reviews conducted under section 553(f)(4) for consistency with the requirements under section 553(f); and

''(II) report to Congress on the results of the examination under subclause (I).''.

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**SA 3651.** Mr. KIRK (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.**

Section 102 of the America COMPETES Reauthorization Act of 2010 (42 U.S.C. 6622) is amended—

(1) in subsection (b), by striking paragraph (7) and inserting the following:

''(7) develop and update a national manufacturing competitiveness strategic plan in accordance with subsection (c).''; and

(2) by striking subsection (c) and inserting the following:

''(c) NATIONAL MANUFACTURING COMPETITIVENESS STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Bring Jobs Home Act, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, the strategic plan developed under paragraph (2).

''(2) DEVELOPMENT.—The Committee shall develop (and update as required under paragraph (8)), in coordination with the National Economic Council, a strategic plan to improve Government coordination and provide long-term guidance for Federal programs and activities in support of United States manufacturing competitiveness, including advanced manufacturing research and development.

''(3) COMMITTEE CHAIRPERSON.—In developing and updating the strategic plan, the Secretary of Commerce, or a designee of the Secretary, shall serve as the chairperson of the Committee.

''(4) GOALS.—The goals of such strategic plan shall be to—

''(A) promote growth, job creation, sustainability, and competitiveness in the United States manufacturing sector;

''(B) support the development of a skilled manufacturing workforce;

''(C) enable innovation and investment in domestic manufacturing; and

''(D) support national security.

''(5) CONTENTS.—Such strategic plan shall—

''(A) specify and prioritize near-term and long-term objectives to meet the goals of the plan, including research and development objectives, the anticipated timeframe for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

''(B) describe the progress made in achieving the objectives from prior strategic plans, including a discussion of why specific objectives were not met;

''(C) specify the role, including the programs and activities, of each relevant Federal agency in meeting the objectives of the strategic plan;

''(D) describe how the Federal agencies and federally funded research and development centers supporting advanced manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies and United States based manufacturing of new

products and processes for the benefit of society to ensure national, energy, and economic security;

''(E) describe how such Federal agencies and centers will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce;

''(F) describe how such Federal agencies and centers will assist small- and medium-sized manufacturers in developing and implementing new products and processes;

''(G) take into consideration and include a discussion of the analysis conducted under paragraph (6); and

''(H) solicit public input (which may be accomplished through the establishment of an advisory panel under paragraph (7)), including the views of a wide range of stakeholders, and consider relevant recommendations of Federal advisory committees.

''(6) PRELIMINARY ANALYSIS.—

''(A) IN GENERAL.—As part of developing such strategic plan, the Committee, in collaboration with Federal departments and agencies whose missions contribute to or are affected by manufacturing, shall conduct an analysis of factors that impact the competitiveness and growth of the United States manufacturing sector, including—

''(i) research, development, innovation, transfer of technologies to the marketplace, and commercialization activities in the United States;

''(ii) the adequacy of the industrial base for maintaining national security;

''(iii) the state and capabilities of the domestic manufacturing workforce;

''(iv) export opportunities and domestic trade enforcement policies;

''(v) financing, investment, and taxation policies and practices;

''(vi) the state of emerging technologies and markets; and

''(vii) efforts and policies related to manufacturing promotion undertaken by competing nations.

''(B) RELIANCE ON EXISTING INFORMATION.—To the extent practicable, in completing the analysis under subparagraph (A), the Committee shall use existing information and the results of previous studies and reports.

''(7) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The chairperson of the Committee may appoint an advisory panel of private sector and nonprofit leaders to provide input, perspective, and recommendations to assist in the development of the strategic plan under this subsection.

''(B) MEMBERSHIP.—The panel shall have no more than 15 members, and shall include representatives of manufacturing businesses, labor representatives of the manufacturing workforce, academia, and groups representing interests affected by manufacturing activities.

''(C) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the Advisory Panel.

''(8) UPDATES.—Not later than May 1, 2018, and not less frequently than once every 4 years thereafter, the President shall submit to Congress, and publish on an Internet website that is accessible to the public, an update of the strategic plan transmitted under paragraph (1). Such updates shall be developed in accordance with the procedures set forth under this subsection.

''(9) REQUIREMENT TO CONSIDER STRATEGY IN THE BUDGET.—In preparing the budget for a fiscal year under section 1105(a) of title 31, United States Code, the President shall include information regarding the consistency of the budget with the goals and recommendations included in the strategic plan developed under this subsection applying to that fiscal year.''.

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**SA 3652.** Mr. KIRK (for himself, Ms. AYOTTE, Mr. CORNYN, Mr. ISAKSON, Mr. ROBERTS, Mr. HELLER, Mr. HOEVEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. CERTIFICATION REQUIRED FOR EXERCISE OF CERTAIN WAIVERS OF PROVISIONS OF LAW IMPOSING SANCTIONS WITH RESPECT TO IRAN.**

(a) IN GENERAL.—On and after the date of the enactment of this Act, the President may not exercise a waiver specified in subsection (b) in connection with the extension of the terms of the Joint Plan of Action beyond July 20, 2014, unless the President certifies to Congress before the waiver takes effect and every 60 days thereafter that any funds made available to the Government of Iran as a result of the waiver will not facilitate the ability of that Government—

(1) to provide support for—

(A) any individual or entity designated for the imposition of sanctions for activities relating to international terrorism pursuant to an Executive order or by the Office of Foreign Assets Control of the Department of the Treasury before July 22, 2014;

(B) any organization designated by the Secretary of State as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) before July 22, 2014; or

(C) any other terrorist organization, including Hamas, Hezbollah, Palestinian Islamic Jihad, and the regime of Bashar al-Assad in Syria;

(2) to advance the efforts of Iran or any other country to develop nuclear weapons or ballistic missiles overtly or covertly; or

(3) to commit any violation of the human rights of the people of Iran.

(b) WAIVERS SPECIFIED.—A waiver specified in this subsection is any of the following:

(1) A waiver provided for under section 4(c) or 9(c) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) to the imposition of sanctions under section 5(a)(7) of that Act.

(2) A waiver provided for under paragraph (5) of section 1245(d) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)) to the imposition of sanctions under paragraph (1) of that section.

(3) A waiver provided for under subsection (e) of section 302 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8742) to the identification of foreign persons under subsection (a) of that section.

(4) A waiver provided for under subsection (i) of section 1244 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803) to the imposition of sanctions under subsection (c) of that section.

(c) JOINT PLAN OF ACTION DEFINED.—In this section, the term ''Joint Plan of Action'' means the Joint Plan of Action, signed at Geneva November 24, 2013, by Iran and by France, Germany, the Russian Federation, the People's Republic of China, the United Kingdom, and the United States.

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**SA 3653.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. NATIONAL PARK ACCESS.**

(a) FINDINGS.—Congress finds that—

(1) during the period in October 2013 in which there was a lapse in appropriations (referred to in this subsection as the ''Government shutdown''), the National Park Service entered into agreements with the States of Arizona, Colorado, New York, South Dakota, Tennessee, and Utah to temporarily reopen iconic national treasures in the National Park System, such as the Grand Canyon, Mount Rushmore, and the Statue of Liberty;

(2) pursuant to the agreements described in paragraph (1), the States listed in paragraph (1) advanced approximately $2,000,000 to the National Park Service to pay for park operations during the Government shutdown;

(3) the units of the National Park System that were temporarily reopened using State funds also collected gate entry fees;

(4) the Government shutdown ended when Congress passed the Continuing Appropriations Act, 2014 (Public Law 113–46), which retroactively funded Federal agencies and Federal employee salaries for the period of time during which the Government was shut down;

(5) by virtue of the retroactive appropriation made by Congress, the National Park Service retained an unintended shutdown windfall from the States listed in paragraph (1) of approximately $2,000,000; and

(6) the States listed in paragraph (1) that entered into agreements described in paragraph (1) with the National Park Service should be fully reimbursed for advancing funds to maintain public access to iconic national treasures in the National Park System during the Government shutdown.

(b) REFUND OF FUNDS USED BY STATES TO OPERATE NATIONAL PARKS DURING SHUTDOWN.—

(1) IN GENERAL.—The Director of the National Park Service shall refund to each State all funds of the State that were used to reopen and temporarily operate a unit of the National Park System during the period in October 2013 in which there was a lapse in appropriations for the unit.

(2) FUNDING.—Funds of the National Park Service that are appropriated after the date of enactment of this Act shall be used to carry out this subsection.

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**SA 3654.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. PUBLIC ACCESS TO PUBLIC LAND GUARANTEE.**

(a) FINDINGS.—Congress finds that—

(1) public land in the United States is managed and administered for the use and enjoyment of present and future generations;

(2) the National Park System (including National Parks, National Monuments, and National Recreation Areas) is managed for the benefit and inspiration of all the people of the United States;

(3) the National Wildlife Refuge System is administered for the benefit of present and future generations of people in the United States, with priority consideration for compatible wildlife-dependent general public uses of the National Wildlife Refuge System;

(4) the National Forest System is dedicated to the long-term benefit of present and future generations; and

(5) the reopening and temporary operation and management of public land, the National Park System, the National Wildlife Refuge System, and the National Forest System

using funds from States and political subdivisions of States during periods in which the Federal Government is unable to operate and manage the areas at normal levels due to a lapse in appropriations is consistent with the values and purposes for which those areas were established.

(b) DEFINITIONS.—In this section:

(1) COVERED UNIT.—The term ''covered unit'' means—

(A) public land;

(B) units of the National Park System;

(C) units of the National Wildlife Refuge System; or

(D) units of the National Forest System.

(2) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to land under the jurisdiction of the Secretary of the Interior; or

(B) the Secretary of Agriculture, with respect to land under the jurisdiction of the Secretary of Agriculture.

(c) AGREEMENT TO KEEP PUBLIC LAND OPEN DURING A GOVERNMENT SHUTDOWN.—

(1) IN GENERAL.—Subject to paragraph (2), if a State or political subdivision of the State offers, the Secretary shall enter into an agreement with the State or political subdivision of the State under which the United States may accept funds from the State or political subdivision of the State to reopen, in whole or in part, any covered unit within the State or political subdivision of the State during any period in which there is a lapse in appropriations for the covered unit.

(2) APPLICABILITY.—The authority under paragraph (1) shall only be in effect during any period in which the Secretary is unable to operate and manage covered units at normal levels, as determined in accordance with the terms of agreement entered into under paragraph (1).

(3) REFUND.—The Secretary shall refund to the State or political subdivision of the State all amounts provided to the United States under an agreement entered into under paragraph (1)—

(A) on the date of enactment of an Act retroactively appropriating amounts sufficient to maintain normal operating levels at the covered unit reopened under an agreement entered into under paragraph (1); or

(B) on the date on which the State or political subdivision establishes, in accordance with the terms of the agreement, that, during the period in which the agreement was in effect, fees for entrance to, or use of, the covered units were collected by the Secretary.

(4) VOLUNTARY REIMBURSEMENT.—If the requirements for a refund under paragraph (3) are not met, the Secretary may, subject to the availability of appropriations, reimburse the State and political subdivision of the State for any amounts provided to the United States by the State or political subdivision under an agreement entered into under paragraph (1).

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**SA 3655.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. EXTENSION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.**

(a) IN GENERAL.—The following provisions of section 45(d) of the Internal Revenue Code of 1986 are each amended by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2016'':

(1) Paragraph (1).

(2) Paragraph (2)(A).

(3) Paragraph (3)(A).

(4) Paragraph (4)(B).

(5) Paragraph (6).

(6) Paragraph (7).

(7) Paragraph (9).

(8) Paragraph (11)(B).

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Clause (ii) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2014'' and inserting ''January 1, 2016''.

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 2014.

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**SA 3656.** Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr. FLAKE, Mr. GRASSLEY, Mr. ISAKSON, Mr. JOHANNS, Mr. LEE, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. TOOMEY, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REPEAL OF MEDICAL DEVICE EXCISE TAX.**

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

(c) CLERICAL AMENDMENT.—The table of subchapter for chapter 32 of such Code is amended by striking the item related to subchapter E.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

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**SA 3657.** Mr. HATCH (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. COATS, Mr. COBURN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. FLAKE, Mr. GRASSLEY, Mr. JOHANNS, Mr. MCCAIN, Mr. PORTMAN, Mr. ROBERTS, Mr. RUBIO, Mr. THUNE, Mr. GRAHAM, and Mr. SCOTT) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REPEAL OF THE EMPLOYER MANDATE.**

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (and the amendments made by such sections and subsections) are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

**SA 3658.** Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE II—UNITED STATES EMPLOYEE OWNERSHIP BANK**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''United States Employee Ownership Bank Act''.

**SEC. 202. FINDINGS.**

Congress finds that—

(1) between January 2000 and June 2014, the manufacturing sector lost 5,162,000 jobs;

(2) as of June 2014, only 12,121,000 workers in the United States were employed in the manufacturing sector, lower than June 1941;

(3) at the end of 2013, the United States had a trade deficit of $474,864,000,000, including a record-breaking $318,417,200,000 trade deficit with China;

(4) preserving and increasing decent paying jobs must be a top priority of Congress;

(5) providing loan guarantees, direct loans, and technical assistance to employees to buy their own companies will preserve and increase employment in the United States; and

(6) the time has come to establish the United States Employee Ownership Bank to preserve and expand jobs in the United States through Employee Stock Ownership Plans and worker-owned cooperatives.

**SEC. 203. DEFINITIONS.**

In this title—

(1) the term ''Bank'' means the United States Employee Ownership Bank, established under section 204;

(2) the term ''eligible worker-owned cooperative'' has the same meaning as in section 1042(c)(2) of the Internal Revenue Code of 1986;

(3) the term ''employee stock ownership plan'' has the same meaning as in section 4975(e)(7) of the Internal Revenue Code of 1986; and

(4) the term ''Secretary'' means the Secretary of the Treasury.

**SEC. 204. ESTABLISHMENT OF UNITED STATES EMPLOYEE OWNERSHIP BANK WITHIN THE DEPARTMENT OF THE TREASURY.**

(a) ESTABLISHMENT OF BANK.—

(1) IN GENERAL.—Before the end of the 90-day period beginning on the date of enactment of this title, the Secretary shall establish the United States Employee Ownership Bank, to foster increased employee ownership of United States companies and greater employee participation in company decision-making throughout the United States.

(2) ORGANIZATION OF THE BANK.—

(A) MANAGEMENT.—The Secretary shall appoint a Director to serve as the head of the Bank, who shall serve at the pleasure of the Secretary.

(B) STAFF.—The Director may select, appoint, employ, and fix the compensation of such employees as are necessary to carry out the functions of the Bank.

(b) DUTIES OF BANK.—The Bank is authorized to provide loans, on a direct or guaranteed basis, which may be subordinated to the interests of all other creditors—

(1) to purchase a company through an employee stock ownership plan or an eligible worker-owned cooperative, which shall be at least 51 percent employee owned, or will become at least 51 percent employee owned as a result of financial assistance from the Bank;

(2) to allow a company that is less than 51 percent employee owned to become at least 51 percent employee owned;

(3) to allow a company that is already at least 51 percent employee owned to increase the level of employee ownership at the company; and

(4) to allow a company that is already at least 51 percent employee owned to expand operations and increase or preserve employment.

(c) PRECONDITIONS.—Before the Bank makes any subordinated loan or guarantees a loan under subsection (b)(1), a business plan shall be submitted to the bank that—

(1) shows that—

(A) not less than 51 percent of all interests in the company is or will be owned or controlled by an employee stock ownership plan or eligible worker-owned cooperative;

(B) the board of directors of the company is or will be elected by shareholders on a one share to one vote basis or by members of the eligible worker-owned cooperative on a one member to one vote basis, except that shares held by the employee stock ownership plan will be voted according to section 409(e) of the Internal Revenue Code of 1986, with participants providing voting instructions to the trustee of the employee stock ownership plan in accordance with the terms of the employee stock ownership plan and the requirements of that section 409(e); and

(C) all employees will receive basic information about company progress and have the opportunity to participate in day-to-day operations; and

(2) includes a feasibility study from an objective third party with a positive determination that the employee stock ownership plan or eligible worker-owned cooperative will generate enough of a margin to pay back any loan, subordinated loan, or loan guarantee that was made possible through the Bank.

(d) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—Notwithstanding any other provision of law, a loan that is provided or guaranteed under this section shall—

(1) bear interest at an annual rate, as determined by the Secretary—

(A) in the case of a direct loan under this title—

(i) sufficient to cover the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

(ii) of 4 percent; and

(B) in the case of a loan guaranteed under this section, in an amount that is equal to the current applicable market rate for a loan of comparable maturity; and

(2) have a term not to exceed 12 years.

**SEC. 205. EMPLOYEE RIGHT OF FIRST REFUSAL BEFORE PLANT OR FACILITY CLOSING.**

Section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) is amended—

(1) in the section heading, by adding at the end the following: ''**; EMPLOYEE STOCK OWNERSHIP PLANS OR ELIGIBLE WORKER-OWNED COOPERATIVES**''; and

(2) by adding at the end the following:

''(e) EMPLOYEE STOCK OWNERSHIP PLANS AND ELIGIBLE WORKER-OWNED COOPERATIVES.—

''(1) GENERAL RULE.—If an employer orders a plant or facility closing in connection with the termination of its operations at such plant or facility, the employer shall offer its employees an opportunity to purchase such plant or facility through an employee stock ownership plan (as that term is defined in section 4975(e)(7) of the Internal Revenue Code of 1986) or an eligible worker-owned cooperative (as that term is defined in section 1042(c)(2) of the Internal Revenue Code of 1986) that is at least 51 percent employee owned. The value of the company which is to be the subject of such plan or cooperative shall be the fair market value of the plant or facility, as determined by an appraisal by an independent third party jointly selected by the employer and the employees. The cost of the appraisal may be shared evenly between the employer and the employees.

''(2) EXEMPTIONS.—Paragraph (1) shall not apply—

''(A) if an employer orders a plant closing, but will retain the assets of such plant to continue or begin a business within the United States; or

''(B) if an employer orders a plant closing and such employer intends to continue the business conducted at such plant at another plant within the United States.''.

**SEC. 206. REGULATIONS ON SAFETY AND SOUNDNESS AND PREVENTING COMPETITION WITH COMMERCIAL INSTITUTIONS.**

Before the end of the 90-day period beginning on the date of enactment of this title, the Secretary of the Treasury shall prescribe such regulations as are necessary to implement this title and the amendments made by this title, including—

(1) regulations to ensure the safety and soundness of the Bank; and

(2) regulations to ensure that the Bank will not compete with commercial financial institutions.

**SEC. 207. COMMUNITY REINVESTMENT CREDIT.**

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following:

''(e) ESTABLISHMENT OF EMPLOYEE STOCK OWNERSHIP PLANS AND ELIGIBLE WORKER-OWNED COOPERATIVES.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency may consider as a factor capital investments, loans, loan participation, technical assistance, financial advice, grants, and other ventures undertaken by the institution to support or enable employees to establish employee stock ownership plans or eligible worker-owned cooperatives (as those terms are defined in sections 4975(e)(7) and 1042(c)(2) of the Internal Revenue Code of 1986, respectively), that are at least 51 percent employee-owned plans or cooperatives.''.

**SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary to carry out this title, $500,000,000 for fiscal year 2015, and such sums as may be necessary for each fiscal year thereafter.

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**SA 3659.** Mr. SANDERS (for himself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 3608 submitted by Mr. PAUL and intended to be proposed to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

On page 4 of the amendment, after line 9, insert the following:

**SEC. ____. ENDING CONFLICTS OF INTERESTS.**

(a) FINDINGS.—Congress finds the following:

(1) In October 2011, the Government Accountability Office found that—

(A) allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System;

(B) 18 former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis;

(C) many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions;

(D) under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in ''hazardous'' condition;

(E) 21 members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System; and

(F) the Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

(b) CLASS A MEMBERS.—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking ''chosen by and be representative of the stockholding banks'' and inserting ''designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank''.

(c) CLASS B.—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking ''be elected'' and inserting ''be designated by the Board of Governors of the Federal Reserve System''.

(d) LIMITATIONS ON BOARDS OF DIRECTORS.—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

''No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

''No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.''.

(e) REPORTS TO CONGRESS.—The Comptroller General of the United States shall report annually to Congress beginning 1 year after the date of enactment of this Act to make sure that the provisions of this section are followed.

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**SA 3660.** Mr. SANDERS (for himself, Mr. LEAHY, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. WORKER OWNERSHIP, READINESS, AND KNOWLEDGE.**

(a) SHORT TITLE.—This section may be cited as the ''Worker Ownership, Readiness, and Knowledge Act'' or the ''WORK Act''.

(b) DEFINITIONS.—In this section:

(1) EXISTING PROGRAM.—The term ''existing program'' means a program, designed to promote employee ownership and employee participation in business decisionmaking, that exists on the date the Secretary is carrying out a responsibility authorized by this section.

(2) INITIATIVE.—The term ''Initiative'' means the Employee Ownership and Participation Initiative established under subsection (c).

(3) NEW PROGRAM.—The term ''new program'' means a program, designed to promote employee ownership and employee participation in business decisionmaking, that does not exist on the date the Secretary is carrying out a responsibility authorized by this section.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Labor, acting through the Assistant Secretary for Employment and Training.

(5) STATE.—The term ''State'' means any of the 50 States within the United States of America.

(c) EMPLOYEE OWNERSHIP AND PARTICIPATION INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary of Labor shall establish within the Employment and Training Administration of the Department of Labor an Employee Ownership and Participation Initiative to promote employee ownership and employee participation in business decisionmaking.

(2) FUNCTIONS.—In carrying out the Initiative, the Secretary shall—

(A) support within the States existing programs designed to promote employee ownership and employee participation in business decisionmaking; and

(B) facilitate within the States the formation of new programs designed to promote employee ownership and employee participation in business decisionmaking.

(3) DUTIES.—To carry out the functions enumerated in paragraph (2), the Secretary shall—

(A) support new programs and existing programs by—

(i) making Federal grants authorized under subsection (e); and

(ii)(I) acting as a clearinghouse on techniques employed by new programs and existing programs within the States, and disseminating information relating to those techniques to the programs; or

(II) funding projects for information gathering on those techniques, and dissemination of that information to the programs, by groups outside the Employment and Training Administration; and

(B) facilitate the formation of new programs, in ways that include holding or funding an annual conference of representatives from States with existing programs, representatives from States developing new programs, and representatives from States without existing programs.

(d) PROGRAMS REGARDING EMPLOYEE OWNERSHIP AND PARTICIPATION.—

(1) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to encourage new and existing programs within the States, designed to foster employee ownership and employee participation in business decisionmaking throughout the United States.

(2) PURPOSE OF PROGRAM.—The purpose of the program established under paragraph (1) is to encourage new and existing programs within the States that focus on—

(A) providing education and outreach to inform employees and employers about the possibilities and benefits of employee ownership, business ownership succession planning, and employee participation in business decisionmaking, including providing information about financial education, employee teams, open-book management, and other tools that enable employees to share ideas and information about how their businesses can succeed;

(B) providing technical assistance to assist employee efforts to become business owners, to enable employers and employees to explore and assess the feasibility of transferring full or partial ownership to employees, and to encourage employees and employers to start new employee-owned businesses;

(C) training employees and employers with respect to methods of employee participation in open-book management, work teams, committees, and other approaches for seeking greater employee input; and

(D) training other entities to apply for funding under this subsection, to establish new programs, and to carry out program activities.

(3) PROGRAM DETAILS.—The Secretary may include, in the program established under paragraph (1), provisions that—

(A) in the case of activities under paragraph (2)(A)—

(i) target key groups such as retiring business owners, senior managers, unions, trade associations, community organizations, and economic development organizations;

(ii) encourage cooperation in the organization of workshops and conferences; and

(iii) prepare and distribute materials concerning employee ownership and participation, and business ownership succession planning;

(B) in the case of activities under paragraph (2)(B)—

(i) provide preliminary technical assistance to employee groups, managers, and retiring owners exploring the possibility of employee ownership;

(ii) provide for the performance of preliminary feasibility assessments;

(iii) assist in the funding of objective third-party feasibility studies and preliminary business valuations, and in selecting and monitoring professionals qualified to conduct such studies; and

(iv) provide a data bank to help employees find legal, financial, and technical advice in connection with business ownership;

(C) in the case of activities under paragraph (2)(C)—

(i) provide for courses on employee participation; and

(ii) provide for the development and fostering of networks of employee-owned companies to spread the use of successful participation techniques; and

(D) in the case of training under paragraph (2)(D)—

(i) provide for visits to existing programs by staff from new programs receiving funding under this section; and

(ii) provide materials to be used for such training.

(4) GUIDANCE.—The Secretary shall issue formal guidance, for recipients of grants awarded under subsection (e) and one-stop partners affiliated with the statewide workforce investment systems described in section 106 of the Workforce Investment Act of 1998 (29 U.S.C. 2881), proposing that programs and other activities funded under this section be—

(A) proactive in encouraging actions and activities that promote employee ownership of, and participation in, businesses; and

(B) comprehensive in emphasizing both employee ownership of, and participation in, businesses so as to increase productivity and broaden capital ownership.

(e) GRANTS.—

(1) IN GENERAL.—In carrying out the program established under subsection (d), the Secretary may make grants for use in connection with new programs and existing programs within a State for any of the following activities:

(A) Education and outreach as provided in subsection (d)(2)(A).

(B) Technical assistance as provided in subsection (d)(2)(B).

(C) Training activities for employees and employers as provided in subsection (d)(2)(C).

(D) Activities facilitating cooperation among employee-owned firms.

(E) Training as provided in subsection (d)(2)(D) for new programs provided by participants in existing programs dedicated to the objectives of this section, except that, for each fiscal year, the amount of the grants made for such training shall not exceed 10 percent of the total amount of the grants made under this section.

(2) AMOUNTS AND CONDITIONS.—The Secretary shall determine the amount and any conditions for a grant made under this subsection. The amount of the grant shall be subject to paragraph (6), and shall reflect the capacity of the applicant for the grant.

(3) APPLICATIONS.—Each entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(4) STATE APPLICATIONS.—Each State may sponsor and submit an application under paragraph (3) on behalf of any local entity consisting of a unit of State or local government, State-supported institution of higher education, or nonprofit organization, meeting the requirements of this section.

(5) APPLICATIONS BY ENTITIES.—

(A) ENTITY APPLICATIONS.—If a State fails to support or establish a program pursuant to this section during any fiscal year, the Secretary shall, in the subsequent fiscal years, allow local entities described in paragraph (4) from that State to make applications for grants under paragraph (3) on their own initiative.

(B) APPLICATION SCREENING.—Any State failing to support or establish a program pursuant to this section during any fiscal year may submit applications under paragraph (3) in the subsequent fiscal years but may not screen applications by local entities described in paragraph (4) before submitting the applications to the Secretary.

(6) LIMITATIONS.—A recipient of a grant made under this subsection shall not receive, during a fiscal year, in the aggregate, more than the following amounts:

(A) For fiscal year 2015, $300,000.

(B) For fiscal year 2016, $330,000.

(C) For fiscal year 2017, $363,000.

(D) For fiscal year 2018, $399,300.

(E) For fiscal year 2019, $439,200.

(7) ANNUAL REPORT.—For each year, each recipient of a grant under this subsection shall submit to the Secretary a report describing how grant funds allocated pursuant to this subsection were expended during the 12-month period preceding the date of the submission of the report.

(f) EVALUATIONS.—The Secretary is authorized to reserve not more than 10 percent of the funds appropriated for a fiscal year to carry out this section, for the purposes of conducting evaluations of the grant programs identified in subsection (e) and to provide related technical assistance.

(g) REPORTING.—Not later than the expiration of the 36-month period following the date of enactment of this Act, the Secretary

shall prepare and submit to Congress a report—

(1) on progress related to employee ownership and participation in businesses in the United States; and

(2) containing an analysis of critical costs and benefits of activities carried out under this section.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for the purpose of making grants pursuant to subsection (e) the following:

(A) For fiscal year 2015, $3,850,000.

(B) For fiscal year 2016, $6,050,000.

(C) For fiscal year 2017, $8,800,000.

(D) For fiscal year 2018, $11,550,000.

(E) For fiscal year 2019, $14,850,000.

(2) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated for the purpose of funding the administrative expenses related to the Initiative, for each of fiscal years 2015 through 2019, an amount not in excess of—

(A) $350,000; or

(B) 5.0 percent of the maximum amount available under paragraph (1) for that fiscal year.

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**SA 3661.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, between lines 9 and 10, insert the following:

**PART III—AMENDMENTS RELATED TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT**

**SEC. 1078A. PRE-ELECTION REPORTING REQUIREMENT ON TRANSMISSION OF ABSENTEE BALLOTS.**

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''Not later than 90 days'' and inserting the following:

''(1) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—

''(A) IN GENERAL.—Not later than 43 days before any election for Federal office held in a State, the chief State election official of such State shall submit a report containing the information in subparagraph (B) to the Attorney General and the Presidential designee, and make that report publicly available that same day.

''(B) INFORMATION REPORTED.—The report under subparagraph (A) shall consist of the following:

''(i) The total number of absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 47th day before the election.

''(ii) The total number of ballots transmitted to such voters by the 46th day before the election by each unit of local government within the State that will administer the election.

''(iii) If the chief State election official has incomplete information on any items required to be included in the report, an explanation of what information is incomplete information and efforts made to acquire such information, including the identity of any unit of local government that failed to provide required information to the State.

''(C) REQUIREMENT TO SUPPLEMENT INCOMPLETE INFORMATION.—If the report under subparagraph (A) has incomplete information on any items required to be included in the report, the chief State election official shall make all reasonable efforts to expeditiously supplement the report with complete information.

''(D) FORMAT.—The report under subparagraph (A) shall be in a format prescribed by the Attorney General in consultation with the chief State election officials of each State.

''(2) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days''.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff–1(c)) is amended by striking ''REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED'' and inserting ''REPORTS ON ABSENTEE BALLOTS''.

**SEC. 1078B. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended to read as follows:

''(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);''.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff–1(g)) is amended to read as follows:

''(g) BALLOT TRANSMISSION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 47 days before an election for Federal office, the following rules shall apply:

''(A) TRANSMISSION DEADLINE.—The State shall transmit the absentee ballot not later than 46 days before the election.

''(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

''(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot transmission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

''(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

''(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the collection and delivery of marked absentee ballots; and

''(II) in any other case, provide for the return of such ballot by express delivery.

''(iii) COST OF EXPRESS DELIVERY.—In any case in which express delivery is required under this subparagraph, the cost of such express delivery—

''(I) shall not be paid by the voter, and

''(II) may be required by the State to be paid by a local jurisdiction if the State determines that election officials in such jurisdiction are responsible for the failure to transmit the ballot by any date required under this paragraph.

''(iv) EXCEPTION.—Clause (ii)(II) shall not apply when an absent uniformed services voter or overseas voter indicates the preference to return the late sent absentee ballot by electronic transmission in a State that permits return of an absentee ballot by electronic transmission.

''(v) ENFORCEMENT.—A State's compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to fully resolve or prevent ongoing, future, or systematic violations of this provision.

''(C) SPECIAL PROCEDURE IN EVENT OF DISASTER.—If a disaster (hurricane, tornado, earthquake, storm, volcanic eruption, landslide, fire, flood, or explosion), or an act of terrorism prevents the State from transmitting any absentee ballot by the 46th day before the election as required by subparagraph (A), it shall notify the Attorney General as soon as practicable and take all actions necessary, including seeking any necessary judicial relief, to ensure that affected absent uniformed services voters and overseas voters are provided a reasonable opportunity to receive and return their absentee ballots in time to be counted.

''(2) REQUESTS RECEIVED AFTER 47TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 47 days but not less than 30 days before an election for Federal office, the State shall transmit the absentee ballot not later than 3 business days after such request is received.''.

**SEC. 1078C. TECHNICAL CLARIFICATIONS TO CONFORM TO 2009 MOVE ACT AMENDMENTS RELATED TO THE FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) IN GENERAL.—Section 102(a)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)(3)) is amended by striking ''general elections'' and inserting ''general, special, primary, and runoff elections''.

(b) CONFORMING AMENDMENT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) in subsection (b)(2)(B), by striking ''general'', and

(2) in the heading thereof, by striking ''GENERAL''.

**SEC. 1078D. TREATMENT OF POST CARD REGISTRATION REQUESTS.**

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

''(j) TREATMENT OF POST CARD REGISTRATIONS.—A State shall not remove any voter who has registered to vote using the official post card form (prescribed under section 101) except in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)).''.

**SEC. 1078E. TREATMENT OF BALLOT REQUESTS.**

(a) APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(1) by inserting ''or overseas voter'' after ''submitted by an absent uniformed services voter''; and

(2) by striking ''members of the uniformed services'' and inserting ''absent uniformed services voters or overseas voters''.

(b) USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.—

(1) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) is amended—

(A) by striking ''A State'' and inserting the following:

''(a) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State'', and

(B) by adding at the end the following new subsections:

''(b) APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.—

''(1) IN GENERAL.—If a State accepts and processes a request for an absentee ballot by

an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to either of the following:

''(A) VOTERS CHANGING REGISTRATION.—A voter removed from the list of official eligible voters in accordance with subparagraph (A), (B), or (C) of section 8(a)(3) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(a)).

''(B) UNDELIVERABLE BALLOTS.—A voter whose ballot is returned by mail to the State or local election officials as undeliverable or, in the case of a ballot delivered electronically, if the email sent to the voter was undeliverable or rejected due to an invalid email address.''.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act is amended by striking ''**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**'' and inserting ''**TREATMENT OF BALLOT REQUESTS**''.

(3) REVISION TO POSTCARD FORM.—

(A) IN GENERAL.—The Presidential designee shall ensure that the official postcard form prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(2)) enables a voter using the form to—

(i) request an absentee ballot for each election for Federal office held in a State through the next regularly scheduled general election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election); or

(ii) request an absentee ballot for a specific election or elections for Federal office held in a State during the period described in paragraph (1).

(B) PRESIDENTIAL DESIGNEE.—For purposes of this paragraph, the term ''Presidential designee'' means the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

**SEC. 1078F. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(6)) are each amended by striking ''and American Samoa'' and inserting ''American Samoa, and the Commonwealth of the Northern Mariana Islands''.

**SEC. 1078G. BIENNIAL REPORT ON THE EFFECTIVENESS OF ACTIVITIES OF THE FEDERAL VOTING ASSISTANCE PROGRAM AND COMPTROLLER GENERAL REVIEW.**

(a) IN GENERAL.—Section 105A(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a(b)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''March 31 of each year'' and inserting ''June 30 of each odd-numbered year''; and

(B) by striking ''the following information'' and inserting ''the following information with respect to the Federal elections held during the 2 preceding calendar years'';

(2) in paragraph (1), by striking ''separate assessment'' each place it appears and inserting ''separate assessment and statistical analysis''; and

(3) in paragraph (2)—

(A) by striking ''section 1566a'' in the matter preceding subparagraph (A) and inserting ''sections 1566a and 1566b'';

(B) by striking ''such section'' each place it appears in subparagraphs (A) and (B) and inserting ''such sections''; and

(C) by adding at the end the following new subparagraph:

''(C) The number of completed official postcard forms prescribed under section 101(b)(2) that were completed by absent uniformed services members and accepted and transmitted.''.

(b) COMPTROLLER GENERAL REVIEWS.—Section 105A of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–4a) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) COMPTROLLER GENERAL REVIEWS.—

''(1) IN GENERAL.—

''(A) REVIEW.—The Comptroller General shall conduct a review of any reports submitted by the Presidential designee under subsection (b) with respect to elections occurring in calendar years 2014 through 2020.

''(B) REPORT.—Not later than 180 days after a report is submitted by the Presidential designee under subsection (b), the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the review conducted under subparagraph (A).

''(2) MATTERS REVIEWED.—A review conducted under paragraph (1) shall assess—

''(A) the methodology used by the Presidential designee to prepare the report and to develop the data presented in the report, including the approach for designing, implementing, and analyzing the results of any surveys,

''(B) the effectiveness of any voting assistance covered in the report provided under subsection (b) and provided by the Presidential designee to absent overseas uniformed services voters and overseas voters who are not members of the uniformed services, including an assessment of—

''(i) any steps taken toward improving the implementation of such voting assistance; and

''(ii) the extent of collaboration between the Presidential designee and the States in providing such voting assistance; and

''(C) any other information the Comptroller General considers relevant to the review.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) through (11) as paragraphs (6) through (10), respectively.

(2) Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) in paragraph (5), by striking ''101(b)(7)'' and inserting ''101(b)(6)''; and

(B) in paragraph (11), by striking ''101(b)(11)'' and inserting ''101(b)(10)''.

(3) Section 105A(b) of such Act (42 U.S.C. 1973ff–4a(b)) is amended—

(A) by striking ''ANNUAL REPORT'' in the subsection heading and inserting ''BIENNIAL REPORT''; and

(B) by striking ''In the case of'' in paragraph (3) and all that follows through ''a description'' and inserting ''A description''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to reports required to be issued after the date of the enactment of this Act.

**SEC. 1078H. EFFECTIVE DATE.**

Except as provided in section 1078G(d), the amendments made by this title shall take effect on January 1, 2015.

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**SA 3662.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. REGULATORY ACCOUNTABILITY.**

(a) SHORT TITLE.—This section may be cited as the ''Regulatory Accountability Act of 2014''.

(b) DEFINITIONS.—Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) 'guidance' means an agency statement of general applicability, other than a rule, that is not intended to have the force and effect of law but that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue;

''(16) 'high-impact rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose a cost on the economy in any 1 year of $1,000,000,000 or more, adjusted annually for inflation;

''(17) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

''(A) a cost on the economy in any 1 year of $100,000,000 or more, adjusted annually for inflation;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

''(18) 'major guidance' means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

''(A) a cost on the economy in any 1 year of $100,000,000 or more, adjusted annually for inflation;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; and

''(19) 'Office of Information and Regulatory Affairs' means the office established under section 3503 of title 44 and any successor to that office.''.

(c) RULEMAKING.—Section 553 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''(a) This section applies'' and inserting ''(a) APPLICABILITY.—This section applies''; and

(2) by striking subsections (b) through (e) and inserting the following:

''(b) RULEMAKING CONSIDERATIONS.—In a rulemaking, an agency shall consider, in addition to other applicable considerations, the following:

''(1) The legal authority under which a rule may be proposed, including whether rulemaking is required by statute or is within the discretion of the agency.

''(2) The nature and significance of the problem the agency intends to address with a rule.

''(3) Whether existing Federal laws or rules have created or contributed to the problem

the agency may address with a rule and, if so, whether those Federal laws or rules could be amended or rescinded to address the problem in whole or in part.

''(4) A reasonable number of alternatives for a new rule, including any substantial alternatives or other responses identified by interested persons.

''(5) For any major rule or high-impact rule, the potential costs and benefits associated with potential alternative rules and other responses considered under paragraph (4), including an analysis of—

''(A) the nature and degree of risks addressed by the rule and the countervailing risks that might be posed by agency action;

''(B) direct, indirect, and cumulative costs and benefits; and

''(C) estimated impacts on jobs, competitiveness, and productivity.

''(c) INITIATION OF RULEMAKING.—

''(1) NOTICE FOR MAJOR AND HIGH-IMPACT RULES.—When an agency determines to initiate a rulemaking that may result in a major rule or high-impact rule, the agency shall—

''(A) establish an electronic docket for that rulemaking, which may have a physical counterpart; and

''(B) publish a notice of initiation of rulemaking in the Federal Register, which shall—

''(i) briefly describe the subject, the problem to be solved, and the objectives of the rule;

''(ii) reference the legal authority under which the rule would be proposed;

''(iii) invite interested persons to propose alternatives for accomplishing the objectives of the agency in the most effective manner and with the lowest cost; and

''(iv) indicate how interested persons may submit written material for the docket.

''(2) ACCESSIBILITY.—All information provided to the agency under paragraph (1) shall be promptly placed in the docket and made accessible to the public.

''(d) NOTICE OF PROPOSED RULEMAKING.—

''(1) IN GENERAL.—If an agency determines that the objectives of the agency require the agency to issue a rule, the agency shall notify the Administrator of the Office of Information and Regulatory Affairs and publish a notice of proposed rulemaking in the Federal Register, which shall include—

''(A) a statement of the time, place, and nature of any public rulemaking proceedings;

''(B) reference to the legal authority under which the rule is proposed;

''(C) the text of the proposed rule;

''(D) a summary of information known to the agency concerning the considerations specified in subsection (b); and

''(E) for any major rule or high impact-rule—

''(i) a reasoned preliminary determination that the benefits of the proposed rule justify the costs of the proposed rule; and

''(ii) a discussion of—

''(I) the costs and benefits of alternatives considered by the agency under subsection (b), as determined by the agency at its discretion or provided under subsection (c) by a proponent of an alternative;

''(II) whether those alternatives meet relevant statutory objectives; and

''(III) the reasons why the agency did not propose any of those alternatives.

''(2) ACCESSIBILITY.—Not later than the date of publication of the notice of proposed rulemaking by an agency under paragraph (1), all data, studies, models, and other information considered by the agency, and actions by the agency to obtain information, in connection with the determination of the agency to propose the rule, shall be placed in the docket for the proposed rule and made accessible to the public.

''(3) PUBLIC COMMENT.—

''(A) After publishing a notice of proposed rulemaking, the agency shall provide interested persons an opportunity to participate in the rulemaking through the submission of written material, data, views, or arguments with or without opportunity for oral presentation, except that—

''(i) if a public hearing is convened under subsection (e), reasonable opportunity for oral presentation shall be provided at the public hearing under the requirements of subsection (e); and

''(ii) when, other than under subsection (e), a rule is required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and the petition procedures of subsection (e) shall not apply.

''(B) The agency shall provide not less than 60 days, or 90 days in the case of a proposed major rule or proposed high-impact rule, for interested persons to submit written material, data, views, or arguments.

''(4) EXPIRATION OF NOTICE.—

''(A) Except as provided in subparagraph (B), a notice of proposed rulemaking shall, 2 years after the date on which the notice is published in the Federal Register, be considered as expired and may not be used to satisfy the requirements of subsection (d).

''(B) An agency may, at the sole discretion of the agency, extend the expiration of a notice of proposed rulemaking under subparagraph (A) for a 1-year period by publishing a supplemental notice in the Federal Register explaining why the agency requires additional time to complete the rulemaking.

''(e) PUBLIC HEARING FOR HIGH-IMPACT RULES.—

''(1) PETITION FOR PUBLIC HEARING.—

''(A)(i) Before the close of the comment period for any proposed high-impact rule, any interested person may petition the agency to hold a public hearing in accordance with this subsection.

''(ii) Not later than 30 days after receipt of a petition made pursuant to clause (i), the agency shall grant the petition if the petition shows that—

''(I) the proposed rule is based on conclusions with respect to one or more specific scientific, technical, economic or other complex factual issues that are genuinely disputed; and

''(II) the resolution of those disputed factual issues would likely have an effect on the costs and benefits of the proposed rule.

''(B) If the agency denies a petition under this subsection in whole or in part, it shall include in the rulemaking record an explanation for the denial sufficient for judicial review, including—

''(i) findings by the agency that there is no genuine dispute as to the factual issues raised by the petition; or

''(ii) a reasoned determination by the agency that the factual issues raised by the petition, even if subject to genuine dispute, will not have an effect on the costs and benefits of the proposed rule.

''(2) NOTICE OF HEARING.—Not later than 45 days before any hearing held under this subsection, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at the hearing and the factual issues to be considered at the hearing.

''(3) HEARING PROCEDURE.—

''(A) A hearing held under this subsection shall be limited to the specific factual issues raised in the petition or petitions granted in whole or in part under paragraph (1) and any other factual issues the resolution of which the agency, in its discretion, determines will advance its consideration of the proposed rule.

''(B)(i) Except as otherwise provided by statute, the proponent of the rule has the burden of proof in a hearing held under this subsection. Any documentary or oral evidence may be received, but the agency as a matter of policy shall provide for the exclusion of immaterial or unduly repetitious evidence.

''(ii) To govern hearings held under this subsection, each agency shall adopt rules that provide for—

''(I) the appointment of an agency official or administrative law judge to preside at the hearing;

''(II) the presentation by interested parties of relevant documentary or oral evidence, unless the evidence is immaterial or unduly repetitious;

''(III) a reasonable and adequate opportunity for cross-examination by interested parties concerning genuinely disputed factual issues raised by the petition, provided that in the case of multiple interested parties with the same or similar interests, the agency may require the use of common counsel where the common counsel may adequately represent the interests that will be significantly affected by the proposed rule; and

''(IV) the provision of fees and costs under the circumstances described in section 6(c)(4) of the Toxic Substances Control Act (15 U.S.C. 2605(c)(4)).

''(C) The transcript of testimony and exhibits, together with all papers and requests filed in the hearing, shall constitute the exclusive record for decision of the factual issues addressed in a hearing held under this subsection.

''(4) PETITION FOR PUBLIC HEARING FOR MAJOR RULES.—In the case of any major rule, any interested person may petition for a hearing under this subsection on the grounds and within the time limitation set forth in paragraph (1). The agency may deny the petition if the agency reasonably determines that a hearing would not advance the consideration of the proposed rule by the agency or would, in light of the need for agency action, unreasonably delay completion of the rulemaking. The petition and the decision of the agency with respect to the petition shall be included in the rulemaking record.

''(5) JUDICIAL REVIEW.—

''(A) Failure to petition for a hearing under this subsection shall not preclude judicial review of any claim that could have been raised in the hearing petition or at the hearing.

''(B) There shall be no judicial review of the disposition of a petition by an agency under this subsection until judicial review of the final action of the agency.

''(f) FINAL RULES.—

''(1) COST OF MAJOR OR HIGH-IMPACT RULE.—

''(A) Except as provided in subparagraph (B), in a rulemaking for a major rule or high-impact rule, the agency shall adopt the least costly rule considered during the rulemaking that meets relevant statutory objectives.

''(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if—

''(i) the additional benefits of the more costly rule justify its additional costs; and

''(ii) the agency explains why the agency adopted a rule that is more costly than the least costly alternative, based on interests that are within the scope of the statutory provision authorizing the rule.

''(2) PUBLICATION OF NOTICE OF FINAL RULEMAKING.—When the agency adopts a final rule, the agency shall publish a notice of final rulemaking in the Federal Register, which shall include—

''(A) a concise, general statement of the basis and purpose of the rule;

''(B) a reasoned determination by the agency regarding the considerations specified in subsection (c);

''(C) in a rulemaking for a major rule or high-impact rule, a reasoned determination by the agency that the benefits of the rule advance the relevant statutory objectives and justify the costs of the rule;

''(D) in a rulemaking for a major rule or high-impact rule, a reasoned determination by the agency that—

''(i) no alternative considered would achieve the relevant statutory objectives at a lower cost than the rule; or

''(ii) the adoption by the agency of a more costly rule complies with paragraph (2)(B); and

''(E) a response to each significant issue raised in the comments on the proposed rule.

''(3) INFORMATION QUALITY.—If an agency rulemaking rests upon scientific, technical, or economic information, the agency shall adopt a rule only on the basis of the best available scientific, technical, or economic information.

''(4) ACCESSIBILITY.—Not later than the date of publication of the rule, all data, studies, models, and other information considered by the agency, and actions by the agency to obtain information in connection with its adoption of the rule, shall be placed in the docket for the rule and made accessible to the public.

''(5) RULES ADOPTED AT THE END OF A PRESIDENTIAL ADMINISTRATION.—

''(A) During the 60-day period beginning on a transitional inauguration day (as defined in section 3349a), with respect to any final rule that had been placed on file for public inspection by the Office of the Federal Register or published in the Federal Register as of the date of the inauguration, but which had not yet become effective by the date of the inauguration, the agency issuing the rule may, by order, delay the effective date of the rule for not more than 90 days for the purpose of obtaining public comment on whether the rule should be amended or rescinded or its effective date further delayed.

''(B) If an agency delays the effective date of a rule under subparagraph (A), the agency shall give the public not less than 30 days to submit comments.

''(g) APPLICABILITY OF THIS SECTION.—

''(1) IN GENERAL.—Except as otherwise provided by law, this section does not apply to guidance or rules of agency organization, procedure, or practice.

''(2) ADOPTION OF INTERIM RULES.—

''(A) If an agency for good cause finds, and incorporates the finding and a brief statement of reasons for the finding in the rule issued, that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) before the issuance of an interim rule is unnecessary, such subsections and requirements under subsection (f) shall not apply and the agency may issue a final rule.

''(B) If an agency for good cause finds, and incorporates the finding and a brief statement of reasons for the finding in the rule issued, that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) before the issuance of an interim rule is impracticable or contrary to the public interest, such subsections and requirements under subsection (f) shall not apply to the adoption of an interim rule by the agency.

''(C) If, following compliance with subparagraph (B), an agency adopts an interim rule, the agency shall commence proceedings that fully comply with subsections (c) through (f) immediately upon publication of the interim rule. Not less than 270 days from publication of the interim rule, or 18 months in the case of a major rule or high-impact rule, the agency shall complete rulemaking in accordance with subsections (c) through (f) and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action under this subparagraph, the interim rule shall cease to have the effect of law.

''(h) DATE OF PUBLICATION OF RULE.—A rule shall be published not less than 30 days before the effective date of the rule, except—

''(1) for a rule that grants or recognizes an exemption or relieves a restriction;

''(2) for guidance; or

''(3) as otherwise provided by an agency for good cause and as published with the rule.

''(i) RIGHT TO PETITION AND REVIEW OF RULES.—

''(1) Each agency shall give interested persons the right to petition for the issuance, amendment, or repeal of a rule.

''(2) Each agency shall, on a continuing basis, invite interested persons to submit, by electronic means, suggestions for rules that warrant retrospective review and possible modification or repeal.

''(j) RULEMAKING GUIDELINES.—

''(1) ASSESSMENT OF RULES.—

''(A) The Administrator of the Office of Information and Regulatory Affairs (in this subsection referred to as the 'Administrator') shall establish guidelines for the assessment, including quantitative and qualitative assessment, of—

''(i) the costs and benefits of proposed and final rules;

''(ii) other economic issues that are relevant to rulemaking under this section or other sections of this title; and

''(iii) risk assessments that are relevant to rulemaking under this section and other sections of this title.

''(B) The rigor of cost-benefit analysis required by the guidelines established under subparagraph (A) shall be commensurate, as determined by the Administrator, with the economic impact of the rule. Guidelines for risk assessment shall include criteria for selecting studies and models, evaluating and weighing evidence, and conducting peer reviews.

''(C) The Administrator shall regularly update guidelines established under subparagraph (A) to enable agencies to use the best available techniques to quantify and evaluate present and future benefits, costs, other economic issues, and risks as objectively and accurately as practicable.

''(2) SIMPLIFICATION OF RULES.—The Administrator may issue guidelines to promote coordination, simplification, and harmonization of agency rules during the rulemaking process. The guidelines shall advise each agency to avoid regulations that are inconsistent or incompatible with, or duplicative of, other regulations of the agency and those of other Federal agencies, and to draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from the uncertainty.

''(3) CONSISTENCY IN RULEMAKING.—

''(A) To promote consistency in Federal rulemaking, the Administrator shall—

''(i) issue guidelines to ensure that rulemaking conducted in whole or in part under procedures specified in provisions of law other than those under this subchapter conform with the procedures set forth in this section to the fullest extent allowed by law; and

''(ii) issue guidelines for the conduct of hearings under subsection (e), which shall provide a reasonable opportunity for cross-examination.

''(B) Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this paragraph.

''(k) EXEMPTION FOR MONETARY POLICY.—Nothing in subsection (b)(5), (d)(1)(E), (e), (f)(1), (f)(2)(C), or (f)(2)(D) shall apply to a rulemaking that concerns monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

(d) SCOPE OF REVIEW.—Section 706 of title 5, United States Code is amended—

(1) by striking ''To the extent necessary'' and inserting ''IN GENERAL.—To the extent necessary''; and

(2) by adding at the end the following:

''(b) JUDICIAL REVIEW.—The determination of whether a rule is a major rule within the meaning of subparagraphs (B) and (C) of section 551(17) shall not be subject to judicial review.

''(c) STATEMENT OF POLICY.—Agency guidance that does not interpret a statute or regulation shall be reviewable only under subsection (a)(2)(D).

''(d) AGENCY INTERPRETATION OF RULES.—The weight that a court shall give an interpretation by an agency of its own rule shall depend on the thoroughness evident in its consideration, the validity of its reasoning, and its consistency with earlier and later pronouncements.

''(e) STANDARD OF REVIEW.—A court shall review—

''(1) the denial of a petition by an agency under section 553(e) for whether the denial was based on substantial evidence; and

''(2) any petition for review of a high-impact rule under the substantial evidence standard, regardless of whether a hearing was held under section 553(e).''.

(e) AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.—Section 553 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''(l) AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.—

''(1) Agency guidance shall—

''(A) not be used by an agency to foreclose consideration of issues as to which the document expresses a conclusion;

''(B) state that it is not legally binding; and

''(C) at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public.

''(2) Before issuing any major guidance, an agency shall—

''(A) make and document a reasoned determination that—

''(i) such guidance is understandable and complies with relevant statutory objectives and regulatory provisions; and

''(ii) identifies the costs and benefits, including all costs to be considered during a rulemaking under subsection (b), of requiring conduct conforming to such guidance and assures that such benefits justify such costs; and

''(B) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of the major guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the benefits of the major guidance, and is otherwise appropriate.

''(3) The Administrator of the Office of Information and Regulatory Affairs shall issue updated guidelines for use by the agencies in the issuance of guidance documents. The guidelines shall advise each agency not to issue guidance documents that are inconsistent or incompatible with, or duplicative

of, other regulations of the agency and those of other Federal agencies, and to draft its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from the uncertainty.''.

(f) ADDED DEFINITION.—Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1)(H), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) 'substantial evidence' means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.''.

(g) EFFECTIVE DATE.—The amendments made by this section to sections 553, 556, 701(b), 704, and 706 of title 5, United States Code, shall not apply to any rulemakings pending or completed on the date of enactment of this Act.

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**SA 3663.** Mr. PORTMAN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SECTION 4. FEDERAL PERMITTING IMPROVEMENT.**

(a) SHORT TITLE.—This section may be cited as the ''Federal Permitting Improvement Act of 2013''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) AGENCY CPO.—The term ''agency CPO'' means the chief permitting officer of an agency designated by the head of the agency under subsection (c)(2)(B)(i)(I).

(3) AUTHORIZATION.—The term ''authorization'' means—

(A) any license, permit, approval, or other administrative decision required or authorized to be issued by an agency with respect to the siting, construction, reconstruction, or commencement of operations of a covered project under Federal law, whether administered by a Federal or State agency; or

(B) any determination or finding required to be issued by an agency—

(i) as a precondition to an authorization described under paragraph (A); or

(ii) before an applicant may take a particular action with respect to the siting, construction, reconstruction, or commencement of operations of a covered project under Federal law, whether administered by a Federal or State agency.

(4) COUNCIL.—The term ''Council'' means the Federal Infrastructure Permitting Improvement Council established by subsection (c)(1).

(5) COVERED PROJECT.—

(A) IN GENERAL.—The term ''covered project'' means any construction activity in the United States that requires authorization or review by a Federal agency—

(i) involving renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by the Federal CPO; and

(ii) that is likely to require an initial investment of more than $25,000,000, as determined by the Federal CPO.

(B) EXCLUSION.—The term ''covered project'' does not include any project subject to section 101(b)(4) of title 23, United States Code.

(6) DASHBOARD.—The term ''Dashboard'' means the Permitting Dashboard required by subsection (e)(2).

(7) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' means a concise public document for which a Federal agency is responsible that serves—

(A) to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact;

(B) to aid in the compliance of the agency with NEPA if an environmental impact statement is not necessary; and

(C) to facilitate preparation of an environmental impact statement, if an environmental impact statement is necessary.

(8) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' means an environmental assessment or environmental impact statement.

(9) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' means the detailed statement of significant environmental impacts required to be prepared under NEPA.

(10) ENVIRONMENTAL REVIEW.—The term ''environmental review'' means the agency procedures for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document required under NEPA.

(11) FEDERAL CPO.—The term ''Federal CPO'' means the Federal Chief Permitting Officer appointed by the President under subsection (c)(2)(A).

(12) INVENTORY.—The term ''inventory'' means the inventory of covered projects established by the Federal CPO under subsection (c)(3)(A)(i).

(13) LEAD AGENCY.—The term ''lead agency'' means the agency with principal responsibility for review and authorization of a covered project, as determined under subsection (c)(3)(A)(ii).

(14) NEPA.—The term ''NEPA'' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(15) PARTICIPATING AGENCY.—The term ''participating agency'' means any agency participating in reviews or authorizations for a particular covered project in accordance with subsection (e).

(16) PROJECT SPONSOR.—The term ''project sponsor'' means the entity, including any private, public, or public-private entity, that seeks approval for a project.

(c) FEDERAL PERMITTING IMPROVEMENT COUNCIL.—

(1) ESTABLISHMENT.—There is established the Federal Permitting Improvement Council.

(2) COMPOSITION.—

(A) CHAIR.—The President shall appoint an officer of the Office of Management and Budget as the Federal Chief Permitting Officer to serve as Chair of the Council, by and with the advice and consent of the Senate.

(B) CHIEF PERMITTING OFFICERS.—

(i) IN GENERAL.—

(I) DESIGNATION BY HEAD OF AGENCY.—Each individual listed in clause (ii) shall designate a member of the agency in which the individual serves to serve as the agency CPO.

(II) QUALIFICATIONS.—The agency CPO described in subclause (I) shall hold a position in the agency of the equivalent of a deputy secretary or higher.

(III) MEMBERSHIP.—Each agency CPO described in subclause (I) shall serve on the Council.

(ii) HEADS OF AGENCIES.—The individuals that shall each designate an agency CPO under this clause are as follows:

(I) The Secretary of Agriculture.

(II) The Secretary of Commerce.

(III) The Secretary of the Interior.

(IV) The Secretary of Energy.

(V) The Secretary of Transportation.

(VI) The Secretary of Defense.

(VII) The Administrator of the Environmental Protection Agency.

(VIII) The Chairman of the Federal Energy Regulatory Commission.

(IX) The Chairman of the Nuclear Regulatory Commission.

(X) The Chairman of the Advisory Council on Historic Preservation.

(XI) Any other head of a Federal agency that the Federal CPO may invite to participate as a member of the Council.

(C) CHAIRMAN OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—In addition to the members listed in subparagraphs (A) and (B), the Chairman of the Council on Environmental Quality shall also be a member of the Council.

(3) DUTIES.—

(A) FEDERAL CPO.—

(i) INVENTORY DEVELOPMENT.—The Federal CPO, in consultation with the members of the Council, shall—

(I) not later than 3 months after the date of enactment of this Act, establish an inventory of covered projects that are pending the review or authorization of the head of any Federal agency;

(II)(aa) categorize the projects in the inventory as appropriate based on the project type; and

(bb) for each category, identify the types of reviews and authorizations most commonly involved; and

(III) add covered projects to the inventory after the Federal CPO receives a notice described in subsection (e)(1)(A).

(ii) LEAD AGENCY DESIGNATION.—The Federal CPO, in consultation with the Council, shall—

(I) designate a lead agency for each category of covered projects described in clause (i)(II); and

(II) publish on an Internet website the designations and categories in an easily accessible format.

(iii) PERFORMANCE SCHEDULES.—

(I) IN GENERAL.—The Federal CPO, in consultation with the Council, shall develop nonbinding performance schedules, including intermediate and final deadlines, for reviews and authorizations for each category of covered projects described in clause (i)(II).

(II) REQUIREMENTS.—

(aa) IN GENERAL.—The performance schedules shall reflect employment of the use of the most efficient applicable processes.

(bb) LIMIT.—The final deadline for completion of any review or authorization contained in the performance schedules shall not be later than 180 days after the date on which the completed application or request is filed.

(III) REVIEW AND REVISION.—Not later than 2 years after the date on which the performance schedules are established under this clause, and not less frequently than once every 2 years thereafter, the Federal CPO, in consultation with the Council, shall review and revise the performance schedules.

(iv) GUIDANCE.—The Federal CPO may issue circulars, bulletins, guidelines, and other similar directives as necessary to carry out responsibilities under this section and to effectuate the adoption by agencies of the best practices and recommendations of the Council described in subparagraph (B).

(B) COUNCIL.—

(i) RECOMMENDATIONS.—

(I) IN GENERAL.—The Council shall make recommendations to the Federal CPO with

respect to the designations under subparagraph (A)(ii) and the performance schedules under subparagraph (A)(iii).

(II) UPDATE.—The Council may update the recommendations described in subclause (I).

(ii) BEST PRACTICES.—Not later than 1 year after the date of enactment of this Act, and at least annually thereafter, the Council shall issue recommendations on the best practices for—

(I) early stakeholder engagement, including fully considering and, as appropriate, incorporating recommendations provided in public comments on any proposed covered project;

(II) assuring timeliness of permitting and review decisions;

(III) coordination between Federal and non-Federal governmental entities;

(IV) transparency;

(V) reduction of information collection requirements and other administrative burdens on agencies, project sponsors, and other interested parties;

(VI) evaluating lead agencies and participating agencies under this section; and

(VII) other aspects of infrastructure permitting, as determined by the Council.

(d) PERMITTING PROCESS IMPROVEMENT.—

(1) PROJECT INITIATION AND DESIGNATION OF PARTICIPATING AGENCIES.—

(A) NOTICE.—

(i) IN GENERAL.—A project sponsor shall provide the Federal CPO and the lead agency notice of the initiation of a proposed covered project.

(ii) CONTENTS.—Each notice described in clause (i) shall include—

(I) a description, including the general location, of the proposed project;

(II) a statement of any Federal authorization or review anticipated to be required for the proposed project; and

(III) an assessment of the reasons why the proposed project meets the definition of a covered project in subsection (b).

(B) INVITATION.—

(i) IN GENERAL.—Not later than 45 days after the date on which a lead agency receives the notice under subparagraph (A), the lead agency shall—

(I) identify another agency that may have an interest in the proposed project; and

(II) invite the agency to become a participating agency in the permitting management process and in the environmental review process described in subsection (f).

(ii) DEADLINES.—Each invitation made under clause (i) shall include a deadline for a response to be submitted to the lead agency.

(C) PARTICIPATING AGENCIES.—An agency invited under subparagraph (B) shall be designated as a participating agency for a covered project, unless the agency informs the lead agency in writing before the deadline described in subparagraph (B)(ii) that the agency—

(i) has no jurisdiction or authority with respect to the proposed project; or

(ii) does not intend to exercise authority related to, or submit comments on, the proposed project.

(D) EFFECT OF DESIGNATION.—The designation described in subparagraph (C) shall not give the participating agency jurisdiction over the proposed project.

(E) CHANGE OF LEAD AGENCY.—

(i) IN GENERAL.—On the request of a lead agency, participating agency, or project sponsor, the Federal CPO may designate a different agency as the lead agency for a covered project if the Federal CPO receives new information regarding the scope or nature of a covered project that indicates that the project should be placed in a different category under subsection (c)(3)(A)(ii).

(ii) RESOLUTION OF DISPUTE.—Any dispute over designation of a lead agency for a particular covered project shall be resolved by the Federal CPO.

(2) PERMITTING DASHBOARD.—

(A) REQUIREMENT TO MAINTAIN.—

(i) IN GENERAL.—The Federal CPO, in coordination with the Administrator of General Services, shall maintain an online database to be known as the ''Permitting Dashboard'' to track the status of Federal reviews and authorizations for any covered project in the inventory.

(ii) SPECIFIC AND SEARCHABLE ENTRY.—The Dashboard shall include a specific and searchable entry for each project.

(B) ADDITIONS.—Not later than 7 days after the date on which the Federal CPO receives a notice under paragraph (1)(A), the Federal CPO shall create a specific entry on the Dashboard for the project, unless the Federal CPO or lead agency determines that the project is not a covered project.

(C) SUBMISSIONS BY AGENCIES.—The lead agency and each participating agency shall submit to the Federal CPO for posting on the Dashboard for each covered project—

(i) any application and any supporting document submitted by a project sponsor for any required Federal review or authorization for the project;

(ii) not later than 2 business days after the date on which any agency action or decision that materially affects the status of the project is made, a description, including significant supporting documents, of the agency action or decision; and

(iii) the status of any litigation to which the agency is a party that is directly related to the project, including, if practicable, any judicial document made available on an electronic docket maintained by a Federal, State, or local court.

(D) POSTINGS BY THE FEDERAL CPO.—The Federal CPO shall post on the Dashboard an entry for each covered project that includes—

(i) the information submitted under subparagraph (C)(i) not later than 2 days after the date on which the Federal CPO receives the information;

(ii) a permitting timetable approved by the Federal CPO under paragraph (3)(B)(iii);

(iii) the status of the compliance of each participating agency with the permitting timetable;

(iv) any modifications of the permitting timetable; and

(v) an explanation of each modification described in clause (iv).

(3) COORDINATION AND TIMETABLES.—

(A) COORDINATION PLAN.—

(i) IN GENERAL.—Not later than 60 days after the date on which the lead agency receives a notice under paragraph (1)(A), the lead agency, in consultation with each participating agency, shall establish a concise plan for coordinating public and agency participation in, and completion of, any required Federal review and authorization for the project.

(ii) MEMORANDUM OF UNDERSTANDING.—The lead agency may incorporate the coordination plan described in clause (i) into a memorandum of understanding.

(B) PERMITTING TIMETABLE.—

(i) ESTABLISHMENT.—As part of the coordination plan required by subparagraph (A), the lead agency, in consultation with each participating agency, the project sponsor, and the State in which the project is located, shall establish a permitting timetable that includes intermediate and final deadlines for action by each participating agency on any Federal review or authorization required for the project.

(ii) FACTORS FOR CONSIDERATION.—In establishing the permitting timetable under clause (i), the lead agency shall follow the performance schedules established under subsection (c)(3)(A)(iii), but may vary the timetable based on relevant factors, including—

(I) the size and complexity of the covered project;

(II) the resources available to each participating agency;

(III) the regional or national economic significance of the project;

(IV) the sensitivity of the natural or historic resources that may be affected by the project; and

(V) the extent to which similar projects in geographic proximity to the project were recently subject to environmental review or similar procedures under State law.

(iii) APPROVAL BY THE FEDERAL CPO.—

(I) REQUIREMENT TO SUBMIT.—The lead agency shall promptly submit to the Federal CPO a permitting timetable established under clause (i) for review.

(II) REVISION AND APPROVAL.—

(aa) IN GENERAL.—The Federal CPO, after consultation with the lead agency, may revise the permitting timetable if the Federal CPO determines that the timetable deviates without reasonable justification from the performance schedule established under subsection (c)(3)(A)(iii).

(bb) NO REVISION BY FEDERAL CPO WITHIN 7 DAYS.—If the Federal CPO does not revise the permitting timetable earlier than the date that is 7 days after the date on which the lead agency submits to the Federal CPO the permitting timetable, the permitting timetable shall be approved by the Federal CPO.

(iv) MODIFICATION AFTER APPROVAL.—The lead agency may modify a permitting timetable established under clause (i) for good cause only if—

(I) the lead agency and the affected participating agency agree to a different deadline;

(II) the lead agency or the affected participating agency provides a written explanation of the justification for the modification; and

(III) the lead agency submits to the Federal CPO a modification, which the Federal CPO may revise or disapprove.

(v) CONSISTENCY WITH OTHER TIME PERIODS.—A permitting timetable established under clause (i) shall be consistent with any other relevant time periods established under Federal law.

(vi) COMPLIANCE.—

(I) IN GENERAL.—Each Federal participating agency shall comply with the deadlines set forth in the permitting timetable approved under clause (iii), or with any deadline modified under clause (iv).

(II) FAILURE TO COMPLY.—If a Federal participating agency fails to comply with a deadline for agency action on a covered project, the head of the participating agency shall—

(aa) promptly report to the Federal CPO for posting on the Dashboard an explanation of any specific reason for failing to meet the deadline and a proposal for an alternative deadline; and

(bb) report to the Federal CPO for posting on the Dashboard a monthly status report describing any agency activity related to the project until the agency has taken final action on the delayed authorization or review.

(C) COOPERATING STATE, LOCAL, OR TRIBAL GOVERNMENTS.—

(i) IN GENERAL.—To the maximum extent practicable under applicable Federal law, the lead agency shall coordinate the Federal review and authorization process under this paragraph with any State, local, or tribal agency responsible for conducting any separate review or authorization of the covered project to ensure timely and efficient review and permitting decisions.

(ii) MEMORANDUM OF UNDERSTANDING.—

(I) IN GENERAL.—Any coordination plan between the lead agency and any State, local, or tribal agency shall, to the maximum extent practicable, be included in a memorandum of understanding.

(II) SUBMISSION TO FEDERAL CPO.—A lead agency shall submit to the Federal CPO each memorandum of understanding described in subclause (I).

(III) POST TO DASHBOARD.—The Federal CPO shall post to the Dashboard each memorandum of understanding submitted under subclause (II).

(4) EARLY CONSULTATION.—The lead agency shall provide an expeditious process for project sponsors to confer with each participating agency involved and to have each participating agency determine and communicate to the project sponsor, not later than 60 days after the date on which the project sponsor submits a request, information concerning—

(A) the likelihood of approval for a potential covered project; and

(B) key issues of concern to each participating agency and to the public.

(5) COOPERATING AGENCY.—

(A) IN GENERAL.—A lead agency may designate a participating agency as a cooperating agency in accordance with part 1501 of title 40, Code of Federal Regulations (or successor regulations).

(B) EFFECT ON OTHER DESIGNATION.—The designation described in subparagraph (A) shall not affect any designation under paragraph (1)(C).

(C) LIMITATION ON DESIGNATION.—Any agency not designated as a participating agency under paragraph (1)(C) shall not be designated as a cooperating agency under subparagraph (A).

(e) INTERSTATE COMPACTS.—The consent of Congress is given for 3 or more contiguous States to enter into an interstate compact establishing regional infrastructure development agencies to facilitate authorization and review of covered projects, under State law or in the exercise of delegated permitting authority described under subsection (g), that will advance infrastructure development, production, and generation within the States that are parties to the compact.

(f) COORDINATION OF REQUIRED REVIEWS.—

(1) CONCURRENT REVIEWS.—Each agency shall, to the greatest extent permitted by law—

(A) carry out the obligations of the agency under other applicable law concurrently, and in conjunction with other reviews being conducted by other participating agencies, including environmental reviews required under NEPA, unless doing so would impair the ability of the agency to carry out statutory obligations; and

(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

(2) ADOPTION AND USE OF DOCUMENTS.—

(A) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

(i) USE OF EXISTING DOCUMENTS.—On the request of a project sponsor, a lead agency shall consider and, as appropriate, adopt or incorporate, a document that has been prepared for a project under State laws and procedures as the environmental impact statement or environmental assessment for the project if the State laws and procedures under which the document was prepared provide, as determined by the lead agency in consultation with the Council on Environmental Quality, environmental protection and opportunities for public participation that are substantially equivalent to NEPA.

(ii) NEPA OBLIGATIONS.—An environmental document adopted under clause (i) may serve as, or supplement, an environmental impact statement or environmental assessment required to be prepared by a lead agency under NEPA.

(iii) SUPPLEMENTAL DOCUMENT.—In the case of an environmental document described in clause (i), during the period after preparation of the document and prior to the adoption of the document by the lead agency, the lead agency shall prepare and publish a supplemental document to the document if the lead agency determines that—

(I) a significant change has been made to the project that is relevant for purposes of environmental review of the project; or

(II) there have been significant changes in circumstances or availability of information relevant to the environmental review for the project.

(iv) COMMENTS.—If a lead agency prepares and publishes a supplemental document under clause (iii), the lead agency may solicit comments from other agencies and the public on the supplemental document for a period of not more than 30 days beginning on the date on which the supplemental document is published.

(v) RECORD OF DECISION.—A lead agency shall issue a record of decision or finding of no significant impact, as appropriate, based on the document adopted under clause (i) and any supplemental document prepared under clause (iii).

(3) ALTERNATIVES ANALYSIS.—

(A) PARTICIPATION.—As early as practicable during the environmental review, but not later than the commencement of scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall provide an opportunity for the involvement of cooperating agencies in determining the range of alternatives to be considered for a project.

(B) RANGE OF ALTERNATIVES.—Following participation under subparagraph (A), the lead agency shall determine the range of alternatives for consideration in any document that the lead agency is responsible for preparing for the project.

(C) METHODOLOGIES.—The lead agency shall determine, in collaboration with each cooperating agency at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a project.

(D) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of the higher level of detail will not prevent—

(i) the lead agency from making an impartial decision as to whether to accept another alternative that is being considered in the environmental review; and

(ii) the public from commenting on the preferred and other alternatives

(4) ENVIRONMENTAL REVIEW COMMENTS.—

(A) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by an agency or the public on a draft environmental impact statement, the lead agency shall establish a comment period of not more than 60 days after the date on which a notice announcing availability of the environmental impact statement is published in the Federal Register, unless—

(i) the lead agency, the project sponsor, and each participating agency agree to a different deadline; or

(ii) the deadline is extended by the lead agency for good cause.

(B) OTHER COMMENTS.—For all other comment periods for agency or public comments in the environmental review process, the lead agency shall establish a comment period of not later than 30 days after the date on which the materials on which comment is requested are made available, unless—

(i) the lead agency, the project sponsor, and each participating agency agree to a different deadline; or

(ii) the lead agency modifies the deadline for good cause.

(5) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) COOPERATION.—The lead agency and each participating agency shall work cooperatively in accordance with this subsection to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approval required for the project under applicable laws.

(B) LEAD AGENCY RESPONSIBILITIES.—

(i) IN GENERAL.—The lead agency shall make information available to each participating agency as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration.

(ii) SOURCES OF INFORMATION.—The information described in clause (i) may be based on existing data sources, including geographic information systems mapping.

(C) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency under subparagraph (B), each participating agency shall identify, as early as practicable, any issues of concern, including any issues that could substantially delay or prevent an agency from granting a permit or other approval needed for the project, regarding any potential environmental, historic, or socioeconomic impacts of the project.

(6) CATEGORIES OF PROJECTS.—The authorities granted under this subsection may be exercised for an individual project or a category of projects.

(g) DELEGATED STATE PERMITTING PROGRAMS.—If a Federal statute permits a State to be delegated or otherwise authorized by a Federal agency to issue or otherwise administer a permit program in lieu of the Federal agency, each member of the Council shall—

(1) on publication by the Council of best practices under subsection (c)(3)(B)(ii), initiate a process, with public participation, to determine whether and the extent to which any of the best practices are applicable to permitting under the statute; and

(2) not later than 2 years after the date of enactment of this Act, make recommendations for State modifications of the permit program to reflect the best practices described in subsection (c)(3)(B)(ii), as appropriate.

(h) LITIGATION, JUDICIAL REVIEW, AND SAVINGS PROVISION.—

(1) LIMITATIONS ON CLAIMS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of any authorization issued by a Federal agency for a covered project shall be barred unless—

(i) the action is filed not later than 150 days after the date on which a notice is published in the Federal Register that the authorization is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law under which judicial review is allowed; and

(ii) in the case of an action pertaining to an environmental review conducted under NEPA—

(I) the action is filed by a party that submitted a comment during the environmental review on the issue on which the party seeks judicial review; and

(II) the comment was sufficiently detailed to put the lead agency on notice of the issue on which the party seeks judicial review.

(B) NEW INFORMATION.—

(i) IN GENERAL.—The head of a lead agency or participating agency shall consider new information received after the close of a comment period if the information satisfies the requirements under regulations implementing NEPA.

(ii) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—If the preparation of a supplemental environmental impact statement is required, the preparation of the supplemental environmental impact statement shall be considered a separate final agency action and the deadline for filing a claim for judicial review of the agency action shall be 150 days after the date on which a notice announcing the agency action is published in the Federal Register.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph creates a right to judicial review or places any limit on filing a claim that a person has violated the terms of an authorization.

(2) PRELIMINARY INJUNCTIVE RELIEF.—In addition to considering any other applicable equitable factors, including the effects on public health, safety, and the environment, in any action seeking a temporary restraining order or preliminary injunction against an agency or a project sponsor in connection with review or authorization of a covered project, the court shall—

(A) consider the potential for significant job losses or other economic harm resulting from an order or injunction; and

(B) not presume that the harms described in subparagraph (A) are reparable.

(3) JUDICIAL REVIEW.—Except as provided in paragraph (1), nothing in this section affects the reviewability of any final Federal agency action in a court of the United States or in the court of any State.

(4) SAVINGS CLAUSE.—Nothing in this section—

(A) supersedes, amends, or modifies NEPA or any other Federal environmental statute or affects the responsibility of any Federal officer to comply with or enforce any statute; or

(B) creates a presumption that a covered project will be approved or favorably reviewed by any agency.

(5) LIMITATIONS.—Nothing in this subsection preempts, limits, or interferes with—

(A) any practice of seeking, considering, or responding to public comment; or

(B) any power, jurisdiction, responsibility, or authority that a Federal, State, or local governmental agency, metropolitan planning organization, Indian tribe, or project sponsor has with respect to carrying out a project or any other provisions of law applicable to any project, plan, or program.

(i) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than April 15 of each year, the Federal CPO shall submit to Congress a report detailing the progress accomplished under this section during the previous fiscal year.

(2) CONTENTS.—The report described in paragraph (1) shall assess the performance of each participating agency and lead agency based on the best practices described in subsection (c)(3)(B)(ii).

(3) OPPORTUNITY TO INCLUDE COMMENTS.—Each agency CPO shall have the opportunity to include comments concerning the performance of the agency in the report described in paragraph (1).

(j) APPLICATION.—This section applies to any covered project for which an application or request for a Federal authorization is pending before a Federal agency 90 days after the date of enactment of this Act.

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**SA 3664.** Mr. HATCH (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—TRADE PROMOTION AUTHORITY**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Bipartisan Congressional Trade Priorities Act of 2014''.

**SEC. 202. TRADE NEGOTIATING OBJECTIVES.**

(a) OVERALL TRADE NEGOTIATING OBJECTIVES.—The overall trade negotiating objectives of the United States for agreements subject to the provisions of section 203 are—

(1) to obtain more open, equitable, and reciprocal market access;

(2) to obtain the reduction or elimination of barriers and distortions that are directly related to trade and investment and that decrease market opportunities for United States exports or otherwise distort United States trade;

(3) to further strengthen the system of international trade and investment disciplines and procedures, including dispute settlement;

(4) to foster economic growth, raise living standards, enhance the competitiveness of the United States, promote full employment in the United States, and enhance the global economy;

(5) to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

(6) to promote respect for worker rights and the rights of children consistent with core labor standards of the ILO (as set out in section 11(7)) and an understanding of the relationship between trade and worker rights;

(7) to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental and labor laws as an encouragement for trade;

(8) to ensure that trade agreements afford small businesses equal access to international markets, equitable trade benefits, and expanded export market opportunities, and provide for the reduction or elimination of trade and investment barriers that disproportionately impact small businesses;

(9) to promote universal ratification and full compliance with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;

(10) to ensure that trade agreements reflect and facilitate the increasingly interrelated, multi-sectoral nature of trade and investment activity;

(11) to ensure implementation of trade commitments and obligations by strengthening the effective operation of legal regimes and the rule of law by trading partners of the United States through capacity building and other appropriate means;

(12) to recognize the growing significance of the Internet as a trading platform in international commerce; and

(13) to take into account other legitimate United States domestic objectives, including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests and the law and regulations related thereto.

(b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

(1) TRADE IN GOODS.—The principal negotiating objectives of the United States regarding trade in goods are—

(A) to expand competitive market opportunities for exports of goods from the United States and to obtain fairer and more open conditions of trade, including through the utilization of global value chains, by reducing or eliminating tariff and nontariff barriers and policies and practices of foreign governments directly related to trade that decrease market opportunities for United States exports or otherwise distort United States trade; and

(B) to obtain reciprocal tariff and nontariff barrier elimination agreements, including with respect to those tariff categories covered in section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(2) TRADE IN SERVICES.—(A) The principal negotiating objective of the United States regarding trade in services is to expand competitive market opportunities for United States services and to obtain fairer and more open conditions of trade, including through utilization of global value chains, by reducing or eliminating barriers to international trade in services, such as regulatory and other barriers that deny national treatment and market access or unreasonably restrict the establishment or operations of service suppliers.

(B) Recognizing that expansion of trade in services generates benefits for all sectors of the economy and facilitates trade, the objective described in subparagraph (A) should be pursued through all means, including through a plurilateral agreement with those countries willing and able to undertake high standard services commitments for both existing and new services.

(3) TRADE IN AGRICULTURE.—The principal negotiating objective of the United States with respect to agriculture is to obtain competitive opportunities for United States exports of agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in bulk, specialty crop, and value added commodities by—

(A) securing more open and equitable market access through robust rules on sanitary and phytosanitary measures that—

(i) encourage the adoption of international standards and require a science-based justification be provided for a sanitary or phytosanitary measure if the measure is more restrictive than the applicable international standard;

(ii) improve regulatory coherence, promote the use of systems-based approaches, and appropriately recognize the equivalence of health and safety protection systems of exporting countries;

(iii) require that measures are transparently developed and implemented, are based on risk assessments that take into account relevant international guidelines and scientific data, and are not more restrictive on trade than necessary to meet the intended purpose; and

(iv) improve import check processes, including testing methodologies and procedures, and certification requirements,

while recognizing that countries may put in place measures to protect human, animal or plant life or health in a manner consistent with their international obligations, including the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(B) reducing or eliminating, by a date certain, tariffs or other charges that decrease

market opportunities for United States exports—

(i) giving priority to those products that are subject to significantly higher tariffs or subsidy regimes of major producing countries; and

(ii) providing reasonable adjustment periods for United States import sensitive products, in close consultation with Congress on such products before initiating tariff reduction negotiations;

(C) reducing tariffs to levels that are the same as or lower than those in the United States;

(D) reducing or eliminating subsidies that decrease market opportunities for United States exports or unfairly distort agriculture markets to the detriment of the United States;

(E) allowing the preservation of programs that support family farms and rural communities but do not distort trade;

(F) developing disciplines for domestic support programs, so that production that is in excess of domestic food security needs is sold at world prices;

(G) eliminating government policies that create price depressing surpluses;

(H) eliminating state trading enterprises whenever possible;

(I) developing, strengthening, and clarifying rules to eliminate practices that unfairly decrease United States market access opportunities or distort agricultural markets to the detriment of the United States, and ensuring that such rules are subject to efficient, timely, and effective dispute settlement, including—

(i) unfair or trade distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on requiring price transparency in the operation of state trading enterprises and such other mechanisms in order to end cross subsidization, price discrimination, and price undercutting;

(ii) unjustified trade restrictions or commercial requirements, such as labeling, that affect new technologies, including biotechnology;

(iii) unjustified sanitary or phytosanitary restrictions, including restrictions not based on scientific principles in contravention of obligations in the Uruguay Round Agreements or bilateral or regional trade agreements;

(iv) other unjustified technical barriers to trade; and

(v) restrictive rules in the administration of tariff rate quotas;

(J) eliminating practices that adversely affect trade in perishable or cyclical products, while improving import relief mechanisms to recognize the unique characteristics of perishable and cyclical agriculture;

(K) ensuring that import relief mechanisms for perishable and cyclical agriculture are as accessible and timely to growers in the United States as those mechanisms that are used by other countries;

(L) taking into account whether a party to the negotiations has failed to adhere to the provisions of already existing trade agreements with the United States or has circumvented obligations under those agreements;

(M) taking into account whether a product is subject to market distortions by reason of a failure of a major producing country to adhere to the provisions of already existing trade agreements with the United States or by the circumvention by that country of its obligations under those agreements;

(N) otherwise ensuring that countries that accede to the World Trade Organization have made meaningful market liberalization commitments in agriculture;

(O) taking into account the impact that agreements covering agriculture to which the United States is a party have on the United States agricultural industry;

(P) maintaining bona fide food assistance programs, market development programs, and export credit programs;

(Q) seeking to secure the broadest market access possible in multilateral, regional, and bilateral negotiations, recognizing the effect that simultaneous sets of negotiations may have on United States import sensitive commodities (including those subject to tariff rate quotas);

(R) seeking to develop an international consensus on the treatment of seasonal or perishable agricultural products in investigations relating to dumping and safeguards and in any other relevant area;

(S) seeking to establish the common base year for calculating the Aggregated Measurement of Support (as defined in the Agreement on Agriculture) as the end of each country's Uruguay Round implementation period, as reported in each country's Uruguay Round market access schedule;

(T) ensuring transparency in the administration of tariff rate quotas through multilateral, plurilateral, and bilateral negotiations; and

(U) eliminating and preventing the undermining of market access for United States products through improper use of a country's system for protecting or recognizing geographical indications, including failing to ensure transparency and procedural fairness and protecting generic terms.

(4) FOREIGN INVESTMENT.—Recognizing that United States law on the whole provides a high level of protection for investment, consistent with or greater than the level required by international law, the principal negotiating objectives of the United States regarding foreign investment are to reduce or eliminate artificial or trade distorting barriers to foreign investment, while ensuring that foreign investors in the United States are not accorded greater substantive rights with respect to investment protections than United States investors in the United States, and to secure for investors important rights comparable to those that would be available under United States legal principles and practice, by—

(A) reducing or eliminating exceptions to the principle of national treatment;

(B) freeing the transfer of funds relating to investments;

(C) reducing or eliminating performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) seeking to establish standards for expropriation and compensation for expropriation, consistent with United States legal principles and practice;

(E) seeking to establish standards for fair and equitable treatment consistent with United States legal principles and practice, including the principle of due process;

(F) providing meaningful procedures for resolving investment disputes;

(G) seeking to improve mechanisms used to resolve disputes between an investor and a government through—

(i) mechanisms to eliminate frivolous claims and to deter the filing of frivolous claims;

(ii) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(iii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iv) providing for an appellate body or similar mechanism to provide coherence to the interpretations of investment provisions in trade agreements; and

(H) ensuring the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public; and

(II) all hearings are open to the public; and

(iii) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, and nongovernmental organizations.

(5) INTELLECTUAL PROPERTY.—The principal negotiating objectives of the United States regarding trade related intellectual property are—

(A) to further promote adequate and effective protection of intellectual property rights, including through—

(i)(I) ensuring accelerated and full implementation of the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)), particularly with respect to meeting enforcement obligations under that agreement; and

(II) ensuring that the provisions of any trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection similar to that found in United States law;

(ii) providing strong protection for new and emerging technologies and new methods of transmitting and distributing products embodying intellectual property, including in a manner that facilitates legitimate digital trade;

(iii) preventing or eliminating discrimination with respect to matters affecting the availability, acquisition, scope, maintenance, use, and enforcement of intellectual property rights;

(iv) ensuring that standards of protection and enforcement keep pace with technological developments, and in particular ensuring that rightholders have the legal and technological means to control the use of their works through the Internet and other global communication media, and to prevent the unauthorized use of their works;

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms; and

(vi) preventing or eliminating government involvement in the violation of intellectual property rights, including cyber theft and piracy;

(B) to secure fair, equitable, and nondiscriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(C) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001, and to ensure that trade agreements foster innovation and promote access to medicines.

(6) DIGITAL TRADE IN GOODS AND SERVICES AND CROSS-BORDER DATA FLOWS.—The principal negotiating objectives of the United States with respect to digital trade in goods and services, as well as cross-border data flows, are—

(A) to ensure that current obligations, rules, disciplines, and commitments under the World Trade Organization and bilateral and regional trade agreements apply to digital trade in goods and services and to cross-border data flows;

(B) to ensure that—

(i) electronically delivered goods and services receive no less favorable treatment under trade rules and commitments than like products delivered in physical form; and

(ii) the classification of such goods and services ensures the most liberal trade treatment possible, fully encompassing both existing and new trade;

(C) to ensure that governments refrain from implementing trade related measures that impede digital trade in goods and services, restrict cross-border data flows, or require local storage or processing of data;

(D) with respect to subparagraphs (A) through (C), where legitimate policy objectives require domestic regulations that affect digital trade in goods and services or cross-border data flows, to obtain commitments that any such regulations are the least restrictive on trade, nondiscriminatory, and transparent, and promote an open market environment; and

(E) to extend the moratorium of the World Trade Organization on duties on electronic transmissions.

(7) REGULATORY PRACTICES.—The principal negotiating objectives of the United States regarding the use of government regulation or other practices to reduce market access for United States goods, services, and investments are—

(A) to achieve increased transparency and opportunity for the participation of affected parties in the development of regulations;

(B) to require that proposed regulations be based on sound science, cost benefit analysis, risk assessment, or other objective evidence;

(C) to establish consultative mechanisms and seek other commitments, as appropriate, to improve regulatory practices and promote increased regulatory coherence, including through—

(i) transparency in developing guidelines, rules, regulations, and laws for government procurement and other regulatory regimes;

(ii) the elimination of redundancies in testing and certification;

(iii) early consultations on significant regulations;

(iv) the use of impact assessments;

(v) the periodic review of existing regulatory measures; and

(vi) the application of good regulatory practices;

(D) to seek greater openness, transparency, and convergence of standards-development processes, and enhance cooperation on standards issues globally;

(E) to promote regulatory compatibility through harmonization, equivalence, or mutual recognition of different regulations and standards and to encourage the use of international and interoperable standards, as appropriate;

(F) to achieve the elimination of government measures such as price controls and reference pricing which deny full market access for United States products;

(G) to ensure that government regulatory reimbursement regimes are transparent, provide procedural fairness, are non-discriminatory, and provide full market access for United States products; and

(H) to ensure that foreign governments—

(i) demonstrate that the collection of undisclosed proprietary information is limited to that necessary to satisfy a legitimate and justifiable regulatory interest; and

(ii) protect such information against disclosure, except in exceptional circumstances to protect the public, or where such information is effectively protected against unfair competition.

(8) STATE-OWNED AND STATE-CONTROLLED ENTERPRISES.—The principal negotiating objective of the United States regarding competition by state-owned and state-controlled enterprises is to seek commitments that—

(A) eliminate or prevent trade distortions and unfair competition favoring state-owned and state-controlled enterprises to the extent of their engagement in commercial activity, and

(B) ensure that such engagement is based solely on commercial considerations,

in particular through disciplines that eliminate or prevent discrimination and market-distorting subsidies and that promote transparency.

(9) LOCALIZATION BARRIERS TO TRADE.—The principal negotiating objective of the United States with respect to localization barriers is to eliminate and prevent measures that require United States producers and service providers to locate facilities, intellectual property, or other assets in a country as a market access or investment condition, including indigenous innovation measures.

(10) LABOR AND THE ENVIRONMENT.—The principal negotiating objectives of the United States with respect to labor and the environment are—

(A) to ensure that a party to a trade agreement with the United States—

(i) adopts and maintains measures implementing internationally recognized core labor standards (as defined in section 211(17)) and its obligations under common multilateral environmental agreements (as defined in section 211(6)),

(ii) does not waive or otherwise derogate from, or offer to waive or otherwise derogate from—

(I) its statutes or regulations implementing internationally recognized core labor standards (as defined in section 211(17)), in a manner affecting trade or investment between the United States and that party, where the waiver or derogation would be inconsistent with one or more such standards, or

(II) its environmental laws in a manner that weakens or reduces the protections afforded in those laws and in a manner affecting trade or investment between the United States and that party, except as provided in its law and provided not inconsistent with its obligations under common multilateral environmental agreements (as defined in section 211(6)) or other provisions of the trade agreement specifically agreed upon, and

(iii) does not fail to effectively enforce its environmental or labor laws, through a sustained or recurring course of action or inaction,

in a manner affecting trade or investment between the United States and that party after entry into force of a trade agreement between those countries;

(B) to recognize that—

(i) with respect to environment, parties to a trade agreement retain the right to exercise prosecutorial discretion and to make decisions regarding the allocation of enforcement resources with respect to other environmental laws determined to have higher priorities, and a party is effectively enforcing its laws if a course of action or inaction reflects a reasonable, bona fide exercise of such discretion, or results from a reasonable, bona fide decision regarding the allocation of resources; and

(ii) with respect to labor, decisions regarding the distribution of enforcement resources are not a reason for not complying with a party's labor obligations; a party to a trade agreement retains the right to reasonable exercise of discretion and to make bona fide decisions regarding the allocation of resources between labor enforcement activities among core labor standards, provided the exercise of such discretion and such decisions are not inconsistent with its obligations;

(C) to strengthen the capacity of United States trading partners to promote respect for core labor standards (as defined in section 211(17));

(D) to strengthen the capacity of United States trading partners to protect the environment through the promotion of sustainable development;

(E) to reduce or eliminate government practices or policies that unduly threaten sustainable development;

(F) to seek market access, through the elimination of tariffs and nontariff barriers, for United States environmental technologies, goods, and services;

(G) to ensure that labor, environmental, health, or safety policies and practices of the parties to trade agreements with the United States do not arbitrarily or unjustifiably discriminate against United States exports or serve as disguised barriers to trade;

(H) to ensure that enforceable labor and environment obligations are subject to the same dispute settlement and remedies as other enforceable obligations under the agreement; and

(I) to ensure that a trade agreement is not construed to empower a party's authorities to undertake labor or environmental law enforcement activities in the territory of the United States.

(11) CURRENCY.—The principal negotiating objective of the United States with respect to currency practices is that parties to a trade agreement with the United States avoid manipulating exchange rates in order to prevent effective balance of payments adjustment or to gain an unfair competitive advantage over other parties to the agreement, such as through cooperative mechanisms, enforceable rules, reporting, monitoring, transparency, or other means, as appropriate.

(12) WTO AND MULTILATERAL TRADE AGREEMENTS.—Recognizing that the World Trade Organization is the foundation of the global trading system, the principal negotiating objectives of the United States regarding the World Trade Organization, the Uruguay Round Agreements, and other multilateral and plurilateral trade agreements are—

(A) to achieve full implementation and extend the coverage of the World Trade Organization and multilateral and plurilateral agreements to products, sectors, and conditions of trade not adequately covered;

(B) to expand country participation in and enhancement of the Information Technology Agreement, the Government Procurement Agreement, and other plurilateral trade agreements of the World Trade Organization;

(C) to expand competitive market opportunities for United States exports and to obtain fairer and more open conditions of trade, including through utilization of global value chains, through the negotiation of new WTO multilateral and plurilateral trade agreements, such as an agreement on trade facilitation;

(D) to ensure that regional trade agreements to which the United States is not a party fully achieve the high standards of, and comply with, WTO disciplines including Article XXIV of GATT 1994, Article V and V bis of the General Agreement on Trade in Services, and the Enabling Clause, including through meaningful WTO review of such regional trade agreements;

(E) to enhance compliance by WTO members with their obligations as WTO members through active participation in the bodies of the World Trade Organization by the United States and all other WTO members, including in the trade policy review mechanism and the committee system of the World Trade Organization, and by working to increase the effectiveness of such bodies; and

(F) to encourage greater cooperation between the World Trade Organization and other international organizations.

(13) TRADE INSTITUTION TRANSPARENCY.—The principal negotiating objective of the United States with respect to transparency is to obtain wider and broader application of the principle of transparency in the World Trade Organization, entities established under bilateral and regional trade agreements, and other international trade fora through seeking—

(A) timely public access to information regarding trade issues and the activities of such institutions;

(B) openness by ensuring public access to appropriate meetings, proceedings, and submissions, including with regard to trade and investment dispute settlement; and

(C) public access to all notifications and supporting documentation submitted by WTO members.

(14) ANTI-CORRUPTION.—The principal negotiating objectives of the United States with respect to the use of money or other things of value to influence acts, decisions, or omissions of foreign governments or officials or to secure any improper advantage in a manner affecting trade are—

(A) to obtain high standards and effective domestic enforcement mechanisms applicable to persons from all countries participating in the applicable trade agreement that prohibit such attempts to influence acts, decisions, or omissions of foreign governments;

(B) to ensure that such standards level the playing field for United States persons in international trade and investment; and

(C) to seek commitments to work jointly to encourage and support anti-corruption and anti-bribery initiatives in international trade fora, including through the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, done at Paris December 17, 1997 (commonly known as the ''OECD Anti-Bribery Convention'').

(15) DISPUTE SETTLEMENT AND ENFORCEMENT.—The principal negotiating objectives of the United States with respect to dispute settlement and enforcement of trade agreements are—

(A) to seek provisions in trade agreements providing for resolution of disputes between governments under those trade agreements in an effective, timely, transparent, equitable, and reasoned manner, requiring determinations based on facts and the principles of the agreements, with the goal of increasing compliance with the agreements;

(B) to seek to strengthen the capacity of the Trade Policy Review Mechanism of the World Trade Organization to review compliance with commitments;

(C) to seek adherence by panels convened under the Dispute Settlement Understanding and by the Appellate Body to—

(i) the mandate of those panels and the Appellate Body to apply the WTO Agreement as written, without adding to or diminishing rights and obligations under the Agreement; and

(ii) the standard of review applicable under the Uruguay Round Agreement involved in the dispute, including greater deference, where appropriate, to the fact finding and technical expertise of national investigating authorities;

(D) to seek provisions encouraging the early identification and settlement of disputes through consultation;

(E) to seek provisions to encourage the provision of trade expanding compensation if a party to a dispute under the agreement does not come into compliance with its obligations under the agreement;

(F) to seek provisions to impose a penalty upon a party to a dispute under the agreement that—

(i) encourages compliance with the obligations of the agreement;

(ii) is appropriate to the parties, nature, subject matter, and scope of the violation; and

(iii) has the aim of not adversely affecting parties or interests not party to the dispute while maintaining the effectiveness of the enforcement mechanism; and

(G) to seek provisions that treat United States principal negotiating objectives equally with respect to—

(i) the ability to resort to dispute settlement under the applicable agreement;

(ii) the availability of equivalent dispute settlement procedures; and

(iii) the availability of equivalent remedies.

(16) TRADE REMEDY LAWS.—The principal negotiating objectives of the United States with respect to trade remedy laws are—

(A) to preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws, and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, or that lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(B) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market access barriers.

(17) BORDER TAXES.—The principal negotiating objective of the United States regarding border taxes is to obtain a revision of the rules of the World Trade Organization with respect to the treatment of border adjustments for internal taxes to redress the disadvantage to countries relying primarily on direct taxes for revenue rather than indirect taxes.

(18) TEXTILE NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in textiles and apparel articles are to obtain competitive opportunities for United States exports of textiles and apparel in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of trade in textiles and apparel.

(c) CAPACITY BUILDING AND OTHER PRIORITIES.—In order to address and maintain United States competitiveness in the global economy, the President shall—

(1) direct the heads of relevant Federal agencies—

(A) to work to strengthen the capacity of United States trading partners to carry out obligations under trade agreements by consulting with any country seeking a trade agreement with the United States concerning that country's laws relating to customs and trade facilitation, sanitary and phytosanitary measures, technical barriers to trade, intellectual property rights, labor, and the environment; and

(B) to provide technical assistance to that country if needed;

(2) seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science; and

(3) promote consideration of multilateral environmental agreements and consult with parties to such agreements regarding the consistency of any such agreement that includes trade measures with existing environmental exceptions under Article XX of GATT 1994.

**SEC. 203. TRADE AGREEMENTS AUTHORITY.**

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President—

(A) may enter into trade agreements with foreign countries before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c); and

(B) may, subject to paragraphs (2) and (3), proclaim—

(i) such modification or continuance of any existing duty,

(ii) such continuance of existing duty free or excise treatment, or

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement.

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) NOTIFICATION.—The President shall notify Congress of the President's intention to enter into an agreement under this subsection.

(3) LIMITATIONS.—No proclamation may be made under paragraph (1) that—

(A) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty which is less than 50 percent of the rate of such duty that applies on such date of enactment;

(B) reduces the rate of duty below that applicable under the Uruguay Round Agreements or a successor agreement, on any import sensitive agricultural product; or

(C) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(4) AGGREGATE REDUCTION; EXEMPTION FROM STAGING.—

(A) AGGREGATE REDUCTION.—Except as provided in subparagraph (B), the aggregate reduction in the rate of duty on any article which is in effect on any day pursuant to a trade agreement entered into under paragraph (1) shall not exceed the aggregate reduction which would have been in effect on such day if—

(i) a reduction of 3 percent ad valorem or a reduction of 1/10 of the total reduction, whichever is greater, had taken effect on the effective date of the first reduction proclaimed under paragraph (1) to carry out such agreement with respect to such article; and

(ii) a reduction equal to the amount applicable under clause (i) had taken effect at 1-year intervals after the effective date of such first reduction.

(B) EXEMPTION FROM STAGING.—No staging is required under subparagraph (A) with respect to a duty reduction that is proclaimed under paragraph (1) for an article of a kind that is not produced in the United States. The United States International Trade Commission shall advise the President of the identity of articles that may be exempted from staging under this subparagraph.

(5) ROUNDING.—If the President determines that such action will simplify the computation of reductions under paragraph (4), the

President may round an annual reduction by an amount equal to the lesser of—

(A) the difference between the reduction without regard to this paragraph and the next lower whole number; or

(B) ½ of 1 percent ad valorem.

(6) OTHER LIMITATIONS.—A rate of duty reduction that may not be proclaimed by reason of paragraph (3) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under section 206 and that bill is enacted into law.

(7) OTHER TARIFF MODIFICATIONS.—Notwithstanding paragraphs (1)(B), (3)(A), (3)(C), and (4) through (6), and subject to the consultation and layover requirements of section 115 of the Uruguay Round Agreements Act (19 U.S.C. 3524), the President may proclaim the modification of any duty or staged rate reduction of any duty set forth in Schedule XX, as defined in section 2(5) of that Act (19 U.S.C. 3501(5)), if the United States agrees to such modification or staged rate reduction in a negotiation for the reciprocal elimination or harmonization of duties under the auspices of the World Trade Organization.

(8) AUTHORITY UNDER URUGUAY ROUND AGREEMENTS ACT NOT AFFECTED.—Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) AGREEMENTS REGARDING TARIFF AND NONTARIFF BARRIERS.—

(1) IN GENERAL.—(A) Whenever the President determines that—

(i) 1 or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

(ii) the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect,

and that the purposes, policies, priorities, and objectives of this title will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion described in subparagraph (A); or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

(C) The President may enter into a trade agreement under this paragraph before—

(i) July 1, 2018; or

(ii) July 1, 2021, if trade authorities procedures are extended under subsection (c).

Substantial modifications to, or substantial additional provisions of, a trade agreement entered into after July 1, 2018, or July 1, 2021, if trade authorities procedures are extended under subsection (c), shall not be eligible for approval under this title.

(2) CONDITIONS.—A trade agreement may be entered into under this subsection only if such agreement makes progress in meeting the applicable objectives described in subsections (a) and (b) of section 202 and the President satisfies the conditions set forth in sections 204 and 205.

(3) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—(A) The provisions of section 151 of the Trade Act of 1974 (in this title referred to as ''trade authorities procedures'') apply to a bill of either House of Congress which contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this title be referred to as an ''implementing bill''.

(B) The provisions referred to in subparagraph (A) are—

(i) a provision approving a trade agreement entered into under this subsection and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement or agreements, only such provisions as are strictly necessary or appropriate to implement such trade agreement or agreements, either repealing or amending existing laws or providing new statutory authority.

(c) EXTENSION DISAPPROVAL PROCESS FOR CONGRESSIONAL TRADE AUTHORITIES PROCEDURES.—

(1) IN GENERAL.—Except as provided in section 206(b)—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) before July 1, 2018; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) after June 30, 2018, and before July 1, 2021, if (and only if)—

(i) the President requests such extension under paragraph (2); and

(ii) neither House of Congress adopts an extension disapproval resolution under paragraph (5) before July 1, 2018.

(2) REPORT TO CONGRESS BY THE PRESIDENT.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to Congress, not later than April 1, 2018, a written report that contains a request for such extension, together with—

(A) a description of all trade agreements that have been negotiated under subsection (b) and the anticipated schedule for submitting such agreements to Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) OTHER REPORTS TO CONGRESS.—

(A) REPORT BY THE ADVISORY COMMITTEE.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155) of the decision of the President to submit a report to Congress under paragraph (2). The Advisory Committee shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains—

(i) its views regarding the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this title; and

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) REPORT BY INTERNATIONAL TRADE COMMISSION.—The President shall promptly inform the United States International Trade Commission of the decision of the President to submit a report to Congress under paragraph (2). The International Trade Commission shall submit to Congress as soon as practicable, but not later than June 1, 2018, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of the enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(4) STATUS OF REPORTS.—The reports submitted to Congress under paragraphs (2) and (3), or any portion of such reports, may be classified to the extent the President determines appropriate.

(5) EXTENSION DISAPPROVAL RESOLUTIONS.—(A) For purposes of paragraph (1), the term ''extension disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the _____ disapproves the request of the President for the extension, under section 203(c)(1)(B)(i) of the Bipartisan Congressional Trade Priorities Act of 2014, of the trade authorities procedures under that Act to any implementing bill submitted with respect to any trade agreement entered into under section 203(b) of that Act after June 30, 2018.'', with the blank space being filled with the name of the resolving House of Congress.

(B) Extension disapproval resolutions—

(i) may be introduced in either House of Congress by any member of such House; and

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for—

(i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules;

(ii) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance; or

(iii) either House of Congress to consider an extension disapproval resolution after June 30, 2018.

(d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the principal negotiating objectives set forth in section 202(b).

**SEC. 204. CONGRESSIONAL OVERSIGHT, CONSULTATIONS, AND ACCESS TO INFORMATION.**

(a) CONSULTATIONS WITH MEMBERS OF CONGRESS.—

(1) CONSULTATIONS DURING NEGOTIATIONS.—In the course of negotiations conducted under this title, the United States Trade Representative shall—

(A) meet upon request with any Member of Congress regarding negotiating objectives, the status of negotiations in progress, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress

to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement;

(B) upon request of any Member of Congress, provide access to pertinent documents relating to the negotiations, including classified materials;

(C) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(D) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under subsection (c) and all committees of the House of Representatives and the Senate with jurisdiction over laws that could be affected by a trade agreement resulting from the negotiations; and

(E) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) CONSULTATIONS PRIOR TO ENTRY INTO FORCE.—Prior to exchanging notes providing for the entry into force of a trade agreement, the United States Trade Representative shall consult closely and on a timely basis with Members of Congress and committees as specified in paragraph (1), and keep them fully apprised of the measures a trading partner has taken to comply with those provisions of the agreement that are to take effect on the date that the agreement enters into force.

(3) ENHANCED COORDINATION WITH CONGRESS.—

(A) WRITTEN GUIDELINES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with Congress, including coordination with designated congressional advisers under subsection (b), regarding negotiations conducted under this title; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT OF GUIDELINES.—The guidelines developed under subparagraph (A) shall enhance coordination with Congress through procedures to ensure—

(i) timely briefings upon request of any Member of Congress regarding negotiating objectives, the status of negotiations in progress conducted under this title, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement; and

(ii) the sharing of detailed and timely information to Members of Congress regarding those negotiations and pertinent documents related to those negotiations (including classified information), and to committee staff with proper security clearances as would be appropriate in the light of the responsibilities of that committee over the trade agreements programs affected by those negotiations.

(C) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under subparagraph (A) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(b) DESIGNATED CONGRESSIONAL ADVISERS.—

(1) DESIGNATION.—

(A) HOUSE OF REPRESENTATIVES.—In each Congress, any Member of the House of Representatives may be designated as a congressional adviser on trade policy and negotiations by the Speaker of the House of Representatives, after consulting with the chairman and ranking member of the Committee on Ways and Means and the chairman and ranking member of the committee from which the Member will be selected.

(B) SENATE.—In each Congress, any Member of the Senate may be designated as a congressional adviser on trade policy and negotiations by the President pro tempore of the Senate, after consultation with the chairman and ranking member of the Committee on Finance and the chairman and ranking member of the committee from which the Member will be selected.

(2) CONSULTATIONS WITH DESIGNATED CONGRESSIONAL ADVISERS.—In the course of negotiations conducted under this title, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations designated under paragraph (1).

(3) ACCREDITATION.—Each Member of Congress designated as a congressional adviser under paragraph (1) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(c) CONGRESSIONAL ADVISORY GROUPS ON NEGOTIATIONS.—

(1) IN GENERAL.—By not later than 60 days after the date of the enactment of this Act, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives shall convene the House Advisory Group on Negotiations and the chairman of the Committee on Finance of the Senate shall convene the Senate Advisory Group on Negotiations (in this subsection referred to collectively as the ''congressional advisory groups'').

(2) MEMBERS AND FUNCTIONS.—

(A) MEMBERSHIP OF THE HOUSE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the House Advisory Group on Negotiations shall be comprised of the following Members of the House of Representatives:

(i) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the House of Representatives that would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(B) MEMBERSHIP OF THE SENATE ADVISORY GROUP ON NEGOTIATIONS.—In each Congress, the Senate Advisory Group on Negotiations shall be comprised of the following Members of the Senate:

(i) The chairman and ranking member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the Senate that would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this title would apply.

(C) ACCREDITATION.—Each member of the congressional advisory groups described in subparagraphs (A)(i) and (B)(i) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in negotiations for any trade agreement to which this title applies. Each member of the congressional advisory groups described in subparagraphs (A)(ii) and (B)(ii) shall be accredited by the United States Trade Representative on behalf of the President as an official adviser to the United States delegation in the negotiations by reason of which the member is in one of the congressional advisory groups.

(D) CONSULTATION AND ADVICE.—The congressional advisory groups shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(E) CHAIR.—The House Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Senate Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Finance of the Senate.

(F) COORDINATION WITH OTHER COMMITTEES.—Members of any committee represented on one of the congressional advisory groups may submit comments to the member of the appropriate congressional advisory group from that committee regarding any matter related to a negotiation for any trade agreement to which this title applies.

(3) GUIDELINES.—

(A) PURPOSE AND REVISION.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the congressional advisory groups; and

(ii) may make such revisions to the guidelines as may be necessary from time to time.

(B) CONTENT.—The guidelines developed under subparagraph (A) shall provide for, among other things—

(i) detailed briefings on a fixed timetable to be specified in the guidelines of the congressional advisory groups regarding negotiating objectives and positions and the status of the applicable negotiations, beginning as soon as practicable after the congressional advisory groups are convened, with more frequent briefings as trade negotiations enter the final stage;

(ii) access by members of the congressional advisory groups, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(iii) the closest practicable coordination between the Trade Representative and the congressional advisory groups at all critical periods during the negotiations, including at negotiation sites;

(iv) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(v) the timeframe for submitting the report required under section 205(d)(3).

(4) REQUEST FOR MEETING.—Upon the request of a majority of either of the congressional advisory groups, the President shall meet with that congressional advisory group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

(d) CONSULTATIONS WITH THE PUBLIC.—

(1) GUIDELINES FOR PUBLIC ENGAGEMENT.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on public access to information regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) PURPOSES.—The guidelines developed under paragraph (1) shall—

(A) facilitate transparency;

(B) encourage public participation; and

(C) promote collaboration in the negotiation process.

(3) CONTENT.—The guidelines developed under paragraph (1) shall include procedures that—

(A) provide for rapid disclosure of information in forms that the public can readily find and use; and

(B) provide frequent opportunities for public input through Federal Register requests for comment and other means.

(4) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(e) CONSULTATIONS WITH ADVISORY COMMITTEES.—

(1) GUIDELINES FOR ENGAGEMENT WITH ADVISORY COMMITTEES.—The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after the date of the enactment of this Act, develop written guidelines on enhanced coordination with advisory committees established pursuant to section 135 of the Trade Act of 1974 (19 U.S.C. 2155) regarding negotiations conducted under this title; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) CONTENT.—The guidelines developed under paragraph (1) shall enhance coordination with advisory committees described in that paragraph through procedures to ensure—

(A) timely briefings of advisory committees and regular opportunities for advisory committees to provide input throughout the negotiation process on matters relevant to the sectors or functional areas represented by those committees; and

(B) the sharing of detailed and timely information with each member of an advisory committee regarding negotiations and pertinent documents related to the negotiation (including classified information) on matters relevant to the sectors or functional areas the member represents, and with a designee with proper security clearances of each such member as appropriate.

(3) DISSEMINATION.—The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

**SEC. 205. NOTICE, CONSULTATIONS, AND REPORTS.**

(a) NOTICE, CONSULTATIONS, AND REPORTS BEFORE NEGOTIATION.—

(1) NOTICE.—The President, with respect to any agreement that is subject to the provisions of section 203(b), shall—

(A) provide, at least 90 calendar days before initiating negotiations with a country, written notice to Congress of the President's intention to enter into the negotiations with that country and set forth in the notice the date on which the President intends to initiate those negotiations, the specific United States objectives for the negotiations with that country, and whether the President intends to seek an agreement, or changes to an existing agreement;

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, such other committees of the House and Senate as the President deems appropriate, and the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 204(c); and

(C) upon the request of a majority of the members of either the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations convened under section 204(c), meet with the requesting congressional advisory group before initiating the negotiations or at any other time concerning the negotiations.

(2) SPECIAL RULE FOR NOTICE AND CONSULTATION ON DOHA-RELATED AGREEMENTS.—In the case of any plurilateral agreement between the United States and one or more WTO members relating to a matter described in the Ministerial Declaration of the World Trade Organization adopted at Doha November 14, 2001—

(A) the President shall provide the written notice described in subparagraph (A) of paragraph (1) to Congress at least 90 calendar days before initiating negotiations for the agreement and comply with subparagraphs (B) and (C) of that paragraph with respect to the agreement; and

(B) if another WTO member seeks to join the negotiations after notice is provided under subparagraph (A) and the President determines that the WTO member is willing and able to meet the standard of the agreement and the participation of the WTO member would further the objectives of the United States for the agreement, the President shall—

(i) provide advance written notice to Congress before the WTO member joins the negotiations with respect to whether the United States intends to support the entry of the WTO member into the negotiations; and

(ii) consult with Congress as provided in subparagraphs (B) and (C) of paragraph (1).

(3) NEGOTIATIONS REGARDING AGRICULTURE.—

(A) ASSESSMENT AND CONSULTATIONS FOLLOWING ASSESSMENT.—Before initiating or continuing negotiations the subject matter of which is directly related to the subject matter under section 202(b)(3)(B) with any country, the President shall—

(i) assess whether United States tariffs on agricultural products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country;

(ii) consider whether the tariff levels bound and applied throughout the world with respect to imports from the United States are higher than United States tariffs and whether the negotiation provides an opportunity to address any such disparity; and

(iii) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(B) SPECIAL CONSULTATIONS ON IMPORT SENSITIVE PRODUCTS.—(i) Before initiating negotiations with regard to agriculture and, with respect to agreements described in paragraphs (2) and (3) of section 207(a), as soon as practicable after the date of the enactment of this Act, the United States Trade Representative shall—

(I) identify those agricultural products subject to tariff rate quotas on the date of enactment of this Act, and agricultural products subject to tariff reductions by the United States as a result of the Uruguay Round Agreements, for which the rate of duty was reduced on January 1, 1995, to a rate which was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994;

(II) consult with the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning—

(aa) whether any further tariff reductions on the products identified under subclause (I) should be appropriate, taking into account the impact of any such tariff reduction on the United States industry producing the product concerned;

(bb) whether the products so identified face unjustified sanitary or phytosanitary restrictions, including those not based on scientific principles in contravention of the Uruguay Round Agreements; and

(cc) whether the countries participating in the negotiations maintain export subsidies or other programs, policies, or practices that distort world trade in such products and the impact of such programs, policies, and practices on United States producers of the products;

(III) request that the International Trade Commission prepare an assessment of the probable economic effects of any such tariff reduction on the United States industry producing the product concerned and on the United States economy as a whole; and

(IV) upon complying with subclauses (I), (II), and (III), notify the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate of those products identified under subclause (I) for which the Trade Representative intends to seek tariff liberalization in the negotiations and the reasons for seeking such tariff liberalization.

(ii) If, after negotiations described in clause (i) are commenced—

(I) the United States Trade Representative identifies any additional agricultural product described in clause (i)(I) for tariff reductions which were not the subject of a notification under clause (i)(IV), or

(II) any additional agricultural product described in clause (i)(I) is the subject of a request for tariff reductions by a party to the negotiations,

the Trade Representative shall, as soon as practicable, notify the committees referred to in clause (i)(IV) of those products and the reasons for seeking such tariff reductions.

(4) NEGOTIATIONS REGARDING THE FISHING INDUSTRY.—Before initiating, or continuing, negotiations that directly relate to fish or shellfish trade with any country, the President shall consult with the Committee on

Ways and Means and the Committee on Natural Resources of the House of Representatives, and the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate, and shall keep the Committees apprised of the negotiations on an ongoing and timely basis.

(5) NEGOTIATIONS REGARDING TEXTILES.—Before initiating or continuing negotiations the subject matter of which is directly related to textiles and apparel products with any country, the President shall—

(A) assess whether United States tariffs on textile and apparel products that were bound under the Uruguay Round Agreements are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address any such disparity; and

(B) consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(6) ADHERENCE TO EXISTING INTERNATIONAL TRADE AND INVESTMENT AGREEMENT OBLIGATIONS.—In determining whether to enter into negotiations with a particular country, the President shall take into account the extent to which that country has implemented, or has accelerated the implementation of, its international trade and investment commitments to the United States, including pursuant to the WTO Agreement.

(b) CONSULTATION WITH CONGRESS BEFORE ENTRY INTO AGREEMENT.—

(1) CONSULTATION.—Before entering into any trade agreement under section 203(b), the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(B) each other committee of the House and the Senate, and each joint committee of Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement; and

(C) the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 204(c).

(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of this title; and

(C) the implementation of the agreement under section 206, including the general effect of the agreement on existing laws.

(3) REPORT REGARDING UNITED STATES TRADE REMEDY LAWS.—

(A) CHANGES IN CERTAIN TRADE LAWS.—The President, not less than 180 calendar days before the day on which the President enters into a trade agreement under section 203(b), shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(i) the range of proposals advanced in the negotiations with respect to that agreement, that may be in the final agreement, and that could require amendments to title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) or to chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); and

(ii) how these proposals relate to the objectives described in section 202(b)(16).

(B) RESOLUTIONS.—(i) At any time after the transmission of the report under subparagraph (A), if a resolution is introduced with respect to that report in either House of Congress, the procedures set forth in clauses (iii) through (vii) shall apply to that resolution if—

(I) no other resolution with respect to that report has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to those procedures; and

(II) no procedural disapproval resolution under section 206(b) introduced with respect to a trade agreement entered into pursuant to the negotiations to which the report under subparagraph (A) relates has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be.

(ii) For purposes of this subparagraph, the term ''resolution'' means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: ''That the _____ finds that the proposed changes to United States trade remedy laws contained in the report of the President transmitted to Congress on _____ under section 205(b)(3) of the Bipartisan Congressional Trade Priorities Act of 2014 with respect to _____, are inconsistent with the negotiating objectives described in section 202(b)(16) of that Act.'', with the first blank space being filled with the name of the resolving House of Congress, the second blank space being filled with the appropriate date of the report, and the third blank space being filled with the name of the country or countries involved.

(iii) Resolutions in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee.

(iv) Resolutions in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(v) It is not in order for the House of Representatives to consider any resolution that is not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(vi) It is not in order for the Senate to consider any resolution that is not reported by the Committee on Finance.

(vii) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to floor consideration of certain resolutions in the House and Senate) shall apply to resolutions.

(4) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any trade agreement entered into under subsection (a) or (b) of section 203 shall be provided to the President, Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies Congress under section 203(a)(2) or 206(a)(1)(A) of the intention of the President to enter into the agreement.

(c) INTERNATIONAL TRADE COMMISSION ASSESSMENT.—

(1) SUBMISSION OF INFORMATION TO COMMISSION.—The President, not later than 90 calendar days before the day on which the President enters into a trade agreement under section 203(b), shall provide the International Trade Commission (referred to in this subsection as the ''Commission'') with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ASSESSMENT.—Not later than 105 calendar days after the President enters into a trade agreement under section 203(b), the Commission shall submit to the President and Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) REVIEW OF EMPIRICAL LITERATURE.—In preparing the assessment under paragraph (2), the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

(4) PUBLIC AVAILABILITY.—The President shall make each assessment under paragraph (2) available to the public.

(d) REPORTS SUBMITTED TO COMMITTEES WITH AGREEMENT.—

(1) ENVIRONMENTAL REVIEWS AND REPORTS.—The President shall—

(A) conduct environmental reviews of future trade and investment agreements, consistent with Executive Order 13141 (64 Fed. Reg. 63169), dated November 16, 1999, and its relevant guidelines; and

(B) submit a report on those reviews and on the content and operation of consultative mechanisms established pursuant to section 202(c) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final text of an agreement pursuant to section 206(a)(1)(C).

(2) EMPLOYMENT IMPACT REVIEWS AND REPORTS.—The President shall—

(A) review the impact of future trade agreements on United States employment, including labor markets, modeled after Executive Order 13141 (64 Fed. Reg. 63169) to the extent appropriate in establishing procedures and criteria; and

(B) submit a report on such reviews to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at the time the President submits to Congress a copy of the final text of an agreement pursuant to section 206(a)(1)(C).

(3) REPORT ON LABOR RIGHTS.—The President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, on a timeframe determined in accordance with section 204(c)(3)(B)—

(A) a meaningful labor rights report of the country, or countries, with respect to which the President is negotiating; and

(B) a description of any provisions that would require changes to the labor laws and labor practices of the United States.

(4) PUBLIC AVAILABILITY.—The President shall make all reports required under this subsection available to the public.

(e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

(1) IN GENERAL.—At the time the President submits to Congress a copy of the final text

of an agreement pursuant to section 206(a)(1)(C), the President shall also submit to Congress a plan for implementing and enforcing the agreement.

(2) ELEMENTS.—The implementation and enforcement plan required by paragraph (1) shall include the following:

(A) BORDER PERSONNEL REQUIREMENTS.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(B) AGENCY STAFFING REQUIREMENTS.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of Homeland Security, the Department of the Treasury, and such other agencies as may be necessary.

(C) CUSTOMS INFRASTRUCTURE REQUIREMENTS.—A description of the additional equipment and facilities needed by U.S. Customs and Border Protection.

(D) IMPACT ON STATE AND LOCAL GOVERNMENTS.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(E) COST ANALYSIS.—An analysis of the costs associated with each of the items listed in subparagraphs (A) through (D).

(3) BUDGET SUBMISSION.—The President shall include a request for the resources necessary to support the plan required by paragraph (1) in the first budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, after the date of the submission of the plan.

(4) PUBLIC AVAILABILITY.—The President shall make the plan required under this subsection available to the public.

(f) OTHER REPORTS.—

(1) REPORT ON PENALTIES.—Not later than one year after the imposition of a penalty or remedy by the United States permitted by a trade agreement to which this title applies, the President shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the effectiveness of the penalty or remedy applied under United States law in enforcing United States rights under the trade agreement, which shall address whether the penalty or remedy was effective in changing the behavior of the targeted party and whether the penalty or remedy had any adverse impact on parties or interests not party to the dispute.

(2) REPORT ON IMPACT OF TRADE PROMOTION AUTHORITY.—Not later than one year after the date of the enactment of this Act, the United States International Trade Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the economic impact on the United States of all trade agreements with respect to which Congress has enacted an implementing bill under trade authorities procedures since January 1, 1984.

(3) ENFORCEMENT CONSULTATIONS AND REPORTS.—(A) The United States Trade Representative shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate after acceptance of a petition for review or taking an enforcement action in regard to an obligation under a trade agreement, including a labor or environmental obligation. During such consultations, the United States Trade Representative shall describe the matter, including the basis for such action and the application of any relevant legal obligations.

(B) As part of the report required pursuant to section 163 of the Trade Act of 1974 (19 U.S.C. 2213), the President shall report annually to Congress on enforcement actions taken pursuant to a United States trade agreement, as well as on any public reports issued by Federal agencies on enforcement matters relating to a trade agreement.

(g) ADDITIONAL COORDINATION WITH MEMBERS.—Any Member of the House of Representatives may submit to the Committee on Ways and Means of the House of Representatives and any Member of the Senate may submit to the Committee on Finance of the Senate the views of that Member on any matter relevant to a proposed trade agreement, and the relevant Committee shall receive those views for consideration.

**SEC. 206. IMPLEMENTATION OF TRADE AGREEMENTS.**

(a) IN GENERAL.—

(1) NOTIFICATION AND SUBMISSION.—Any agreement entered into under section 203(b) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill described in section 203(b)(3);

(ii) a statement of any administrative action proposed to implement the trade agreement; and

(iii) the supporting information described in paragraph (2)(A);

(D) the implementing bill is enacted into law; and

(E) the President, not later than 30 days before the date on which the agreement enters into force with respect to a party to the agreement, submits written notice to Congress that the President has determined that the party has taken measures necessary to comply with those provisions of the agreement that are to take effect on the date on which the agreement enters into force.

(2) SUPPORTING INFORMATION.—

(A) IN GENERAL.—The supporting information required under paragraph (1)(C)(iii) consists of—

(i) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(ii) a statement—

(I) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this title; and

(II) setting forth the reasons of the President regarding—

(aa) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in subclause (I);

(bb) whether and how the agreement changes provisions of an agreement previously negotiated;

(cc) how the agreement serves the interests of United States commerce; and

(dd) how the implementing bill meets the standards set forth in section 203(b)(3).

(B) PUBLIC AVAILABILITY.—The President shall make the supporting information described in subparagraph (A) available to the public.

(3) RECIPROCAL BENEFITS.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 203(b) does not receive benefits under the agreement unless the country is also subject to the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) DISCLOSURE OF COMMITMENTS.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that—

(A) relates to a trade agreement with respect to which Congress enacts an implementing bill under trade authorities procedures; and

(B) is not disclosed to Congress before an implementing bill with respect to that agreement is introduced in either House of Congress,

shall not be considered to be part of the agreement approved by Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) LIMITATIONS ON TRADE AUTHORITIES PROCEDURES.—

(1) FOR LACK OF NOTICE OR CONSULTATIONS.—

(A) IN GENERAL.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 203(b) if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) PROCEDURAL DISAPPROVAL RESOLUTION.—(i) For purposes of this paragraph, the term ''procedural disapproval resolution'' means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: ''That the President has failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities Act of 2014 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.'', with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has ''failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities Act of 2014'' on negotiations with respect to a trade agreement or trade agreements if—

(I) the President has failed or refused to consult (as the case may be) in accordance with sections 204 and 205 and this section with respect to the negotiations, agreement, or agreements;

(II) guidelines under section 204 have not been developed or met with respect to the negotiations, agreement, or agreements;

(III) the President has not met with the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations pursuant to a request made under section 204(c)(4) with respect to the negotiations, agreement, or agreements; or

(IV) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this title.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) The provisions of subsections (d) and (e) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192) (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, and if no resolution described in clause (ii) of section 205(b)(3)(B) with respect to that trade agreement has been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be, pursuant to the procedures set forth in clauses (iii) through (vii) of such section.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

(D) It is not in order for the Senate to consider any procedural disapproval resolution not reported by the Committee on Finance.

(3) FOR FAILURE TO MEET OTHER REQUIREMENTS.—Not later than December 15, 2014, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of the Treasury, the Attorney General, and the United States Trade Representative, shall transmit to Congress a report setting forth the strategy of the executive branch to address concerns of Congress regarding whether dispute settlement panels and the Appellate Body of the World Trade Organization have added to obligations, or diminished rights, of the United States, as described in section 202(b)(15)(C). Trade authorities procedures shall not apply to any implementing bill with respect to an agreement negotiated under the auspices of the World Trade Organization unless the Secretary of Commerce has issued such report by the deadline specified in this paragraph.

(c) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsection (b) of this section, section 203(c), and section 205(b)(3) are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

**SEC. 207. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR WHICH NEGOTIATIONS HAVE ALREADY BEGUN.**

(a) CERTAIN AGREEMENTS.—Notwithstanding the prenegotiation notification and consultation requirement described in section 205(a), if an agreement to which section 203(b) applies—

(1) is entered into under the auspices of the World Trade Organization,

(2) is entered into with the Trans-Pacific Partnership countries with respect to which notifications have been made in a manner consistent with section 205(a)(1) as of the date of the enactment of this Act,

(3) is entered into with the European Union, or

(4) is an agreement with respect to international trade in services entered into with WTO members with respect to which notifications have been made in a manner consistent with section 205(a)(2) as of the date of the enactment of this Act,

and results from negotiations that were commenced before the date of the enactment of this Act, subsection (b) shall apply.

(b) TREATMENT OF AGREEMENTS.—In the case of any agreement to which subsection (a) applies—

(1) the applicability of the trade authorities procedures to implementing bills shall be determined without regard to the requirements of section 205(a) (relating only to notice prior to initiating negotiations), and any procedural disapproval resolution under section 206(b)(1)(B) shall not be in order on the basis of a failure or refusal to comply with the provisions of section 205(a); provided that

(2) the President as soon as feasible after the date of the enactment of this Act—

(A) notifies the Congress of the negotiations described in subsection (a), the specific United States objectives in the negotiations, and whether the President is seeking a new agreement or changes to an existing agreement; and

(B) before and after submission of the notice, consults regarding the negotiations with the committees referred to in section 205(a)(1)(B) and the House and Senate Advisory Groups on Negotiations convened under section 204(c).

**SEC. 208. SOVEREIGNTY.**

(a) UNITED STATES LAW TO PREVAIL IN EVENT OF CONFLICT.—No provision of any trade agreement entered into under section 203(b), nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States, any State of the United States, or any locality of the United States shall have effect.

(b) AMENDMENTS OR MODIFICATIONS OF UNITED STATES LAW.—No provision of any trade agreement entered into under section 203(b) shall prevent the United States, any State of the United States, or any locality of the United States from amending or modifying any law of the United States, that State, or that locality (as the case may be).

(c) DISPUTE SETTLEMENT REPORTS.—Reports, including findings and recommendations, issued by dispute settlement panels convened pursuant to any trade agreement entered into under section 203(b) shall have no binding effect on the law of the United States, the Government of the United States, or the law or government of any State or locality of the United States.

**SEC. 209. INTERESTS OF SMALL BUSINESSES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Trade Representative should facilitate participation by small businesses in the trade negotiation process; and

(2) the functions of the Office of the United States Trade Representative relating to small businesses should continue to be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small businesses.

(b) CONSIDERATION OF SMALL BUSINESS INTERESTS.—The Assistant United States Trade Representative for Small Business, Market Access, and Industrial Competitiveness shall be responsible for ensuring that the interests of small businesses are considered in all trade negotiations in accordance with the objective described in section 202(a)(8).

**SEC. 210. CONFORMING AMENDMENTS; APPLICATION OF CERTAIN PROVISIONS.**

(a) CONFORMING AMENDMENTS.—

(1) ADVICE FROM UNITED STATES INTERNATIONAL TRADE COMMISSION.—Section 131 of the Trade Act of 1974 (19 U.S.C. 2151) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''section 2103(a) or (b) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''subsection (a) or (b) of section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(ii) in paragraph (2), by striking ''section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203(b) of the Bipartisan Congressional Trade Priorities Act of 2014'';

(B) in subsection (b), by striking ''section 2103(a)(3)(A) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203(a)(4)(A) of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(C) in subsection (c), by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203(a) of the Bipartisan Congressional Trade Priorities Act of 2014''.

(2) HEARINGS.—Section 132 of the Trade Act of 1974 (19 U.S.C. 2152) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(3) PUBLIC HEARINGS.—Section 133(a) of the Trade Act of 1974 (19 U.S.C. 2153(a)) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(4) PREREQUISITES FOR OFFERS.—Section 134 of the Trade Act of 1974 (19 U.S.C. 2154) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' each place it appears and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(5) INFORMATION AND ADVICE FROM PRIVATE AND PUBLIC SECTORS.—Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended—

(A) in subsection (a)(1)(A), by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' each place it appears and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(II) by striking ''not later than the date on which the President notifies the Congress under section 2105(a)(1)(A) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''not later than the date that is 30 days after the date on which the President

notifies Congress under section 206(a)(1)(A) of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(ii) in paragraph (2), by striking ''section 2102 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 202 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(6) PROCEDURES RELATING TO IMPLEMENTING BILLS.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 206(a)(1) of the Bipartisan Congressional Trade Priorities Act of 2014''; and

(B) in subsection (c)(1), by striking ''section 2105(a)(1) of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 206(a)(1) of the Bipartisan Congressional Trade Priorities Act of 2014''.

(7) TRANSMISSION OF AGREEMENTS TO CONGRESS.—Section 162(a) of the Trade Act of 1974 (19 U.S.C. 2212(a)) is amended by striking ''section 2103 of the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''section 203 of the Bipartisan Congressional Trade Priorities Act of 2014''.

(b) APPLICATION OF CERTAIN PROVISIONS.—For purposes of applying sections 125, 126, and 127 of the Trade Act of 1974 (19 U.S.C. 2135, 2136, and 2137)—

(1) any trade agreement entered into under section 203 shall be treated as an agreement entered into under section 101 or 102 of the Trade Act of 1974 (19 U.S.C. 2111 or 2112), as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 203 shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 102 of the Trade Act of 1974 (19 U.S.C. 2112).

**SEC. 211. DEFINITIONS.**

In this title:

(1) AGREEMENT ON AGRICULTURE.—The term ''Agreement on Agriculture'' means the agreement referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(2) AGREEMENT ON SAFEGUARDS.—The term ''Agreement on Safeguards'' means the agreement referred to in section 101(d)(13) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(13)).

(3) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(4) ANTIDUMPING AGREEMENT.—The term ''Antidumping Agreement'' means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(7) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(7)).

(5) APPELLATE BODY.—The term ''Appellate Body'' means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

(6) COMMON MULTILATERAL ENVIRONMENTAL AGREEMENT.—

(A) IN GENERAL.—The term ''common multilateral environmental agreement'' means any agreement specified in subparagraph (B) or included under subparagraph (C) to which both the United States and one or more other parties to the negotiations are full parties, including any current or future mutually agreed upon protocols, amendments, annexes, or adjustments to such an agreement.

(B) AGREEMENTS SPECIFIED.—The agreements specified in this subparagraph are the following:

(i) The Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249).

(ii) The Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal September 16, 1987.

(iii) The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, done at London February 17, 1978.

(iv) The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, done at Ramsar February 2, 1971 (TIAS 11084).

(v) The Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra May 20, 1980 (33 UST 3476).

(vi) The International Convention for the Regulation of Whaling, done at Washington December 2, 1946 (62 Stat. 1716).

(vii) The Convention for the Establishment of an Inter-American Tropical Tuna Commission, done at Washington May 31, 1949 (1 UST 230).

(C) ADDITIONAL AGREEMENTS.—Both the United States and one or more other parties to the negotiations may agree to include any other multilateral environmental or conservation agreement to which they are full parties as a common multilateral environmental agreement under this paragraph.

(7) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

(A) freedom of association;

(B) the effective recognition of the right to collective bargaining;

(C) the elimination of all forms of forced or compulsory labor;

(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

(E) the elimination of discrimination in respect of employment and occupation.

(8) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16)).

(9) ENABLING CLAUSE.—The term ''Enabling Clause'' means the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (L/4903), adopted November 28, 1979, under GATT 1947 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

(10) ENVIRONMENTAL LAWS.—The term ''environmental laws'', with respect to the laws of the United States, means environmental statutes and regulations enforceable by action of the Federal Government.

(11) GATT 1994.—The term ''GATT 1994'' has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(12) GENERAL AGREEMENT ON TRADE IN SERVICES.—The term ''General Agreement on Trade in Services'' means the General Agreement on Trade in Services (referred to in section 101(d)(14) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(14))).

(13) GOVERNMENT PROCUREMENT AGREEMENT.—The term ''Government Procurement Agreement'' means the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(14) ILO.—The term ''ILO'' means the International Labor Organization.

(15) IMPORT SENSITIVE AGRICULTURAL PRODUCT.—The term ''import sensitive agricultural product'' means an agricultural product—

(A) with respect to which, as a result of the Uruguay Round Agreements the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or

(B) which was subject to a tariff rate quota on the date of the enactment of this Act.

(16) INFORMATION TECHNOLOGY AGREEMENT.—The term ''Information Technology Agreement'' means the Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996.

(17) INTERNATIONALLY RECOGNIZED CORE LABOR STANDARDS.—The term ''internationally recognized core labor standards'' means the core labor standards only as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998).

(18) LABOR LAWS.—The term ''labor laws'' means the statutes and regulations, or provisions thereof, of a party to the negotiations that are directly related to core labor standards as well as other labor protections for children and minors and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, and for the United States, includes Federal statutes and regulations addressing those standards, protections, or conditions but does not include State or local labor laws.

(19) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity that is organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(20) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given that term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(21) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(22) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(23) WTO MEMBER.—The term ''WTO member'' has the meaning given that term in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)).

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**SA 3665.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE II—MISCELLANEOUS**

**SEC. 201. COMMERCIAL DRIVERS LICENSE SKILLS TESTING REPORT.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine—

(A) the Commercial Drivers License (referred to in this section as ''CDL'') skills testing procedures used by each State;

(B) whether States using the procedures described in paragraph (2)(A) have reduced testing wait times, on average, compared to the procedures described in subparagraphs (B) and (C) of paragraph (2);

(C) for each of the 3 CDL skills testing procedures described in paragraph (2)—

(i) the average time between a CDL applicant's request for a CDL skills test and such test in States using such procedure;

(ii) the failure rate of CDL applicants in States using such procedure; and

(iii) the average time between a CDL applicant's request to retake a CDL skills test and such test; and

(D) the total economic impact of CDL skills testing delays.

(2) SKILLS TESTING PROCEDURES.—The procedures described in this paragraph are—

(A) third party testing, using nongovernmental contractors to proctor CDL skills tests on behalf of the State;

(B) modified third party testing, administering CDL skills tests at State testing facilities, community colleges, or a limited number of third parties; and

(C) State testing, administering CDL skills tests only at State-owned facilities.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of the study conducted pursuant to subsection (a).

**SEC. 202. WAIVER OF NONCONFLICTING REGULATIONS FOR INFRASTRUCTURE PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) INFRASTRUCTURE PROJECT.—

(A) IN GENERAL.—The term ''infrastructure project'' means any physical systems project carried out in the United States, such as a project relating to transportation, communications, sewage, or water.

(B) INCLUSION.—The term ''infrastructure project'' includes a project for energy infrastructure.

(2) NONCONFLICTING REGULATION.—The term ''nonconflicting regulation'' means a Federal regulation applicable to an infrastructure project, the waiver of which would not conflict with any provision of Federal or State law, as determined by the Secretary concerned.

(3) SECRETARY CONCERNED.—

(A) IN GENERAL.—The term ''Secretary concerned'' means the head of a Federal department or agency with jurisdiction over a nonconflicting regulation.

(B) INCLUSIONS.—The term ''Secretary concerned'' includes—

(i) the Administrator of the Environmental Protection Agency, with respect to nonconflicting regulations of the Environmental Protection Agency; and

(ii) the Secretary of the Army, acting through the Chief of Engineers, with respect to nonconflicting regulations of the Corps of Engineers.

(b) ACTION BY SECRETARY CONCERNED.—

(1) IN GENERAL.—Subject to paragraph (3), on receipt of a request of the Governor of a State in which an infrastructure project is conducted, the Secretary concerned shall waive any nonconflicting regulation applicable to the infrastructure project that, as determined by the Secretary concerned, in consultation with the Governor, impedes or could impede the progress of the infrastructure project.

(2) DEADLINE FOR WAIVER.—The Secretary concerned shall waive a nonconflicting regulation by not later than 90 days after the date of receipt of a request under paragraph (1).

(3) EXCEPTION.—The Secretary concerned shall provide a waiver under this subsection with respect to a nonconflicting regulation unless the Secretary concerned provides to the applicable Governor, by not later than the date described in paragraph (2), a written notice that the nonconflicting regulation is necessary due to a specific, direct, and quantifiable concern for safety or the environment.

**SEC. 203. STATE CONTROL OF ENERGY DEVELOPMENT AND PRODUCTION ON ALL AVAILABLE FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) AVAILABLE FEDERAL LAND.—The term ''available Federal land'' means any Federal land that, as of May 31, 2013—

(A) is located within the boundaries of a State;

(B) is not held by the United States in trust for the benefit of a federally recognized Indian tribe;

(C) is not a unit of the National Park System;

(D) is not a unit of the National Wildlife Refuge System; and

(E) is not a Congressionally designated wilderness area.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means—

(A) a State; and

(B) the District of Columbia.

(b) STATE PROGRAMS.—

(1) IN GENERAL.—A State—

(A) may establish a program covering the leasing and permitting processes, regulatory requirements, and any other provisions by which the State would exercise its rights to develop all forms of energy resources on available Federal land in the State; and

(B) as a condition of certification under subsection (c)(2) shall submit a declaration to the Departments of the Interior, Agriculture, and Energy that a program under subparagraph (A) has been established or amended.

(2) AMENDMENT OF PROGRAMS.—A State may amend a program developed and certified under this section at any time.

(3) CERTIFICATION OF AMENDED PROGRAMS.—Any program amended under paragraph (2) shall be certified under subsection (c)(2).

(c) LEASING, PERMITTING, AND REGULATORY PROGRAMS.—

(1) SATISFACTION OF FEDERAL REQUIREMENTS.—Each program certified under this section shall be considered to satisfy all applicable requirements of Federal law (including regulations), including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(2) FEDERAL CERTIFICATION AND TRANSFER OF DEVELOPMENT RIGHTS.—Upon submission of a declaration by a State under subsection (b)(1)(B)(i)—

(A) the program under subsection (b)(1)(A) shall be certified; and

(B) the State shall receive all rights from the Federal Government to develop all forms of energy resources covered by the program.

(3) ISSUANCE OF PERMITS AND LEASES.—If a State elects to issue a permit or lease for the development of any form of energy resource on any available Federal land within the borders of the State in accordance with a program certified under paragraph (2), the permit or lease shall be considered to meet all applicable requirements of Federal law (including regulations).

(d) JUDICIAL REVIEW.—Activities carried out in accordance with this section shall not be subject to judicial review.

(e) ADMINISTRATIVE PROCEDURE ACT.—Activities carried out in accordance with this sectuib shall not be subject to subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

**SEC. 204. FRACTURING REGULATIONS ARE EFFECTIVE IN STATE HANDS.**

(a) FINDINGS.—Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'' and dated May 2009 finding that the ''current State regulation of oil and gas activities is environmentally proactive and preventive'';

(3) that report also concluded that ''[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources'';

(4) a 2004 study by the Environmental Protection Agency, entitled ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs'', found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'', found a ''lack of evidence'' that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated ''The states, who regulate production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.'';

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was ''not aware of any proven case where the fracking process itself has affected water'';

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, ''We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.'';

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin, entitled ''Fact-Based Regulation for Environmental Protection in Shale Gas Development'', found that ''[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations''.

(b) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means—

(1) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation; and

(4) land under the jurisdiction of the Corps of Engineers.

(c) STATE AUTHORITY.—

(1) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—The treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

**SEC. 205. ALTERNATIVE FUEL VEHICLE DEVELOPMENT.**

(a) ALTERNATIVE FUEL VEHICLES.—

(1) MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32906(a) of title 49, United States Code, is amended by striking ''(except an electric automobile)'' and inserting ''(except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that does not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1))''.

(2) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—Section 32901(c)(2) of title 49, United States Code, is amended—

(A) in subparagraph (B), by inserting '', except that beginning with model year 2016, alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1) shall have a minimum driving range of 150 miles'' after ''at least 200 miles''; and

(B) in subparagraph (C), by adding at the end the following: ''Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles).''.

(3) MANUFACTURING PROVISION FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32905(d) of title 49, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''For any model'' and inserting the following:

''(1) MODEL YEARS 1993 THROUGH 2015.—For any model'';

(C) in paragraph (1), as redesignated, by striking ''2019'' and inserting ''2015''; and

(D) by adding at the end the following:

''(2) MODEL YEARS AFTER 2015.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer after model year 2015, the Administrator shall calculate fuel economy as a weighted harmonic average of the fuel economy on gaseous fuel as measured under subsection (c) and the fuel economy on gasoline or diesel fuel as measured under section 32904(c). The Administrator shall apply the utility factors set forth in the table under section 600.510–12(c)(2)(vii)(A) of title 40, Code of Federal Regulations.

''(3) MODEL YEARS AFTER 2016.—Beginning with model year 2017, the manufacturer may elect to utilize the utility factors set forth under subsection (e)(1) for the purposes of calculating fuel economy under paragraph (2).''.

(4) ELECTRIC DUAL FUELED AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following:

''(e) ELECTRIC DUAL FUELED AUTOMOBILES.—

''(1) IN GENERAL.—At the request of the manufacturer, the Administrator may measure the fuel economy for any model of dual fueled automobile manufactured after model year 2015 that is capable of operating on electricity in addition to gasoline or diesel fuel, obtains its electricity from a source external to the vehicle, and meets the minimum driving range requirements established by the Secretary for dual fueled electric automobiles, by dividing 1.0 by the sum of—

''(A) the percentage utilization of the model on gasoline or diesel fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(c); and

''(B) the percentage utilization of the model on electricity, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(a)(2).

''(2) ALTERNATIVE UTILIZATION.—The Administrator may adapt the utility factor established under paragraph (1) for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1).

''(3) ALTERNATIVE CALCULATION.—If the manufacturer does not request that the Administrator calculate the manufacturing incentive for its electric dual fueled automobiles in accordance with paragraph (1), the Administrator shall calculate such incentive for such automobiles manufactured by such manufacturer after model year 2015 in accordance with subsection (b).''.

(5) CONFORMING AMENDMENT.—Section 32906(b) of title 49, United States Code, is amended by striking ''section 32905(e)'' and inserting ''section 32905(f)''.

(b) HIGH OCCUPANCY VEHICLE FACILITIES.—Section 166 of title 23, United States Code, is amended—

(1) in subparagraph (b)(5), by striking subparagraph (A) and inserting the following:

''(A) INHERENTLY LOW-EMISSION VEHICLES.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles listed in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

''(i) alternative fuel vehicles; and

''(ii) new qualified plug-in electric drive motor vehicles (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986).''; and

(2) in subparagraph (f)(1), by inserting ''solely'' before ''operating''.

(c) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, after consultation with the Secretary of Transportation, shall submit a report to Congress that—

(1) describes options to incentivize the development of public compressed natural gas fueling stations; and

(2) analyzes a variety of possible financing tools, which could include—

(A) Federal grants and credit assistance;

(B) public-private partnerships; and

(C) membership-based cooperatives.

**SEC. 206. CATEGORICAL EXCLUSIONS IN EMERGENCIES.**

Section 1315 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; 126 Stat. 549) is amended by striking ''activity is—'' and all that follows through ''(2) commenced'' and inserting ''activity is commenced''.

**SEC. 207. CATEGORICAL EXCLUSIONS FOR PROJECTS WITHIN RIGHT-OF-WAY.**

Section 1316 of the Moving Ahead for Progress in the 21st Century Act (23 U.S.C. 109 note; 126 Stat. 549) is amended—

(1) in the heading of subsection (b), by striking ''AN OPERATIONAL''; and

(2) in subsection (a)(1) and subsection (b), by striking ''operational'' each place it appears.

**SEC. 208. LIMITATIONS ON CERTAIN FEDERAL ASSISTANCE.**

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended—

(1) by striking ''(c)(1) No'' and all that follows through ''(d) Each'' and inserting the following:

''(a) IN GENERAL.—Each'';

(2) in the first sentence, by striking ''prepared under this section''; and

(3) by striking the second sentence and inserting the following:

''(b) APPLICABILITY.—This section applies to—

''(1) title 23, United States Code;

''(2) chapter 53 of title 49, United States Code; and

''(3) the Housing and Urban Development Act of 1968 (12 U.S.C. 1701t et seq.).''.

**SEC. 209. TERMINATION OF EFFECTIVENESS.**

(a) IN GENERAL.—The amendments made by this title shall terminate on the day that is 30 days after the date of enactment of this Act if the Secretary of Labor, acting through the Bureau of Labor Statistics, in coordination with the heads of other Federal agencies, including the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, fails to publish in the Federal Register a report that models the impact of major Federal regulations on job creation across the whole economy of the United States.

(b) UPDATES.—

(1) IN GENERAL.—The Secretary of Labor, acting through the Bureau of Labor Statistics, shall update the report described in subsection (a) not less frequently than once every 30 days.

(2) TERMINATION.—The amendments made by this title shall terminate on the date that is 30 days after the date on which the most recent report described in paragraph (1) is required if the Secretary of Labor, acting through the Bureau of Labor Statistics, fails to update the report in accordance with paragraph (1).

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**SA 3666.** Mr. HOEVEN (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION ___. KEYSTONE XL APPROVAL.**

(a) IN GENERAL.—TransCanada Keystone Pipeline, L.P. may construct, connect, operate, and maintain the pipeline and cross-border facilities described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State (including any subsequent revision to the pipeline route within the State of Nebraska required or authorized by the State of Nebraska).

(b) ENVIRONMENTAL IMPACT STATEMENT.—The Final Supplemental Environmental Impact Statement issued by the Secretary of State in January 2014, regarding the pipeline referred to in subsection (a), and the environmental analysis, consultation, and review

described in that document (including appendices) shall be considered to fully satisfy—

(1) all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) any other provision of law that requires Federal agency consultation or review (including the consultation or review required under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a))) with respect to the pipeline and facilities referred to in subsection (a).

(c) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities referred to in subsection (a) shall remain in effect.

(d) FEDERAL JUDICIAL REVIEW.—Any legal challenge to a Federal agency action regarding the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, that are approved by this Act, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

(e) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing in this Act alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the pipeline and cross-border facilities described in subsection (a).

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**SA 3667.** Mr. HOEVEN (for himself and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE II—REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES**

**SEC. 201.**

This title may be cited as the ''Empower States Act of 2013''.

**SEC. 202. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.**

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

**''SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.**

''(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

''(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment.''.

**SEC. 203. REGULATIONS.**

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

**''SEC. 1459. REGULATIONS.**

''(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

''(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

''(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

''(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

''(c) REGULATIONS.—

''(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified regulation unless the head of the applicable Federal department or agency determines—

''(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

''(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

''(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of this paragraph that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of this Act).

''(d) JUDICIAL REVIEW.—

''(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

''(2) ACTION BY COURT.—

''(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

''(B) DAMAGES.—The court shall not order money damages.

''(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

''(A) the court shall not consider any evidence outside of the record that was before the agency; and

''(B) the standard of review shall be de novo.''.

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**SA 3668.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION __—NORTH ATLANTIC ENERGY SECURITY**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the ''North Atlantic Energy Security Act''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATURAL GAS GATHERING ENHANCEMENT

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Authority to approve natural gas pipelines.
Sec. 104. Certain natural gas gathering lines located on Federal land and Indian land.
Sec. 105. Deadlines for permitting natural gas gathering lines under the Mineral Leasing Act.
Sec. 106. Deadlines for permitting natural gas gathering lines under the Federal Land Policy and Management Act of 1976.
Sec. 107. LNG regulatory certainty.
Sec. 108. Expedited approval of exportation of natural gas to Ukraine and North Atlantic Treaty Organization member countries and Japan.

TITLE II—ONSHORE OIL AND GAS PERMIT STREAMLINING

Subtitle A—Streamlining Permitting

Sec. 201. Short title.
Sec. 202. Permit to drill application timeline.
Sec. 203. Making pilot offices permanent to improve energy permitting on Federal land.
Sec. 204. Administration.
Sec. 205. Judicial review.

Subtitle B—BLM Live Internet Auctions

Sec. 211. Short title.
Sec. 212. Internet-based onshore oil and gas lease sales.

**TITLE I—NATURAL GAS GATHERING ENHANCEMENT**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Natural Gas Gathering Enhancement Act''.

**SEC. 102. FINDINGS.**

Congress finds that—

(1) record volumes of natural gas production in the United States as of the date of enactment of this Act are providing enormous benefits to the United States, including by—

(A) reducing the need for imports of natural gas, thereby directly reducing the trade deficit;

(B) strengthening trade ties among the United States, Canada, and Mexico;

(C) providing the opportunity for the United States to join the emerging global gas trade through the export of liquefied natural gas;

(D) creating and supporting millions of new jobs across the United States;

(E) adding billions of dollars to the gross domestic product of the United States every year;

(F) generating additional Federal, State, and local government tax revenues; and

(G) revitalizing the manufacturing sector by providing abundant and affordable feedstock;

(2) large quantities of natural gas are lost due to venting and flaring, primarily in areas where natural gas infrastructure has

not been developed quickly enough, such as States with large quantities of Federal land and Indian land;

(3) permitting processes can hinder the development of natural gas infrastructure, such as pipeline lines and gathering lines on Federal land and Indian land; and

(4) additional authority for the Secretary of the Interior to approve natural gas pipelines and gathering lines on Federal land and Indian land would—

(A) assist in bringing gas to market that would otherwise be vented or flared; and

(B) significantly increase royalties collected by the Secretary of the Interior and disbursed to Federal, State, and tribal governments and individual Indians.

**SEC. 103. AUTHORITY TO APPROVE NATURAL GAS PIPELINES.**

Section 1 of the Act of February 15, 1901 (31 Stat. 790, chapter 372; 16 U.S.C. 79), is amended by inserting '', for natural gas pipelines'' after ''distribution of electrical power''.

**SEC. 104. CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.**

(a) IN GENERAL.—Subtitle B of title III of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is amended by adding at the end the following:

**''SEC. 319. CERTAIN NATURAL GAS GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND.**

''(a) DEFINITIONS.—In this section:

''(1) GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNIT.—

''(A) IN GENERAL.—The term 'gas gathering line and associated field compression unit' means—

''(i) a pipeline that is installed to transport natural gas production associated with 1 or more wells drilled and completed to produce crude oil; and

''(ii) if necessary, a compressor to raise the pressure of that transported natural gas to higher pressures suitable to enable the gas to flow into pipelines and other facilities.

''(B) EXCLUSIONS.—The term 'gas gathering line and associated field compression unit' does not include a pipeline or compression unit that is installed to transport natural gas from a processing plant to a common carrier pipeline or facility.

''(2) FEDERAL LAND.—

''(A) IN GENERAL.—The term 'Federal land' means land the title to which is held by the United States.

''(B) EXCLUSIONS.—The term 'Federal land' does not include—

''(i) a unit of the National Park System;

''(ii) a unit of the National Wildlife Refuge System; or

''(iii) a component of the National Wilderness Preservation System.

''(3) INDIAN LAND.—The term 'Indian land' means land the title to which is held by—

''(A) the United States in trust for an Indian tribe or an individual Indian; or

''(B) an Indian tribe or an individual Indian subject to a restriction by the United States against alienation.

''(b) CERTAIN NATURAL GAS GATHERING LINES.—

''(1) IN GENERAL.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gas gathering line and associated field compression unit that is located on Federal land or Indian land and that services any oil well shall be considered to be an action that is categorically excluded (as defined in section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the gas gathering line and associated field compression unit are—

''(A) within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed transportation of natural gas produced from 1 or more oil wells in that field or unit as a reasonably foreseeable activity; and

''(B) located adjacent to an existing disturbed area for the construction of a road or pad.

''(2) APPLICABILITY.—

''(A) FEDERAL LAND.—Paragraph (1) shall not apply to Federal land, or a portion of Federal land, for which the Governor of the State in which the Federal land is located submits to the Secretary of the Interior or the Secretary of Agriculture, as applicable, a written request that paragraph (1) not apply to that Federal land (or portion of Federal land).

''(B) INDIAN LAND.—Paragraph (1) shall apply to Indian land, or a portion of Indian land, for which the Indian tribe with jurisdiction over the Indian land submits to the Secretary of the Interior a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

''(c) EFFECT ON OTHER LAW.—Nothing in this section affects or alters any requirement—

''(1) relating to prior consent under—

''(A) section 2 of the Act of February 5, 1948 (25 U.S.C. 324); or

''(B) section 16(e) of the Act of June 18, 1934 (25 U.S.C. 476(e)) (commonly known as the 'Indian Reorganization Act'); or

''(2) under any other Federal law (including regulations) relating to tribal consent for rights-of-way across Indian land.''.

(b) ASSESSMENTS.—Title XVIII of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1122) is amended by adding at the end the following:

**''SEC. 1841. NATURAL GAS GATHERING SYSTEM ASSESSMENTS.**

''(a) DEFINITION OF GAS GATHERING LINE AND ASSOCIATED FIELD COMPRESSION UNIT.—In this section, the term 'gas gathering line and associated field compression unit' has the meaning given the term in section 319.

''(b) STUDY.—Not later than 1 year after the date of enactment of the North Atlantic Energy Security Act of 2014, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall conduct a study to identify—

''(1) any actions that may be taken, under Federal law (including regulations), to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with crude oil production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any proposed changes to Federal law (including regulations) to expedite permitting for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with crude oil production on any land to a processing plant or a common carrier pipeline for delivery to markets.

''(c) REPORT.—Not later than 180 days after the date of enactment of the North Atlantic Energy Security Act of 2014, and every 180 days thereafter, the Secretary of the Interior, in consultation with other appropriate Federal agencies, States, and Indian tribes, shall submit to Congress a report that describes—

''(1) the progress made in expediting permits for gas gathering lines and associated field compression units that are located on Federal land or Indian land, for the purpose of transporting natural gas associated with crude oil production on any land to a processing plant or a common carrier pipeline for delivery to markets; and

''(2) any issues impeding that progress.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of subtitle B of title III the following:

''Sec. 319. Certain natural gas gathering lines located on Federal land and Indian land.''.

(2) Section 1(b) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by adding at the end of title XXVIII the following:

''Sec. 1841. Natural gas gathering system assessments.''.

**SEC. 105. DEADLINES FOR PERMITTING NATURAL GAS GATHERING LINES UNDER THE MINERAL LEASING ACT.**

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by adding at the end the following:

''(z) NATURAL GAS GATHERING LINES.—The Secretary of the Interior or other appropriate agency head shall issue a sundry notice or right-of-way for a gas gathering line and associated field compression unit (as defined in section 319(a) of the Energy Policy Act of 2005) that is located on Federal lands—

''(1) for a gas gathering line and associated field compression unit described in section 319(b) of the Energy Policy Act of 2005, not later than 30 days after the date on which the applicable agency head receives the request for issuance; and

''(2) for all other gas gathering lines and associated field compression units, not later than 60 days after the date on which the applicable agency head receives the request for issuance.''.

**SEC. 106. DEADLINES FOR PERMITTING NATURAL GAS GATHERING LINES UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.**

Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following:

''(k) NATURAL GAS GATHERING LINES.—The Secretary concerned shall issue a sundry notice or right-of-way for a gas gathering line and associated field compression unit (as defined in section 319(a) of the Energy Policy Act of 2005) that is located on public lands—

''(1) for a gas gathering line and associated field compression unit described in section 319(b) of the Energy Policy Act of 2005, not later than 30 days after the date on which the applicable agency head receives the request for issuance; and

''(2) for all other gas gathering lines and associated field compression units, not later than 60 days after the date on which the applicable agency head receives the request for issuance.''.

**SEC. 107. LNG REGULATORY CERTAINTY.**

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(g) DEADLINE FOR CERTAIN APPLICATIONS FOR EXPORTATION OF NATURAL GAS.—

''(1) IN GENERAL.—The Commission shall make a public interest determination and issue an order under subsection (a) for an application for the exportation of natural gas to a foreign country through a particular LNG terminal not later than 45 days after receipt of an application under subsection (e) for—

''(A) the conversion of that LNG terminal into an LNG import or export facility; or

''(B) the construction of that LNG terminal.

''(2) APPLICATION.—This subsection shall not apply with respect to an application

under subsection (a) for the exportation of natural gas—

''(A) to a foreign country—

''(i) to which the exportation of natural gas is otherwise prohibited by law; or

''(ii) described in subsection (c); or

''(B) if the Commission has made a contingent determination with respect to the application.

''(3) EFFECT.—Except as specifically provided in this subsection, nothing in this subsection affects the authority of the Commission to review, process, and make a determination with respect to an application for the exportation of natural gas.''.

**SEC. 108. EXPEDITED APPROVAL OF EXPORTATION OF NATURAL GAS TO UKRAINE AND NORTH ATLANTIC TREATY ORGANIZATION MEMBER COUNTRIES AND JAPAN.**

(a) IN GENERAL.—In accordance with clause 3 of section 8 of article I of the Constitution of the United States (delegating to Congress the power to regulate commerce with foreign nations), Congress finds that exports of natural gas produced in the United States to Ukraine, member countries of the North Atlantic Treaty Organization, and Japan is—

(1) necessary for the protection of the essential security interests of the United States; and

(2) in the public interest pursuant to section 3 of the Natural Gas Act (15 U.S.C. 717b).

(b) EXPEDITED APPROVAL.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended by inserting '', to Ukraine, to a member country of the North Atlantic Treaty Organization, or to Japan'' after ''trade in natural gas''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of the enactment of this Act.

## TITLE II—ONSHORE OIL AND GAS PERMIT STREAMLINING

### Subtitle A—Streamlining Permitting

**SEC. 201. SHORT TITLE.**

This subtitle may be cited as the ''Streamlining Permitting of American Energy Act of 2014''.

**SEC. 202. PERMIT TO DRILL APPLICATION TIMELINE.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) TIMELINE.—

''(i) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives an application for a permit to drill, the Secretary shall decide whether to issue or deny the permit.

''(ii) EXTENSION.—On giving written notice of a delay to the applicant, the Secretary may extend the period described in clause (i) for not more than 2 additional periods of 15 days each.

''(iii) FORM OF NOTICE.—The notice referred to in clause (ii) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

''(B) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application shall be considered to be approved, except in a case in which an existing review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is incomplete.

''(C) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date on which the application is submitted to the Secretary.

''(D) FEE.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A).

''(ii) LIMITATION.—The fee described in clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Of all amounts collected as fees under this paragraph, 50 percent shall be—

''(I) transferred to the field office where the fee is collected; and

''(II) used to process leases and permits under this Act, subject to appropriation.''.

**SEC. 203. MAKING PILOT OFFICES PERMANENT TO IMPROVE ENERGY PERMITTING ON FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECTS.—The term ''energy projects'' includes oil, natural gas, and other energy projects, as defined by the Secretary.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State in which energy projects on Federal land are located be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Salaries for the additional personnel shall be funded from the collection of fees described in section 17(p)(2)(D) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)(D)) (as amended by section 202).

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

**SEC. 204. ADMINISTRATION.**

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

**SEC. 205. JUDICIAL REVIEW.**

(a) DEFINITIONS.—In this section:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source of energy, and any action carried out pursuant to that lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

(b) EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.—Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

(c) TIMELY FILING.—To ensure timely redress by the courts, a covered civil action shall be filed not later than the last day of the 90-day period beginning on the date of the final Federal agency action to which the covered civil action relates.

(d) EXPEDITION IN HEARING AND DETERMINING THE ACTION.—The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

(e) STANDARD OF REVIEW.—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

(f) LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.—

(1) IN GENERAL.—In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

(2) DURATION OF PRELIMINARY INJUNCTIONS.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to a period of not more than 60 days, unless the court finds clear reasons to extend the injunction.

(3) DURATION OF EXTENSION.—An extension under paragraph (2) shall—

(A) only be for a period of not more than 30 days; and

(B) require action by the court to renew the injunction.

(g) LIMITATION ON ATTORNEYS' FEES.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act'') shall not apply to a covered civil action, nor shall any party in the covered civil action receive payment from the Federal Government for attorneys' fees, expenses, or other court costs.

(h) LEGAL STANDING.—A person filing an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a person before a United States district court.

**Subtitle B—BLM Live Internet Auctions**

**SEC. 211. SHORT TITLE.**

This subtitle may be cited as the ''BLM Live Internet Auctions Act''.

**SEC. 212. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.**

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting '', except as provided in subparagraph (C)'' after ''by oral bidding''; and

(2) by adding at the end the following:

''(C) INTERNET-BASED BIDDING.—

''(i) IN GENERAL.—In order to diversify and expand the onshore leasing program in the United States to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods.

''(ii) CONCLUSION OF SALE.—Each individual Internet-based lease sale shall conclude not later than 7 days after the date of initiation of the sale.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted pursuant to subparagraph (C) of section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, an analysis of the first 10 such lease sales, including—

(1) estimates of increases or decreases in the lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of the bids;

(C) the highest amount of the bids; and

(D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to the Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

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**SA 3669.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. REGULATORY CERTAINTY.**

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

''(g) DEADLINE FOR CERTAIN APPLICATIONS FOR EXPORTATION OF NATURAL GAS.—

''(1) LNG TERMINALS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall make a public interest determination and issue an order under subsection (a) for an application for the exportation of natural gas to a foreign country through a particular LNG terminal not later than 45 days after receipt of an application under subsection (e) for—

''(i) the conversion of that LNG terminal into an LNG import or export facility; or

''(ii) the construction of that LNG terminal.

''(B) LIMITATION.—Subparagraph (A) shall only apply to applications for the exportation of natural gas to a foreign country under subsection (a) that have been pending for a period of not less than 180 calendar days.

''(2) APPLICATION.—This subsection shall not apply with respect to an application under subsection (a) for the exportation of natural gas—

''(A) to a foreign country—

''(i) to which the exportation of natural gas is otherwise prohibited by law; or

''(ii) described in subsection (c); or

''(B) if the Commission has made a contingent determination with respect to the application.

''(3) EFFECT.—Except as specifically provided in this subsection, nothing in this subsection affects the authority of the Commission to review, process, and make a determination with respect to an application for the exportation of natural gas.

''(h) JUDICIAL ACTION.—

''(1) IN GENERAL.—The United States Court of Appeals for the circuit in which an export facility will be located pursuant to an application described in subsection (a) shall have original and exclusive jurisdiction over any civil action for the review of—

''(A) an order issued by the Secretary of Energy with respect to the application; or

''(B) the failure of the Secretary to issue a decision on the application.

''(2) ORDER.—If the Court in a civil action described in paragraph (1) finds that the Secretary has failed to issue a decision on the application as required under subsection (a), the Court shall order the Secretary to issue the decision not later than 30 days after the date of the order of the Court.

''(3) EXPEDITED CONSIDERATION.—The Court shall—

''(A) set any civil action brought under this subsection for expedited consideration; and

''(B) set the matter on the docket as soon as practicable after the filing date of the initial pleading.''.

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**SA 3670.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION __—DOMESTIC ENERGY AND JOBS**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the ''Domestic Energy and Jobs Act''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

Sec. 101. Short title.
Sec. 102. Transportation Fuels Regulatory Committee.
Sec. 103. Analyses.
Sec. 104. Reports; public comment.
Sec. 105. No final action on certain rules.
Sec. 106. Consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone.
Sec. 107. Fuel requirements waiver and study.

TITLE II—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

Sec. 201. Short title.
Sec. 202. Onshore domestic energy production strategic plan.

TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY

Sec. 301. Short title.
Sec. 302. Minimum acreage requirement for onshore lease sales.
Sec. 303. Leasing certainty and consistency.
Sec. 304. Reduction of redundant policies.

TITLE IV—STREAMLINED ENERGY PERMITTING

Sec. 401. Short title.

Subtitle A—Application for Permits To Drill Process Reform

Sec. 411. Permit to drill application timeline.
Sec. 412. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Appeal Documentation Reform

Sec. 421. Administrative appeal documentation reform.

Subtitle C—Permit Streamlining

Sec. 431. Federal energy permit coordination.
Sec. 432. Administration of current law.

Subtitle D—Judicial Review

Sec. 441. Definitions.
Sec. 442. Exclusive venue for certain civil actions relating to covered energy projects.
Sec. 443. Timely filing.
Sec. 444. Expedition in hearing and determining the action.
Sec. 445. Standard of review.
Sec. 446. Limitation on injunction and prospective relief.
Sec. 447. Limitation on attorneys' fees.
Sec. 448. Legal standing.

TITLE V—EXPEDITIOUS OIL AND GAS LEASING PROGRAM IN NATIONAL PETROLEUM RESERVE IN ALASKA

Sec. 501. Short title.

Sec. 502. Sense of Congress reaffirming national policy regarding National Petroleum Reserve in Alaska.
Sec. 503. Competitive leasing of oil and gas.
Sec. 504. Planning and permitting pipeline and road construction.
Sec. 505. Departmental accountability for development.
Sec. 506. Updated resource assessment.
Sec. 507. Colville River Delta designation.

TITLE VI—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

Sec. 601. Short title.
Sec. 602. Internet-based onshore oil and gas lease sales.

TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION

Sec. 701. Short title.
Sec. 702. Offshore meteorological site testing and monitoring projects.

TITLE VIII—CRITICAL MINERALS

Sec. 801. Definitions.
Sec. 802. Designations.
Sec. 803. Policy.
Sec. 804. Resource assessment.
Sec. 805. Permitting.
Sec. 806. Recycling and alternatives.
Sec. 807. Analysis and forecasting.
Sec. 808. Education and workforce.
Sec. 809. International cooperation.
Sec. 810. Repeal, authorization, and offset.

TITLE IX—MISCELLANEOUS

Sec. 901. Limitation on transfer of functions under the Solid Minerals Leasing Program.
Sec. 902. Amount of distributed qualified Outer Continental Shelf revenues.
Sec. 903. Lease Sale 220 and other lease sales off the coast of Virginia.
Sec. 904. Limitation on authority to issue regulations modifying the stream zone buffer rule.

## TITLE I—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Gasoline Regulations Act of 2013''.

**SEC. 102. TRANSPORTATION FUELS REGULATORY COMMITTEE.**

(a) ESTABLISHMENT.—The President shall establish a committee, to be known as the Transportation Fuels Regulatory Committee (referred to in this title as the ''Committee''), to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 103 and 104.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

(e) TERMINATION.—The Committee shall terminate on the date that is 60 days after the date of submission of the final report of the Committee pursuant to section 104(c).

**SEC. 103. ANALYSES.**

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term ''covered action'' means any action, to the extent that the action affects facilities involved in the production, transportation, or distribution of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(2) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

(D) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) applicable to petroleum refineries.

(E) Any rule proposed after March 15, 2012, to implement any portion of the renewable fuel program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(F) Any rule proposed after March 15, 2012, revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) SCOPE.—The Committee shall conduct analyses, for each of calendar years 2016 and 2020, of the prospective cumulative impact of all covered rules and covered actions.

(c) CONTENTS.—The Committee shall include in each analysis conducted under this section—

(1) estimates of the cumulative impacts of the covered rules and covered actions relating to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach;

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures; and

(F) any other matters affecting the growth, stability, and sustainability of the oil and gas industries of the United States, particularly relative to that of other nations;

(2) an analysis of key uncertainties and assumptions associated with each estimate under paragraph (1);

(3) a sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas; and

(4) an analysis and, if feasible, an assessment of—

(A) the cumulative impact of the covered rules and covered actions on—

(i) consumers;

(ii) small businesses;

(iii) regional economies;

(iv) State, local, and tribal governments;

(v) low-income communities;

(vi) public health; and

(vii) local and industry-specific labor markets; and

(B) key uncertainties associated with each topic described in subparagraph (A).

(d) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(e) DATA.—In conducting analyses under this section, the Committee shall not be required to create data or to use data that is not readily accessible.

**SEC. 104. REPORTS; PUBLIC COMMENT.**

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 103.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 103, including—

(1) any revisions to the analyses made as a result of public comments; and

(2) a response to the public comments.

**SEC. 105. NO FINAL ACTION ON CERTAIN RULES.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the date on which the Committee submits the final report under section 104(c):

(1) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411,

7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) OTHER RULES NOT AFFECTED.—Subsection (a) shall not affect the finalization of any rule other than the rules described in subsection (a).

**SEC. 106. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.**

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

**SEC. 107. FUEL REQUIREMENTS WAIVER AND STUDY.**

(a) WAIVER OF FUEL REQUIREMENTS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting ''a problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,'' after ''equipment failure,'';

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: ''(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)'';

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

''(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be waived for the period of time requested.''.

(b) FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.—Section 1509 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''biofuels,'' after ''oxygenated fuel,''; and

(B) in paragraph (2)(G), by striking ''Tier II'' and inserting ''Tier III''; and

(2) in subsection (b)(1), by striking ''2008'' and inserting ''2014''.

## TITLE II—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Planning for American Energy Act of 2013''.

**SEC. 202. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.**

The Mineral Leasing Act is amended—

(1) by redesignating section 44 (30 U.S.C. 181 note) as section 45; and

(2) by inserting after section 43 (30 U.S.C. 226–3) the following:

**''SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.**

''(a) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(2) STRATEGIC AND CRITICAL ENERGY MINERALS.—The term 'strategic and critical energy minerals' means—

''(A) minerals that are necessary for the energy infrastructure of the United States, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; and

''(B) minerals that are necessary to support domestic manufacturing, including materials used in energy generation, production, and transportation.

''(3) STRATEGY.—The term 'Strategy' means the Quadrennial Federal Onshore Energy Production Strategy required under this section.

''(b) STRATEGY.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture with regard to land administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy.

''(2) ENERGY SECURITY.—The Strategy shall direct Federal land energy development and department resource allocation to promote the energy security of the United States.

''(c) PURPOSES.—

''(1) IN GENERAL.—In developing a Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on—

''(A) the projected energy demands of the United States for the 30-year period beginning on the date of initiation of the Strategy; and

''(B) how energy derived from Federal onshore land can place the United States on a trajectory to meet that demand during the 4-year period beginning on the date of initiation of the Strategy.

''(2) ENERGY SECURITY.—The Secretary shall consider how Federal land will contribute to ensuring national energy security, with a goal of increasing energy independence and production, during the 4-year period beginning on the date of initiation of the Strategy.

''(d) OBJECTIVES.—The Secretary shall establish a domestic strategic production objective for the development of energy resources from Federal onshore land that is based on commercial and scientific data relating to the expected increase in—

''(1) domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on land held by the Bureau of Land Management and the Forest Service;

''(2) domestic coal production from Federal land;

''(3) domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

''(4) megawatts for electricity production from each of wind, solar, biomass, hydropower, and geothermal energy produced on Federal land administered by the Bureau of Land Management and the Forest Service;

''(5) unconventional energy production, such as oil shale;

''(6) domestic production of oil, natural gas, coal, and other renewable sources from tribal land for any federally recognized Indian tribe that elects to participate in facilitating energy production on the land of the Indian tribe; and

''(7) domestic production of geothermal, solar, wind, or other renewable energy sources on land defined as available lands under section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 109, chapter 42), and any other land considered by the Territory or State of Hawaii, as the case may be, to be available lands.

''(e) METHODOLOGY.—The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at the estimates made by the Secretary to carry out this section.

''(f) EXPANSION OF PLAN.—The Secretary may expand a Strategy to include other energy production technology sources or advancements in energy production on Federal land.

''(g) TRIBAL OBJECTIVES.—

''(1) IN GENERAL.—It is the sense of Congress that federally recognized Indian tribes may elect to set the production objectives of the Indian tribes as part of a Strategy under this section.

''(2) COOPERATION.—The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving the strategic energy objectives of the Indian tribe under this subsection.

''(h) EXECUTION OF STRATEGY.—

''(1) DEFINITION OF SECRETARY CONCERNED.—In this subsection, the term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(2) ADDITIONAL LAND.—The Secretary concerned may make determinations regarding which additional land under the jurisdiction of the Secretary concerned will be made available in order to meet the energy production objectives established by a Strategy.

''(3) ACTIONS.—The Secretary concerned shall take all necessary actions to achieve the energy production objectives established under this section unless the President determines that it is not in the national security and economic interests of the United States—

''(A) to increase Federal domestic energy production; and

''(B) to decrease dependence on foreign sources of energy.

''(4) LEASING.—In carrying out this subsection, the Secretary concerned shall only consider leasing Federal land available for leasing at the time the lease sale occurs.

''(i) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing a Strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

''(j) ANNUAL REPORTS.—

''(1) IN GENERAL.—The Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report describing the progress made in meeting the production goals of a Strategy.

''(2) CONTENTS.—In a report required under this subsection, the Secretary shall—

''(A) make projections for production and capacity installations;

''(B) describe any problems with leasing, permitting, siting, or production that will prevent meeting the production goals of a Strategy; and

''(C) make recommendations to help meet any shortfalls in meeting the production goals.

''(k) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for carrying out this section.

''(2) COMPLIANCE.—The programmatic environmental impact statement shall be considered sufficient to comply with all requirements under the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all necessary resource management and land use plans associated with the implementation of a Strategy.

''(l) CONGRESSIONAL REVIEW.—

''(1) IN GENERAL.—Not later than 60 days before publishing a proposed Strategy under this section, the Secretary shall submit to Congress and the President the proposed Strategy, together with any comments received from States, federally recognized Indian tribes, and local governments.

''(2) RECOMMENDATIONS.—The submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.

''(m) ADMINISTRATION.—Nothing in this section modifies or affects any multiuse plan.

''(n) FIRST STRATEGY.—Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to Congress the first Strategy.''.

## TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Providing Leasing Certainty for American Energy Act of 2013''.

**SEC. 302. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.**

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(1) by striking ''SEC. 17. (a) All lands'' and inserting the following:

**''SEC. 17. LEASE OF OIL AND GAS LAND.**

''(a) AUTHORITY.—

''(1) IN GENERAL.—All land''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.—

''(A) IN GENERAL.—In conducting lease sales under this section, each year, the Secretary shall offer for sale not less than 25 percent of the annual nominated acreage not previously made available for lease.

''(B) REVIEW.—The offering of acreage offered for lease under this paragraph shall not be subject to review.

''(C) CATEGORICAL EXCLUSIONS.—Acreage offered for lease under this paragraph shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that extraordinary circumstances shall not be required for a categorical exclusion under this paragraph.

''(D) LEASING.—In carrying out this subsection, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.''.

**SEC. 303. LEASING CERTAINTY AND CONSISTENCY.**

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 302) is amended by adding at the end the following:

''(3) LEASING CERTAINTY.—

''(A) IN GENERAL.—The Secretary shall not withdraw approval of any covered energy project involving a lease under this Act without finding a violation of the terms of the lease by the lessee.

''(B) DELAY.—The Secretary shall not infringe on lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights-of-way for activities under a lease.

''(C) AVAILABILITY OF NOMINATED AREAS.—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease under paragraph (2).

''(D) ISSUANCE OF LEASES.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold under this Act not later than 60 days after the last payment is made.

''(E) CANCELLATION OR WITHDRAWAL OF LEASE PARCELS.—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

''(F) APPEALS.—

''(i) IN GENERAL.—The Secretary shall complete the review of any appeal of a lease sale under this Act not later than 60 days after the receipt of the appeal.

''(ii) CONSTRUCTIVE APPROVAL.—If the review of an appeal is not conducted in accordance with clause (i), the appeal shall be considered approved.

''(G) ADDITIONAL STIPULATIONS.—The Secretary may not add any additional lease stipulation for a parcel after the parcel is sold unless the Secretary—

''(i) consults with the lessee and obtains the approval of the lessee; or

''(ii) determines that the stipulation is an emergency action that is necessary to conserve the resources of the United States.

''(4) LEASING CONSISTENCY.—A Federal land manager shall comply with applicable resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until a new record of decision is signed.''.

**SEC. 304. REDUCTION OF REDUNDANT POLICIES.**

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

## TITLE IV—STREAMLINED ENERGY PERMITTING

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Streamlining Permitting of American Energy Act of 2013''.

### Subtitle A—Application for Permits To Drill Process Reform

**SEC. 411. PERMIT TO DRILL APPLICATION TIMELINE.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

''(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall decide whether to issue a permit to drill not later than 30 days after the date on which the application for the permit is received by the Secretary.

''(B) EXTENSIONS.—

''(i) IN GENERAL.—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary gives written notice of the delay to the applicant.

''(ii) NOTICE.—The notice shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include—

''(aa) the names and positions of the persons processing the application;

''(bb) the specific reasons for the delay; and

''(cc) a specific date on which a final decision on the application is expected.

''(C) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

''(i) a written notice that provides—

''(I) clear and comprehensive reasons why the application was not accepted; and

''(II) detailed information concerning any deficiencies; and

''(ii) an opportunity to remedy any deficiencies.

''(D) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application for the permit is received by the Secretary, the application shall be considered approved unless applicable reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

''(E) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill under this paragraph, the Secretary shall—

''(i) provide to the applicant a description of the reasons for the denial of the permit;

''(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

''(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

''(F) FEE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and notwithstanding any other provision of law, the Secretary shall collect a single $6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under this paragraph.

''(ii) RESUBMITTED APPLICATIONS.—The fee described in clause (i) shall not apply to any resubmitted application.

''(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall be transferred to the field office where the fees are collected and used to process leases, permits, and appeals under this Act.''.

**SEC. 412. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.**

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation—

(1) by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development; and

(2) at the option of the Secretary of the Interior, by the United States Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management land.

### Subtitle B—Administrative Appeal Documentation Reform

**SEC. 421. ADMINISTRATIVE APPEAL DOCUMENTATION REFORM.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

''(4) APPEAL FEE.—

''(A) IN GENERAL.—The Secretary shall collect a $5,000 documentation fee to accompany each appeal of an action on a lease, right-of-way, or application for permit to drill.

''(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall remain in the field office where the fees are collected and used to process appeals.''.

### Subtitle C—Permit Streamlining

**SEC. 431. FEDERAL ENERGY PERMIT COORDINATION.**

(a) DEFINITIONS.—In this section:

(1) ENERGY PROJECTS.—The term ''energy projects'' means oil, coal, natural gas, and renewable energy projects.

(2) PROJECT.—The term ''Project'' means the Federal Permit Streamlining Project established under subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) ESTABLISHMENT.—The Secretary shall establish a Federal Permit Streamlining Project in each Bureau of Land Management field office with responsibility for issuing permits for energy projects on Federal land.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding to carry out this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request the Governor of any State with energy projects on Federal land to be a signatory to the memorandum of understanding.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home office of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified under subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple-use requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Funding for the additional personnel shall be derived from the Department of the Interior reforms made by sections 411, 412, and 421 and the amendments made by those sections.

(g) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

**SEC. 432. ADMINISTRATION OF CURRENT LAW.**

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

**Subtitle D—Judicial Review**

**SEC. 441. DEFINITIONS.**

In this title:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal land.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' means the leasing of Federal land of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease.

(B) EXCLUSION.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

**SEC. 442. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.**

Venue for any covered civil action shall lie in the United States district court for the district in which the project or leases exist or are proposed.

**SEC. 443. TIMELY FILING.**

To ensure timely redress by the courts, a covered civil action shall be filed not later than 90 days after the date of the final Federal agency action to which the covered civil action relates.

**SEC. 444. EXPEDITION IN HEARING AND DETERMINING THE ACTION.**

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

**SEC. 445. STANDARD OF REVIEW.**

In any judicial review of a covered civil action—

(1) administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct; and

(2) the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

**SEC. 446. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.**

(a) IN GENERAL.—In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct the violation.

(b) PRELIMINARY INJUNCTIONS.—

(1) IN GENERAL.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) EXTENSIONS.—Extensions under paragraph (1) shall—

(A) only be in 30-day increments; and

(B) require action by the court to renew the injunction.

**SEC. 447. LIMITATION ON ATTORNEYS' FEES.**

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the ''Equal Access to Justice Act''), shall not apply to a covered civil action.

(b) ATTORNEY'S FEES AND COURT COSTS.—A party in a covered civil action shall not receive payment from the Federal Government for attorney's fees, expenses, or other court costs.

**SEC. 448. LEGAL STANDING.**

A challenger filing an appeal with the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

**TITLE V—EXPEDITIOUS OIL AND GAS LEASING PROGRAM IN NATIONAL PETROLEUM RESERVE IN ALASKA**

**SEC. 501. SHORT TITLE.**

This title may be cited as the ''National Petroleum Reserve Alaska Access Act''.

**SEC. 502. SENSE OF CONGRESS REAFFIRMING NATIONAL POLICY REGARDING NATIONAL PETROLEUM RESERVE IN ALASKA.**

It is the sense of Congress that—

(1) the National Petroleum Reserve in the State of Alaska (referred to in this title as the ''Reserve'') remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

**SEC. 503. COMPETITIVE LEASING OF OIL AND GAS.**

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following:

''(a) COMPETITIVE LEASING.—

''(1) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.

''(2) INCLUSIONS.—The program under this subsection shall include at least 1 lease sale annually in each area of the Reserve that is most likely to produce commercial quantities of oil and natural gas for each of calendar years 2013 through 2023.''.

**SEC. 504. PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

(1) to develop and bring into production any areas within the Reserve that are subject to oil and gas leases; and

(2) to transport oil and gas from and through the Reserve to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINES.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timelines:

(1) EXISTING LEASES.—Each permit for construction relating to the transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary of the Interior has issued a permit to drill shall be approved by not later than 60 days after the date of enactment of this Act.

(2) REQUESTED PERMITS.—Each permit for construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved by not later than 180 days after the date of submission to the Secretary of a request for a permit to drill.

(c) PLAN.—To ensure timely future development of the Reserve, not later than 270

days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure to ensure that all leasable tracts in the Reserve are located within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

**SEC. 505. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the Reserve.

(b) DEADLINES.—At a minimum, the regulations promulgated pursuant to this section shall—

(1) require the Secretary of the Interior to respond, acknowledging receipt of any permit application for development, by not later than 5 business days after the date of receipt of the application; and

(2) establish a timeline for the processing of each such application that—

(A) specifies deadlines for decisions and actions regarding permit applications; and

(B) provides that the period for issuing each permit after the date of submission of the application shall not exceed 60 days, absent the concurrence of the applicant.

(c) ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.—If the Secretary of the Interior fails to comply with any deadline described in subsection (b) with respect to a permit application, the Secretary shall notify the applicant not less frequently than once every 5 days with specific information regarding—

(1) the reasons for the permit delay;

(2) the name of each specific office of the Department of the Interior responsible for—

(A) issuing the permit; or

(B) monitoring the permit delay; and

(3) an estimate of the date on which the permit will be issued.

(d) ADDITIONAL INFRASTRUCTURE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior, after consultation with the State of Alaska and after providing notice and an opportunity for public comment, shall approve right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

**SEC. 506. UPDATED RESOURCE ASSESSMENT.**

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the Reserve, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The resource assessment under subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment under subsection (a) shall be completed by not later than 2 years after the date of enactment of this Act.

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

**SEC. 507. COLVILLE RIVER DELTA DESIGNATION.**

The designation by the Environmental Protection Agency of the Colville River Delta as an aquatic resource of national importance shall have no force or effect on this title or an amendment made by this title.

## TITLE VI—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''BLM Live Internet Auctions Act''.

**SEC. 602. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.**

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by striking ''Lease sales'' and inserting ''Except as provided in subparagraph (C), lease sales''; and

(2) by adding at the end the following:

''(C) In order to diversify and expand the United States onshore leasing program to ensure the best return to Federal taxpayers, to reduce fraud, and to secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods, each of which shall be completed by not later than 7 days after the date of initiation of the sale.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted pursuant to subparagraph (C) of section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the Secretary of the Interior shall conduct, and submit to Congress a report describing the results of, an analysis of the first 10 such lease sales, including—

(1) estimates of increases or decreases in the lease sales, as compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of the bids;

(C) the highest amount of the bids; and

(D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

(D) ensure the security and integrity of the leasing process.

## TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION

**SEC. 701. SHORT TITLE.**

This title may be cited at the ''Advancing Offshore Wind Production Act''.

**SEC. 702. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.**

(a) DEFINITION OF OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term ''offshore meteorological site testing and monitoring project'' means a project carried out on or in the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) and administered by the Department of the Interior to test or monitor weather (including energy provided by weather, such as wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

(A) less than 1 acre of surface or seafloor disruption at the location of each meteorological tower or other device; and

(B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by the project (including hazards to navigation);

(2) is decommissioned not more than 5 years after the date of commencement of the project, including—

(A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and

(B) restoration of the project site to approximately the original condition of the site; and

(3) provides meteorological information obtained by the project to the Secretary of the Interior.

(b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—

(1) IN GENERAL.—The Secretary of the Interior shall require, by regulation, that any applicant seeking to conduct an offshore meteorological site testing and monitoring project shall obtain a permit and right-of-way for the project in accordance with this subsection.

(2) PERMIT AND RIGHT-OF-WAY TIMELINE AND CONDITIONS.—

(A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right-of-way for an offshore meteorological site testing and monitoring project by not later than 30 days after the date of receipt of a relevant application.

(B) PUBLIC COMMENT AND CONSULTATION.—During the 30-day period referred to in subparagraph (A) with respect to an application for a permit and right-of-way under this subsection, the Secretary shall—

(i) provide an opportunity for submission of comments regarding the application by the public; and

(ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by the issuance of the permit and right-of-way.

(C) DENIAL OF PERMIT; OPPORTUNITY TO REMEDY DEFICIENCIES.—If an application is denied under this subsection, the Secretary shall provide to the applicant—

(i) in writing—

(I) a list of clear and comprehensive reasons why the application was denied; and

(II) detailed information concerning any deficiencies in the application; and

(ii) an opportunity to remedy those deficiencies.

(c) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to an offshore meteorological site testing and monitoring project.

(d) PROTECTION OF INFORMATION.—Any information provided to the Secretary of the Interior under subsection (a)(3) shall be—

(1) treated by the Secretary as proprietary information; and

(2) protected against disclosure.

## TITLE VIII—CRITICAL MINERALS

**SEC. 801. DEFINITIONS.**

In this title:

(1) APPLICABLE COMMITTEES.—The term ''applicable committees'' means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Natural Resources of the House of Representatives;

(C) the Committee on Energy and Commerce of the House of Representatives; and

(D) the Committee on Science, Space, and Technology of the House of Representatives.

(2) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy that—

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ''critical mineral'' means any mineral designated as a critical mineral pursuant to section 802.

(B) EXCLUSIONS.—The term ''critical mineral'' does not include coal, oil, natural gas, or any other fossil fuels.

(4) CRITICAL MINERAL MANUFACTURING.—The term ''critical mineral manufacturing'' means—

(A) the production, processing, refining, alloying, separation, concentration, magnetic sintering, melting, or beneficiation of critical minerals within the United States;

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) MILITARY EQUIPMENT.—The term ''military equipment'' means equipment used directly by the Armed Forces to carry out military operations.

(7) RARE EARTH ELEMENT.—

(A) IN GENERAL.—The term ''rare earth element'' means the chemical elements in the periodic table from lanthanum (atomic number 57) up to and including lutetium (atomic number 71).

(B) INCLUSIONS.—The term ''rare earth element'' includes the similar chemical elements yttrium (atomic number 39) and scandium (atomic number 21).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey; and

(B) in consultation with (as appropriate)—

(i) the Secretary of Energy;

(ii) the Secretary of Defense;

(iii) the Secretary of Commerce;

(iv) the Secretary of State;

(v) the Secretary of Agriculture;

(vi) the United States Trade Representative; and

(vii) the heads of other applicable Federal agencies.

(9) STATE.—The term ''State'' means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

(C) any other territory or possession of the United States.

(10) VALUE-ADDED.—The term ''value-added'' means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good so that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term ''Working Group'' means the Critical Minerals Working Group established under section 805(a).

**SEC. 802. DESIGNATIONS.**

(a) DRAFT METHODOLOGY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register for public comment a draft methodology for determining which minerals qualify as critical minerals based on an assessment of whether the minerals are—

(1) subject to potential supply restrictions (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, and anti-competitive or protectionist behaviors); and

(2) important in use (including clean energy technology-, defense-, agriculture-, and health care-related applications).

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

(c) FINAL METHODOLOGY.—After reviewing public comments on the draft methodology under subsection (a) and updating the draft methodology as appropriate, the Secretary shall enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering to obtain, not later than 120 days after the date of enactment of this Act—

(1) a review of the methodology; and

(2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

(f) SUBSEQUENT REVIEW.—The methodology and designations developed under subsections (d) and (e) shall be updated at least every 5 years, or in more regular intervals if considered appropriate by the Secretary.

(g) NOTICE.—On finalization of the methodology under subsection (d), the list under subsection (e), or any update to the list under subsection (f), the Secretary shall submit to the applicable committees written notice of the action.

**SEC. 803. POLICY.**

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

(b) COORDINATION.—The President, acting through the Executive Office of the President, shall coordinate the actions of Federal agencies under this and other Acts—

(1) to encourage Federal agencies to facilitate the availability, development, and environmentally responsible production of domestic resources to meet national critical minerals needs;

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

(4) to establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other market dynamics relevant to policy formulation so that informed actions may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;

(5) to strengthen educational and research capabilities and workforce training;

(6) to bolster international cooperation through technology transfer, information sharing, and other means;

(7) to promote the efficient production, use, and recycling of critical minerals;

(8) to develop alternatives to critical minerals; and

(9) to establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.

**SEC. 804. RESOURCE ASSESSMENT.**

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical mineral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

(1) Federal land that is open to location and entry for exploration, development, and other uses;

(2) tribal land, at the request and with the written permission of the Indian tribe with jurisdiction over the land; and

(3) State land, at the request and with the written permission of the Governor of the State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(d) FINANCIAL ASSISTANCE.—The Secretary may make grants to State governments, or Indian tribes and economic development entities of Indian tribes, to cover the costs associated with assessments of critical mineral resources on State or tribal land, as applicable.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the applicable committees a report describing the results of the assessment conducted under this section.

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 802 are completed first.

(2) REPORTING.—If the Secretary sequences the completion of resource assessments for each critical material, the Secretary shall submit a report under subsection (e) on an iterative basis over the 4-year period beginning on the date of enactment of this Act.

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

(1) the generation of new information or datasets by the Federal Government; or

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

**SEC. 805. PERMITTING.**

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the ''Critical Minerals Working Group'', which shall report to the President and the applicable committees through the Secretary.

(2) COMPOSITION.—The Working Group shall be composed of the following:

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

(D) The Secretary of Agriculture (or a designee).

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

(G) The Secretary of State (or a designee).

(H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

(J) The Chief of Engineers of the Corps of Engineers (or a designee).

(b) CONSULTATION.—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

(1) critical minerals exploration;

(2) critical minerals permitting;

(3) critical minerals production; and

(4) critical minerals manufacturing.

(c) DUTIES.—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 803(a).

(d) REPORT.—Not later than 300 days after the date of enactment of this Act, the Working Group shall submit to the applicable committees a report that—

(1) describes the results of actions taken under subsection (c);

(2) evaluates the amount of time typically required (including the range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(4) identifies options (including cost recovery paid by applicants) for ensuring adequate staffing of divisions, field offices, or other entities responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land.

(e) DRAFT PERFORMANCE METRIC.—Not later than 330 days after the date of enactment of this Act, and on completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals.

(f) FINAL PERFORMANCE METRIC.—Not later than 1 year after the date of enactment of this Act, and after consideration of any public comments received under subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

(g) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, using the final performance metric under subsection (f), the Working Group shall submit to the applicable committees, as part of the budget request of the Department of the Interior for each fiscal year, each report that—

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria relevant to a globally competitive economic sector.

(h) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

(1) complying with chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act''), in promulgating regulations applicable to the critical minerals industry; and

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) CONSTRUCTION.—This section—

(A) is intended to improve the internal management of the Federal Government; and

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee) or any other person.

**SEC. 806. RECYCLING AND ALTERNATIVES.**

(a) ESTABLISHMENT.—The Secretary of Energy shall conduct a program of research and development to promote the efficient production, use, and recycling of, and alternatives to, critical minerals.

(b) COOPERATION.—In carrying out the program, the Secretary of Energy shall cooperate with appropriate—

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) ACTIVITIES.—Under the program, the Secretary of Energy shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including options for improving the rates of collection of post-consumer products containing critical minerals;

(4) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts; and

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall submit to the applicable committees a report summarizing the activities, findings, and progress of the program.

**SEC. 807. ANALYSIS AND FORECASTING.**

(a) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing

competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(E) the quantity of each critical mineral domestically recycled during the preceding year;

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the ''Annual Critical Minerals Outlook'', of projected critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(B) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

(i) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

(ii) the projected reliance of the United States on foreign sources to meet those needs; and

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(F) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure that—

(1) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person who supplied the information is not discernible and is not material to the intended uses of the information;

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

**SEC. 808. EDUCATION AND WORKFORCE.**

(a) WORKFORCE ASSESSMENT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(1) skills that are in the shortest supply as of the date of the assessment;

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(4) the effectiveness of training and education programs in addressing skills shortages;

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 803(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under paragraph (1).

(c) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary and the National Science Foundation shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

(2) RENEWAL.—A grant under this subsection shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under subsection (b)(1)(D).

**SEC. 809. INTERNATIONAL COOPERATION.**

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary, shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

(b) ACTIVITIES.—Under the program, the Secretary of State may work with allies of the United States—

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary of State that there is no viable production capacity for the critical minerals within the United States;

(2) to improve the efficiency and environmental performance of extraction techniques;

(3) to increase the recycling of, and deployment of alternatives to, critical minerals;

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

(5) to strengthen and maintain intellectual property protections; and

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 807.

**SEC. 810. REPEAL, AUTHORIZATION, AND OFFSET.**

(a) REPEAL.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking '', with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this title and the amendments made by this title $30,000,000.

(c) AUTHORIZATION OFFSET.—Section 207(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17022(c)) is amended by inserting before the period at the end the following: '', except that the amount authorized to be appropriated to carry out this section

not appropriated as of the date of enactment of the Domestic Energy and Jobs Act shall be reduced by $30,000,000''.

**TITLE IX—MISCELLANEOUS**

**SEC. 901. LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE SOLID MINERALS LEASING PROGRAM.**

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed on the day before the date of enactment of this Act under the solid minerals leasing program of the Department of the Interior, including—

(1) any function under—

(A) sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.);

(B) the Act of July 31, 1947 (commonly known as the ''Materials Act of 1947'') (30 U.S.C. 601 et seq.);

(C) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(2) any function relating to management of mineral development on Federal land and acquired land under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the mining law administration program of the Bureau of Land Management.

**SEC. 902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.**

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is amended by striking ''2055'' and inserting ''2025, and shall not exceed $750,000,000 for each of fiscal years 2026 through 2055''.

**SEC. 903. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.**

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) as soon as practicable after, but not later than 10 days after, the date of enactment of this Act, revise the proposed outer Continental Shelf oil and gas leasing program for the 2012–2017 period to include in the program Lease Sale 220 off the coast of Virginia; and

(2) include the outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012–2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under that program are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section—

(A) to preserve the ability of the Armed Forces to maintain an optimum state of readiness through their continued use of energy resources of the outer Continental Shelf; and

(B) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with—

(A) the agreement entitled ''Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf'' signed July 20, 1983; and

(B) any revision to, or replacement of, the agreement described in subparagraph (A) that is agreed to by the Secretary of Defense and the Secretary of the Interior after July 20, 1983, but before the date of issuance of the lease under which the exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf under section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

**SEC. 904. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS MODIFYING THE STREAM ZONE BUFFER RULE.**

The Secretary of the Interior may not, before December 31, 2013, issue a regulation modifying the final rule entitled ''Excess Spoil, Coal Mine Waste, and Buffers for Perennial and Intermittent Streams'' (73 Fed. Reg. 75814 (December 12, 2008)).

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**SA 3671.** Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SHIFT IN THE COLLECTION OF THE PAYMENT FOR THE TRANSITIONAL REINSURANCE PROGRAM.**

(a) IN GENERAL.—Section 1341(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18061(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting ''beginning on January 1, 2018,'' after ''required to make payments''; and

(ii) by striking ''any plan year beginning in the 3-year period'' and all that follows through the end and inserting ''payments made under subparagraph (C) (as specified in paragraph (3));''

(B) in subparagraph (B), by striking ''and uses'' and all that follows through the period and inserting ''; and'' and

(C) by adding at the end the following:

''(C) the applicable reinsurance entity makes reinsurance payments to health insurance issuers described in subparagraph (A) that cover high risk individuals in the individual market (excluding grandfathered health plans) for any plan year beginning in the 3-year period beginning January 1, 2014, in an aggregate amount of up to the total of the aggregate contribution amounts described in paragraph (3)(B)(iv), subject to paragraph (4).'';

(2) in paragraph (2), by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(C)'';

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''2014'' and inserting ''2018''; and

(B) in subparagraph (B)—

(i) in clause (ii), by striking ''administrative'' and inserting ''operational'';

(ii) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(iii) by inserting after clause (ii), the following:

''(iii) the aggregate contribution amount for all States shall be based on the total amount of reinsurance payments made under paragraph (1)(C);'';

(iv) by striking clause (iv), as so redesignated, and inserting the following:

''(iv) the aggregate contribution amount collected under clause (iii) shall, without regard to amounts described in clause (ii), be limited to $10,000,000,000 based on the plan years beginning in 2014, $6,000,000,000 based on the plan years beginning in 2015, and $4,000,000,000 based on the plan years beginning in 2016;'';

(v) in clause (v), as so redesignated, by striking ''clause (iii)'' each place that such term appears and inserting ''clause (iv)'';

(vi) by inserting after clause (v), the following:

''(vi) in addition to the contribution amounts under clauses (iii), (iv), and (v), each issuer's contribution amount—

''(I) shall reflect its proportionate share of an additional $20,300,000 for operational expenses for reinsurance payments for calendar year 2014 and for reinsurance collections for calendar year 2018;

''(II) shall reflect its proportionate share of operational expenses for reinsurance payments for calendar year 2015 and for reinsurance collections for calendar year 2019; and

''(III) shall reflect its proportionate share of operational expenses for reinsurance payments for calendar year 2016 and for reinsurance collections for calendar year 2020; and

''(vii) collection of the contribution amounts provided for in clauses (ii) through (vi) shall be initiated—

''(I) for calendar year 2014, not earlier than January 1, 2018;

''(II) for calendar year 2015, not earlier than January 1, 2019; and

''(III) for calendar year 2016, not earlier than January 1, 2020.'';

(4) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking ''contribution amounts collected for any calendar year'' and inserting ''amount provided under paragraph (5) for reinsurance payments described in paragraph (1)(C)''; and

(ii) by striking ''; and'' and inserting a period;

(B) by striking subparagraph (B);

(C) by striking ''that—'' and all that follows through ''the contribution'' in subparagraph (A) and inserting ''that the contribution''; and

(D) in the flush matter at the end, by striking ''paragraph (3)(B)(iv)'' and inserting the following: ''paragraph (3)(B)(v) and any amounts collected under clauses (ii) of paragraph (3)(B) that, when combined with the funding provided for under paragraph (5), exceed the aggregate amount permitted for making the reinsurance payments described in paragraph (1)(C) and to fund the operational expenses of applicable reinsurance entities,''; and

(5) by adding at the end the following:

''(5) FUNDING.—To carry out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, an amount equal to the aggregate amount to be collected for plan years beginning in 2014 set forth in paragraph (3)(B)(iv) for reinsurance payments described in paragraph (1)(C), and an amount equal to the contribution amounts set forth in paragraph (3)(B)(vi) to fund operational expenses of applicable reinsurance entities.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to increase the amount of payments to be collected under subsection (b)(1)(A) or to decrease the amount of the reinsurance payments to be made under subsection (b)(1)(C) of section 1341 of the Patient Protection and Affordable Care Act (42 U.S.C. 18061).

(c) MEDICAL LOSS RATIO.—The Secretary of Health and Human Services shall promulgate regulations or guidance to ensure that health insurance issuers reflect changes made in section 1341 of the Patient Protection and Affordable Care Act with section

2718 of the Public Health Service Act (42 U.S.C.1 300gg-18) and sections 1342 and 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18063 and 18032(c)).

**SA 3672.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. AMERICA STAR PROGRAM.**

(a) IN GENERAL.—The Secretary of Commerce shall establish a voluntary program, to be known as the ''America Star Program'', under which manufacturers may have products certified as meeting the standards of labels that indicate to consumers the extent to which the products are manufactured in the United States.

(b) ESTABLISHMENT OF LABELS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall, by rule—

(A) design America Star labels that are consistent with public perceptions of the meaning of descriptions of the extent to which a product is manufactured in the United States; and

(B) specify the standards that a product shall meet in order to bear a particular America Star label.

(c) CERTIFICATION OF PRODUCTS.—

(1) APPLICATION PROCEDURES.—A manufacturer that wishes to have a product certified as meeting the standards of an America Star label may apply to the Secretary for certification in accordance with such procedures as the Secretary shall establish by rule.

(2) ACTION BY SECRETARY.—Not later than such time after receiving an application for certification under paragraph (1) as the Secretary determines reasonable by rule, the Secretary shall—

(A) determine whether the product described in the application meets the standards of the requested America Star label;

(B) if the product meets such standards, certify the product; and

(C) notify the manufacturer of the determination and whether the product has been certified.

(d) MONITORING; WITHDRAWAL OF CERTIFICATION.—

(1) MONITORING.—The Secretary shall conduct such monitoring and compliance review as the Secretary considers necessary—

(A) to detect violations of subsection (f); and

(B) to ensure that products certified as meeting the standards of America Star labels continue to meet such standards.

(2) WITHDRAWAL OF CERTIFICATION.—

(A) ON INITIATIVE OF SECRETARY.—If the Secretary determines that a product certified as meeting the standards of an America Star label no longer meets such standards, the Secretary shall—

(i) notify the manufacturer of the determination and any corrective action that would enable the product to meet such standards; and

(ii) if the manufacturer does not take such action within such time after receiving notification under clause (i) as the Secretary determines reasonable by rule, the Secretary shall withdraw the certification of the product and notify the manufacturer of the withdrawal.

(B) AT REQUEST OF MANUFACTURER.—At the request of the manufacturer of a product, the Secretary shall withdraw the certification of the product and notify the manufacturer of the withdrawal.

(e) CONSULTATION.—

(1) REQUIRED CONSULTATION WITH FEDERAL TRADE COMMISSION.—In establishing America Star labels and operating the America Star Program, the Secretary shall consult with the Federal Trade Commission to ensure consistency with the requirements enforced by the Commission with respect to representations of the extent to which products are manufactured in the United States.

(2) SENSE OF CONGRESS ON CONSULTATION WITH PRIVATE-SECTOR COMPANIES.—It is the sense of Congress that, in establishing America Star labels and operating the America Star Program, the Secretary should consult with private-sector companies that have developed labeling programs to verify or certify to consumers the extent to which products are manufactured in the United States.

(f) PROHIBITED CONDUCT.—Unless a certification by the Secretary that a product meets the standards of an America Star label is in effect, a person may not—

(1) place such label on such product;

(2) use such label in any marketing materials for such product; or

(3) in any other way represent that such product meets, or is certified as meeting, the standards of such label.

(g) ENFORCEMENT.—

(1) CIVIL PENALTY.—Any person who knowingly violates subsection (f) shall be subject to a civil penalty of not more than $10,000.

(2) INELIGIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (C), if the Secretary determines that a manufacturer—

(i) has made a false statement to the Secretary in connection with the America Star Program;

(ii) knowing, or having reason to know, that a product does not meet the standards of an America Star label—

(I) has placed such label on such product;

(II) has used such label in any marketing materials for such product; or

(III) in any other way has represented that such product meets or is certified as meeting the standards of such label; or

(iii) has otherwise violated the purposes of the America Star Program;

the Secretary may not, for a period of 5 years after the conduct described in clause (i), (ii), or (iii), certify the product to which such conduct relates as meeting the standards of an America Star label.

(B) EFFECT ON EXISTING CERTIFICATION.—In the case of a product with respect to which, at the time of the determination of the Secretary under subparagraph (A), there is in effect a certification by the Secretary that the product meets the standards of an America Star label—

(i) if the product continues to meet such standards, the Secretary may either withdraw the certification or allow the certification to continue in effect, as the Secretary considers appropriate; and

(ii) if the product no longer meets such standards, the Secretary shall withdraw the certification.

(C) WAIVER.—Notwithstanding subparagraph (A), the Secretary may waive or reduce the period referred to in such subparagraph if the Secretary determines that the waiver or reduction is in the best interests of the America Star Program.

(h) ADMINISTRATIVE APPEAL.—

(1) EXPEDITED APPEALS PROCEDURE.—The Secretary shall establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary under this section that—

(A) adversely affects such person; or

(B) is inconsistent with the America Star Program.

(2) APPEAL OF FINAL DECISION.—A final decision of the Secretary under paragraph (1) may be appealed to the United States district court for the district in which the person is located.

(i) OFFSETTING COLLECTIONS.—

(1) IN GENERAL.—The Secretary may collect reasonable fees from—

(A) manufacturers that apply for certification of products as meeting the standards of America Star labels; and

(B) manufacturers of products for which such certifications are in effect.

(2) ACCOUNT.—The fees collected under paragraph (1) shall be credited to the account that incurs the cost of the certification services provided under this section.

(3) USE.—The fees collected under paragraph (1) shall be available to the Secretary, without further appropriation or fiscal-year limitation, to pay the expenses of the Secretary incurred in providing certification services under this section.

(j) DEFINITIONS.—In this section:

(1) AMERICA STAR LABEL.—The term ''America Star label'' means a label described in subsection (a) and established by the Secretary under subsection (b)(1).

(2) AMERICA STAR PROGRAM.—The term ''America Star Program'' means the voluntary labeling program established under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

**SA 3673.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PERMANENT EXTENSION OF NEW MARKETS TAX CREDIT.**

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) of the Internal Revenue Code of 1986 is amended by striking '', 2011, 2012, and 2013'' and inserting ''and each calendar year thereafter''.

(2) CONFORMING AMENDMENT.—Section 45D(f)(3) of such Code is amended by striking the last sentence.

(b) INFLATION ADJUSTMENT.—Subsection (f) of section 45D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2013, the dollar amount in paragraph (1)(G) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING RULE.—Any increase under subparagraph (A) which is not a multiple of $1,000,000 shall be rounded to the nearest multiple of $1,000,000.''.

(c) ALTERNATIVE MINIMUM TAX RELIEF.—Subparagraph (B) of section 38(c)(4) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and

(2) by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2014,''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALTERNATIVE MINIMUM TAX RELIEF.—The amendments made by subsection (c) shall

apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after the date of the enactment of this Act.

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**SA 3674.** Mr. WARNER (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. INBOUND INVESTMENT PROGRAM TO RECRUIT JOBS TO THE UNITED STATES.**

(a) DEFINITIONS.—In this section:

(1) DISTRESSED.—The term ''distressed'', with respect to an area, means an area in the United States that, on the date on which the program is established under subsection (b)—

(A) is included in the most recent classification of labor surplus areas by the Secretary of Labor; and

(B) has an unemployment rate equal to or great than 110 percent of the unemployment rate of the United States.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that employs not fewer than 50 full-time equivalent employees in high-value jobs.

(3) ELIGIBLE FACILITY.—The term ''eligible facility'' means a facility at which—

(A) an eligible entity employs not fewer than 50 full-time equivalent employees in high-value jobs;

(B) with respect to a rural or distressed area, the mean of the wages provided by the eligible entity to individuals employed at such facility is greater than the mean wage for the county in which the rural or distressed area is located; and

(C) derives at least the majority of its revenues from—

(i) goods production; or

(ii) providing product design, engineering, marketing, or information technology services.

(4) HIGH-VALUE JOB DEFINED.—The term ''high-value job'' means a job that—

(A) exists within an eligible facility; and

(B) has a North American Industrial Classification that corresponds with manufacturing, software publishers, computer systems design, or related codes, and is higher than the mean hourly wage in the country.

(5) RURAL.—The term ''rural'', with respect to an area, means any area in the United States which, as confirmed by the latest decennial census, is not located within—

(A) a city or town that has a population of greater than 50,000 inhabitants; or

(B) an urbanized area contiguous and adjacent to a city or town described in subparagraph (A).

(b) PROGRAM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall establish a program to award grants to States that are recruiting high-value jobs. Grants awarded under this section may be used to issue forgivable loans to eligible entities that are deciding whether to locate eligible facilities in the United States to assist such entities in locating such facilities in rural or distressed areas.

(c) FEDERAL GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall carry out the program through the award of grants to States to provide loans and loan guarantees described in subsection (d).

(2) APPLICATION.—

(A) IN GENERAL.—A State seeking a grant under the program shall submit an application to the Secretary in such manner and containing such information as the Secretary may require. Once the program is operational, any State may apply for a grant on an ongoing basis, until funds are exhausted. The Secretary may also establish a process for pre-clearing applications from States. The Secretary shall notify all States of this grant opportunity once the program is operational. All information about the program and the State application process must be online and must be in a format that is easily understood and is widely accessible.

(B) ELEMENTS.—Each application submitted by a State under subparagraph (A) shall include—

(i) a description of the eligible entity the State proposes to assist in locating an eligible facility in a rural or distressed area of the State;

(ii) a description of such facility, including the number of high-value jobs relating to such facility;

(iii) a description of such rural or distressed area;

(iv) a description of the resources of the State that the State has committed to assisting such corporation in locating such facility, including tax incentives provided, bonding authority exercised, and land granted; and

(v) such other elements as the Secretary considers appropriate.

(C) NOTICE.—As soon as practicable after establishing the program under subsection (b), the Secretary shall notify all States of the grants available under the program and the process for applying for such grants.

(D) ONLINE SUBMISSION OF APPLICATIONS.—The Secretary shall establish a mechanism for the electronic submission of applications under subparagraph (A). Such mechanism shall utilize an Internet website and all information on such website shall be in a format that is easily understood and widely accessible.

(E) CONFIDENTIALITY.—The Secretary may not make public any information submitted by a State to the Secretary under this paragraph regarding the efforts of such State to assist an eligible entity in locating an eligible facility in such State without the express consent of the State.

(3) SELECTION.—The Secretary shall award grants under the program on a competitive basis to States that—

(A) the Secretary determines are most likely to succeed with a grant under the program in assisting an eligible entity in locating an eligible facility in a rural or distressed area;

(B) if successful in assisting an eligible entity as described in subparagraph (A), will create the greatest number of high-value jobs in rural or distressed areas;

(C) have committed significant resources, to the extent of their ability as determined by the Secretary, to assisting eligible entities in locating eligible facilities in a rural or distressed areas; or

(D) meet such other criteria as the Secretary considers appropriate, including criteria relating to marketing plans, benefits to ongoing regional or State strategies for economic development, and job growth.

(4) LIMITATION ON COMPETITION BETWEEN STATES.—The Secretary may not award a grant to a State under the program to assist an eligible entity—

(A) in locating an eligible facility in such State if another State is already seeking to assist such eligible entity in locating such eligible facility in such other State; or

(B) from relocating an eligible facility from one State to another State.

(5) AVAILABILITY OF GRANT AMOUNTS.—For each grant awarded to a State under the program, the Secretary shall make available to such State the amount of such grant not later than 30 days after the date on which the Secretary awarded the grant. The total amount of grants awarded under this program may not exceed $100,000,000.

(d) LOANS AND LOAN GUARANTEES FROM STATES TO CORPORATIONS.—

(1) IN GENERAL.—Amounts received by a State under the program shall be used to provide assistance to an eligible entity to locate an eligible facility in a rural or distressed area of the State.

(2) LOANS AND LOAN GUARANTEES.—A State receiving a grant under the program may provide assistance under paragraph (1) in the form of—

(A) a single loan to a single eligible entity as described in paragraph (1) to cover the costs incurred by the eligible entity in locating the eligible facility as described in such paragraph; or

(B) a single loan guarantee to a financial institution making a single loan to a single eligible entity as described in paragraph (1) to cover the costs incurred by the eligible entity in locating the eligible facility as described in such paragraph.

(3) TERMS AND CONDITIONS.—Each loan or loan guarantee provided under paragraph (2) shall have a term of 5 years and shall bear interest at rates equal to the Federal long-term rate under section 1274(d)(1)(C) of the Internal Revenue Code of 1986.

(4) AMOUNT.—The amount of a loan or loan guarantee issued to an eligible entity under the program for the location of an eligible facility shall be an amount equal to not more than $5,000 per full-time equivalent employee to be employed at such facility.

(5) REPAYMENT.—Repayment of a loan issued by a State to an eligible entity under the program shall be repaid in accordance with such schedule as the State shall establish in accordance with such rules as the Secretary shall prescribe for purposes of the program. Such rules shall provide for the following:

(A) Forgiveness of all or a portion of the loan, the amount of such forgiveness depending upon the following:

(i) The performance of the borrower.

(ii) The number or quality of the jobs at the facility located under the program.

(B) Repayment of principal or interest, if any, at the end of the term of the loan.

(e) ASSESSMENT AND RECOMMENDATIONS.—

(1) ONGOING ASSESSMENT.—The Secretary shall conduct an ongoing assessment of the program.

(2) RECOMMENDATIONS.—The Secretary may submit to Congress recommendations for such legislative action as the Secretary considers appropriate to improve the program, including with respect to any findings of the Secretary derived by comparing the program established under subsection (b) with the programs and policies of governments of other countries used to recruit high-value jobs.

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**SA 3675.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE II—WATER SUPPLY PERMITTING COORDINATION**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Water Supply Permitting Coordination Act''.

**SEC. 202. DEFINITIONS.**

In this title:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Reclamation.

(2) COOPERATING AGENCIES.—The term ''cooperating agency'' means a Federal agency

with jurisdiction over a review, analysis, opinion, statement, permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject to section 203(c).

(3) QUALIFYING PROJECTS.—The term ''qualifying projects'' means new surface water storage projects constructed on lands administered by the Department of the Interior or the Department of Agriculture, exclusive of any easement, right-of-way, lease, or any private holding.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 203. ESTABLISHMENT OF LEAD AGENCY AND COOPERATING AGENCIES.**

(a) ESTABLISHMENT OF LEAD AGENCY.—The Bureau of Reclamation is established as the lead agency for purposes of coordinating all reviews, analyses, opinions, statements, permits, licenses, or other approvals or decisions required under Federal law to construct qualifying projects.

(b) IDENTIFICATION AND ESTABLISHMENT OF COOPERATING AGENCIES.—The Commissioner of the Bureau shall—

(1) identify, as early as practicable upon receipt of an application for a qualifying project, any Federal agency that may have jurisdiction over a review, analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable timeframe, that the agency has been designated as a cooperating agency in regards to the qualifying project unless that agency responds to the Bureau in writing, within a timeframe set forth by the Bureau, notifying the Bureau that the agency—

(A) has no jurisdiction or authority with respect to the qualifying project;

(B) has no expertise or information relevant to the qualifying project or any review, analysis, opinion, statement, permit, license, or other approval or decision associated therewith; or

(C) does not intend to submit comments on the qualifying project or conduct any review of such a project or make any decision with respect to such project in a manner other than in cooperation with the Bureau.

(c) STATE AUTHORITY.—A State in which a qualifying project is being considered may choose, consistent with State law—

(1) to participate as a cooperating agency; and

(2) to make subject to the processes of this title all State agencies that—

(A) have jurisdiction over the qualifying project;

(B) are required to conduct or issue a review, analysis, or opinion for the qualifying project; or

(C) are required to make a determination on issuing a permit, license, or approval for the water resource project.

**SEC. 204. BUREAU RESPONSIBILITIES.**

(a) IN GENERAL.—The principal responsibilities of the Bureau under this title are to—

(1) serve as the point of contact for applicants, State agencies, Indian tribes, and others regarding proposed projects;

(2) coordinate preparation of unified environmental documentation that will serve as the basis for all Federal decisions necessary to authorize the use of Federal lands for qualifying projects; and

(3) coordinate all Federal agency reviews necessary for project development and construction of qualifying projects.

(b) COORDINATION PROCESS.—The Bureau shall have the following coordination responsibilities:

(1) PRE-APPLICATION COORDINATION.—Notify cooperating agencies of proposed qualifying projects not later than 30 days after receipt of a proposal and facilitate a preapplication meeting for prospective applicants, relevant Federal and State agencies, and Indian tribes to—

(A) explain applicable processes, data requirements, and applicant submissions necessary to complete the required Federal agency reviews within the timeframe established; and

(B) establish the schedule for the qualifying project.

(2) CONSULTATION WITH COOPERATING AGENCIES.—Consult with the cooperating agencies throughout the Federal agency review process, identify and obtain relevant data in a timely manner, and set necessary deadlines for cooperating agencies.

(3) SCHEDULE.—Work with the qualifying project applicant and cooperating agencies to establish a project schedule. In establishing the schedule, the Bureau shall consider, among other factors—

(A) the responsibilities of cooperating agencies under applicable laws and regulations;

(B) the resources available to the cooperating agencies and the non-Federal qualifying project sponsor, as applicable;

(C) the overall size and complexity of the qualifying project;

(D) the overall schedule for and cost of the qualifying project; and

(E) the sensitivity of the natural and historic resources that may be affected by the qualifying project.

(4) ENVIRONMENTAL COMPLIANCE.—Prepare a unified environmental review document for each qualifying project application, incorporating a single environmental record on which all cooperating agencies with authority to issue approvals for a given qualifying project shall base project approval decisions. Help ensure that cooperating agencies make necessary decisions, within their respective authorities, regarding Federal approvals in accordance with the following timelines:

(A) Not later than one year after acceptance of a completed project application when an environmental assessment and finding of no significant impact is determined to be the appropriate level of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) Not later than one year and 30 days after the close of the public comment period for a draft environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), when an environmental impact statement is required under the same.

(5) CONSOLIDATED ADMINISTRATIVE RECORD.—Maintain a consolidated administrative record of the information assembled and used by the cooperating agencies as the basis for agency decisions.

(6) PROJECT DATA RECORDS.—To the extent practicable and consistent with Federal law, ensure that all project data is submitted and maintained in generally accessible electronic format, compile, and where authorized under existing law, make available such project data to cooperating agencies, the qualifying project applicant, and to the public.

(7) PROJECT MANAGER.—Appoint a project manager for each qualifying project. The project manager shall have authority to oversee the project and to facilitate the issuance of the relevant final authorizing documents, and shall be responsible for ensuring fulfillment of all Bureau responsibilities set forth in this section and all cooperating agency responsibilities under section 205.

**SEC. 205. COOPERATING AGENCY RESPONSIBILITIES.**

(a) ADHERENCE TO BUREAU SCHEDULE.—Upon notification of an application for a qualifying project, all cooperating agencies shall submit to the Bureau a timeframe under which the cooperating agency reasonably considers it will be able to complete its authorizing responsibilities. The Bureau shall use the timeframe submitted under this subsection to establish the project schedule under section 204, and the cooperating agencies shall adhere to the project schedule established by the Bureau.

(b) ENVIRONMENTAL RECORD.—Cooperating agencies shall submit to the Bureau all environmental review material produced or compiled in the course of carrying out activities required under Federal law consistent with the project schedule established by the Bureau.

(c) DATA SUBMISSION.—To the extent practicable and consistent with Federal law, the cooperating agencies shall submit all relevant project data to the Bureau in a generally accessible electronic format subject to the project schedule set forth by the Bureau.

**SEC. 206. FUNDING TO PROCESS PERMITS.**

(a) IN GENERAL.—The Secretary, after public notice in accordance with the Administrative Procedures Act (5 U.S.C. 553), may accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit of that entity related to a qualifying project or activity for a public purpose under the jurisdiction of the Department of the Interior.

(b) EFFECT ON PERMITTING.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

(2) EVALUATION OF PERMITS.—In carrying out this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted under this section shall—

(A) be reviewed by the Regional Director of the Bureau of Reclamation, or the Regional Director's designee, of the region in which the qualifying project or activity is located; and

(B) use the same procedures for decisions that would otherwise be required for the evaluation of permits for similar projects or activities not carried out using funds authorized under this section.

(3) IMPARTIAL DECISIONMAKING.—In carrying out this section, the Secretary and the cooperating agencies receiving funds under this section for qualifying projects shall ensure that the use of the funds accepted under this section for such projects shall not—

(A) impact impartial decisionmaking with respect to the issuance of permits, either substantively or procedurally; or

(B) diminish, modify, or otherwise affect the statutory or regulatory authorities of such agencies.

(c) LIMITATION ON USE OF FUNDS.—None of the funds accepted under this section shall be used to carry out a review of the evaluation of permits required under subsection (b)(2)(A).

(d) PUBLIC AVAILABILITY.—The Secretary shall ensure that all final permit decisions carried out using funds authorized under this section are made available to the public, including on the Internet.

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**SA 3676.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. NATIONAL ENERGY TAX REPEAL.**

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, ''The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.'';

(F) according to the National Center for Health Statistics, ''children in poor families were four times as likely to be in fair or poor health as children that were not poor'';

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

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**SA 3677.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.**

(a) IN GENERAL.—Neither the Secretary of the Army nor the Administrator of the Environmental Protection Agency shall—

(1) finalize the proposed rule entitled ''Definition of 'Waters of the United States' Under the Clean Water Act'' (79 Fed. Reg. 22188 (April 21, 2014)); or

(2) use the proposed rule described in paragraph (1), or any substantially similar proposed rule or guidance, as the basis for any rulemaking or any decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) RULES.—The use of the proposed rule described in subsection (a)(1), or any substantially similar proposed rule or guidance, as the basis for any rulemaking or any decision regarding the scope or enforcement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall be grounds for vacation of the final rule, decision, or enforcement action.

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**SA 3678.** Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. REDUCTION IN CORPORATE TAX RATE.**

(a) IN GENERAL.—Subsection (b) of section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be the sum of—

''(1) 15 percent of so much of the taxable income as does not exceed $50,000, and

''(2) 20 percent of so much of the taxable income as exceeds $50,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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**SA 3679.** Mr. JOHANNS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE II—BUSINESS RISK MITIGATION AND PRICE STABILIZATION**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Business Risk Mitigation and Price Stabilization Act of 2013''.

**SEC. 202. MARGIN REQUIREMENTS.**

(a) COMMODITY EXCHANGE ACT AMENDMENT.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)), as added by section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii), including the initial and variation margin requirements imposed by rules adopted pursuant to paragraphs (2)(A)(ii) and (2)(B)(ii), shall not apply to a swap in which a counterparty qualifies for an exception under section 2(h)(7)(A), or an exemption issued under section 4(c)(1) from the requirements of section 2(h)(1)(A) for cooperative entities as defined in such exemption, or satisfies the criteria in section 2(h)(7)(D).''.

(b) SECURITIES EXCHANGE ACT AMENDMENT.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), as added by section 764(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following new paragraph:

''(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The requirements of paragraphs (2)(A)(ii) and (2)(B)(ii) shall not apply to a security-based swap in which a counterparty qualifies for an exception under section 3C(g)(1) or satisfies the criteria in section 3C(g)(4).''.

**SEC. 203. IMPLEMENTATION.**

The amendments made by this title to the Commodity Exchange Act shall be implemented—

(1) without regard to—

(A) chapter 35 of title 44, United States Code; and

(B) the notice and comment provisions of section 553 of title 5, United States Code;

(2) through the promulgation of an interim final rule, pursuant to which public comment will be sought before a final rule is issued; and

(3) such that paragraph (1) shall apply solely to changes to rules and regulations, or proposed rules and regulations, that are limited to and directly a consequence of such amendments.

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**SA 3680.** Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. FAMILY HEALTH CARE FLEXIBILITY.**

(a) NO LIMITATIONS ON ACCESS TO OVER-THE-COUNTER DRUGS WITHOUT PRESCRIPTIONS.—Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) NO LIMITATIONS ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) and the amendments made by such sections are repealed; and the Internal Revenue Code of 1986 shall be applied as if such sections, and amendments, had never been enacted.

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**SA 3681.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE II—ENDING OPERATION CHOKE POINT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''End Operation Choke Point Act of 2014''.

**SEC. 202. BUSINESS ACCESS TO INSURED DEPOSITORY INSTITUTIONS.**

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

**"SEC. 51. BUSINESS ACCESS TO INSURED DEPOSITORY INSTITUTIONS.**

''(a) IN GENERAL.—The Federal banking agencies may not prohibit or otherwise restrict or discourage an insured depository institution from providing any product or service to an entity that demonstrates to the insured depository institution that such entity—

''(1) is licensed and authorized to offer such product or service;

''(2) is registered as a money transmitting business under section 5330 of title 31, United States Code, or regulations promulgated under such section; or

''(3) has a reasoned legal opinion that demonstrates the legality of the entity's business under applicable law.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) require an insured depository institution—

''(A) to provide any product or service to any particular entity;

''(B) to regularly review the status of any license of an entity; or

''(C) to determine the validity or veracity of any reasoned legal opinion obtained under subsection (a)(3); or

''(2) imply or require that an insured depository institution may only provide products or services to an entity that has met any of the requirements of paragraphs (1) through (3) of subsection (a).

''(c) LIMITATION ON RULEMAKING.—The Federal banking agencies may not issue any guidance under subsection (a). Any rule implementing subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

''(d) REASONED LEGAL OPINION DEFINED.—For purposes of this section, the term 'reasoned legal opinion'—

''(1) means a written legal opinion by a State-licensed attorney that addresses the facts of a particular business and the legality of the business's provision of products or services to customers in the relevant jurisdictions under applicable Federal and State law, tribal ordinances, tribal resolutions, and tribal-State compacts; and

''(2) does not include a written legal opinion that recites the facts of a particular business and states a conclusion.''.

**SEC. 203. BUSINESS ACCESS TO FEDERAL CREDIT UNIONS.**

Title I of the Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

**"SEC. 132. BUSINESS ACCESS TO INSURED CREDIT UNIONS.**

''(a) IN GENERAL.—The Board may not prohibit or otherwise restrict or discourage an insured credit union from providing any product or service to an entity that demonstrates to the insured credit union that such entity—

''(1) is licensed and authorized to offer such product or service;

''(2) is registered as a money transmitting business under section 5330 of title 31, United States Code, or regulations promulgated under such section; and

''(3) has a reasoned legal opinion that demonstrates the legality of the entity's business under applicable law.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) require an insured credit union—

''(A) to provide any products or services to any entity;

''(B) to regularly review the status of any license of an entity; or

''(C) to determine the validity or veracity of any reasoned legal opinion obtained under subsection (a)(3); or

''(2) imply or require that an insured credit union may only provide products or services to an entity that has met any of the requirements of paragraphs (1) through (3) of subsection (a).

''(c) LIMITATION ON RULEMAKING.—The Board may not issue any guidance under subsection (a). Any rule implementing subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

''(d) REASONED LEGAL OPINION DEFINED.—For purposes of this section, the term 'reasoned legal opinion'—

''(1) means a written legal opinion by a State-licensed attorney that addresses the facts of a particular business and the legality of the business's provision of products or services to customers in the relevant jurisdictions under applicable Federal and State law, tribal ordinances, tribal resolutions, and tribal-State compacts; and

''(2) does not include a written legal opinion that recites the facts of a particular business and states a conclusion.''.

**SEC. 204. AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.**

Section 951 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833a) is amended—

(1) in subsection (c)(2), by inserting ''and where such violation or conspiracy to violate is in connection with a violation or conspiracy to violate a section described under paragraph (1)'' after ''financial institution''; and

(2) in subsection (g)—

(A) in the header, by striking ''SUBPOENAS'' and inserting ''INVESTIGATIONS'';

(B) in paragraph (1), by amending subparagraph (C) to read as follows:

''(C) request a court order from a court of competent jurisdiction, to summon witnesses and to require the production of any books, papers, correspondence, memoranda, or other records which the Attorney General deems relevant or material to the inquiry, and which shall be issued only if the Attorney General offers specific and articulable facts showing that there are reasonable grounds to believe that the information or testimony sought is relevant and material to an ongoing civil proceeding under this section.'';

(C) by amending paragraph (2) to read as follows:

''(2) ANNUAL REPORT TO CONGRESS ON FIRREA COURT ORDERS.—The Attorney General shall submit a report before January 31 of each year, beginning the first January following the date of enactment of the End Operation Choke Point Act of 2014, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, which shall include a detailed description of—

''(A) the number of court orders sought by the Attorney General and the number of orders issued;

''(B) the recipient of the court orders;

''(C) the number of documents requested and received;

''(D) the number of witnesses requested to testify and the number who actually testified; and

''(E) whether a civil enforcement action was filed and the result of any such enforcement action, including settlements that led to the dismissal of charges.''; and

(D) by striking paragraph (3).

**SEC. 205. REQUIRING COOPERATION TO DETER THE COMMISSION OF FINANCIAL FRAUD.**

Subsection (a) of section 314 of the USA PATRIOT Act (31 U.S.C. 5311 note) is amended—

(1) in paragraph (1), by inserting '', the commission of financial fraud,'' after ''terrorist acts'';

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) means of facilitating the identification of accounts and transactions involving persons engaged in committing financial fraud, subject to the limitations described in paragraph (5).''; and

(3) in paragraph (5), by striking ''shall not be used'' and all that follows through the period at the end and inserting the following: ''shall not—

''(A) be used for any purpose other than identifying and reporting on activities that may involve terrorist acts, financial fraud, or money laundering; and

''(B) be construed to require financial institutions to determine or assure compliance of any entity with any Federal, State, or other licensing requirements.''.

**SEC. 206. LIABILITY FOR DISCLOSURES IN REPORTING SUSPICIOUS TRANSACTIONS.**

Paragraph (3) of section 5318(g) of title 31, United States Code, is amended—

(1) in subparagraph (A), by inserting '', for any underlying activity that is the subject of the disclosure,'' after ''for such disclosure''; and

(2) in subparagraph (B)(ii), by striking ''civil or'' before ''criminal''.

**SEC. 207. FINANCIAL CRIMES ENFORCEMENT NETWORK DATA ACCOUNTABILITY METRICS.**

Section 310 of title 31, United States Code, is amended—

(1) in subsection (b)(2)(C)—

(A) in clause (vi), by striking ''; and'' and inserting a semicolon;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(viii) generate feedback and report on the utility of the data access service described in subparagraph (B) and the information collected by the service to improve cooperation among data providers and users while reducing regulatory burden and preserving payment system efficiency.'';

(2) in subsection (c)—

(A) in paragraph (1)(C), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (2)(C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) for appropriate metrics to monitor, track, assess, and report on access to information contained in the data maintenance system maintained by FinCEN for—

''(A) identifying, tracking, and measuring how such information is used and the law enforcement results obtained as a consequence of that use; and

''(B) assuring accountability by law enforcement agencies for the utility, security, and privacy of such information while reducing unnecessary regulatory burdens.''.

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**SA 3682.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. TRUTH IN REGULATING ACT.**

(a) SHORT TITLE.—This section may be cited as the ''Truth in Regulating Act of 2014''.

(b) PURPOSES.—The purposes of this section are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

(c) DEFINITIONS.—In this section—

(1) the terms ''agency'', ''rule'', and ''rule making'' have the meanings given those terms under section 551 of title 5, United States Code;

(2) the term ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may—

(A) have an annual effect on the economy of $100,000,000 or more; or

(B) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) the term ''independent evaluation'' means a substantive evaluation of the data, methodology, and assumptions used by an agency in developing an economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of the strengths or weaknesses described in subparagraph (A) for the rule making; and

(4) the term ''pilot program'' means the program for reviewing and reporting on economically significant rules established under subsection (d).

(d) PILOT PROGRAM FOR REPORT ON RULES.—

(1) IN GENERAL.—

(A) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, the chair or ranking member of a committee of jurisdiction of either House of Congress may request that the Comptroller General of the United States review the rule.

(B) REPORT.—Subject to subparagraph (D), not later than 180 days after the Comptroller General receives a request under subparagraph (A) for review of an economically significant rule, the Comptroller General shall submit to each committee of jurisdiction in each House of Congress a report that includes an independent evaluation of the economically significant rule.

(C) INDEPENDENT EVALUATION.—The independent evaluation of an economically significant rule by the Comptroller General under subparagraph (B) shall include, with respect to the agency that published the rule—

(i) an evaluation of the analysis by the agency of the potential benefits of the rule, including—

(I) any beneficial effects that cannot be quantified in monetary terms; and

(II) the identification of the persons or entities likely to receive the benefits described in subclause (I);

(ii) an evaluation of the analysis by the agency of the potential costs of the rule, including—

(I) any adverse effects that cannot be quantified in monetary terms; and

(II) the identification of the persons or entities likely to bear the costs described in subclause (I);

(iii) an evaluation of—

(I) the analysis by the agency of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record; and

(II) any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(iv) a summary of—

(I) the results of the evaluation of the Comptroller General; and

(II) the implications of the results described in subclause (I).

(D) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General may develop procedures for determining the priority and number of requests for review under subparagraph (A) for which the Comptroller General submits a report under subparagraph (B).

(2) AUTHORITY OF COMPTROLLER GENERAL.—

(A) COOPERATION BY AGENCIES.—Each agency shall promptly cooperate with the Comptroller General in carrying out this section.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand or limit the authority of the Government Accountability Office.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Government Accountability Office to carry out this section $5,200,000 for each of the 3 fiscal years during the period described in subsection (f)(2)(A).

(f) EFFECTIVE DATE; DURATION OF PILOT PROGRAM; REPORT.—

(1) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

(2) DURATION OF PILOT PROGRAM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the pilot program shall be in effect for the 3-year period beginning on the effective date of this section.

(B) FAILURE TO APPROPRIATE FUNDS.—If a specific annual appropriation of not less than $5,200,000 is not made to carry out this section for a fiscal year, the pilot program shall not be in effect during that fiscal year.

(3) REPORT.—Not later than the last day of the period described in paragraph (2)(A), the Comptroller General shall submit to Congress a report that—

(A) reviews the effectiveness of the pilot program; and

(B) recommends whether or not Congress should permanently authorize the pilot program.

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**SA 3683.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. SMALL BUSINESS ADMINISTRATION STUDY ON THE COST OF FEDERAL REGULATIONS.**

(a) DEFINITION.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof;

(2) the term ''major rule'' has the meaning given that term under section 804 of title 5, United States Code; and

(3) the term ''small business concern'' has the meaning given that term under in section 3 of the Small Business Act (15 U.S.C. 632).

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall conduct a study on the total cost, including job losses, of Federal regulations to small business concerns.

(c) REQUIREMENT.—In conducting each study required under subsection (b), the Administrator shall use the best available estimates of the costs and the benefits, including estimates produced in accordance with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), disaggregated by each agency issuing a major rule, of—

(1) each major rule promulgated during the year covered by the study that resulted in a net cost to small business concerns; and

(2) the cumulative costs of such major rules.

(d) REPORT.—Not later than 90 days after completing a study required under subsection (b), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(1) the findings of the study; and

(2) for each study completed after the first study, the increase in the total cost of Federal regulations to small business concerns above the total cost included in the report for the preceding year.

(e) FUNDING.—

(1) IN GENERAL.—The Administrator shall carry out this section using unobligated funds otherwise made available to the Administration.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that no additional funds should be made available to the Administration to carry out this section.

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**SA 3684.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 4. SMALL BUSINESS ADMINISTRATION STUDY ON THE COST OF FEDERAL REGULATIONS.**

(a) DEFINITION.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof;

(2) the term ''major rule'' has the meaning given that term under section 804 of title 5, United States Code; and

(3) the term ''small business concern'' has the meaning given that term under in section 3 of the Small Business Act (15 U.S.C. 632).

(b) STUDY.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Administrator shall conduct a study on the total cost, including job losses, of Federal regulations to small business concerns.

(c) REQUIREMENT.—In conducting each study required under subsection (b), the Administrator shall use the best available estimates of the costs and the benefits, including estimates produced in accordance with Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), disaggregated by each agency issuing a major rule, of—

(1) each major rule promulgated during the year covered by the study that resulted in a net cost to small business concerns; and

(2) the cumulative costs of such major rules.

(d) REPORT.—Not later than 90 days after completing a study required under subsection (b), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(1) the findings of the study; and

(2) for each study completed after the first study, the increase in the total cost of Federal regulations to small business concerns above the total cost included in the report for the preceding year.

(e) FUNDING.—

(1) IN GENERAL.—The Administrator shall carry out this section using unobligated funds otherwise made available to the Administration.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that no additional funds should be made available to the Administration to carry out this section.

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**SA 3685.** Ms. COLLINS (for herself and Mr. CASEY) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

**SEC. 4. PERMANENT DOUBLING OF DEDUCTIONS FOR START-UP EXPENSES, ORGANIZATIONAL EXPENSES, AND SYNDICATION FEES.**

(a) START-UP EXPENSES.—

(1) IN GENERAL.—Clause (ii) of section 195(b)(1)(A) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$5,000'' and inserting ''$10,000'', and

(B) by striking ''$50,000'' and inserting ''$60,000''.

(2) CONFORMING AMENDMENT.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(b) ORGANIZATIONAL EXPENSES.—Subparagraph (B) of section 248 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$5,000'' and inserting ''$10,000'', and

(2) by striking ''$50,000'' and inserting ''$60,000''.

(c) ORGANIZATION AND SYNDICATION FEES.—Clause (ii) of section 709(b)(1)(A) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$5,000'' and inserting ''$10,000'', and

(2) by striking ''$50,000'' and inserting ''$60,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years ending on or after the date of the enactment of this Act.

**SEC. 5. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.**

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 of the Internal Revenue Code of 1986 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

''(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

''(A) for all prior taxable years beginning after December 31, 2013, the taxpayer (or any predecessor) met the gross receipts test of section 448(c), and

''(B) the taxpayer is not subject to section 447 or 448.''.

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) of such Code (relating to entities with gross receipts of not more than $5,000,000) is amended by striking ''$5,000,000'' in the text and in the heading and inserting ''$10,000,000''.

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking ''$5,000,000'' each place it appears in the text and in the heading of paragraph (1) and inserting ''$10,000,000'', and

(ii) by adding at the end the following new paragraph:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2014, the dollar amount contained in subsection (b)(3) and paragraph (1) of this subsection shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 of the Internal Revenue Code of 1986 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2013, such property shall be treated as a material or supply which is not incidental.

''(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

''(A) any eligible taxpayer (as defined in section 446(g)(2)), and

''(B) any taxpayer described in section 448(b)(3).''.

(2) INCREASED ELIGIBILITY FOR SIMPLIFIED DOLLAR-VALUE LIFO METHOD.—Section 474(c) is amended by striking ''$5,000,000'' and inserting ''the dollar amount in effect under section 448(c)(1)''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

**SEC. 6. PERMANENT EXTENSION OF EXPENSING LIMITATION.**

(a) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''shall not exceed'' and all that follows and inserting ''shall not exceed $250,000.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended by striking ''exceeds'' and all that follows and inserting ''exceeds $800,000.''.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 of such Code is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2014, the $250,000 in paragraph (1) and the $800,000 amount in paragraph (2) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of such Code is amended by striking ''and before 2014''.

(e) ELECTION.—Section 179(c)(2) of such Code is amended by striking ''and before 2014''.

(f) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of such Code is amended by striking ''beginning in 2010, 2011, 2012, or 2013'' and inserting ''beginning after 2009''.

(2) CONFORMING AMENDMENT.—Section 179(f) of such Code is amended by striking paragraph (4).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

**SEC. 7. EXTENSION OF BONUS DEPRECIATION.**

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2015'' in subparagraph (A)(iv) and inserting ''January 1, 2016'', and

(2) by striking ''January 1, 2014'' each place it appears and inserting ''January 1, 2015''.

(b) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Clause (ii) of section 460(c)(6)(B) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2014 (January 1, 2015'' and inserting ''January 1, 2015 (January 1, 2016''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking ''JANUARY 1, 2014'' and inserting ''JANUARY 1, 2015''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2014'' and inserting ''PRE-JANUARY 1, 2015''.

(3) Section 168(k)(4)(D) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2015' shall be substituted for 'January 1, 2016' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2014' shall be substituted for 'January 1, 2015' each place it appears in subparagraph (A) thereof.''.

(4) Section 168(l)(4) of such Code is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) by substituting 'January 1, 2014' for 'January 1, 2015' in clause (i) thereof, and''.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013, in taxable years ending after such date.

**SEC. 8. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) of the Internal Revenue Code of 1986 are each amended by striking ''January 1, 2014'' and inserting ''January 1, 2015''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2013.

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**SA 3686.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

**SEC. 4. ELIMINATION OF DISINCENTIVE TO POOLING FOR MULTIPLE EMPLOYER PLANS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe final regulations under which a plan described in section 413(c) of the Internal Revenue Code of 1986 may be treated as satisfying the qualification requirements of section 401(a) of such Code despite the violation of such requirements with respect to one or more participating employers. Such rules may require that the portion of the plan attributable to such participating employers be spun off to plans maintained by such employers.

**SEC. 5. MODIFICATION OF ERISA RULES RELATING TO MULTIPLE EMPLOYER DEFINED CONTRIBUTION PLANS.**

(a) IN GENERAL.—

(1) REQUIREMENT OF COMMON INTEREST.—Section 3(2) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(C)(i) A qualified multiple employer plan shall not fail to be treated as an employee pension benefit plan or pension plan solely because the employers sponsoring the plan share no common interest.

''(ii) For purposes of this subparagraph, the term 'qualified multiple employer plan' means a plan described in section 413(c) of the Internal Revenue Code of 1986 which—

''(I) is an individual account plan with respect to which the requirements of clauses (iii), (iv), and (v) are met, and

''(II) includes in its annual report required to be filed under section 104(a) the name and identifying information of each participating employer.

''(iii) The requirements of this clause are met if, under the plan, each participating employer retains fiduciary responsibility for—

''(I) the selection and monitoring of the named fiduciary, and

''(II) the investment and management of the portion of the plan's assets attributable to employees of the employer to the extent not otherwise delegated to another fiduciary.

''(iv) The requirements of this clause are met if, under the plan, a participating employer is not subject to unreasonable restrictions, fees, or penalties by reason of ceasing participation in, or otherwise transferring assets from, the plan.

''(v) The requirements of this clause are met if each participating employer in the plan is an eligible employer as defined in section 408(p)(2)(C)(i) of the Internal Revenue Code of 1986, applied—

''(I) by substituting '500' for '100' in subclause (I) thereof,

''(II) by substituting '5' for '2' each place it appears in subclause (II) thereof, and

''(III) without regard to the last sentence of subclause (II) thereof.''.

(2) SIMPLIFIED REPORTING FOR SMALL MULTIPLE EMPLOYER PLANS.—Section 104(a) of such Act (29 U.S.C. 1024(a)) is amended by adding at the end the following:

''(7)(A) In the case of any eligible small multiple employer plan, the Secretary may by regulation—

''(i) prescribe simplified summary plan descriptions, annual reports, and pension benefit statements for purposes of section 102, 103, or 105, respectively, and

''(ii) waive the requirement under section 103(a)(3) to engage an independent qualified public accountant in cases where the Secretary determines it appropriate.

''(B) For purposes of this paragraph, the term 'eligible small multiple employer plan' means, with respect to any plan year—

''(i) a qualified multiple employer plan, as defined in section 3(2)(C)(ii), or

''(ii) any other plan described in section 413(c) of the Internal Revenue Code of 1986 that satisfies the requirements of clause (v) of section 3(2)(C).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2014.

**SEC. 6. SECURE DEFERRAL ARRANGEMENTS.**

(a) IN GENERAL.—Subsection (k) of section 401 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(14) ALTERNATIVE METHOD FOR SECURE DEFERRAL ARRANGEMENTS TO MEET NONDISCRIMINATION REQUIREMENTS.—

''(A) IN GENERAL.—A secure deferral arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).

''(B) SECURE DEFERRAL ARRANGEMENT.—For purposes of this paragraph, the term 'secure deferral arrangement' means any cash or deferred arrangement which meets the requirements of subparagraphs (C), (D), and (E) of paragraph (13), except as modified by this paragraph.

''(C) QUALIFIED PERCENTAGE.—For purposes of this paragraph, with respect to any employee, the term 'qualified percentage' means, in lieu of the meaning given such term in paragraph (13)(C)(iii), any percentage determined under the arrangement if such percentage is applied uniformly and is—

''(i) at least 6 percent, but not greater than 10 percent, during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in paragraph (13)(C)(i) is made with respect to such employee,

''(ii) at least 8 percent during the first plan year following the plan year described in clause (i), and

''(iii) at least 10 percent during any subsequent plan year.

''(D) MATCHING CONTRIBUTIONS.—

''(i) IN GENERAL.—For purposes of this paragraph, an arrangement shall be treated as having met the requirements of paragraph (13)(D)(i) if and only if the employer makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to the sum of—

''(I) 100 percent of the elective contributions of the employee to the extent that such contributions do not exceed 1 percent of compensation,

''(II) 50 percent of so much of such contributions as exceed 1 percent but do not exceed 6 percent of compensation, plus

''(III) 25 percent of so much of such contributions as exceed 6 percent but do not exceed 10 percent of compensation.

''(ii) APPLICATION OF RULES FOR MATCHING CONTRIBUTIONS.—The rules of clause (ii) of paragraph (12)(B) and clauses (iii) and (iv) of paragraph (13)(D) shall apply for purposes of clause (i) but the rule of clause (iii) of paragraph (12)(B) shall not apply for such purposes. The rate of matching contribution for each incremental deferral must be at least as high as the rate specified in clause (i), and may be higher, so long as such rate does not increase as an employee's rate of elective contributions increases.''.

(b) MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS.—Subsection (m) of section 401 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

''(13) ALTERNATIVE METHOD FOR SECURE DEFERRAL ARRANGEMENTS.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions and employee contributions if the plan—

''(A) is a secure deferral arrangement (as defined in subsection (k)(14)),

''(B) meets the requirements of clauses (ii) and (iii) of paragraph (11)(B), and

''(C) provides that matching contributions on behalf of any employee may not be made with respect to an employee's contributions or elective deferrals in excess of 10 percent of the employee's compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2014.

**SEC. 7. CREDIT FOR EMPLOYERS WITH RESPECT TO MODIFIED SAFE HARBOR REQUIREMENTS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**''SEC. 45S. CREDIT FOR SMALL EMPLOYERS WITH RESPECT TO MODIFIED SAFE HARBOR REQUIREMENTS FOR AUTOMATIC CONTRIBUTION ARRANGEMENTS.**

''(a) GENERAL RULE.—For purposes of section 38, in the case of a small employer, the safe harbor adoption credit determined under this section for any taxable year is the amount equal to the total of the employer's matching contributions under section 401(k)(14)(D) during the taxable year on behalf of employees who are not highly compensated employees, subject to the limitations of subsection (b).

''(b) LIMITATIONS.—

''(1) LIMITATION WITH RESPECT TO COMPENSATION.—The credit determined under subsection (a) with respect to contributions made on behalf of an employee who is not a highly compensated employee shall not exceed 2 percent of the compensation of such employee for the taxable year.

''(2) LIMITATION WITH RESPECT TO YEARS OF PARTICIPATION.—Credit shall be determined under subsection (a) with respect to contributions made on behalf of an employee who is not a highly compensated employee only during the first 5 years such employee participates in the qualified automatic contribution arrangement.

''(c) DEFINITIONS.—

''(1) IN GENERAL.—Any term used in this section which is also used in section 401(k)(14) shall have the same meaning as when used in such section.

''(2) SMALL EMPLOYER.—The term 'small employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)).

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowable under this title for any contribution with respect to which a credit is allowed under this section.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''plus'' at the end of paragraph (35),

(2) by striking the period at the end of paragraph (36) and inserting '', plus'', and

(3) by adding at the end the following new paragraph:

''(37) the safe harbor adoption credit determined under section 45S.''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 45R the following new item:

''Sec. 45S. Credit for small employers with respect to modified safe harbor requirements for automatic contribution arrangements.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years that include any portion of a plan year beginning after December 31, 2014.

**SEC. 8. MODIFICATION OF REGULATIONS.**

The Secretary of the Treasury shall promulgate regulations or other guidance that—

(1) simplify and clarify the rules regarding the timing of participant notices required under section 401(k)(13)(E) of the Internal Revenue Code of 1986, with specific application to—

(A) plans that allow employees to be eligible for participation immediately upon beginning employment, and

(B) employers with multiple payroll and administrative systems, and

(2) simplify and clarify the automatic escalation rules under sections 401(k)(13)(C)(iii) and 401(k)(14)(C) of the Internal Revenue Code of 1986 in the context of employers with multiple payroll and administrative systems.

Such regulations or guidance shall address the particular case of employees within the same plan who are subject to different notice timing and different percentage requirements, and provide assistance for plan sponsors in managing such cases.

**SEC. 9. OPPORTUNITY TO CLAIM THE SAVER'S CREDIT ON FORM 1040EZ.**

The Secretary of the Treasury shall modify the forms for the return of tax of individuals in order to allow individuals claiming the credit under section 25B of the Internal Revenue Code of 1986 to file (and claim such credit on) Form 1040EZ.

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**SA 3687.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. DEFINITION OF FULL-TIME EMPLOYEE FOR CALENDAR YEAR 2015.**

With respect to calendar year 2015, the Secretary of the Treasury shall implement and enforce section 4980H(c) of the Internal Revenue Code of 1986 as if—

(1) in paragraph (2)(E), ''by 174'' is substituted for ''by 120''; and

(2) in paragraph (4)(A), ''40 hours'' is substituted for ''30 hours''.

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**SA 3688.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2410, to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—EMBASSY SECURITY AND FOREIGN ASSISTANCE AND ARMS EXPORT AUTHORITIES**

**SEC. 1801. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**

In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**Subtitle A—Embassy Security**

**SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the ''Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty Embassy Security, Threat Mitigation, and Personnel Protection Act of 2014''.

**SEC. 1812. DEFINITIONS.**

In this subtitle:

(1) FACILITIES.—The term ''facilities'' includes embassies, consulates, expeditionary diplomatic facilities, and any other diplomatic facility outside of the United States, including facilities intended for temporary use.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of State.

**PART I—FUNDING AUTHORIZATION AND TRANSFER AUTHORITY**

**SEC. 1816. CAPITAL SECURITY COST SHARING PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State $1,356,000,000 for fiscal year 2015, which shall remain available until expended, for the Capital Security Cost Sharing Program, authorized under section 604(e) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note).

(b) SENSE OF CONGRESS ON THE CAPITAL SECURITY COST SHARING PROGRAM.—It is the sense of Congress that—

(1) the Capital Security Cost Sharing Program should prioritize the construction of new facilities and the maintenance of existing facilities in high threat, high risk areas in addition to addressing immediate threat mitigation as set forth in section 1817, and should take into consideration the priorities of other government agencies that are contributing to the Capital Security Cost Sharing Program when replacing or upgrading diplomatic facilities; and

(2) all United States Government agencies are required to pay into the Capital Security Cost Sharing Program a percentage of total costs determined by interagency agreements, in order to address immediate threat mitigation needs and increase funds for the Capital Security Cost Sharing Program for fiscal year 2015, including to address inflation and increased construction costs.

(c) RESTRICTION ON CONSTRUCTION OF OFFICE SPACE.—Section 604(e)(2) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C. 4865 note) is amended by adding at the end the following: ''A project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary determines that such department or agency has not provided to the Department of State the full amount of funding required by paragraph (1), except that such project may include office space or other accommodations for members of the United States Marine Corps.''.

**SEC. 1817. IMMEDIATE THREAT MITIGATION.**

(a) ALLOCATION OF AUTHORIZED APPROPRIATIONS.—In addition to any amounts otherwise made available for such purposes, the Department of State shall, notwithstanding any other provision of law except as provided in subsection (d), use up to $300,000,000 of the funding provided in section 1816 for immediate threat mitigation projects, with priority given to facilities determined to be ''high threat, high risk'' pursuant to section 1837.

(b) ALLOCATION OF FUNDING.—In allocating funding for threat mitigation projects, the Secretary shall prioritize funding for—

(1) the construction of safeguards that provide immediate security benefits;

(2) the purchasing of additional security equipment, including additional defensive weaponry;

(3) the paying of expenses of additional security forces, with an emphasis on funding United States security forces where practicable; and

(4) any other purposes necessary to mitigate immediate threats to United States personnel serving overseas.

(c) TRANSFER.—The Secretary may transfer and merge funds authorized under subsection (a) to any appropriation account of the Department of State for the purpose of carrying out the threat mitigation projects described in subsection (b).

(d) USE OF FUNDS FOR OTHER PURPOSES.—Notwithstanding the allocation requirement under subsection (a), funds subject to such requirement may be used for other authorized purposes of the Capital Security Cost Sharing Program if, not later than 15 days prior to such use, the Secretary certifies in writing to the appropriate congressional committees that—

(1) high threat, high risk facilities are being secured to the best of the United States Government's ability; and

(2) the Secretary will make funds available from the Capital Security Cost Sharing Program or other sources to address any changed security threats or risks, or new or emergent security needs, including immediate threat mitigation.

**SEC. 1818. LANGUAGE TRAINING.**

(a) IN GENERAL.—Title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851 et seq.) is amended by adding at the end the following:

**''SEC. 416. LANGUAGE REQUIREMENTS FOR DIPLOMATIC SECURITY PERSONNEL ASSIGNED TO HIGH THREAT, HIGH RISK POSTS.**

''(a) IN GENERAL.—Diplomatic security personnel assigned permanently to, or who are serving in, long-term temporary duty status as designated by the Secretary of State at a high threat, high risk post should receive language training described in subsection (b) in order to prepare such personnel for duty requirements at such post.

''(b) LANGUAGE TRAINING DESCRIBED.—Language training referred to in subsection (a) should prepare personnel described in such subsection—

''(1) to speak the language at issue with sufficient structural accuracy and vocabulary to participate effectively in most formal and informal conversations on subjects germane to security; and

''(2) to read within an adequate range of speed and with almost complete comprehension on subjects germane to security.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 annually for fiscal years 2015 and 2016 to carry out this section.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General of the Department of State and Broadcasting Board of Governors shall, at the end of fiscal years 2015 and 2016, review the language training conducted pursuant to this section and make the results of such reviews available to the Secretary and the appropriate congressional committees.

**SEC. 1819. FOREIGN AFFAIRS SECURITY TRAINING.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Department of State employees and their families deserve improved and efficient programs and facilities for high threat training and training on risk management decision processes;

(2) improved and efficient high threat, high risk training is consistent with the Benghazi Accountability Review Board (ARB) recommendation number 17;

(3) improved and efficient security training should take advantage of training synergies that already exist, like training with, or in close proximity to, Fleet Antiterrorism Security Teams (FAST), special operations forces, or other appropriate military and security assets; and

(4) the Secretary should undertake temporary measures, including leveraging the availability of existing government and private sector training facilities, to the extent appropriate to meet the critical security training requirements of the Department of State.

(b) AUTHORIZATION OF APPROPRIATIONS FOR IMMEDIATE SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.—There is authorized to be appropriated for the Department of State $100,000,000 for improved immediate security training for high threat, high risk security environments, including through the utilization of government or private sector facilities to meet critical security training requirements.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR LONG-TERM SECURITY TRAINING FOR HIGH THREAT, HIGH RISK ENVIRONMENTS.—

(1) IN GENERAL.—There is authorized to be appropriated $350,000,000 for the acquisition, construction, and operation of a new Foreign Affairs Security Training Center or expanding existing government training facilities, subject to the certification requirement in paragraph (2).

(2) REQUIRED CERTIFICATION.—Not later than 15 days prior to the obligation or expenditure of any funds authorized to be appropriated pursuant to paragraph (1), the President shall certify to the appropriate congressional committees that the acquisition, construction, and operation of a new Foreign Affairs Security Training Center, or the expansion of existing government training facilities, is necessary to meet long-term security training requirements for high threat, high risk environments.

(3) EFFECT OF CERTIFICATION.—If the certification in paragraph (2) is made—

(A) up to $100,000,000 of the funds authorized to be appropriated under subsection (b) shall also be authorized for the purposes set forth in paragraph (1); or

(B) up to $100,000,000 of funds available for the acquisition, construction, or operation of Department of State facilities may be transferred and used for the purposes set forth in paragraph (1).

**SEC. 1820. TRANSFER AUTHORITY.**

Section 4 of the Foreign Service Buildings Act of 1926 (22 U.S.C. 295) is amended by adding at the end the following:

''(j)(1) In addition to exercising any other transfer authority available to the Secretary of State, and subject to subsection (k), the Secretary may transfer to, and merge with, any appropriation for embassy security, construction, and maintenance such amounts appropriated for any other purpose related to diplomatic and consular programs on or after October 1, 2014, as the Secretary determines are necessary to provide for the security of sites and buildings in foreign countries under the jurisdiction and control of the Secretary.

''(2) Any funds transferred under the authority provided in paragraph (1) shall be merged with funds in the heading to which transferred, and shall be available subject to the same terms and conditions as the funds with which merged.

''(k) Not later than 15 days before any transfer of funds under subsection (j), the Secretary shall notify the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.''.

## PART II—CONTRACTING AND OTHER MATTERS

**SEC. 1821. LOCAL GUARD CONTRACTS ABROAD UNDER DIPLOMATIC SECURITY PROGRAM.**

(a) IN GENERAL.—Section 136(c)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

''(3) in evaluating proposals for such contracts, award contracts to technically acceptable firms offering the lowest evaluated price, except that—

''(A) the Secretary may award contracts on the basis of best value (as determined by a cost-technical tradeoff analysis); and

''(B) proposals received from United States persons and qualified United States joint venture persons shall be evaluated by reducing the bid price by 10 percent;''.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes—

(1) an explanation of the implementation of paragraph (3) of section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended by subsection (a); and

(2) for each instance in which an award is made pursuant to subparagraph (A) of such paragraph, as so amended, a written justification and approval, providing the basis for such award and an explanation of the inability to satisfy the needs of the Department of State by technically acceptable, lowest price evaluation award.

**SEC. 1822. DISCIPLINARY ACTION RESULTING FROM UNSATISFACTORY LEADERSHIP IN RELATION TO A SECURITY INCIDENT.**

Section 304(c) of the Diplomatic Security Act (22 U.S.C. 4834 (c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking ''RECOMMENDATIONS'' and inserting the following: ''RECOMMENDATIONS.—

''(1) IN GENERAL.—Whenever''; and

(3) by inserting at the end the following:

''(2) CERTAIN SECURITY INCIDENTS.—Unsatisfactory leadership by a senior official with respect to a security incident involving loss of life, serious injury, or significant destruction of property at or related to a United States Government mission abroad may be grounds for disciplinary action. If a Board finds reasonable cause to believe that a senior official provided such unsatisfactory leadership, the Board may recommend disciplinary action subject to the procedures in paragraph (1).''.

**SEC. 1823. MANAGEMENT AND STAFF ACCOUNTABILITY.**

(a) AUTHORITY OF SECRETARY OF STATE.—Nothing in this subtitle or any other provision of law may be construed to prevent the Secretary from using all authorities invested in the office of Secretary to take personnel action against any employee or official of the Department of State that the Secretary determines has breached the duty of that individual or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or a serious breach of security, even if such action is the subject of an Accountability Review Board's examination under section 304(a) of the Diplomatic Security Act (22 U.S.C. 4834(a)).

(b) ACCOUNTABILITY.—Section 304 of the Diplomatic Security Act (22 U.S.C. 4834) is amended—

(1) in subsection (c), by inserting ''or has engaged in misconduct or unsatisfactorily performed the duties of employment of that individual, and such misconduct or unsatisfactory performance has significantly contributed to the serious injury, loss of life, or significant destruction of property, or the serious breach of security that is the subject of the Board's examination as described in subsection (a),'' after ''breached the duty of that individual'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) MANAGEMENT ACCOUNTABILITY.—If a Board determines that an individual has engaged in any conduct addressed in subsection (c), the Board shall evaluate the level and effectiveness of management and oversight conducted by employees or officials in the management chain of such individual.''.

**SEC. 1824. SECURITY ENHANCEMENTS FOR SOFT TARGETS.**

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended in the third sentence by inserting ''physical security enhancements and'' after ''Such assistance may include''.

**SEC. 1825. REEMPLOYMENT OF ANNUITANTS.**

Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(1) in paragraph (1)(B), by striking ''to facilitate the'' and all that follows through ''Afghanistan, if'' and inserting ''to facilitate the assignment of persons to high threat, high risk posts or to posts vacated by members of the Service assigned to high threat, high risk posts, if'';

(2) by amending paragraph (2) to read as follows:

''(2) The Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the incurred costs over the prior fiscal year of the total compensation and benefit payments to annuitants reemployed by the Department pursuant to this section.''; and

(3) by adding after paragraph (3) the following:

''(4) In the event that an annuitant qualified for compensation or payments pursuant to this subsection subsequently transfers to a position for which the annuitant would not qualify for a waiver under this subsection, the Secretary may no longer waive the application of subsections (a) through (d) with respect to such annuitant.

''(5) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to this subsection shall terminate on October 1, 2019.''.

**PART III—EXPANSION OF THE MARINE CORPS SECURITY GUARD DETACHMENT PROGRAM**

**SEC. 1831. MARINE CORPS SECURITY GUARD PROGRAM.**

(a) IN GENERAL.—Pursuant to the responsibility of the Secretary for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), the Secretary, in coordination with the Secretary of Defense, shall—

(1) develop and implement a plan to incorporate the additional Marine Corps Security Guard personnel authorized under section 404 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 5983 note) at United States embassies, consulates, and other facilities; and

(2) conduct an annual review of the Marine Corps Security Guard Program, including—

(A) an evaluation of whether the size and composition of the Marine Corps Security Guard Program is adequate to meet global diplomatic security requirements;

(B) an assessment of whether Marine Corps security guards are appropriately deployed among facilities to respond to evolving security developments and potential threats to United States interests abroad; and

(C) an assessment of the mission objectives of the Marine Corps Security Guard Program and the procedural rules of engagement to protect diplomatic personnel under the Program.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary, in coordination with the Secretary of Defense, shall submit to the appropriate congressional committees an unclassified report, with a classified annex as necessary, that addresses the requirements set forth in subsection (a)(2).

**PART IV—REPORTING ON THE IMPLEMENTATION OF THE ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS**

**SEC. 1836. DEPARTMENT OF STATE IMPLEMENTATION OF THE RECOMMENDATIONS PROVIDED BY THE ACCOUNTABILITY REVIEW BOARD CONVENED AFTER THE SEPTEMBER 11–12, 2012, ATTACKS ON UNITED STATES GOVERNMENT PERSONNEL IN BENGHAZI, LIBYA.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees an unclassified report, with a classified annex, on the implementation by the Department of State of the recommendations of the Accountability Review Board convened pursuant to title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.) to examine the facts and circumstances surrounding the September 11–12, 2012, killings of 4 United States Government personnel in Benghazi, Libya.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) an assessment of the overall state of the Department of State's diplomatic security to respond to the evolving global threat environment, and the broader steps the Department of State is taking to improve the security of United States diplomatic personnel in the aftermath of the Accountability Review Board Report;

(2) a description of the specific steps taken by the Department of State to address each of the 29 recommendations contained in the Accountability Review Board Report, including—

(A) an assessment of whether implementation of each recommendation is ''complete'' or is still ''in progress''; and

(B) if the Secretary determines not to fully implement any of the 29 recommendations in the Accountability Review Board Report, a thorough explanation as to why such a decision was made; and

(3) an enumeration and assessment of any significant challenges that have slowed or interfered with the Department of State's implementation of the Accountability Review Board recommendations, including—

(A) a lack of funding or resources made available to the Department of State;

(B) restrictions imposed by current law that in the Secretary's judgment should be amended; and

(C) difficulties caused by a lack of coordination between the Department of State and other United States Government agencies.

**SEC. 1837. DESIGNATION AND REPORTING FOR HIGH THREAT, HIGH RISK FACILITIES.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director of National Intelligence and the Secretary of Defense, shall submit to the Committee on Foreign Relations of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Armed Services of the Senate, Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Armed Services of the House of Representatives a classified report, with an unclassified summary, evaluating Department of State facilities that the Secretary determines to be ''high threat, high risk'' in accordance with subsection (c).

(b) CONTENT.—For each facility determined to be ''high threat, high risk'' pursuant to subsection (a), the report submitted under such subsection shall also include—

(1) a narrative assessment describing the security threats and risks facing posts overseas and the overall threat level to United States personnel under chief of mission authority;

(2) the number of diplomatic security personnel, Marine Corps security guards, and other Department of State personnel dedicated to providing security for United States personnel, information, and facilities;

(3) an assessment of host nation willingness and capability to provide protection in the event of a security threat or incident, pursuant to the obligations of the United States under the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and the 1961 Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961;

(4) an assessment of the quality and experience level of the team of United States senior security personnel assigned to the facility, considering collectively the assignment durations and lengths of government experience;

(5) the number of Foreign Service Officers who have received Foreign Affairs Counter Threat training;

(6) a summary of the requests made during the previous calendar year for additional resources, equipment, or personnel related to the security of the facility and the status of such requests;

(7) an assessment of the ability of United States personnel to respond to and survive a fire attack, including—

(A) whether the facility has adequate fire safety and security equipment for safe havens and safe areas; and

(B) whether the employees working at the facility have been adequately trained on the equipment available;

(8) for each new facility that is opened, a detailed description of the steps taken to provide security for the new facility, including whether a dedicated support cell was established in the Department of State to ensure proper and timely resourcing of security; and

(9) a listing of any ''high-threat, high-risk'' facilities where the Department of State and other government agencies' facilities are not collocated including—

(A) a rationale for the lack of collocation; and

(B) a description of what steps, if any, are being taken to mitigate potential security vulnerabilities associated with the lack of collocation.

(c) DETERMINATION OF HIGH THREAT, HIGH RISK FACILITY.—In determining what facilities constitute ''high threat, high risk facilities'' under this section, the Secretary shall take into account with respect to each facility whether there are—

(1) high to critical levels of political violence or terrorism;

(2) national or local governments with inadequate capacity or political will to provide appropriate protection; and

(3) in locations where there are high to critical levels of political violence or terrorism or national or local governments lack the capacity or political will to provide appropriate protection—

(A) mission physical security platforms that fall well below the Department of State's established standards; or

(B) security personnel levels that are insufficient for the circumstances.

(d) INSPECTOR GENERAL REVIEW AND REPORT.—The Inspector General for the Department of State and the Broadcasting Board of Governors shall, on an annual basis—

(1) review the determinations of the Department of State with respect to high threat, high risk facilities, including the basis for making such determinations;

(2) review contingency planning for high threat, high risk facilities and evaluate the measures in place to respond to attacks on such facilities;

(3) review the risk mitigation measures in place at high threat, high risk facilities to determine how the Department of State evaluates risk and whether the measures put in place sufficiently address the relevant risks;

(4) review early warning systems in place at high threat, high risk facilities and evaluate the measures being taken to preempt and disrupt threats to such facilities; and

(5) provide to the appropriate congressional committees an assessment of the determinations of the Department of State with respect to high threat, high risk facilities, including recommendations for additions or changes to the list of such facilities, and a report regarding the reviews and evaluations undertaken pursuant to paragraphs (1) through (4) and this paragraph.

**SEC. 1838. DESIGNATION AND REPORTING FOR HIGH-RISK COUNTERINTELLIGENCE THREAT POSTS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in conjunction with appropriate officials in the intelligence community and the Secretary of Defense, shall submit to the appropriate committees of Congress a report assessing the counterintelligence threat to United States diplomatic facilities in Priority 1 Counterintelligence Threat Nations, including—

(1) an assessment of the use of locally employed staff and guard forces and a listing of diplomatic facilities in Priority 1 Counterintelligence Threat Nations without controlled access areas; and

(2) recommendations for mitigating any counterintelligence threats and for any necessary facility upgrades, including costs assessment of any recommended mitigation or upgrades so recommended.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Foreign Affairs of the House of Representatives;

(F) the Permanent Select Committee on Intelligence of the House of Representatives

(G) the Committee on Armed Services of the House of Representatives; and

(H) the Committee on Appropriations of the House of Representatives.

(2) PRIORITY 1 COUNTERINTELLIGENCE THREAT NATION.—The term ''Priority 1 Counterintelligence Threat Nation'' means a country designated as such by the October 2012 National Intelligence Priorities Framework (NIPF).

**SEC. 1839. COMPTROLLER GENERAL REPORT ON IMPLEMENTATION OF BENGHAZI ACCOUNTABILITY REVIEW BOARD RECOMMENDATIONS.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the progress of the Department of State in implementing the recommendations of the Benghazi Accountability Review Board.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the progress the Department of State has made in implementing each specific recommendation of the Accountability Review Board; and

(2) a description of any impediments to recommended reforms, such as budget constraints, bureaucratic obstacles within the Department or in the broader interagency community, or limitations under current law.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

**SEC. 1840. SECURITY ENVIRONMENT THREAT LIST BRIEFINGS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and upon each subsequent update of the Security Environment Threat List (referred to in this section as the ''SETL''), the Bureau of Diplomatic Security shall provide classified briefings to the appropriate congressional committees on the SETL.

(b) CONTENT.—The briefings required under subsection (a) shall include—

(1) an overview of the SETL; and

(2) a summary assessment of the security posture of those facilities where the SETL assesses the threat environment to be most acute, including factors that informed such assessment.

## PART V—ACCOUNTABILITY REVIEW BOARDS

**SEC. 1841. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the Accountability Review Board mechanism outlined in section 302 of the Omnibus Diplomatic Security and Antiterrorism Act (22 U.S.C. 4832) is an effective tool to collect information about and evaluate adverse incidents that occur in a world that is increasingly complex and dangerous for United States diplomatic personnel; and

(2) the Accountability Review Board should provide information and analysis that will assist the Secretary, the President, and Congress in determining what contributed to an adverse incident as well as what new measures are necessary in order to prevent the recurrence of such incidents.

**SEC. 1842. PROVISION OF COPIES OF ACCOUNTABILITY REVIEW BOARD REPORTS TO CONGRESS.**

Not later than 2 days after an Accountability Review Board provides its report to the Secretary in accordance with title III of the Omnibus Diplomatic and Antiterrorism Act of 1986 (22 U.S.C. 4831 et seq.), the Secretary shall provide copies of the report to the appropriate congressional committees for retention and review by those committees.

**SEC. 1843. CHANGES TO EXISTING LAW.**

(a) MEMBERSHIP.—Section 302(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4832(a)) is amended by inserting ''1 of which shall be a former Senate-confirmed Inspector General of a Federal department or agency,'' after ''4 appointed by the Secretary of State,''.

(b) STAFF.—Section 302(b)(2) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4832(b)(2)) is amended by adding at the end the following: ''Such persons shall be drawn from bureaus or other agency subunits that are not impacted by the incident that is the subject of the Board's review.''.

## PART VI—OTHER MATTERS

**SEC. 1845. ENHANCED QUALIFICATIONS FOR DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.**

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 is amended by inserting after section 206 (22 U.S.C. 4824) the following:

**''SEC. 207. DEPUTY ASSISTANT SECRETARY OF STATE FOR HIGH THREAT, HIGH RISK POSTS.**

''The individual serving as Deputy Assistant Secretary of State for High Threat, High Risk Posts shall have 1 or more of the following qualifications:

''(1) Service during the last 6 years at 1 or more posts designated as High Threat, High Risk by the Department of State at the time of service.

''(2) Previous service as the office director or deputy director of 1 or more of the following Department of State offices or successor entities carrying out substantively equivalent functions:

''(A) The Office of Mobile Security Deployments.

''(B) The Office of Special Programs and Coordination.

''(C) The Office of Overseas Protective Operations.

''(D) The Office of Physical Security Programs.

''(E) The Office of Intelligence and Threat Analysis.

''(3) Previous service as the Regional Security Officer at 2 or more overseas posts.

''(4) Other government or private sector experience substantially equivalent to service in the positions listed in paragraphs (1) through (3).''.

### Subtitle B—Naval Vessel Transfers and Security Enhancement

**SEC. 1851. SHORT TITLE.**

This subtitle may be cited as the ''Naval Vessel Transfer and Security Enhancement Act of 2014''.

**SEC. 1852. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.**

(a) TRANSFER BY GRANT TO GOVERNMENT OF MEXICO.—The President is authorized to transfer to the Government of Mexico on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG–38) and USS MCCLUSKY (FFG–41).

(b) TRANSFER BY SALE TO THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG–50), USS GARY (FFG–51), USS CARR (FFG–52), and USS ELROD (FFG–55) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a), (b), and (c) to transfer specific vessels to specific countries, the President is authorized to transfer any vessel named in this title to any country named in this section, subject to the same conditions that would apply for such country under this section, such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this section.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) or (c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

**SEC. 1853. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.**

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking ''$425,000,000'' and inserting ''$500,000,000''.

**SEC. 1854. INTEGRATED AIR AND MISSILE DEFENSE PROGRAMS AT TRAINING LOCATIONS IN SOUTHWEST ASIA.**

Section 544(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c(c)) is amended by adding at the end the following new paragraph:

''(4) The President shall report to the appropriate congressional committees (as defined in section 656(e)) annually on the activities undertaken in the programs authorized under this subsection.''.

### Subtitle C—Amendments to Arms Export Control Act to Enhance Congressional Oversight

**SEC. 1861. ENHANCED CONGRESSIONAL OVERSIGHT OF FOREIGN MILITARY SALES.**

Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

''(i) PRIOR NOTIFICATION OF SHIPMENT OF ARMS.—At least 30 days prior to a shipment of defense articles subject to the requirements of subsection (b) at the joint request of the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives, the Secretary of State shall provide notification of such pending shipment, in unclassified form, with a classified annex as necessary, to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.''.

**SEC. 1862. LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.**

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following new subsection:

''(k) LICENSING OF CERTAIN COMMERCE-CONTROLLED ITEMS.—

''(1) IN GENERAL.—A license or other approval from the Department of State granted in accordance with this section may also authorize the export of items subject to the Export Administration Regulations if such items are to be used in or with defense articles controlled on the United States Munitions List.

''(2) OTHER REQUIREMENTS.—The following requirements shall apply with respect to a license or other approval to authorize the export of items subject to the Export Administration Regulations under paragraph (1):

''(A) Separate approval from the Department of Commerce shall not be required for such items if such items are approved for export under a Department of State license or other approval.

''(B) Such items subject to the Export Administration Regulations that are exported pursuant to a Department of State license or other approval would remain under the jurisdiction of the Department of Commerce with respect to any subsequent transactions.

''(C) The inclusion of the term 'subject to the EAR' or any similar term on a Department of State license or approval shall not affect the jurisdiction with respect to such items.

''(3) DEFINITION.—In this subsection, the term 'Export Administration Regulations' means—

''(A) the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

''(B) any successor regulations.''.

**SEC. 1863. AMENDMENTS RELATING TO REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.**

(a) REQUIREMENTS FOR REMOVAL OF MAJOR DEFENSE EQUIPMENT FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the President shall take such actions as may be necessary to require that, at the time of export or reexport of any major defense equipment listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, the major defense equipment will not be subsequently modified so as to transform such major defense equipment into a defense article.

''(B) The President may authorize the transformation of any major defense equipment described in subparagraph (A) into a defense article if the President—

''(i) determines that such transformation is appropriate and in the national interests of the United States; and

''(ii) provides notice of such transformation to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate consistent with the notification requirements of section 36(b)(5)(A) of this Act.

''(C) In this paragraph, the term 'defense article' means an item designated by the President pursuant to subsection (a)(1).''.

(b) NOTIFICATION AND REPORTING REQUIREMENTS FOR MAJOR DEFENSE EQUIPMENT REMOVED FROM UNITED STATES MUNITIONS LIST.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as amended by this section, is further amended by adding at the end the following:

''(6) The President shall ensure that any major defense equipment that is listed on the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations, shall continue to be subject to the notification and reporting requirements of the following provisions of law:

''(A) Section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)).

''(B) Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415).

''(C) Section 3(d)(3)(A) of this Act.

''(D) Section 25 of this Act.

''(E) Section 36(b), (c), and (d) of this Act.''.

**SEC. 1864. AMENDMENT TO DEFINITION OF "SECURITY ASSISTANCE" UNDER THE FOREIGN ASSISTANCE ACT OF 1961.**

Section 502B(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(d)) is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by amending paragraph (2)(C) to read as follows:

''(C) any license in effect with respect to the export to or for the armed forces, police, intelligence, or other internal security forces of a foreign country of—

''(i) defense articles or defense services under section 38 of the Armed Export Control Act (22 U.S.C. 2778); or

''(ii) items listed under the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15, Code of Federal Regulations;''.

**SEC. 1865. AMENDMENTS TO DEFINITIONS OF "DEFENSE ARTICLE" AND "DEFENSE SERVICE" UNDER THE ARMS EXPORT CONTROL ACT.**

Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (3), by striking ''includes'' and inserting ''means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States''; and

(2) in paragraph (4), by striking ''includes'' and inserting ''means, with respect to a sale or transfer by the United States under the authority of this Act or any other foreign assistance or sales program of the United States,''.

**SEC. 1866. TECHNICAL AMENDMENTS.**

(a) IN GENERAL.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(a), 3(d)(1), 3(d)(3)(A), 3(e), 5(c), 6, 21(g), 36(a), 36(b)(1), 36(b)(5)(C), 36(c)(1), 36(f), 38(f)(1), 40(f)(1), 40(g)(2)(B), 101(b), and 102(a)(2), by striking ''the Speaker of the House of Representatives and'' each place it appears and inserting ''the Speaker of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and'';

(2) in section 21(i)(1) by inserting after ''the Speaker of the House of Representatives'' the following '', the Committees on Foreign Affairs and Armed Services of the House of Representatives,'';

(3) in sections 25(e), 38(f)(2), 38(j)(3), and 38(j)(4)(B), by striking ''International Relations'' each place it appears and inserting ''Foreign Affairs'';

(4) in sections 27(f) and 62(a), by inserting after ''the Speaker of the House of Representatives,'' each place it appears the following: ''the Committee on Foreign Affairs of the House of Representatives,''; and

(5) in section 73(e)(2), by striking ''the Committee on National Security and the Committee on International Relations of the House of Representatives'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives''.

(b) OTHER TECHNICAL AMENDMENTS.—

(1) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (22 U.S.C. 2751 et seq.), as amended by subsection (a), is further amended—

(A) in section 38—

(i) in subsection (b)(1), by redesignating the second subparagraph (B) (as added by section 1255(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 101 Stat. 1431)) as subparagraph (C);

(ii) in subsection (g)(1)(A)—

(I) in clause (xi), by striking ''; or'' and inserting '', or''; and

(II) in clause (xii)—

(aa) by striking ''section'' and inserting ''sections''; and

(bb) by striking ''(18 U.S.C. 175b)'' and inserting ''(18 U.S.C. 175c)''; and

(iii) in subsection (j)(2), in the matter preceding subparagraph (A), by inserting ''in'' after ''to''; and

(B) in section 47(2), in the matter preceding subparagraph (A), by striking ''sec. 21(a),,'' and inserting ''section 21(a),''.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304) is amended—

(A) in subsection (b), by striking ''Wherever applicable, a description'' and inserting ''Wherever applicable, such report shall include a description''; and

(B) in subsection (d)(2)(B), by striking ''credits'' and inserting ''credits)''.

**Subtitle D—Application of Certain Provisions of Export Administration Act of 1979**

**SEC. 1871. APPLICATION OF CERTAIN PROVISIONS OF EXPORT ADMINISTRATION ACT OF 1979.**

(a) PROTECTION OF INFORMATION.—Section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)) has been in effect from August 20, 2001, and continues in effect on and after the date of the enactment of this Act, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and notwithstanding section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419). Section 12(c)(1) of the Export Administration Act of 1979 is a statute covered by section 552(b)(3) of title 5, United States Code.

(b) TERMINATION DATE.—Subsection (a) terminates at the end of the 4-year period beginning on the date of the enactment of this Act.

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**SA 3689.** Mrs. FISCHER (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill S. 2569, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, insert the following:

**TITLE II—EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Strong Families Act''

**SEC. 202. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.**

(a) IN GENERAL.—

(1) ALLOWANCE OF CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**"SEC. 45S. EMPLOYER CREDIT FOR PAID FAMILY AND MEDICAL LEAVE.**

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the paid family and medical leave credit is an amount equal to 25 percent of the amount of wages paid to qualifying employees during any period in which such employees are on family and medical leave.

''(b) LIMITATIONS.—

''(1) IN GENERAL.—The credit allowed under subsection (a) with respect to any employee for any taxable year shall not exceed the lesser of—

''(A) $4,000, or

''(B) the product of the wages normally paid to such employee for each hour (or fraction thereof) of services performed for the employer and the number of hours (or fraction thereof) for which family and medical leave is taken.

For purposes of subparagraph (B), in the case of any employee who is not paid on an hourly basis, the wages of such employee shall be prorated to an hourly basis under regulations established by the Secretary, in consultation with the Secretary of Labor.

''(2) MAXIMUM AMOUNT OF LEAVE SUBJECT TO CREDIT.—The amount of family and medical leave that may be taken into account with respect to any employee under subsection (a) for any taxable year shall not exceed 12 weeks.

''(c) ELIGIBLE EMPLOYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible employer' means any employer who has in place a policy that meets the following requirements:

''(A) The policy provides—

''(i) all qualifying full-time employees with not less than 4 weeks of annual paid family and medical leave, and

''(ii) all qualifying employees who are not full-time employees with an amount of annual paid family and medical leave that bears the same ratio to 4 weeks as—

''(I) the number of hours the employee is expected to work during any week, bears to

''(II) the number of hours an equivalent qualifying full-time employee is expected to work during the week.

''(B) The policy requires that the rate of payment under the program is not less than 100 percent of the wages normally paid to such employee for services performed for the employer.

''(2) SPECIAL RULE FOR CERTAIN EMPLOYERS.—

''(A) IN GENERAL.—An added employer shall not be treated as an eligible employer unless such employer provides paid family and medical leave under a policy with a provision that states that the employer—

''(i) will not interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under the policy, and

''(ii) will not discharge or in any other manner discriminate against any individual for opposing any practice prohibited by the policy.

''(B) ADDED EMPLOYER; ADDED EMPLOYEE.—For purposes of this paragraph—

''(i) ADDED EMPLOYEE.—The term 'added employee' means a qualifying employee who is not covered by title I of the Family and Medical Leave Act of 1993.

''(ii) ADDED EMPLOYER.—The term 'added employer' means an eligible employer (determined without regard to this paragraph), whether or not covered by that title I, who offers paid family and medical leave to added employees.

''(3) TREATMENT OF STATE-PAID BENEFITS.—For purposes of paragraph (1), any leave which is paid by a State or local government shall not be taken into account in determining the amount of paid family and medical leave provided by the employer.

''(4) NO INFERENCE.—Nothing in this subsection shall be construed as subjecting an employer to any penalty, liability, or other consequence (other than ineligibility for the credit allowed by reason of subsection (a)) for failure to comply with the requirements of this subsection.

''(d) QUALIFYING EMPLOYEES.—For purposes of this section, the term 'qualifying employee' means any employee (as defined in section 3(e) of the Fair Labor Standards Act of 1938) who has been employed by the employer for 1 year or more.

''(e) FAMILY AND MEDICAL LEAVE.—For purposes of this section, the term 'family and medical leave' means leave for any purpose described under subparagraph (A), (B), (C), (D), or (E) of paragraph (1), or paragraph (3), of section 102(a) of the Family and Medical Leave Act of 1993, whether the leave is provided under that Act or by a policy of the employer. Such term shall not include any leave provided as paid vacation leave, personal leave, or medical or sick leave (within the meaning of those 3 terms under section 102(d)(2) of that Act).

''(f) WAGES.—For purposes of this section, the term 'wages' has the meaning given such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). Such term shall not include any amount taken into account for purposes of determining any other credit allowed under this subpart.

''(g) ELECTION TO HAVE CREDIT NOT APPLY.—

''(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

''(2) OTHER RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 51(j) shall apply for purposes of this subsection.''.

(b) CREDIT PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', plus'', and by adding at the end the following new paragraph:

''(37) in the case of an eligible employer (as defined in section 45S(c)), the paid family and medical leave credit determined under section 45S(a).''.

(c) CREDIT ALLOWED AGAINST AMT.—Subparagraph (B) of section 38(c)(4) of the Internal Revenue Code of 1986 is amended by redesignating clauses (vii) through (ix) as clauses (vii) through (x), respectively, and by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45S,''.

(d) CONFORMING AMENDMENTS.—

(1) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) of the Internal Revenue Code of 1986 is amended by inserting ''45S(a),'' after ''45P(a),''.

(2) ELECTION TO HAVE CREDIT NOT APPLY.—Section 6501(m) of such Code is amended by inserting ''45S(g),'' after ''45H(g),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45S. Employer credit for paid family and medical leave.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

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**SA 3690.** Mr. REID (for Mr. RUBIO) proposed an amendment to the resolution S. Res. 462, recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia; as follows:

Strike the seventh and eight whereas clauses of the preamble and insert the following:

Whereas the Khmer National Armed Forces of Cambodia facilitated the evacuation of the United States Embassy in Phnom Penh on April 12, 1975, by continuing to fight Khmer Rouge forces as the forces advanced upon the capital;

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## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. LANDRIEU. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 29, 2014, at 2:15 p.m., in room 366 of the Dirksen Senate Office Building.

The title of this hearing is ''Breaking the Logjam at BLM: Examining Ways to More Efficiently Process Permits for Energy Production on Federal Lands.'' The purpose of this hearing is to understand the obstacles in permitting more energy projects on Federal lands and to consider S. 279, the Public Land Renewable Energy Development Act of 2013, and S. 2440, the BLM Permit Processing Improvement Act of 2014, and related issues.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Kristen_Granier@energy.senate.gov.

For further information, please contact Jan Brunner at (202) 224–3907 or Kristen Granier at (202) 224–1219.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will to meet on July 30, 2014, at 10:15 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Paid Family Leave: The Benefits for Businesses and Working Families.''

For further information regarding this meeting, please contact Ashley Eden of the committee staff on (202) 224–9243.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President. I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 24, 2014, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 24, 2014, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Social Security: A Fresh Look at Workers' Disability Insurance.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 24, 2014, at 10 a.m., to conduct a hearing entitled ''Iraq at a Crossroads: Options for U.S. Policy.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on July 24, 2014, at 10 a.m. in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Role of States in Higher Education.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. 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 July 24, 2014, at 10:30 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. 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 July 24, 2014, at 3:45 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 24, 2014, at 10:15 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Judicial Nominations.''

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

SUBCOMMITTEE ON EMERGENCY MANAGEMENT, INTERGOVERNMENTAL RELATIONS, AND THE DISTRICT OF COLUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emergency Management, Intergovernmental Relations, and the District of Columbia of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 24, 2014, at 2:30 p.m. to conduct a hearing entitled, ''The Path to Efficiency: Making FEMA More Effective for Streamlined Disaster Operations.''

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

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris ReScherer and Kylie Noble, interns with my personal office, be granted floor privileges for the remainder of the day's session.

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

## RECOGNIZING FREEDOM FIGHTERS OF CAMBODIA AND LAOS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 462.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 462) recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia and for their continued support and defense of the United States.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to the title.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the Rubio amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the amendment to the title be agreed to, and the motions to reconsider be made and laid upon the table.

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

The resolution (S. Res. 462) was agreed to.

The amendment (No. 3690) was agreed to, as follows:

Strike the seventh and eight whereas clauses of the preamble and insert the following:

Whereas the Khmer National Armed Forces of Cambodia facilitated the evacuation of the United States Embassy in Phnom Penh on April 12, 1975, by continuing to fight Khmer Rouge forces as the forces advanced upon the capital;

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 462

Whereas the Khmer and Lao/Hmong Freedom Fighters (also known as the ''Khmer and Lao/Hmong veterans'') fought and died with United States Armed Forces during the conflict in Southeast Asia;

Whereas the Khmer and Lao/Hmong Freedom Fighters rescued United States pilots shot down in enemy-controlled territory and returned the pilots to safety;

Whereas the Khmer and Lao/Hmong Freedom Fighters retrieved and prevented from falling into enemy hands secret and sensitive information, technology, and equipment;

Whereas the Khmer and Lao/Hmong Freedom Fighters captured and destroyed enemy supplies and prevented enemy forces from using the supplies to kill members of the United States Armed Forces;

Whereas the Khmer and Lao/Hmong Freedom Fighters gathered and provided to the United States Armed Forces intelligence about enemy troop positions, movement, and strength;

Whereas the Khmer and Lao/Hmong Freedom Fighters provided food, shelter, and support to the United States Armed Forces;

Whereas the Khmer National Armed Forces of Cambodia facilitated the evacuation of the United States Embassy in Phnom Penh on April 12, 1975, by continuing to fight Khmer Rouge forces as the forces advanced upon the capital;

Whereas veterans of the Khmer Mobile Guerrilla Forces, the Lao/Hmong Special Guerrilla Units, and the Khmer Republic Armed Forces defended human rights, freedom of speech, freedom of religion, and freedom of representation and association; and

Whereas the Khmer and Lao/Hmong Freedom Fighters have not yet received official recognition from the United States Government for their heroic efforts and support: Now, therefore, be it

*Resolved,* That the Senate affirms and recognizes the Khmer and Lao/Hmong Freedom Fighters and the people of Cambodia and Laos for their support and defense of the United States Armed Forces and freedom of democracy in Southeast Asia.

The amendment to the title was agreed to, as follows:

Amend the title so as to read: ''A resolution recognizing the Khmer and Lao/Hmong Freedom Fighters of Cambodia and Laos for supporting and defending the United States Armed Forces during the conflict in Southeast Asia.''.

## NATIONAL AIRBORNE DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 519.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 519) designating August 16, 2014, as ''National Airborne Day.''

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 519) was agreed to.

The preamble was agreed to.

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

## MEASURE READ THE FIRST TIME—S. 2666

Mr. REID. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2666) to prohibit future consideration of deferred action for childhood arrivals or work authorization for aliens who are not in lawful status, to facilitate the expedited processing of minors entering the United States across the southern border, and to require the Secretary of Defense to reimburse States for National Guard deployments in response to large-scale border crossings of unaccompanied alien children from noncontiguous countries.

Mr. REID. Madam President, I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

## EXECUTIVE SESSION

Mr. REID. Madam President, I ask unanimous consent that the Senate resume executive session.

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

## ORDERS FOR MONDAY, JULY 28, 2014

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, July 28; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate proceed to executive session and resume the consideration of Calendar No. 929, with the time until 5:30 p.m. equally divided between the two leaders or their designees; that at 5:30 p.m. all postcloture time be deemed expired and the Senate proceed to vote on confirmation of the nomination, and immediately upon disposition of the Harris nomination, the Senate execute the previous order with respect to Calendar Nos. 915, 916, 913, and 744.

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

## PROGRAM

Mr. REID. On Monday, at 5:30 p.m., the Senate will vote on confirmation of the Harris, Mohorovic, and McKeon nominations. There could be up to five rollcall votes on Monday, but we expect several of these to be confirmed by voice.

## ADJOURNMENT UNTIL MONDAY, JULY 28, 2014, AT 2 P.M.

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:13 p.m., adjourned until Monday, July 28, 2014, at 2 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate July 24, 2014:

### DEPARTMENT OF DEFENSE

LISA S. DISBROW, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

### DEPARTMENT OF TRANSPORTATION

VICTOR M. MENDEZ, OF ARIZONA, TO BE DEPUTY SECRETARY OF TRANSPORTATION.

PETER M. ROGOFF, OF VIRGINIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.

### DEPARTMENT OF COMMERCE

BRUCE H. ANDREWS, OF NEW YORK, TO BE DEPUTY SECRETARY OF COMMERCE.